

Public Hearing Draft

Carbondale Township Zoning Ordinance

10/01/2026

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PUBLIC HEARING DRAFT

1. General Provisions

1.1 Title and Short Title

111. Title and Authority.

An ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures; the height, number of stories, and size and bulk of buildings and structures; the density of population; off-street parking; and similar accessory regulations in Township of Carbondale, Lackawanna County, Pennsylvania, and for said purposes dividing Township of Carbondale into districts and establishing the boundaries thereof, prescribing certain uniform regulations for each such district, and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10101 et seq., as amended.

112. Short Title.

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

1.2 Purpose

This Ordinance is enacted for the following purposes:

121. To promote, protect and facilitate any or all of the following: the public health, safety, and the general welfare: coordinated and practical community development and proper density of population: emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, vehicle parking and loading space, transportation, water, sewerage, schools, recreation facilities, public grounds, the provision of a safe reliable and adequate water supply for domestic, commercial, or industrial use, and other public requirements: as well as the protection of prime agricultural land, and the preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
122. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
123. To provide for the use of land within the Municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks.

124. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

1.3 Community Development Objectives

This Zoning Ordinance is enacted as part of the overall plan for the orderly growth and development of Township of Carbondale. As such, this Ordinance is based upon the expressed or implied community development goals and objectives in the Community's adopted Comprehensive Plan as well as those listed below.

131. Community Goals

- a. To provide a balanced pattern of development which emphasizes an efficient and compatible arrangement of residential, commercial, industrial, and public uses.
- b. To preserve and protect natural resources, including prime agricultural land, and environmental sensitive natural resources.
- c. To coordinate land development with roadways and other public facilities and utilities.
- d. To preserve adequate open space and conserve and protect the aesthetic qualities of the land. Restrict development in areas, such as flood plains, which will lead to severe problems.
- e. To improve roadway conditions and eliminate as many existing deficiencies as possible.
- f. To provide adequate water and sewer facilities in areas where it is economically feasible to do so. Where municipal service is not practical, encourage developers to provide central water and sewer systems.
- g. To provide adequate fire protection.
- h. To develop and maintain adequate public open spaces.
- i. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
- j. To protect areas and facilities of historic significance.
- k. To ensure that any negative impacts from future developments are minimized on natural resources such as slopes, sensitive environmental areas, water and air quality, quality of life of the residents and the established community character.

132. Land Use Planning Goals

- a. Residential Land Use Goals. A variety of residential densities and types should be encouraged in order to meet the physical, social, and economic demands of the Township's existing and potential residents. High density residential developments including garden apartment development, should be encouraged in areas where existing or proposed community facilities and services, commercial facilities, and

highways are adequate to serve high density development and where this type of development will benefit the Township by providing a variety of housing types. Medium density residential development should be encouraged in areas farther away from commercial and service areas. This development should still be related to the availability of water and sewer facilities.

Low density residential development should be encouraged in areas not likely to be served with water and sewer facilities in the immediate future and areas where commercial and service facilities are not expected to be developed in the near future.

- b. Commercial Land Use Goals. Efforts should be made to encourage new businesses to locate in the Township. Safeguards, through proper zoning, should be adopted to regulate strip-commercial developments to ensure safe traffic movement and to improve appearance. Commercial uses such as professional offices and services facilities should be provided for in the comprehensive plan and in the zoning ordinance.
- c. Manufacturing Land Use Goals. The Township is primarily a rural residential area which functions as a bedroom community. Recognizing, however, the Township's legal and moral obligation to provide the opportunity for the growth of employment opportunities through new manufacturing development as well as the expansion of existing manufacturing facilities, the Township has formulated the following guidelines for the growth of manufacturing development.
 - i. Sufficient lands, suitable for manufacturing uses should be reserved for manufacturing uses.
 - ii. Zoning regulations should be designed to protect suitable areas for manufacturing development.
 - iii. Zoning regulations should provide development standards for manufacturing uses in order to protect the environment of the Township and to prevent incompatible development patterns.
- d. Open Space Land Use Goals. Areas will be designated to be preserved for permanent open space purposes. The preservation of the Township's natural assets will be accomplished to provide a healthy environment for all. The importance of these natural qualities should be stressed in recognition of their vital role in stabilizing and enhancing land values and in the preservation of a desirable environment. Although the Township may experience substantial growth and development in the future, its rural appearance can be preserved if the following actions are taken:
 - i. Preservation of open space, especially the streams, valleys, ponds, wooded areas, steep slopes, and other attractive natural areas.
 - ii. The incorporation of new innovations in the design of subdivisions such as cluster development and planned unit development.

1.4 Interpretation

141. The provisions of this Ordinance shall be deemed to be the minimum requirements to meet the purposes and objectives stated herein, adopted for the promotion of public health, safety, morals, and general welfare of Township of Carbondale. When the provisions of this Ordinance impose greater restrictions than those of any federal or state statute, rule, regulation, or ordinance, the provisions of this Ordinance shall prevail. Where the provisions of any federal or state statute, rule, regulation, or ordinance impose greater restrictions than those of this Ordinance, the provision of such federal or state statute, rule, regulation, or ordinance shall prevail.
142. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to its intended meaning, in favor of the property owner and against any implied extension of the restriction.

1.5 Applicability, Severability, and Scope

151. No building, structure, or lot shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, altered, or expanded horizontally or vertically, except in conformity with all regulations and provisions contained herein, unless relief is granted by the Township of Carbondale Zoning Hearing Board through a special exception or variance.
152. The provisions of this Ordinance are hereby declared to be severable. If a court of competent jurisdiction declares any regulations or provisions of this ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those regulations and provisions which are expressly stated in the decision to be invalid or ineffective, and all other regulations and provisions of this ordinance shall continue to be separately and fully effective. It is the expressed intent of the Township of Carbondale Board that this Ordinance would have been enacted had such invalid or ineffective regulation or provision not been included herein.
153. This Ordinance shall not apply to an existing or proposed building or extension thereof that is used or to be used by a public utility corporation regulated by the Pennsylvania Public Utility Commission (PUC), if upon petition of the corporation, the PUC shall decide in a public hearing that the present or proposed situation of the building or extension in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the PUC to ensure that both the corporation and the Township of Carbondale have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings.

1.6 Effective Date

Under the authority conferred by the Pennsylvania Municipalities Planning Code (MPC), as amended, and following a public hearing, the Township of Carbondale Board hereby enacts and ordains this document into an ordinance on the date of Month and Day, 2026. All zoning ordinances of Township of Carbondale previously in adoption are hereby repealed.

PUBLIC HEARING DRAFT

2. Definitions

2.1 Interpretation and word usage.

For the purposes of this Article, certain terms and words used herein shall be interpreted as follows:

211. Words used in the present tense include the future tense.
212. The singular number includes the plural, and the plural number includes the singular.
213. Words of masculine gender include the feminine gender, and words of feminine gender include the masculine gender.
214. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
215. If a word is not defined in this Ordinance but is defined in other ordinances of the Township of Carbondale Code, the definition in the applicable other ordinance shall apply. If a word is defined in both this Ordinance and another Township of Carbondale Ordinance, each definition shall apply to the provision of each applicable ordinance.
216. The words "such as," "includes," "including," and "e.g." 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.
 - a. The words "shall" or "must" are mandatory.
 - b. The words "may" or "should" are permissive.
217. The word "lot" includes the words "plot," "parcel," and "property."
218. The word "sale" shall also include rental, if the word "rental" is not specifically mentioned.
219. The words "used" or "occupied" as applied to land or buildings shall be construed to include the words "intended, designed, maintained, or arranged to be used or occupied."
220. The word "erected" shall be construed to include the words "constructed, altered, or moved."

2.2 Definitions.

The words, terms, and phrases in this Section are defined in order to facilitate the interpretation of this Ordinance for administrative purposes and in the carrying out of duties by appropriate offices and by the Zoning Hearing Board. When used in this Ordinance, these words, terms, and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

221. Land Use Definitions
 1. Abused Person Shelter. A residential shelter use in which rooms are provided to serve as a temporary safe and supportive environment for persons who, because of actual or threatened physical or mental abuse, are forced to leave their previous

living arrangement. Such facilities should be designed to provide in-house living for persons only until a safe, permanent living arrangement can be obtained.

2. **Agritourism.** Any activity carried out on a working agricultural operation such as a farm, orchard or vineyard that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities directly related to or part of the agricultural operation, including farming, wineries, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.
3. **Airports.** A tract of land, with or without buildings, where airplanes, jets, helicopters and or/and other type of aircraft land and take off.
4. **Amusement Park.** A tract or area used principally as a location for permanent amusement structures or rides.
5. **Animal Hospital / Vet Clinics.** A building routinely used for the treatment, housing or boarding of animals. It involves treatment of only small domestic animals typically seen at veterinarian offices, including but not limited to dogs, cats, rabbits, birds, or fowl.
6. **Animal Shelters.** A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society such as, the Society for the Prevention of Cruelty to Animals, or other nonprofit organization devoted to welfare, protections, and humane treatment of animals.
7. **Assisted Living Facility.** A building, establishment, complex or distinct part thereof which:
 - a. accepts primarily aged persons (62 years of age or older) for domiciliary care; and
 - b. provides on-site to its residents, room, board, non-medical living assistance services appropriate to the residents' respective needs and contract medical services as prescribed by each resident's treating physician.
8. **Automobile Repair.** An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including but not limited to auto body shops, repair garages, truck repair garages and agriculture equipment repair.
9. **Automobile Sales.** An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles in operable condition, and where no major repair work is done.
10. **Bakery Retail.** An establishment that produces and sells baked goods such as but not limited to bread, cakes, doughnuts, pies, cookies, and pastries.

11. *Banks & Other Financial Services.* An establishment for custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds.
12. *Battery Energy Storage Systems.* A rechargeable electrochemical energy storage system consisting of one or more interconnected storage batteries, inverters, and related electrical equipment, designed as a stationary or trailer-mounted installation to provide electrical power.
13. *Bed and Breakfast Establishment.* Any single-family dwelling in which more than three (3) persons either individually or as families are housed or lodged for remuneration with meals normally included as a part of the services rendered, and shall be restricted to transient visitors to the area.
14. *Brewery/ Distillery.* An establishment which produces alcoholic beverage for on- site or off-site sale and distribution, and which may include a brew pub and tasting room on the premise, or as otherwise defined as "Manufacturer" by Chapter 47, the Pennsylvania Liquor Code, as amended.
15. *Bulk Storage of Gasoline, Fuel Oil, or Other Inflammable or Explosive Liquids.* The bulk storage of gasoline, fuel oil or other inflammable or explosive liquids in containers approved for this purpose prior to use, while being used, or prior to further distribution in commerce. Oil-filled electrical, operating, or manufacturing equipment is not a bulk storage container.
16. *Car Wash.* A building designed or used primarily for the washing, waxing, and drying of automobiles. This use may include the use of automatic, hand washing, and/or manual automobile washing modules.
17. *Casino/Betting Parlor.* A place used for lawful gambling activities including, but not limited to, off-track pari-mutuel betting and any use of electronic gambling devices. This term shall not regulate state lottery sales or lawful "small games of chance."
18. *Catering Establishment.* A food preparation facility that prepares food for consumption on the premises or for delivery to another site. A facility for group dining, but not a restaurant where individuals order from a menu and pay based on the menu selection.
19. *Cemeteries and Mausoleums.* An area of land or buildings used for the burial of deceased humans, but not animals. The internment or scattering or remains of properly cremated humans is not regulated by this chapter.
20. *Charging Stations.* A facility or equipment designed to charge, by connective or inductive means, a battery within an electric vehicle or plug-in hybrid electric vehicle by permitting the transfer of electricity to a battery or other storage device in an electric vehicle.

21. *Child Day Care Facilities.* 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:
- a. care of children by their own relatives,
 - b. care of children within a place of worship during regularly scheduled weekly religious services and
 - c. care of 1 to 3 children within any dwelling unit. In addition to children who are relatives of the care giver.
22. *Clubs and Lodges.* A type of boarding house used and occupied by a formal, legally incorporated cooperative organization (with each full member having a vote in the operations of the organization) of full-time college or university students. Such use may contain residential, social and eating facilities for members and their occasional guests.
23. *Cogeneration plants.* A power plant in which the heat or steam is also used for industrial or commercial heating or cooling purposes and that meets Federal Energy Regulatory Commission standards for qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. Sec. 824a-3), as amended. A cogeneration facility is comprised of equipment and processes which through the sequential use of energy are used to produce electric energy and useful thermal energy (such as heat or steam) that is used for industrial, commercial, heating, or cooling purposes.
24. *Colleges, Institutes of Higher Learning.* An institution or higher learning authorized to grant associates, bachelors, masters and/or doctorates degrees.
25. *Community Intervention Center, Type 2.* A non-residential facility where one or more of the following services are provided to clients: food and meals, referrals to local drug and alcohol abuse and mental health services, crisis intervention, resource coordination or dispensing of legal drugs for the treatment, maintenance or detoxification of clients in crisis and recovery.
26. *Community Intervention Center, Type 3.* A use (other than a prison or a permitted accessory use in a "hospital") providing housing facilities for persons who need specialized housing, treatment, therapy and/or counseling for stays up to 1 year and who need such facilities because of:
- a. Chronic abuse of or addiction to alcohol and/or a controlled substance; or
 - b. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.; or

- c. The need for a safe haven for those who are in crisis due to domestic violence, sexual violence or homelessness.

This includes activities where individuals are assisted through the period of time necessary to eliminate, by metabolic or other means, the intoxicating alcohol or other drugs, alcohol and other drug dependency factors or alcohol in combination with drugs as determined by a licensed physician, while keeping the physiological risk to the patient at a minimum; and where individuals are assisted through a planned and regularly scheduled basis to one or more persons who have already eliminated all traces of the intoxicating effects of alcohol, drugs, or other substances from his/her/their persons.

- 27. **Concentrated Animal Feeding Operations.** It is an agricultural operation that meets one or more of the following criteria under DEP's Chapter 92A:
 - a. The operation is considered a Concentrated Animal Operation (CAO) with greater than 300 Animal Equivalent Units (AEUs); or
 - b. The operation maintains an animal population of greater than 1,000 AEUs; or
 - c. The operation is defined as a large CAFO under U.S. Environmental Protection Agency (EPA) regulations at 40 CFR 122.23(b)(4)
- 28. **Concentrated Animal Operation.** An agricultural operation with eight or more AEUs where the animal density exceeds two AEUs per acre on an annualized basis. An AEU is one thousand pounds live weight of livestock or poultry animals, on an annualized basis, regardless of the actual number of individual animals comprising the unit (As per DEP's Chapter 83).
- 29. **Contractors' Yards.** Any premises used as the base of operation by any tradesman or contractor for the storage of equipment, vehicles and supplies.
- 30. **Convenience Store.** A one-story retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a "food market"). It may also include the sale of gasoline but shall not include the repair or service of vehicles.
- 31. **Conversions.** The conversion of an existing building to a business/commercial use or mixed business/commercial and residential use.
- 32. **DAS.** A network of spatially or geographically separated antenna nodes that are connected to a common source (hub) through a transport or communication medium in order to provide wireless communication service in a specific locality.
- 33. **Data Center.** A facility used primarily for or intended to be used primarily for the housing, operation, and/or co-location of computer and communications equipment and for handling, storing, and backing up the data necessary for the operation of a business or organizational entity. Data center may also include data center equipment or DCE and/or data center accessory uses, as per their

classification, when located on the same tract or assemblage of adjacent parcels developed as a unified development.

34. *Detention Facilities.* A publicly operated or sponsored facility used to house and/or rehabilitate individuals detained or sentenced by the criminal justice system, including but not limited to, jails, prisons, penitentiaries, reformatories and similar facilities.
35. *Development sales offices.* Any structure erected within the confines of a subdivision for use by the owner or developer of the subdivision as an office on a short-term basis for the promotion of sales of real estate exclusively within the confines of the subdivision, with ultimate use of the structure in conformance with the standards applicable in the district in which the structure is located.
36. *Distribution Plant, Parcel Delivery Service.* An enclosed facility used for the storage of merchandise or commodities for a short period of time, not to exceed 30 days, with additional operations such as order fulfillment, returned goods processing, packaging, repackaging, and labeling, but which does not include cross-docking or operations commonly referred to as "just-in-time" delivery.
37. *Drive in Uses.* Any part of a building or structure that, by design of physical facilities or by services or pods provided, encourages or permits customers to transact business, receive a service or obtain a product in a motor vehicle on the premises.
38. *Drug Treatment Facility.* The site whose primary purpose is to conduct projects approved by the PA Department of Health which projects use the drug methadone in the treatment, maintenance or detoxification of persons.
39. *Dry Cleaning and Laundry.* A facility which provides laundry cleaning, dyeing and similar services as part of the individual market or part of the textile manufacturing process.
40. *Dwelling 2 family, Detached.* A detached or semi-detached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.
41. *Dwelling 2 family, Duplex semi-attached.* A dwelling accommodating two (2) families either with units which are attached side by side through the use of a party wall, and having one (1) side yard adjacent to each dwelling unit; or upstairs/downstairs units. A two-family dwelling in a multi-family project shall be considered a townhouse for the purposes of regulation by this Ordinance.
42. *Essential Services.* Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes,

conduits, cables, fire alarms, police call boxes, traffic signals, hydrants, and other similar equipment. Building, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications devices and/or facilities not specifically regulated by the Pennsylvania Public Utility Commission shall not be considered essential services or essential services requiring enclosure in building.

43. Exercise Club. A commercial business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.
44. Farm Equipment Sales. Any building or land devoted to the retail sales of farm equipment, including accessory service and repair facilities if conducted within a completely enclosed building.
45. Farmers Market. It shall include any building, structure or other place:
 - a. owned, leased or otherwise in the possession of a person, municipal corporation or public or private organization;
 - b. used or intended to be used by two or more farmers or an association of farmers, who are certified by the Department of Agriculture of the Commonwealth to participate in the Farmers' Market Nutrition Program subject to 7 CFR Pt. 249 (relating to Senior Farmers' Market Nutrition Program (SFMNP)), for the purpose of selling agricultural commodities produced in this Commonwealth directly to consumers;
 - c. which is physically located within this Commonwealth;
 - d. which is not open for business for more than twelve hours each day.
46. Flea Market. An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.
47. Food Processing. See Manufacturing, Light.
48. Forestry. Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services including the operation of a sawmill but excluding other wood manufacturing businesses.
49. Funeral Homes and Undertakers. A building or part thereof used for human funeral services. Such building may contain space and facilities for: (1) embalming and the performance of other services used in preparation of the dead for burial; (2) the performance of autopsies and other surgical procedures; (3) the storage of caskets, funeral urns, and other related funeral supplies; and (4) the storage of funeral

vehicles, but shall not include facilities for cremation. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.

50. *Golf Course/ Country Club.* A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and shag ranges, include clubhouses and shag ranges, but does not include miniature golf course or golf driving ranges.
51. *Golf Driving Range.* A facility or area where golfers practice driving golf balls, which can be attached to a golf course or operate as a stand-alone facility. Distances are typically shown with targets at measured distances.
52. *Grocery Stores.* A large, self-service retail market where food is the primary item which is sold.
53. *Group Care.* A facility which provides resident services to seven or more individuals who are being cared for by a residential supervisory staff. These individuals are handicapped, aged, or disabled, and are undergoing rehabilitation, and are provided services to meet their needs.
54. *Group Day Care.* A State licensed facility in which care is provided for more than 6 but less than 12 children, at any one time, if care is provided in a facility where the child care areas are being used as a family residence.
55. *Group Homes.* A dwelling unit shared by seven or more handicapped persons who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons residing on the premises provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. The term "group home for the handicapped" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.
56. *Heavy Equipment Sales and Storage.* Any building or land devoted to the retail sales and/ or storage of heavy equipment, including accessory service and repair facilities if conducted within a completely enclosed building.
57. *Heavy construction equipment storage yards.* A facility designed for the storage, staging, and dispatching heavy construction vehicles and equipment, including but not limited to trucks, excavators, bulldozers, and related machinery. These yards serve as centralized locations where workers park their personal vehicles and transfer to construction vehicles or equipment for deployment to job sites. Such facilities may include areas for minor maintenance, fueling, and washing of equipment, provided these activities are incidental to the primary storage and dispatching function.

58. Home Occupation. Not otherwise a no-impact home business, any use customarily conducted entirely within a dwelling and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is contacted and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than a sign as provided herein; and may include professional practice (limited to a single practitioner) of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers, and similar types of uses, excluding commercial stables, veterinarians, commercial kennels or motor vehicle or small engine repair shops and other uses not meeting the requirements of this Zoning Ordinance.
59. Hospitals. A use having an organized medical staff and providing equipment and services primarily for inpatient care for two or more persons who require definitive diagnosis and/or treatment for illness, injury, disability, or during or after pregnancy, and which also regularly makes available at least clinical laboratory services, diagnostic x-ray, MRI or like services and definitive clinical treatment services. The term shall include such premises providing either diagnosis or treatment, or both, for specific illness or condition. This does not include veterinarian services.
60. Hotel/Motel. A building used primarily for providing more than 10 transient lodging accommodations on a daily rate basis to the general public in which the lodging rooms provide no cooking facilities.
61. Kennels. Any accessory building or building or land designed or arranged for acre of dogs, cats or household pets belonging to the owner of the principal use, kept for purposes of show, hunting or as pets, and not involving the commercial sale or barter of animals.
62. Laboratory, Research and Testing. A facility involving the testing, engineering and development of manufactured products.
63. Large Scale Manufacturing/ Industrial Development. A large-scale manufacturing / industrial development shall be planned for a site of not less than twenty five (25) acres.
64. Large scale Commercial Development. A large-scale commercial development shall be planned for a site of not less than twenty five (25) acres.
65. Large scale Residential Development. A large-scale residential development shall be planned for a site of not less than twenty (20) acres.
66. Laundromat. A self-service establishment with coin operated washers and dryers for public use.
67. Libraries. 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 non-commercial preparation and/or provision of meals to low-income elderly persons. This shall not include residential uses or a treatment center as defined under the PA Regulations.

68. **Lumber Mill.** A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.
69. **Manufacturing, Heavy.** Any facility involving
- a. processes resulting in the generation of hazardous waste products at a scale permitted as a Large Quantity Generator (LQG), or any future equivalent adopted metric in accordance with the Pennsylvania Department of Environmental Protection, and/or
 - b. the production of raw materials into refined materials by mechanical or chemical transformation, and/or
 - c. manufacturing processes that do not meet the definition of light industry. Heavy industry includes, but is not limited to, steel production, coke production, oil and gas production and refining, ethylene production, cracking of ethane or propane, gravel and limestone mining, pharmaceuticals, motor vehicle assembly, aerospace manufacturing, and shipbuilding.
70. **Manufacturing, Light.** Any facility involving
- a. generally unobtrusive processes resulting in the generation of hazardous waste products at a scale no greater than permitted as a Small Quantity Generator (SQG), or any future equivalent adopted metric in accordance with the Pennsylvania Department of Environmental Protection, and/or
 - b. the manufacturing of small finished goods, by which less potential exists for air, water, soil, noise, and light pollution than with heavy industry. Light industry includes, but is not limited to, the manufacture or processing of: food and beverage products, electronic devices, precision instruments, household appliances, machine tools, optical goods, personal care products, non-toxic commercial products, wood and paper products, home and office furnishings, printed materials, ceramics, glass products, jewelry and personal accessories, apparel, lightweight nonferrous metal casts and dies, graphic arts products, light sheet metal products, film, games and toys, and plastic goods. This use shall also be construed to specifically include product engineering, research and development activities.
71. **Medical/Dental Clinics.** A use involving the treatment and examination of patients by State-licensed physicians, chiropractors or dentists, provided that no patients shall be kept overnight on the premises unless a hospital is also permitted. This use

may involve the testing of tissue, blood or other human materials for medical or dental purposes. Such clinics may provide medical services customarily available at hospitals, but does not provide overnight care for patients.

72. Medical Marijuana Dispensary Facility. A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a current and valid permit issued by the Department of Health ("DOH") of the Commonwealth to dispense Medical Marijuana pursuant to the provisions of the Act 16 of Commonwealth of Pennsylvania.
73. Meeting, Assembly and Banquet Hall. A building or structure designed to host, speakers, seminars, presentations and similar events. Differs from a theater in that theaters are primarily designed for artistic performances such as plays, movies and other stage shows.
74. Metal Goods Manufacture with Foundries, Heavy Presses, etc. (Metal molding and extrusion). Any facility which produces castings or other metal products in molten metal or by a machine that uses high pressure to shape or cut materials by pressing a die or tool through them.
75. Micro-Breweries. An establishment which produces alcoholic beverage for on- site or off-site sale and distribution, and which may include a brew pub and tasting room on the premise, or as otherwise defined as "Manufacturer" by Chapter 47, the Pennsylvania Liquor Code, as amended. Beverage production must be less than 15,000 gallons per year of brewed and malt beverages unless otherwise Regulated by the Pennsylvania Liquor Control Board.
76. 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, clay, coal, shale, or iron ore. The routine movement of and replacement of topsoil during construction shall not be itself considered mineral extraction. The reclamation of waste piles from mining activities conducted prior to the adoption of this ordinance shall be permitted by right in all districts and shall not be considered mineral extraction.
77. Mineral Processing. The refinement of minerals to specifications for sale including, but not limited to, the crushing, screening, washing or grading of minerals; and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products.
78. Mixed Use Structure. A structure which contains two or more distinctly separate uses such as a commercial use and a residential use.

79. Multi Family Dwelling. Three or more dwelling units within a building. The individual dwelling units may be leased or sold for condominium ownership.
80. Nightclubs. An establishment that has a primary or substantial portion of the total trade in the sale of alcoholic beverages which may charge admission or cover charges for entertainment or music for dancing.
81. No Impact Home Business. A business or commercial activity administered or conducted as a use which is clearly secondary to the uses as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
- 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 of inventory of a substantial nature.
 - d. There shall be no outside appearance of a business use, 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.
82. Normal Agricultural Operations. The activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, viticultural, apicultural, silvicultural and aquacultural crops and commodities and is:
- a. not less than ten contiguous acres in area; or
 - b. less than ten contiguous acres in area but has an anticipated yearly gross income of at least \$10,000.

The term includes new activities, practices, equipment and procedures consistent with technological development within the agricultural industry. Use of equipment shall include machinery designed and used for agricultural operations, including, but not limited to, crop dryers, feed grinders, sawmills, hammer mills, refrigeration equipment, bins and related equipment used to store or prepare crops for marketing and those items of agricultural equipment and machinery defined by the act of December 12, 1994 (P.L. 944, No. 134), known as the Farm Safety and Occupational Health Act. Custom work shall be considered a normal farming practice.

83. Nurseries and Greenhouses. A structure, typically constructed of metal or wood framework and covered with glass or plastic.
84. Nursing Homes. A use which provides for the long term care and treatment for two or more convalescents and other persons who are not relatives of the operator who are not acutely ill and do not need hospital care, but who require skilled nursing care and related medical services in such matters as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration. Such a facility shall be licensed by the Commonwealth of Pennsylvania for the use.
85. Oil and Gas Facilities. The term includes the following:
- a. Oil and Gas Well Development: Well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth.
 - b. Oil and Gas Well and Pipeline Location Assessment: Includes seismic operations and related activities conducted in accordance with all applicable Federal and State laws and regulations relating to the storage and use of explosives.
 - c. Oil and Gas Fluid Storage/impoundment: Water and other fluid storage or impoundment areas used exclusively for oil and gas operations.
 - d. Construction, installation, use, maintenance and repair of:
 - i. oil and gas pipelines;
 - ii. natural gas compressor stations; and
 - iii. natural gas processing plants or facilities performing equivalent functions; and
 - e. Construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in Subsections A, C and D above, to the extent that:
 - i. the equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant; and

- ii. the activities are authorized and permitted under the authority of a Federal or Commonwealth agency.
 - f. Oil or Gas Pipeline: All parts of those facilities through which a hazardous liquid or carbon dioxide moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. (Reference: Code of Federal Regulations, Title 49, §192.3 and §195.2.)
 - g. Oil or Gas Well: A type of major mineral extraction involving a bore hole drilled or being drilled for the purpose of or to be used for producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding bore holes drilled to produce potable water to be used as such. The term well does not include a bore hole drilled or being drilled for the purpose of or to be used for systems of monitoring, producing or extracting gas from solid waste disposal facilities, as long as the wells are subject to the act of July 7, 1980 (P.L. 380, No. 97), known as the Solid Waste Management Act, and do not penetrate a workable coal seam. (Reference: PA Oil and Gas Act.)
 - h. Oil or Gas Well Pad: The area used for development and production of an oil or gas well including buildings, structures, parking and storage areas and all associated disturbed areas and all activities associated with an oil or gas well after drilling activities are complete.
 - i. Oil or Gas Well Site: Areas occupied by all equipment or facilities necessary for or incidental to drilling, production or plugging an oil or gas well.
 - j. Natural Gas Compressor Station: A facility at which a petroleum product passing through a pipeline is pressurized by a turbine, motor, or engine, the volume of flow is measured or permanent facilities are installed for pipeline operation/maintenance and which compress, decompress, process, heat, alter or transform the pipeline product.
 - k. Natural Gas Processing Plant: Any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both. (Reference: Code of Federal Regulations, Title 40, §60.631)
86. Open Space Conservation. A passive land use wherein the prime purpose is preservation of public open space, natural wildlife habitats, floodplains, wetlands and other sensitive natural areas, as well as scenic areas. Uses may include but are not limited to recreation, trails, accessory parking and forestry.

87. Outdoor Storage. An area or facility storing or offering for sale building supplies, metal supplies, lumber, stone, coal, heavy equipment, feed and grain, sand and gravel, and similar goods. This term shall not include the wrecking, salvaging, dismantling, scrapping, or storage of junk vehicles and/or equipment.
88. Park and Ride. A parking lot designed for drivers to leave their cars and share a ride with another driver or use mass transit facilities beginning, terminating, or stopping at or near the park-and-ride facility.
89. Parking Areas. A lot or part thereof, whether within or out of a building, used for the storage or parking of motor vehicles with or without a fee, whether rent or other consideration.
90. Parks and Playgrounds. Open areas with or without such amenities as play equipment, pavilions, athletic courts or fields, trails or similar elements, which are government-owned and -operated.
91. Personal Services. Places primarily providing services, which do not involve retail sales or professional advisory services. The term "Personal Services" shall include those oriented to serving personal needs, such as barber and beauty shops, animal or dog grooming businesses, shoe repair shops, household appliance repair shops, dry cleaning and laundry pickups, laundromat and other similar establishments. This use shall include any place or establishment where a massage is available, with a massage being construed to mean the performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking, or tapping with the hand or hands or with any mechanical or bathing device with or without supplementary aids, including, but not by way of limitation, a massage school but shall not include any activity otherwise defined in or included under any Adult Business-related use.
92. Personal care homes or centers. A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped and/or the developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania and that does not meet the definition of a "Hospitals" or "Medical/ Dental Clinic".
93. Pharmacy. An establishment engaged in the retail sale of prescription drugs, nonprescription medicine, cosmetics and related supplies.
94. Places of Worship. Building, 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 two (2) dwelling units as an accessory use to house full-time religious leaders and their families. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type."

95. Pool Hall, Bowling Alleys, or any Legal Inside Recreational Use. A facility which offers various indoor recreational opportunities for the public, including games such as pool, billiards, bowling, video games and similar pursuits. The term does not include commercial gambling venues and gambling devices.
96. Power Plants. Any facility, including structures, machinery and associated equipment, which generates electric energy from another source of energy, such as nuclear reactions, hydroelectric dams, or natural gas or coal fired plants, the primary purpose of which is the commercial sale of the energy which is generated.
97. Printing and publishing establishments. A commercial use which shall include printing, publishing, lithographing, photocopying, bookbinding and similar uses.
98. Professional Services/Offices. 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.
99. Public Utility Facilities. A facility, structure, or use operated by a public or private utility provider for the generation, transmission, distribution, or regulation of essential public services, including but not limited to electricity, natural gas, water, wastewater, stormwater, telecommunications, or cable services. Such facilities may include substations, pump stations, water towers, treatment plants, switching facilities, or similar infrastructure.
100. Public and Semi-Public buildings and uses. Any structure, building or use owned and operated by a government body or agency including such things as public schools, parks, civic centers, firehouse, municipal buildings; but excluding solid waste disposal facilities, institutional uses, nursing homes, hospitals and other use specifically defined by this Ordinance.
101. Railway Yards. A facility consisting of multiple aligned or interconnected tracks, sidings and associated infrastructure designed and used for the storage, staging, assembly, disassembly, classification, loading, unloading and/or maintenance of railcars, locomotives and other rolling stock.
102. Recreation Facilities, Private. A commercially operated park or facility with various devices for entertainment including but not limited to rides, games, electronic games and similar devices, food stands and other associated facilities.
103. Recreation Facilities, Public. Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Township, County, school district, state, or federal government.
104. Restaurants, Fast Food. An establishment whose principal business is the sale of food or beverages to the customer in a ready to consume state on edible or

disposable containers either within the restaurant building or for consumption off the premises.

105. Restaurants, Traditional. An establishment whose principal business is the sale of food or beverages to the customer in a ready to consume state and whose principal method of operation includes one of the following characteristics. Customers, normally provided with a menu, are served their foods and beverages by a restaurant employee at the same table or counter at which the items are consumed.
106. Retail Stores. 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.
107. Retirement Communities. A residential development consisting of living units exclusively serving older persons. Such a development may include facilities for health, disability or convalescent care, ancillary support services and community services to service persons of retirement age in the surrounding area. At least one resident of each household shall be at least fifty-five (55) years of age or be the surviving spouse of a deceased resident who was at least fifty-five (55) years of age. In addition, the care of persons with disabilities shall be permitted in assisted living facilities.
108. Rooming and Boarding.
- a. A residential use in which any or all of the following applies:
 - i. individual room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation by a total of 2 or more persons who are not "related" to the owner of record of the property, or
 - ii. A dwelling unit that includes a greater than the permitted maximum number of unrelated persons (see the definition of "family"), or
 - iii. If individual units of living space not meeting the definition of a lawful dwelling unit are separately rented to person(s) who are not "related" to the owner of the record of the property.
 - b. A boarding house shall not include a use that meets the definition of the following uses: treatment center, abused person shelter, 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.
 - c. This use shall only involve renting living accommodations for minimum periods of 5 consecutive days. See "hotel or motel."

109. Sawmills and Planning Mills. Establishments primarily engaged in sawing rough lumber and timber from logs and bolts, or resawing cants and flitches into lumber, including box lumber and softwood cut stock; planning mills combined with sawmills, and separately operated planning mills which are engaged primarily in producing surfaced lumber and standard workings or patterns of lumber. This industry includes establishments primarily engaged in sawing lath and railroad ties and in producing tobacco hoghead stock, wood chips and snow fence lath.
110. School, Post-Secondary. A facility that:
- a. is primarily intended for education of a work related skill or craft or a hobby and
 - b. does not primarily provide State-required education to persons under age 16.
- Examples include a dancing school, martial arts school, cosmetology school or ceramics school or similar trade or vocational schools.
111. School, Pre-Kinderqarten. A building designed and operated to provide regular instruction and daytime care for two or more children in grades under primary grades.
112. School, Primary and Secondary. A public or private academic institution offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required by the Pennsylvania Department of Education.
113. Sewage Treatment Plant. Any arrangement of devices and structures used for treating sewage.
114. Shooting Range, Indoor. Any fully enclosed building used for the discharge of any firearm for recreational or training purposes. Any such commercial operation, any such area operated by any private, non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an indoor shooting range for the purposes of this Zoning Ordinance.
115. Shooting Range, Outdoor. A specialized facility designed for firearms qualifications, training or practice.
116. Shopping Centers and Malls. A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.
117. Single Family Cluster Dwelling. A residential cluster shall include an area to be developed as a single entity according to a plan containing residential housing units in which the individual lots have a common or public open space as an appurtenance. Such common or public open space shall be assured of continued

operation and maintenance either through the dedication of such area to the Municipality and the Municipality's acceptance thereof, or through the creation of a homeowner's association, or the developer's acceptance of such responsibility including such legally binding agreements as may be required to achieve such assurances.

118. Single Family Detached dwelling. A detached building, designated for or occupied exclusively by one family and containing not more than one dwelling unit and which has no part of a wall in common with an adjacent building.
119. Solid Waste Staging Areas. Any parcel of property used for the transfer of solid waste from one vehicle to another vehicle, at a location other than the generation site, for transport to a solid waste facility; or which is used for the parking or storage of vehicles and/or containers used to transport solid waste; and which is not regulated by the PA DEP as a solid waste transfer facility.
120. Stables. A building or buildings used for the sheltering, feeding, training and riding of equestrian animals and/or the sale of goods and services related to equestrian animals carried out for profit on the same lot as the building.
121. Storage Yards. The primary outdoor storage of items.
122. Studios. A place of work for an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.
123. Tavern / Bar. A place where alcoholic beverages are served as a primary or substantial portion of the total trade. The sale of food may also occur.
124. Telecommunications Facilities, Residential. Antennas for private, non-commercial and amateur purposes, including T.V. satellite dish antennas as regulated.
125. Temporary Businesses. Uses such as a circus, carnival, fireworks, flower tents, etc. with or without a structure such as a tent.
126. Temporary Uses. Temporary uses, including but not limited to "Temporary Businesses", shall include those activities which will be undertaken for a period of time specified in the application for a permit for such a use. Said period of time shall be six (6) months or less. If additional time is required a new application shall be submitted. No application for temporary uses shall be for a period of more than six (6) months.
127. Theatre. A building or part of a building devoted to showing of motion pictures or theatrical performing arts productions as a principal use, but not including an outdoor drive-in theater or adult theater.
128. Dwelling, Townhouse. A town house shall include a group of not more than eight (8) single-family attached dwellings separated from each other by common walls, where each unit contains a separate and private entrance to the outside.

129. Trade/ Business Schools. A facility that is primarily intended for education of a work-related skill or craft or a hobby, and does not primarily provide state-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school or ceramics school.
130. Transit Station. An area and/or building where buses, limousines, and/or taxis are stored or parked on a regular basis with or without maintenance and repair facilities.
131. Warehousing. Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of goods and materials.
132. Waste Transfer Station. A lot, parcel or tract of land, not including a sanitary landfill, where garbage, trash or junk is disposed of or is processed or recycled for disposal or reuse. Such use shall not include the disposal or processing of hazardous or radioactive materials.
133. Water Facilities. Land used for storing water for beneficial uses, such as stockponds, irrigation, fire protection, flood control and water supply.
134. Wedding Chapels and Banquet Halls. A facility that operates largely for the holding of special events, occasions, concerts, weddings, celebrations, or other similar activities in which parties of more than 10 people are invited to the site for the purpose of such event.
135. Wholesale Business. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
136. Wind Energy System. An electric generation facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. The term does not include stand-alone Wind Turbines constructed primarily for residential or farm use.
137. Zoos, Menageries, and wild and exotic animals. A collection of animals which are maintained in a park by an educational, nonprofit or governmental corporation.
222. Additional Definitions
1. Access Point. One combined entrance/exit point or one clearly defined entrance point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include access ways or driveways that are strictly and

- clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.
2. Accessory Use or Structure. A use of land or of a structure or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use. A portion of a principal building used for an accessory use shall not be considered an accessory structure.
 3. Alley. A public or private thoroughfare affording only secondary access to abutting properties.
 4. Alterations. Any change in the structural members of a building, such as walls, columns, beams or girders.
 5. Ambient Noise. See "Noise, Ambient."
 6. Amplified Sound. Sound generated by loudspeakers and public address systems, radios, televisions, musical instruments, sound amplifiers, or similar devices which produce, reproduce, or increase the volume of sound by electronic, mechanical, or other means.
 7. Ancillary Power Generation System. An accessory energy system used to generate energy by solar, wind, geothermal, fossil fuel, or other means to supply electrical or similar power for primarily on-site use or consumption, usually consisting of one or more ground-mounted or building-mounted energy modules, and necessary energy generation related equipment.
 8. ANSI. American National Standards Institute or its successor. All acoustical terminology used in the implementation of this ordinance shall be that contained in the latest version of ANSI/ASA S1.1, the American National Standard on Acoustical Terminology.
 9. Appliance. Any device or combination of devices used or capable of being used as a means of accomplishing a desired end, such as a window air-conditioning unit.
 10. Applicant. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit, and his/her/its heirs, successors and assigns, which is seeking an approval or permit pursuant to this Zoning Ordinance.
 11. ASA. Acoustical Society of America or its successor.
 12. Background Sound Level. The sound level for a specific location as measured by a sound level meter in the absence of the noise under investigation. To determine the background sound level, the measurement by the sound level meter shall take place over a period of not less than five (5) minutes.
 13. Basement. A floor level partly or completely below grade. It shall be considered a story if more than 33.5% of the perimeter walls of a basement are 5 feet or more above grade.

14. Battery(ies). A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically.
15. Battery Energy Storage System (BESS), Facility-Scale (Interior). A Battery Energy Storage System (BESS) that is designed and built to exclusively serve the needs of a single nearby land use and, whereas, any connection a Facility-Scale BESS has to any transmission/distribution facility is solely for the purposes of supplying power to the Facility-Scale BESS.
16. Battery Energy Storage System (BESS), Utility-Scale. A Battery Energy Storage System (BESS) that is designed and built to connect into the electric transmission or distribution grid.
17. Battery Management System. An electronic regulator that manages a battery energy storage system; monitors individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault, and DC surge; protects battery energy storage systems from operating outside their safe operating parameters; and disconnects electrical power to the battery energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.
18. Building. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements.
19. Building Coverage. The percentage of the area of the lot covered or occupied by the total horizontal projected surface area of all buildings, ground mounted equipment and enclosures on the lot and including accessory buildings and structures (including covered porches, carports and breeze ways, but excluding open and uncovered patios and decks).
20. Building Envelope. An area on a lot which has been designated as the area in which development may occur. Building envelopes are identified by building setbacks, conservation areas, site conditions and other factors, and are specifically designated on the development plan and established by deed covenants and restrictions.
21. Building Height. The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, elevator penthouses, tanks, rooftop equipment and similar projections.

22. *Building, Principal.* A building in which is conducted the principal use of the building site on which it is situated. In any residential district any dwelling shall be deemed to be a principal building on the zone lot on which the same is located.
23. *Caliper.* Diameter of a tree's trunk measured 6 inches above the ground up to an including 4-inch caliper size, and 12 inches above the ground for larger sizes.
24. *Carbondale Township Board.* Carbondale Township Board of Supervisors.
25. *Cell.* The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.
26. *Clear Cutting.* The removal of 70% or more of trees having a caliper of 8 inches or more from any given acre.
27. *Clear Sight Triangle.* An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.
28. *Common Area.* All of the real property and improvements dedicated for the common use and enjoyment of the residents of a particular development; including, but not limited to, open land, development improvements, common facilities, and recreation area.
29. *Construction.* The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.
30. *Construction Activities.* Includes the use of heavy construction equipment (including pile drivers, crawler-tractors, bulldozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, ditchers, trenchers, compactors, scrapers, pavement breakers, compressors, pneumatic power equipment, and similar devices) for the duration of such construction and/or demolition work, provided such are operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.
31. *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(s) adopted by the Township.
32. *Continuous Noise Equivalent Level (CNEL).* A measure of the cumulative noise exposure in a community over a 24-hour period. It is calculated by adding up the average noise levels over the day and applying different weighting factors to the evening and nighttime periods. The computation of CNEL adds 5 dBA to the average hourly noise levels between 7:00 p.m. and 10:00 p.m. (evening hours), and 10 dBA to the average hourly noise levels between 10:00 p.m. and 7:00 a.m. hours. This

weighting accounts for the increased human sensitivity to noise in the evening and nighttime hours.

33. *dBA or dB(A) (A-Weighted Decibels)*. Often referred to as ambient sound, the sound level in decibels, as measured on a sound level meter using the A-weighting filter network and corresponding generally to the average noise exposure over a cycle or shift. A-weighting de-emphasizes the very low and very high frequency components of a sound in a manner simulating the response of the average human hearing profile and correlates well with subjective reactions to sound at modest volumes. This frequency weighting network for the measurement of sound levels shall comply with standards established by the American National Standards Institute specifications for sound level meters S1.4-1971, as amended or S1.4-1983, as amended.
34. *dB(C) or dB(C) (C-Weighted Decibels)*. Often referred to as impact sound, the sound level in decibels, as measured on a sound level meter using the C-weighting filter network, for a short, instantaneous impact noise such as a bang whereas dBZ captures loud, low-frequency “thumps” often felt more than heard. It is primarily used for measuring loud, complex noise, such as industrial machinery, wind turbines, and live music. This frequency weighting network for the measurement of sound levels shall comply with standards established by the American National Standards Institute specifications for sound level meters S1.4-1971, as amended or S1.4-1983, as amended.
35. *dBZ or dB(Z) (Z-Weighted/Linear Decibels)*. Often referred to as pure tone sound, the linear, unweighted sound level in decibels, indicating the absolute sound pressure level. Unlike dBA, dBZ does not filter out very low and very high frequencies to match human hearing, instead including all frequencies equally in its measurement. dBZ corresponds to an “unweighted” (i.e., “zero-weighted”) measurement of sound pressure level that provides a flat frequency response across the entire human audible spectrum, typically from 10 Hz to 20 kHz ± 1.5 dB (as defined by IEC 61672). Unlike dBA or dB(C) measurements that adjust for human hearing sensitivity, dBZ treats all frequencies equally to reflect the actual, raw sound energy.
36. *Decibel (dB)*. A unit of sound level which is a division of logarithmic scale used to express the ratio of sound pressure, loudness, power, and voltage. The ratio is expressed on the decibel scale by multiplying its base 10 logarithm by 10. Because decibels are a logarithmic measurement, each increase of 10 decibels is a 10-times increase in the noise level (e.g., 130 dB is 10 times greater than 120 dB).
37. *Dedicated-Use BESS Building*. A building that is built for the intention of housing battery energy storage systems and ancillary equipment. No less than 100 percent of the building area shall be used for battery energy storage. For purposes of this

- Article, individual BESS enclosures, cabinets, and containers (including pre-fabricated battery containers) do not constitute a building or structure.
38. Density. The total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.
39. Developer. Any landowner, agent of such owner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
40. Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, 'dredging, or drilling operations and the subdivision of land.
41. Development Improvements. All the physical additions and changes to a tract and the constructed facilities necessary, and/or required by the Township to produce a usable and functional development; including, but not limited to roads, parking areas, storm water controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems. All the physical additions and changes to a tract and the constructed facilities necessary, and/or required by the Township to produce a usable and functional development; including, but not limited to roads, parking areas, storm water controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.
42. Development Plan. A proposed development, prepared in accordance with this Ordinance and the Township Subdivision Ordinance, including a plat of the subject parcel and any subdivision, locations of various uses, and all covenants relating to uses, locations and sizes of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open spaces and public facilities.
43. Disturbance. Any action which results in the cutting or removal of vegetation on any land, and/or which results in the turning, displacement, grading or removal of any soil.
44. Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.
45. Electrical Substation. An assemblage of equipment, including switches, circuit breakers, capacitors, buses, and transformers, through which electric power is passed for the purpose of switching or modifying the electrical energy's characteristics to increase or decrease voltage or control frequency. Electrical substations are used for transferring electric power rather than for its generation or utilization.

46. Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.
47. Emergency Work. Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
48. Equipment. Any devices or combination of devices to accomplish a desired end, such as a power generator, HVAC unit, chainsaw, bulldozer, etc.
49. Excessive Vibration. See "Vibration, Excessive."
50. Family. An individual, or two (2) or more persons related by blood, marriage, or adoption or foster childcare, including domestic servants or gratuitous guests thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or not more than five (5) persons living together in a group living arrangements with supervision, provided that the group living arrangements meets all of the following criteria:
- a. It provides non-routine support services, including supervision, personal care, social or counseling services and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of a physical disability, old age, mental disability, or other handicap or disability as defined by the Fair Housing Act and the Americans with Disabilities Act;
 - b. It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long-term basis, a joint economic, social and cultural life;
 - c. Does not involve the housing of persons on a non-permanent basis;
 - d. Does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of correction or similar institution;
 - e. Family shall not include persons living together in an Assisted Living Facility, Boarding House/ Rooming House, Group Home, Group Care Facility, Nursing Homes, Personal Care Homes/ Centers, as defined herein or any other supervised group living arrangement for persons not protected by the Fair Housing Act or the Americans with Disabilities Act or any persons who constitute a direct threat to others or their physical lot.
51. Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and which is constructed or wood, chain-link, metal, fiberglass, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed

principally of masonry, concrete, cinder block or similar mostly solid materials shall be considered a "wall." The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all districts, The terms "fence" and "wall" do not include hedges, trees or shrubs.

52. Generator. Any appliance or piece of equipment which operates during an electric power outage or shortage, whether automatically or manually, and which uses diesel, natural gas, or propane to fuel its operation. Generators can be further defined by the following two sub-types:
- a. Generator, Backup/Portable. A generator characterized by its portability (i.e., not permanently affixed to the ground) and which serves to provide temporary backup electric power on an as-needed basis, for up to one (1) hour upon the restoration of power after an outage.
 - b. Generator, Standby/Permanent. A generator affixed to the ground or to a building foundation, typically featuring automatic detection of an electric power outage, upon which the generator starts and runs until electric power returns, upon which it stops (i.e., returns to "standby" mode).
53. Gross Floor Area/ Floor Area. For the purposes of applying the requirements for off-street parking and loading, "floor area", in the case of offices, merchandising, or service type of uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sales or merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, for shop windows, for offices incident to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities or for dressing rooms, fitting or alteration rooms.
54. HVAC. Heating, ventilation, and air conditioning.
55. Impervious Coverage. The coverage of land by buildings and other impervious materials such as asphalt, which prevent the percolation of water into the ground.
56. Impervious Surface. Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff or 0.7 or higher. The Township Engineer shall decide any dispute over whether an area is "impervious." Areas of land paved for the sole purpose of noncommercial tennis courts, trails or basketball courts or closely similar active outdoor recreation may be deleted from impervious surfaces for the purposes of determining permitted impervious coverage, unless those areas would also be used for non-recreational uses (such as parking).
57. Lot. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a

principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by this Ordinance, and having frontage on a public street.

58. Lot Area. The computed area contained within the lot lines and the ultimate right-of-way line. The area within the right-of-way shall not be computed as part of the lot area.
59. Lot Coverage. That portion or percentage of the lot area which is covered by buildings, roads, driveways, walkways, parking areas, or other impervious surfaces.
60. Lot Depth. The average horizontal distance between the front lot line and the rear lot line.
61. Lot Line. The property lines bounding the lot.
62. Module. A group of batteries connected together as an individual unit.
63. Muffler or Sound-Dissipative Device. A device designed or used for decreasing or abating the level of sound escaping from an engine, machinery system, or other equipment.
64. NFPA. National Fire Protection Association.
65. Noise. Any sound emitted by a person, animal, vehicle, appliance, equipment, or other device. For the purposes of this Ordinance, “noise” is used interchangeably with “sound” and falls into one of the following categories:
 - a. Noise, Ambient. The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. Ambient noise is measured and characterized as the “background sound level.”
 - b. Noise, Cyclical. A repetitive, rhythmic sound that is characterized by or mimics the continuous rotation of a machine component.
 - c. Noise, Excessive. The presence of a sound or sounds of such intensity, duration, frequency, or character which would cause a person of ordinary or reasonable sensibilities to be annoyed, disturbed, or cause or tend to cause adverse or injurious psychological and physiological effects on such persons or which otherwise unreasonably interferes with the comfortable enjoyment of life and property and is annoying to a person of ordinary sensibilities. Excessive noise includes measured noise levels in excess of limits established in these regulations or those specified in valid permits as well as any sound heard in excess of one (1) minute from a point 50 feet from the source of the sound or 50 feet from the boundary of the property on which the source is located, other than those sounds specifically exempted.
 - d. Noise, Impact/Impulsive. Noise of short duration, characterized by brief excursions of the ambient noise level (i.e., with an abrupt onset and rapid

- decay). The duration of a single impulsive sound is usually less than two (2) seconds. Examples of impulsive sound include explosions, drop-forging impacts, and the discharge of firearms.
- e. Noise, Intermittent. A noise whose sound level exceeds the ambient noise levels at least twice during the period of observation, which is one (1) minute or more. The period of time during which the level of the noise remains at an essentially constant value different from that of the ambient noise level is on the order of one (1) second or more.
 - f. Noise, Steady. A noise whose level remains essentially constant during the period of observation or five (5) minutes, whichever is less. For example, a noise characterized by fluctuations of less than five (5) dB during the period of observation is considered a steady noise.
 - g. Noise, Tonal. Any noise that produces a “pure tone” condition, consisting of only one frequency of sound. Tonal noises are often characterized as a continuous whine, hum, or buzz.
 - h. Noise, Vibrational. Noise that is created when mechanical energy, often from repetitive mechanical movement (i.e., vibration), is transferred directly into a body, structure, or medium. This energy then propagates through such body, structure, or medium, potentially reaching spaces far from the source and affecting their functionality and the comfort of persons thereon.
66. Noise Disturbance. Any sound which is in excess of the maximum permissible sound levels specified under this Zoning Ordinance or which is of such loudness, character, duration, or repetition from a single source or from multiple sources as to be (or predicted with reasonable certainty to be) injurious to health, annoying to a person of ordinary sensibilities, or of interference with the enjoyment of property or with any lawful business or activity.
67. Noise Intensity. The power of a sound (how loud a sound is) when perceived at a specific distance from the source of the sound, expressed in decibels (dB).
68. Noise Level. See “Sound Level (Noise Level).”
69. Noise Pollution. Any sound that meets one of the following criteria:
- a. A source of impulsive or intermittent noise which increases noise levels 15 dBA or more above the background noise level; or
 - b. A source of steady or tonal noise which increases noise levels five (5) dBA or more above the background noise level.
70. Nonconforming Lot. A lot the area or dimension of which was lawful prior to the adoption or amendment of this zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

71. Nonconforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions set forth herein or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.
72. Open Land or Open Space. That part of a particular development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Zoning Ordinance. Open land may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland, forest land or estate lots which are not accessible to project residents or the public.
73. Ordinance Enforcement Officer. Any person appointed by the Township with responsibility to enforce Township ordinances; or any sworn member of the Township Police Department.
74. Outdoor BESS installation. Battery energy storage systems that are not housed in dedicated-use BESS buildings.
75. Peak Particle Velocity (PPV). A measurement of the maximum instantaneous peak amplitude of a vibration signal, used to evaluate potential for building or structural damage.
76. Period of Observation. The time interval during which acoustical data is obtained. The period of observation is determined by the characteristics of the noise being measured and the instrumentation being used. The period of observation must be at least as long as the response time of the instrumentation. The greater the variance in individual sound level, the longer the observation time must be for a given expected accuracy of measurement.
77. Permit. A document issued by the proper Township authority authorizing the applicant to undertake certain activities.
78. Person. Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau, or instrumentality of federal, state, or local government, or other entity recognized by law as a subject of rights and duties.
79. Property. All land whether improved or not improved with or without structures.
80. Pure Tone. Any sound which can be heard as a single pitch or a set of single pitches. A pure tone occurs if the one-third (1/3) octave band sound pressure level in the band with the tone(s) exceeds the arithmetic average of the sound pressure levels of the two (2) adjacent octave bands by five (5) dB for center frequencies of 500 Hz and above, or by eight (8) dB for center frequencies between 160 Hz and 400 Hz, or by 15 dB for center frequencies less than or equal to 125 Hz. One-third (1/3) octave

bands are defined by the latest version of ANSI/ASA S1.11 (entitled “Electroacoustics – Octave-band and Fractional-octave-band Filters” as of the adoption of this Ordinance).

81. Right-of-Way. Land reserved for use as a street, drainage facility or other public or community use. A right-of-way shall not be considered as land area when computing lot size.
82. Screened. Not visible from any adjoining or neighboring property, any public or private road right-of-way, or any other premises which is accomplished by fencing, topography, berms, natural and planted vegetation or other means approved by the Township.
83. Sensitive receptors. Schools, preschools, day care centers, health facilities such as hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, publicly-owned playgrounds, publicly-owned parks, prisons, and dormitories.
84. Setback Line. A line established by the subdivision regulations and/or zoning ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided in said codes.
85. Sound Level (Noise Level). Airborne sound levels expressed in dB and obtained by the use of a sound level meter and specific frequency-dependent weighting network, as specified in the latest version of ANSI/ASA S1.4. If the specific weighting network used is not indicated, the A-weighting shall apply, and the sound level shall be specified as dBA or dB(A).
86. Sound Level Meter. An instrument or combination of instruments which meets or exceeds the requirements for an ANSI Type 1 or Type 2 sound level meter as specified in the latest version of ANSI/ASA S1.4. The manufacturer’s published indication of compliance with such specifications shall be prima facie evidence of such compliance.
87. Sound Pressure. The instantaneous differences between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.
88. Sound/Noise, Unreasonable. Any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivities, injures or endangers the health or safety of a reasonable person of normal sensitivities or which causes injury to plant or animal life, or damage to property or business.
89. Source. Any entities from which sound and/or vibration emanate.

90. Story. That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling above it.
- a. Half - A partial story under gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story shall not be used for residential purposes, other than for a janitor or caretaker or his family.
 - b. First - The lowest story or the ground story of any building the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building.
91. Street. A public or private thoroughfare not less than thirty (30) feet in width if in existence prior to the passage of this ordinance nor less than fifty (50) feet in width if established subsequent to the passage of this ordinance which affords the principal means of access to abutting property, including avenue, place, way, drive, land boulevard, highway, road and any other thoroughfares except an alley.
92. Subdivision. The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
93. Switchyard. A junction in an electric power system that serves as the point of interconnection where various circuits and transmission lines are connected and electric power is routed.
94. Tract. Land held in single ownership which consists of lands to be subdivided or suitable for a land development. The tract shall consist of not less than the minimum area required for subdivision or development as set forth herein.
95. Transformer Facility. An area or group of equipment used to transform electric power from one voltage to another or from one circuit to another.
96. Tonal Noise. See "Noise, Tonal."
97. Use. The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non- conforming use.
98. Variance. The Zoning Hearing Board may authorize departure to a minor degree from the terms of this Ordinance in direct regard to hardship peculiar to an individual lot in accordance with the procedures set forth in the Ordinance.

99. *Vehicle*. Any device or combination of devices used for or capable of being used for transporting persons or property. Vehicles include, but are not limited to, the following: automobiles, trucks, buses, motorcycles, motorized bicycles, snowmobiles, scooters, all-terrain vehicles, go-carts, racers and like devices, farm machinery, industrial machinery, highway graders, trailers, graders, and semitrailers.
100. *Vibration*. An oscillatory motion of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point in or on a body or structure or within a medium (e.g., the ground). Vibration consists of a periodic motion of the particles of such body, structure, or medium in alternatively opposite directions from the position of equilibrium when that equilibrium has been disturbed, the action of such vibration, and the state of being vibrated.
101. *Vibration, Excessive*. The presence of a vibration or vibrations:
- a. Of such intensity, duration, frequency, or character to annoy, disturb, or cause or tend to cause adverse or injurious psychological or physiological effects on persons, or to damage or tend to damage personal or real property or public buildings, structures, roadways, utilities, or other infrastructure.
 - b. In excess of the maximum PPV and VdB levels specified or as otherwise regulated by Articles of this Zoning Ordinance.
102. *Vibration Measuring Device (VMD)*. A three-component device capable of sensing, measuring, and recording displacement, velocity, and acceleration of ground motion from vibration with a sensor that produces an electrical signal that is proportional to the amplitude of the ground motion.
103. *Vibration Velocity Level in Decibels (VdB)*. A decibel notion for root mean squared velocity of vibration amplitude, used to evaluate human perception and response to vibration.
104. *Vibration, Continuous*. Any vibration which is static or fluctuating or which recurs intermittently at a frequency of greater than one (1) periodic motion per 15-second interval. Vibration that falls outside of this definition is considered "transient vibration."
105. *Wind Turbine*. A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower and pad turbine, if any.
106. *Yard*. An open space, as may be required by this Ordinance, of uniform width or depth on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.
107. *Zoning Permit*. A permit that may be 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.

PUBLIC HEARING DRAFT

3. District Designations and Map

3.1 Designation and Intent of Districts

311. Zoning Districts and Purpose Statements.

For the purpose of this Ordinance, Township of Carbondale is hereby divided into districts which shall be designated on the Zoning Map and as follows:

TD 1 Rural Agriculture

The Zone is dedicated to preserving and promoting agricultural and forestry land while minimizing conflicts with other uses. It encourages lower-density development with larger lots, allowing regulated residential use to maintain the rural character. Open space conservation is a key priority, with select recreational activities permitted to complement the natural landscape. The zone is designed to maximize the long-term sustainability of agricultural and forestry lands.

TD 2 Suburban Residential

The Zone provides a livable environment primarily for families through single-family housing, with allowances for select public and semi-public uses. Open space and recreational areas enhance community well-being, while agricultural and forestry activities are permitted as long as they do not disrupt the residential setting. The zone maintains medium-density development with larger lots and lower lot coverage to balance growth with public health, safety, and quality of life.

TD 3 Town Residential

The Zone establishes a predominantly single-family residential environment focused on stability and neighborhood integrity. Other types of development are restricted to protect the residential character, while parks and playgrounds are encouraged to promote community well-being. This zone emphasizes open spaces and neighborhood cohesion, featuring small-to-medium-sized lots, dimensional averaging, and character-based regulations to maintain consistency in development.

TD 4 City Residential

The Zone accommodates a mix of residential and commercial uses, supporting urban living with increased housing density. It allows for planned residential communities and diverse housing arrangements while offering flexibility in lot sizes and higher lot coverage. Though commercial uses are permitted, the emphasis remains on residential development, with open space playing a minimal role. The goal is to create a vibrant, housing-rich environment suited for urban settings.

TD 5 Suburban Mixed Use

The Zone integrates small-scale commercial activities with residential development, creating a balanced space for families and businesses. Recreational and gathering spaces foster community interaction, while commercial uses take precedence, with residential serving as a complementary component. The zone maintains moderate density, larger lot sizes, and a focus on traffic safety, ensuring a well-planned, functional community.

TD 6 Town Mixed Use

The Zone supports a diverse range of commercial activities while allowing limited residential presence. Designed to serve both residents and visitors, it accommodates businesses, facilities, and gathering spaces that contribute to economic growth and livability. Development in this zone follows character-based standards, ensuring appropriate setbacks, density, and lot coverage while maintaining smaller lot sizes.

TD 8 Highway Activity

The Zone serves as a large-scale commercial and recreational hub, strategically positioned along major transportation routes. It accommodates a variety of retail, service, and entertainment establishments while maintaining minimal emphasis on open space. This zone plays a vital role in connecting the community to commercial amenities and regional business centers.

TD 10 Manufacturing-Distribution

The Zone is designed for large-scale manufacturing, industrial, and distribution activities on expansive lots. It accommodates all forms of manufacturing while allowing for high-impact commercial uses, energy facilities, and forestry-related industries. This zone fosters economic growth by supporting large-scale production and efficient distribution networks along major transportation corridors, providing space for industrial operations that are not suitable for residential or commercial neighborhoods.

In addition to the 8 Zoning Districts listed above, the Township also has Floodplain Overlay, Rural Resource Overlay, Energy and Information Technology Overlay, Regional Use 1 and Regional Use 2 Overlays and Growth and Future Growth Areas. Where applicable on the Zoning Map, this zone appears as an overlay to the 8 Districts established above. Permitted uses and building regulations in this zone are subject to the same requirements as the zone over which this overlay was placed, and the supplemental regulations governing the Flood Plain as described in Article 5.

312. Overlay Districts and Purpose Statements.

See Article 5 of this Ordinance for the designation and intent of the overlay districts.

3.2 Zoning Map

321. The boundaries of the districts in which Township of Carbondale is divided shall be shown upon a map entitled the "Township of Carbondale Zoning Map," which is available on file for public viewing at the Township of Carbondale Municipal Building. This map and all notations, references, and other data shown thereon is hereby incorporated by reference into this Ordinance as if these items were fully described herein.

322. Whenever there has been an amendment to the boundary of a zoning district or overlay or a reclassification of a zoning district or overlay, the Zoning Map shall be accordingly revised and shall be duly certified by the Township of Carbondale.

3.3 Degree of Restrictiveness

The phrase "more restrictive uses" as employed in this Ordinance shall mean the following:

331. Those uses permitted in a **TD-1** Zone are the most restrictive.
332. All other uses are less restrictive in the order they are permitted in the Zones in the sequence shown: TD-1, TD-2, TD-3, TD-4, TD-5, TD-6, TD-8, TD-10.
333. Where a use is specifically enumerated in a less restrictive zone, such use shall not be permitted in a more restrictive zone unless it is specifically enumerated as a permitted use therein.
334. Except as provided in this Ordinance, no building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structures or premises be used, designed or intended to be used for any purpose other than the uses hereinafter listed as permitted in the zone in which such building or premises are located.

4. Zoning District Regulations

4.1 Application of district regulations.

411. Unless otherwise provided by law or specifically in this Ordinance, no land, building, or structure shall be used or occupied except for a use permitted in the zoning district within which the land, building, or structure is located.
412. The regulations set forth in this Ordinance shall apply uniformly to each class or type of land, building, or structure, except as otherwise provided for in this Ordinance.
413. No building or structure shall hereafter be erected, constructed, reconstructed, moved, or structurally altered and no building, structure, or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations of this Ordinance specified for the use and district in which it is located. These include, for example, regulations for height, lot area, floor area, yard dimensions, and residential density.
414. No part of a yard or other open space or off-street parking or loading space required in connection with any use for the purpose of complying with this Ordinance shall hereafter be included or shared as part of a yard, open space, or off-street parking or loading space similarly required for any other use, unless otherwise specified by this Ordinance.
415. 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.
416. No more than one (1) principal use shall be permitted on a lot, unless otherwise specified by this Ordinance.

4.2 District boundaries.

District boundary lines as a general rule follow lot lines, municipal boundary lines, and the centerlines of streets, highways, and alleys. Where uncertainty exists as to the boundaries of districts on the Zoning Map, the Zoning Officer shall interpret the locations of the boundaries based on the following rules:

421. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed as following such centerlines.
422. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
423. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.

424. Boundaries indicated as approximately following railroad lines shall be construed as following the center line of a single-track railroad line or an imaginary line drawn midway between the main tracks of a multiple-track railroad line.
425. Boundaries indicated as approximately following shorelines shall be construed as following such shorelines. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline.
426. Boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines. In the event of change in the stream or other body of water, the boundary shall be construed as moving with the center line of such.
427. Boundaries indicated as approximately parallel to or extensions of features identified shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
428. Where physical features existing on the ground are alleged to be at variance with those shown on the Zoning Map or in other circumstances not covered by Article 421 to 427 above, it shall be the function of the Zoning Officer to interpret the Zoning Map.
429. Where one (1) or more district boundary lines divide a lot held in single ownership, the regulations of the district comprising the greater proportion of the lot shall apply.

4.3 Table of Principal Uses by Base Zoning Districts and Overlays.

For any land use not otherwise identified as permitted by right, by condition, or by special exception in the table of the Carbondale Township Zoning Ordinance, an Applicant shall reference and submit said use to another participating NorLACK Multi-Municipal Plan municipality where said land use is identified as permissible in the Zoning Ordinance, as in effect, of the applicable municipality.

Use Designation:

P - Permitted Use by Right

SE - Special Exception Use

C - Conditional Use

PUBLIC HEARING DRAFT

Sr. No.	Use	TD-1	TD-2	TD-3	TD-4	TD-5	TD-6	TD-8	TD-10	RUO-1	RUO-2	EITO
1	Abused Person Shelter				P							
2	Agritourism	C										
3	Airports	C										
4	Amusement Park							P				
5	Animal Hospital / Vet Clinics							P				
6	Animal Shelters	SE										
7	Assisted Living Facility		SE	SE								
8	Automobile Repair						SE	SE				
9	Automobile Sales							P				
10	Bakery Retail						P					
11	Banks & Other Financial Services						P					
12	Battery Energy Storage Systems								C			C
13	Bed and Breakfast Establishment			P								
14	Brewery/ Distillery								P			
15	Bulk Storage of Gasoline, Fuel Oil, or Other Inflammable or Explosive Liquids								SE			
16	Casino/Betting Parlor						P					
17	Catering Establishment							P				
18	Cemeteries and Mausoleums	P	P									
19	Charging Stations							P				
20	Child Day Care Facilities		SE	SE	P		SE					
21	Clubs and Lodges						SE					
22	Cogeneration plants											C
23	Colleges, Institutes of Higher Learning						P					
24	Community Intervention Center, Type 2				P							

Sr. No.	Use	TD-1	TD-2	TD-3	TD-4	TD-5	TD-6	TD-8	TD-10	RUO-1	RUO-2	EITO
25	Community Intervention Center, Type 3				P							
26	Concentrated Animal Feeding Operations										C	
27	Concentrated Animal Operations										C	
28	Contractors' Yards								P			
29	Convenience Store					P						
30	Conversions			P	P							
31	DAS						P					
32	Data Center											C
33	Detention Facilities							SE	SE			
34	Development sales offices					P						
35	Distribution Plant, Parcel Delivery Service								P			
36	Drive in Uses							P				
37	Drug Treatment Facility					SE						
38	Dry Cleaning and Laundry						P					
39	Dwelling 2 family, Detached			P	P	P	P					
40	Dwelling 2 family, Duplex semi-attached			P	P	P	P					
41	Essential Services	SE	P	P	P	P	P	P	P			
42	Exercise Club						P					
43	Farm Equipment Sales	P						P				
44	Farmers Market	P				P						
45	Flea Market	P					P					
46	Food Processing							P	P			
47	Forestry	P	P									
48	Funeral Homes and Undertakers			SE	SE		P					

Sr. No.	Use	TD-1	TD-2	TD-3	TD-4	TD-5	TD-6	TD-8	TD-10	RUO-1	RUO-2	EITO
49	Golf Course/ Country Club	P	P									
50	Golf Driving Range	P	P					P				
51	Grocery Stores						P					
52	Group Care		SE	SE		P						
53	Group Day Care		P	P		P	P					
54	Group Home		SE	SE	SE	P	SE					
55	Heavy Equipment Sales and Storage								SE			
56	Heavy construction equipment storage yards								SE			
57	Hospitals				P	P	P	SE				
58	Hotel/Motel					P	P	P				
59	Kennels	SE					P					
60	Laboratory, Research and Testing						P	SE	P			
61	Large Scale Manufacturing/ Industrial Development								SE			
62	Large scale Commercial Development							C				
63	Large scale Residential Development	C	C	C			P		C			
64	Laundromat						P					
65	Car Wash						P	P				
66	Libraries		SE	SE	SE		P					
67	Lumber Mill										C	
68	Manufacturing, Heavy								P			
69	Manufacturing, Light								P			
70	Medical/Dental Clinics					P	P					
71	Medical Marijuana Dispensary Facility										C	
72	Meeting, Assembly and Banquet Hall						P	P				

Sr. No.	Use	TD-1	TD-2	TD-3	TD-4	TD-5	TD-6	TD-8	TD-10	RUO-1	RUO-2	EITO
73	Metal Goods Manufacture with Foundries, Heavy Presses, etc.(Metal molding and extrusion)								P			
74	Micro-Breweries						P					
75	Mineral Extraction	SE							C		C	
76	Mineral Processing	SE										
77	Mixed Use Structure						P					
78	Dwelling, Multi Family			P	P		P					
79	Nightclubs						P					
80	Normal Agricultural Operations	P										
81	Nurseries and Greenhouses	P	P	P								
82	Nursing Homes		SE	SE			P					
83	Oil and Gas Facilities	C							SE			
84	Open Space Conservation	P										
85	Outdoor Storage						P		P			
86	Park and Ride							P				
87	Parking Areas							P				
88	Parks and Playgrounds		P	P			P					
89	Personal Services						P					
90	Personal care homes or centers			SE	SE		P					
91	Pharmacy					P	P					
92	Places of Worship		P	P	P	P	P					
93	Pool Hall, Bowling Alleys, or any Legal Indoor Recreational Use					SE	P	P				
94	Power Plants											C
95	Printing and publishing establishments						P		P			

Sr. No.	Use	TD-1	TD-2	TD-3	TD-4	TD-5	TD-6	TD-8	TD-10	RUO-1	RUO-2	EITO
96	Professional Services/Offices					P	P					
97	Public Utility Facilities	SE	C	C	C	SE	P	P	P			
98	Public and Semi-Public buildings and uses	SE	SE	SE	P	SE	P	P	P			
99	Railway Yards							SE	SE			
100	Recreation Facilities, Private						P	P				
101	Recreation Facilities, Public		P	P								
102	Restaurants, Fast Food						P	P				
103	Restaurants, Traditional						P	P				
104	Retail Stores						P	P				
105	Retirement Communities		SE	P								
106	Rooming and Boarding				P							
107	Sawmills and Planning Mills								P			
108	School, Post-Secondary					P	P					
109	School, Pre-Kindergarten		SE	SE								
110	School, Primary and Secondary		SE	SE								
111	Sewage Treatment Plant							C	P			
112	Shooting Range, Indoor							P				
113	Shooting Range, Outdoor	SE										
114	Shopping Centers and Malls							C	C			
115	Dwelling, Single Family Cluster		SE	SE								
116	Dwelling, Single Family Detached	P	P	P								
117	Solid Waste Staging Areas								P			
118	Stables	SE										

Sr. No.	Use	TD-1	TD-2	TD-3	TD-4	TD-5	TD-6	TD-8	TD-10	RUO-1	RUO-2	EITO
119	Storage Yards								P			
120	Studios						P					
121	Tavern / Bar					P	P					
122	Telecommunications Facilities, Residential		SE									
123	Temporary Businesses					P	P	P				
124	Temporary Uses					P	P	P				
125	Theatre						P					
126	Dwelling, Townhouse		P	P	P							
127	Trade/ Business Schools						P					
128	Transit Station							P				
129	Warehousing							P	P			
130	Waste Transfer Station									C		
131	Water Facilities	C	C	C	C	SE	P	P	P			
132	Wedding Chapels and Banquet Halls						P					
133	Wholesale Business								P			
134	Wind Energy System	C									C	
135	Zoos, Menageries, and wild and exotic animals	SE										

4.4 Table of Dimensional Requirements.

Regulations Governing the Size of Lots, Yards and Buildings

Types of Regulation	Districts						
	<u>TD-2</u>	<u>TD-3, TD-4</u>	<u>TD-1</u>	<u>TD-5</u>	<u>TD-6</u>	<u>TD-8</u>	<u>TD-10</u>
Minimum Lot Size	10,000 Sq. Ft. (With Central Sewer and Water) 20,000 sq. ft. (With Either Central Water or Central Sewer) 40,000 sq. ft. (Without Central Sewer and Water)	10,000 Sq. Ft. (With Central Sewer and Water) 20,000 sq. ft. (With Either Central Water or Central Sewer) 40,000 sq. ft. (Without Central Sewer and Water)	1 Ac. [3]	10,000 Sq. Ft. (With Central Sewer and Water) 20,000 sq. ft. (With Either Central Water or Central Sewer) 40,000 sq. ft. (Without Central Sewer and Water)	80,000	2 acres	2 acres
Minimum Lot Area Per							
Dwelling Unit [2]	10,000 Sq. Ft. (With Central Sewer and Water) 20,000 sq. ft. (With Either Central Water or Central Sewer) 40,000 sq. ft. (Without Central Sewer and Water)	[2] (With Central Sewer and Water) 20,000 sq. ft. (With Either Central Water or Central Sewer) 40,000 sq. ft. (Without Central Sewer and Water)		[2] (With Central Sewer and Water) 20,000 sq. ft. (With Either Central Water or Central Sewer) 40,000 sq. ft. (Without Central Sewer and Water)			
Minimum Lot Frontage	100 Ft. 150 Ft. (Without Central Sewer and Water)	80 Ft. (With Central Sewer and Water) 100 Ft. (With Either Central Water or Central Sewer) 150 Ft. (Without Central Sewer and Water)	150 ft.	80 Ft. (With Central Sewer and Water) 100 Ft. (With Either Central Water or Central Sewer) 150 Ft. (Without Central Sewer and Water)	200 ft.	100 ft.	150 Ft.
Minimum Lot Width	100 Ft. 150 Ft. (Without Central Sewer and Water)	80 Ft. (With Central Sewer and Water) 100 Ft. (With Either Central	150 Ft.	80 Ft. (With Central Sewer and Water) 100 Ft. (With Either Central	200 ft.	100 ft.	150 Ft.

Types of Regulation	Districts						
	<u>TD-2</u>	<u>TD-3, TD-4</u>	<u>TD-1</u>	<u>TD-5</u>	<u>TD-6</u>	<u>TD-8</u>	<u>TD-10</u>
		Water or Central Sewer) 150 Ft. (Without Central Sewer and Water)		Water or Central Sewer) 150 Ft. (Without Central Sewer and Water)			
Minimum Lot Depth	100 Ft. (With Central Sewer and Water) 150 Ft. (With Either Central Water or Central Sewer) 200 Ft. (Without Central Sewer and Water)	100 Ft. (With Central Sewer and Water) 150 Ft. (With Either Central Water or Central Sewer) 200 Ft. (Without Central Sewer and Water)	150 Ft.	100 Ft. (With Central Sewer and Water) 150 Ft. (With Either Central Water or Central Sewer) 200 Ft. (Without Central Sewer and Water)	300 ft.	300 ft.	150 Ft.
Minimum Yards (Ft.)							
Front	25 35 (Without Central Sewer and Water)	25 Ft.	25 Ft.	[4]	NA Corner lot- 50 ft.	NA Corner lot- 50 ft.	NA Corner lot- 30 ft.
Rear	40 (With Central Sewer and Water) 50	25 (With Central Sewer and Water) 50	25 Ft.	20	50 ft.		30 Ft.
Side, Each	12.5 25 (Without Central Sewer and Water)	10 (With Central Sewer and Water) 12.5 (With Either Central Water or Central Sewer) 25 (Without Central Sewer and Water)	25 Ft.	10	30 ft.		25 Ft.
Maximum Lot Coverage	25% (With Central Sewer and Water) 20% (With Either Central Water or Central Sewer) 15% (Without Central Sewer and Water)	30% (With Central Sewer and Water) 20% (With Either Central Water or Central Sewer) 15% (Without Central Sewer and Water)	10%	30% (With Central Sewer and Water) 20% (With Either Central Water or Central Sewer) 15% (Without Central Sewer and Water)	70%	70%	70%

Types of Regulation	Districts						
	<u>TD-2</u>	<u>TD-3, TD-4</u>	<u>TD-1</u>	<u>TD-5</u>	<u>TD-6</u>	<u>TD-8</u>	<u>TD-10</u>
Building Coverage	25% (With Central Sewer and Water) 20% (With Either Central Water or Central Sewer) 15% (Without Central Sewer and Water)	30% (With Central Sewer and Water) 20% (With Either Central Water or Central Sewer) 15% (Without Central Sewer and Water)	10%	30% (With Central Sewer and Water) 20% (With Either Central Water or Central Sewer) 15% (Without Central Sewer and Water)	35%	35%	35%
Maximum Building Height							
Principal	2.5 Stories / 35 ft.	2.5 Stories / 35 ft.	2.5 Stories / 35 ft.	2.5 Stories / 35 ft.	35 ft./ 2 Stories	2.5 Stories / 65 ft.	2.5 Stories/ 65 ft.
Accessory	1.5 stories / 15 ft.	1.5 stories / 15 ft.	1.5 stories / 15 ft.	1.5 stories / 15 ft.	1.5 stories / 15 ft.	1.5 stories / 30 ft.	1.5 stories / 30 ft.

1. For TD-2.
 - a. Except as otherwise regulated for accessory uses, Special Exceptions, Conditional Uses and large-scale developments.
2. For TD-2, 3, 4, 5 and 6.
 - a. Except as otherwise regulated for accessory uses, Special Exceptions, Conditional Uses and large-scale developments.
 - b. 1-family: 10,000 sq. ft. per dwelling unit
2-family: 7,500 sq. ft. per dwelling unit
Townhouses: 4,000 sq. ft. per dwelling unit
Other Dwelling units: 4,000 sq. ft. per dwelling unit
3. For TD-1
 - a. Except as otherwise regulated for accessory uses and for special exceptions, including large-scale developments, and for conditional uses.
 - b. Except that the minimum lot size for any mobile home park shall be not less than five (5) acres; and the maximum density shall be 8 mobile home spaces per acre.
 - c. Development Standards for Cluster Developments. Cluster development building regulations are set forth in Development Standards for Cluster Developments hereof.
4. None required except on corner lots which shall comply with the requirements of Article 6.3.

5. Any structure as defined by this ordinance, shall require permits as mandated by the ordinance including but not limited to zoning and occupancy permits.

Regulated Standards	<u>TD-8</u>
Minimum Tract Area (sq.ft.)	175,000 sq. ft.
Maximum Impervious Coverage (% of tract)	60%
Minimum and maximum setbacks from streets (feet):	
Any building face to arterial street right-of-way	30
Any building face to collector or local street right-of-way	25
Any building face to common parking area	5
Surface parking areas - same as building face to which they are accessory	(1)
Minimum side and rear building setbacks from tract perimeter (feet):	
From other TD-8 zones	25 (3)
From a Residential or TD-1 district boundary line (2)	100 (3)
From other district boundary lines	50 (3)
Minimum surface parking areas, driveways, interior roadway setbacks from tract perimeter (feet)	
From other TD-8 zoned tracts	10
From any residential or TD-1 district boundary line	25
From other district boundary lines	10

Notes:

Except as otherwise regulated for accessory structures, special exceptions, including large scale developments and where nonresidential uses abut residential lots, yards or buffer zones shall be provided in accordance with Article 6.3 hereof.

1. Refer to Article 6.9.
2. Except that the setback for residential uses in TD-8 zones shall be not less than 50 ft.
3. Where a building in question is greater than 25 feet in height, for every additional foot of height above 25 feet, add a corresponding foot to required setbacks.

Development Standards for Cluster Developments

STANDARDS					
	Single Family Basic	Single Family Cluster	Compact Cluster (1)		
			1F	2F	TH (2)
Maximum Density (units per acre)	1.0	1.0	1.2	2.4	3.0
Maximum Tract Density (minimum developable acreage per unit)	1.0	0.5	0.333	0.125	0.067
Minimum Tract Area (acres)	1.0	5.0	5.0	5.0	5.0
Minimum Permanent Open Space (% of tract)	N/A	50	60	70	80
Maximum Impervious Coverage (% of tract)	10	10	10	10	7.0
Minimum Lot Width at Building Setback Line (ft.).	100	80	80	80	15
Minimum Building Setback from Right-of-way Line (ft.)	40	30	25	25	25
Minimum Principal Building Setback from Rear Property Line (ft.)	100	50	35	35	35
Minimum Accessory Building Setback from Rear Property Line (ft.)	50	30	30	30	30
Minimum Principal Building Setback from Permanent Open Space Boundary Line (ft.)	N/A	50	35	35	35
Minimum Accessory Building Setback from Permanent Open Space Boundary Line (ft.)	N/A	50	35	35	35
Maximum Principal Building Height (ft.)	35	35	35	35	35
Maximum Accessory Building Height (ft.)	15	15	15	15	15
Maximum Principal Building Height (Stories)	2.5	2.5	2.5	2.5	2.5
Maximum Accessory Building Height (Stories)	1.5	1.5	1.5	1.5	1.5

1. Compact Cluster standards for single-family, two-family and town house residential dwellings.
2. TH = Town Houses
3. In any TD-1 and TD-10 zone, residential development on parcels of 20 acres or more shall take the form of cluster development, including the provisions of permanent open space in accordance with table above.

4. In any TD-1 and TD-10 zone, residential development on parcels of less than 20 acres may also be in the form of cluster development, as set forth in table above hereof, or it may take the form of residential development as otherwise regulated in TD-1 and TD-10 zones.

DENSITY ILLUSTRATION

1. Single Family Basic - On a tract of 20 acres there may be up to 20 such units.
2. Single Family Cluster - On a tract of 20 acres there may be up to 20 1-family dwelling units and there is an open space requirement of 10 acres
3. Compact 1 Family Cluster - On a tract of 30 acres, there may be up to 36 1-family dwelling units and there is an open space requirement of 18 acres.

Comparative Illustration (1F Dwelling Units)

Units Per Acre	1-Family Basic	1-Family Cluster	Compact Cluster
30 Acre Illustration	1/1.0 ac	1/1.0 ac	1.2/1.0 ac
Total No. of 1-Family Units	30	30	36
Open Space Required	N/A	50% = 15 ac	60% = 18 ac
Typical Lot Size (ac)	1.0	0.5	0.33
Typical Dimensions	100X400	100X200	100X145

4.5 Accessory uses.

Land Uses	TD-1	TD-2	TD-3	TD-4	TD-5	TD-6	TD-8	TD-10	RUO-1	RUO-2	EITO
Accessory Uses to a residential unit	P	P	P	P	P	P					
Battery Energy Storage Systems as accessory to Data Centers								C			C
Telecommunications facilities, residential	P	P	P	P							
Temporary tract offices and tract signs in accordance with Article 7	P	P	P	P							
Temporary model homes in accordance with Article 7	P	P	P	P							
Home Occupations as defined in Article 2	P	P	P	P							
No-impact home businesses	P	P	P	P							
Off-street parking, including private garages; provided, however, that no garage door shall exceed a height of eight (8) feet		P	P	P							
Off-street truck and trailer parking in accordance with Article 8 hereof		P	P	P							
Private swimming pools	P	P	P	P							
Signs as regulated in Article 9		P	P	P	P	P					
Nurseries and greenhouses, for on-site use, but not including outdoor storage of equipment and supplies	P	P	P	P							

Land Uses	TD-1	TD-2	TD-3	TD-4	TD-5	TD-6	TD-8	TD-10	RUO-1	RUO-2	EITO
T.V. satellite antennae	P	P	P	P							
Other accessory uses and structures customarily appurtenant to a principal permitted use	P	P	P	P							
Off-street parking and loading areas as required under Article 8 hereof					P	P					
Other accessory uses and structures customarily appurtenant to a principal permitted Special Exception or a permitted Conditional Use	P						P	P			
Outdoor storage of goods used or produced on the premises								P			
Dwelling for watchman or caretaker								P			
Data Center Accessory Use (see criteria listed in Article 5.6)											C
Data Center Ancillary Power Generation Systems (see criteria listed in Article 5.6)											C

5. Overlay Regulations

5.1 Floodplain

Refer to the Carbondale Township Floodplain Ordinance on file available on the Carbondale Township Website.

5.2 Rural Resource (EIS)

521. Intent

The intent of the Rural Resource Overlay District is to conserve undeveloped land with sensitive natural areas, active agricultural lands, land with potential for agriculture, historic or cultural elements, scenic views and other significant land features. These land features comprise the very rural character of the Township which stimulated the past tremendous second home development, and continues to attract second home residents, and increasingly, permanent residents. Without the careful consideration of the development process established by the standards of the Rural Resource Overlay District, many of these significant land features would be lost to the effects of conventional residential development. As compared to Rural Resource development, conventional residential development often presents unnecessary environmental consequences and severely compromises the rural character of the Township, which is directly linked to the economic vitality of the community and region.

The conservation of land and preservation of community character is accomplished by permitting single-family detached and single-family attached (duplexes and townhouses) residential development at a somewhat higher overall density than conventional single-family development, but in an open land setting. The development is designed to reduce the perceived intensity of development, preserve natural features and farmland, and provide privacy and community identity.

Specific objectives of the Rural Resource Overlay District are as follows:

- 521.1 To preserve open land, including those areas containing unique and sensitive natural features such as woodlands, farmland, steep slopes, natural drainage ways, streams, lakes, flood plain and wetlands by directing development to other areas of the project parcel.
- 521.2 To preserve scenic views and other physical elements of the Township's rural and recreational character (the basis of the local economy), and to minimize perceived density, by minimizing views of new development from existing roads.

- 521.3 To permit design flexibility and efficiency in the siting of dwellings, services and infrastructure by reducing site preparation requirements, road lengths, utility extensions, storm water management facilities, and other development considerations.
 - 521.4 To reduce erosion and sedimentation by minimizing disturbance of existing vegetation and directing development away from steep slopes.
 - 521.5 To reduce the volume of storm water runoff by minimizing the amount of impervious surfaces, and to facilitate storm water management by preserving natural drainage ways.
 - 521.6 To encourage the use of sewage disposal methods that do not result in a stream discharge of effluent.
 - 521.7 To encourage the preservation and improvement of wildlife habitat by maintaining large parcels of open land and minimizing the disturbance of existing vegetation.
 - 521.8 To preserve the limited agricultural land in the Township by designation of the said lands as a primary conservation area to be maintained in large blocks.
 - 521.9 To realize the goals of the Township Comprehensive Plan and Open Space Plan.
 - 521.10 To establish a mechanism for the continued preservation and maintenance of open land in the Township to achieve the purposes enumerated in this article and for active or passive recreational use by residents.
522. Application to Subdivisions
- 522.1 Rural Resource Overlay District - The Rural Resource Overlay District shall apply to all areas of the TD-1 district only in accord with the standards of this article.
 - 522.2 Mandatory for Parcels of More Than Eight (8) Acres - The provisions of this article shall be applied to all parcels of land of more than eight (8) acres in size. See Article 522.3, for exemptions.
 - 522.3 Exemption - This exemption may be applied to parcels of more than eight (8) acres in existence at the time of the effective date of this article. The normal subdivision process as governed by the Township Subdivision and Land Development Ordinance shall apply. The applicant shall submit, with the subdivision application, the applicable USGS 7.5-minute series quadrangle showing the entire parcel and a sketch of the entire parcel showing the proposed lots in relation to the entire parcel. This will enable the Township and the applicant to identify and discuss any effects the proposed

subdivision may have on the long-term use of the property, primary and secondary conservation areas, and the network of open land the Township.

522.301 The number of lots subdivided from the parent parcel (i.e., the parcel as it existed at the time of the effective date of this article) shall not exceed two (2) lots in any five (5) year period. This limitation is cumulative and is intended only to regulate the rate of subdivision.

522.302 Each lot shall comply with the area, depth, width and other applicable requirements of this Ordinance.

522.303 Each lot shall comply with the requirements of the Township Subdivision and Land Development Ordinance. Nothing in this article shall supersede the Township Subdivision and Land Development Ordinance provisions governing the classification of minor and major subdivisions.

522.4 Tracts of Eight (8) or Less Acres

522.401 On tracts of eight (8) or less acres, standard single-family detached dwellings are permitted in accord with the standards of the Schedule of Development Standards contained in this Zoning Ordinance. Overall density shall be based on the per unit lot size determined by the proposed use and type of water supply and sewage disposal in accord with the said Schedule of Development Standards, and the design standards in this ordinance need not be applied.

522.402 Common open land shall not be required, but may be provided at the option of the developer. In no case shall any such open land be less than one-half (0.5) acre in size. All open lands shall be contiguous and shall be of such composition and configuration, as determined by the Township, to assure that the open land is useable for recreation. The Township may also require the reservation of trail easements through the development for connection with existing adjoining or planned trail networks.

523. Conditional Use, Dwelling Types, Density, and Open Land

Subdivisions in the Rural Resource Overlay District developed in accord with this article shall be considered conditional uses and dwelling types shall be limited to the following:

523.1 Dwelling Types, Density and Open Land - The following dwelling types are permitted in accord with the standards of this article as part of an open land development:

523.101 Standard single-family detached dwellings.

523.102 Group Homes

523.103 Large Scale Residential

523.104 Lot-line houses (see definition)

523.105 Two-family dwellings

523.106 Townhouses

Overall density shall be based on the per unit lot size for dwellings determined by the proposed type of water supply and sewage disposal in accord with the Schedule of Development Standards contained in this Zoning Ordinance. See Section 527.3, for the density bonus of ten (10) percent for use of soil-based sewage disposal. (See Section 524.2 and Section 527 for density determination.) Not less than fifty (50) percent of the tract shall remain as open land as defined and maintained in accord with this article. (See Section 525.2 for the proportion of open land which may be comprised of wetlands, flood plain and steep slopes.)

523.2 Open Land Uses - Open land which comprises a part of a residential development approved in accord with the requirements of this article shall be used only in accord with the requirements of this article (see Section 525.3) and Article 6 of this Zoning Ordinance.

523.3 Non-Residential Uses - The following non-residential uses shall be permitted on parcels of ten (10) acres or more which are part of the open land development:

523.301 Agricultural activities of the following types:

- a. Cultivation, harvesting, and sale of crops and related farm products;
- b. The raising and sale of livestock or fowl, along with associated pasture and grazing land, but excluding intensive livestock operations;
- c. Orchards, nurseries, greenhouses, and related horticultural activities.
- d. Other similar agricultural uses.

523.302 Open land uses, primarily passive in nature, including wildlife sanctuaries, forest preserves, nature centers, and similar uses.

523.303 Game farms, fish hatcheries, hunting or fishing preserves; or similar uses intended for the protection or propagation of wildlife.

523.304 Parks and recreation for non-intensive uses, including golf courses (excluding driving ranges or miniature golfing), hiking, bicycling or bridle trails, picnic areas, playing fields, and similar uses.

523.4 Accessory Uses-Accessory uses on the same lot as the principal use shall be permitted as set forth on the Schedule of Use Regulations for the TD-2 District.

524. Project Design Process

The design process included in this article is based on the approach detailed in the September 1994, Natural Lands Trust publication, Designing Open Space Subdivisions, A Practical Step-by-Step Approach. Open land development plans will be reviewed by the Township using the publication as a guide and developers should review the publication prior to initiating the design process and preparing a conceptual plan.

524.1 Inventory and Analysis - A site inventory of land forms and natural, historic and scenic features, and a site analysis plan shall be prepared as the foundation of any Open Land Development proposed in accord with this article. The site analysis plan also serves as the base for the determination of the location and size of areas to be developed, and conservation areas, those areas to remain undeveloped. The plan shall identify Primary Conservation Areas and all potential Secondary Conservation Areas in accord with this Section 524.106. The final determination and designation of Secondary Conservation Areas shall be made by the Township as part of the project review and conditional use process.

In addition, the following site elements shall be inventoried and mapped in sufficient detail to allow evaluation of the site analysis plan by the Township relative to the intent of the Rural Resource Overlay District.

524.101 Physical Resources - Identification of the natural resources of the tract including geology, topography, soils, hydrology and vegetation. The features shall be mapped at a scale not less than one (1) inch equals one-hundred (100) feet, and shall be described in a brief narrative, and shall include the following: [NOTE: On tracts of one-hundred (100) acres or more, the scale shall be one (1) inch equals two-hundred (200) feet. More detailed scales may be required for actual design plans.]

- a. Topographic contours at intervals of ten (10) feet, showing rock outcrops and slopes of twenty- five (25) percent or more.
- b. Soil types and a table identifying soil characteristics relating to agricultural capability, seasonal high-water table, depth to bedrock, and suitability for land application of sewage effluent and for on-lot sewage disposal systems. Soil information shall

be taken from the Lackawanna County Soil Survey published by the U.S. Department of Agriculture.

- c. Hydrologic characteristics of the tract, including streams, lakes and ponds, flood plain and hydric soils.
- d. Vegetation of the tract, showing location and boundaries of agricultural land, woodlands, and other areas in terms of vegetation associations, species and size.

524.102 Land Use - Existing land use and land cover (paved areas, cultivated areas, pastures, etc.), all buildings and structures on the tract, and all encumbrances on the tract such as easements or covenants.

524.103 Visual Resources - Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract.

524.104 Cultural and Historic Resources - The location of historic resources on the tract, including buildings and other structures, stone walls, cemeteries, burial grounds, cellar holes, well, etc.

524.105 Area Context - General locations of buildings, land use, and natural features such as water bodies, wooded areas, ridge lines, and agricultural land, roads, property lines, public and conservancy lands, and other open land easement areas, within five-hundred (500) feet of the tract. This information may be shown on an aerial photograph or a suitable map at a scale no smaller than one (1) inch equals four-hundred (400) feet.

524.106 Conservation Areas - The following conservation areas shall be clearly identified on the site analysis plan:

- a. Primary Conservation Areas shall include:
 - i. Wetlands
 - ii. Land within the 100-year flood plain
 - iii. Land with a slope of twenty-five (25) percent or more.
 - iv. Land within fifty (50) feet of any pond, lake or stream
- b. Secondary Conservation Areas shall include:
 - i. Aquifer recharge areas
 - ii. Areas with highly permeable soil
 - iii. Land within twenty-five (25) feet of wetlands
 - iv. Natural drainage ways
 - v. Major rock outcroppings and other unusual geologic features

- vi. Agricultural land and areas with prime agricultural soils as identified by the U.S. Department of Agriculture, Soil Conservation Service
- vii. Historic resources
- viii. Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract

524.2 Useable Land Area - Determination of Base Dwelling Unit Density - The developer shall have the option of determining the base dwelling unit density permitted for the tract by using the formulas set forth in this Ordinance; or, by preparing a "yield plan" in accord with this section. The final dwelling unit density shall be calculated by applying any applicable density bonus to the base density.

524.201 Formula Method - The base dwelling unit density shall be determined by deducting the following areas from the total size of the tract and applying the appropriate density as set forth in the Schedule of Development Standards of this Ordinance in accord with the zoning district location and type of water and sewage disposal.

- a. Land within public rights-of-way.
- b. Land within the rights-of-way of existing or proposed private streets {where formal rights-of-way are not involved the width of the street shall be assumed as fifty (50) feet wide}.
- c. Seventy (70) percent of wetland areas.
- d. Land within the 100-year flood plain as shown on the most current Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
- e. Land with a slope of twenty-five (25) percent or more.
- f. Any pond or lake more than two (2) acres in size.
- g. Land contained within the boundaries of easements for overhead electricity, telephone, or cable television service.

524.202 Yield Plan Method - A yield plan consists of conventional lot and street layouts conforming to Township standards for residential developments not using open land design. The said standards shall include lot sizes and dimensions, street design, storm water control, sewage disposal, and other applicable standards of this ordinance and the Township Subdivision Ordinance. Although a yield plan is intended to be conceptual and is not intended to involve significant

engineering costs, the plan must be sufficiently detailed to show legitimate, potential lots and house sites at locations not limited by Primary Conservation Areas. The final determination of the base dwelling unit density for the tract shall be made by the Township.

524.3 Conceptual Sketch Plan - Conditional Use Application - Following the determination of the number of residential units permitted, the developer shall submit to the Township a conceptual sketch plan. The application shall be considered the conditional use application for the project.

The purpose of the plan is to determine the overall design of the development including the location of residential lots, street patterns, Primary and Secondary Conservation Areas, and Conservation Area trail linkages. The conceptual plan shall be developed by the following four-step process, as demonstrated to the Township by the developer, and incorporating the design standards contained in this article:

- 524.301 Mapping of Primary and Secondary Conservation Areas to identify all potential open land areas
- 524.302 Locating house site and neighborhoods
- 524.303 Laying out streets and footpaths/trails with connections
- 524.304 Establishing lot lines

If approved by the Township, the conceptual sketch plan shall serve as the foundation for the preliminary subdivision plan.

524.4 Conceptual Sketch Plan/Conditional Use Review Process - Upon receipt of a complete application, the Planning Commission shall notify the Township Board of Supervisors of the same. The Planning Commission shall schedule a joint meeting with the developer and the Board of Supervisors to review the sketch plan. Subsequent to, or as part of the said meeting, the Planning Commission and Board of Supervisors shall conduct an inspection of the tract. A joint public hearing shall be conducted by the Planning Commission and Board of Supervisors, in accord with the notice requirements of the PA Municipalities Planning Code. Upon completion of its review, the Planning Commission shall make its recommendation for action on the proposal to the Board of Supervisors, who shall approve, approve with conditions, or reject the conceptual sketch plan, which shall constitute action on the conditional use application.

(Note: The construction of individual dwelling units and other buildings in any project approved in accord with this article shall require a zoning permit prior to construction; however, a conditional use permit shall not be required.)

If approved by the Township, the conceptual sketch plan shall serve as the foundation for the preliminary subdivision/land development plan and the applicant shall not be authorized to make application for subdivision/land development approval until conceptual sketch plan/conditional use approval has been granted. The preliminary subdivision/land development plan shall conform to the conceptual sketch plan in terms of open land areas, number of dwelling units, building locations, street design and other improvements, unless a change is approved by the Township.

- 524.5 Subdivision/Land Development Plan - Following Township approval of the conceptual sketch plan (conditional use), the developer shall be authorized to submit a preliminary subdivision/land development plan in accord with the requirements of the Township Subdivision and Land Development Ordinance. In addition to the information required by the Subdivision and Land Development Ordinance, the conceptual plan information shall be included on the preliminary and final subdivision/land development plans. The time period for Township review and action on the subdivision/land development plan shall not begin until such time as a complete application is submitted in accord with the Township Subdivision and Land Development Ordinance.
525. Open Land Standards
- 525.1 Percentage of Open Land - Not less than fifty (50) percent of the net tract area proposed for development shall be dedicated as common open land. The net tract area shall be calculated after deducing the following areas from the total parcel size.
- 525.101 Land within public rights-of-way.
 - 525.102 Land within the rights-of-way of existing or proposed private streets (where formal rights-of-way are not involved the width of the street shall be assumed as fifty [50] feet wide).
 - 525.103 Seventy (70) percent of wetland areas.
 - 525.104 Land within the 100-year flood plain as shown on the most current Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
 - 525.105 Land with a slope of twenty-five (25) percent or more.
 - 525.106 Any pond or lake more than two (2) acres in size.
 - 525.107 Land contained within the boundaries of easements for overhead electricity, telephone, or cable television service.
 - 525.108 All impervious surfaces including but not limited to buildings, roads, sidewalks, etc.

- 525.2 Composition of Open Land Area -The reserved open land shall be contiguous with the project parcel. Land deducted from the net tract area calculation pursuant to Article 525.1, including wetlands, the 100-year floodplain and land with slopes of twenty-five (25) percent or greater, may be included within the required common open land. However, such areas shall comprise no more than a combined total of fifty (50) percent of the designated open land. Not less than fifty (50) percent of the open land shall be accessible to the residents of the Open Land Development, and such access shall be preserved in perpetuity in accord with Article 6 of this Ordinance.
- 525.3 Uses Permitted on Open Lands - The following uses shall be permitted in open land areas:
- 525.301 Conservation of open land in its natural, unaltered state.
 - 525.302 Agricultural uses, including raising of crops or livestock, and farm buildings.
 - 525.303 Neighborhood open land as specified in Section 526.3.
 - 525.304 Passive recreation including, but not limited to, trails, picnic areas, community gardens and lawns.
 - 525.305 Active recreation areas including, but not limited to golf courses, playing fields, playgrounds and courts, meeting the setback requirements of Section 527.4 of this Ordinance. Active recreation areas shall not exceed fifty (50) percent of the minimum required open land.
 - 525.306 Water supply and sewage disposal systems for individual lots, neighborhoods, or the entire development.
 - 525.307 Pasture for recreational horses not associated with a commercial operation. Not more than one (1) horse per two (2) acres shall be permitted.
 - 525.308 Easement for drainage, access, sewer or water lines, utilities or other essential services.
 - 525.309 Storm water management facilities for the proposed development, or for a larger area If required for compliance with the requirements of the Township's Storm water Management Ordinance adopted to regulate storm water in areas governed by a plan adopted in accord with the PA Storm water Management Act of 1978.
 - 525.310 Parking areas often (10) or fewer spaces to serve active recreation facilities.

525.311 Above ground utility and road rights-of-way, except that the land area of the same shall not count toward the minimum open land requirement.

525.312 Estate lots meeting the following standards (see also Section 527.2):

- a. The minimum size specified in Table shall be required, of which a maximum of one (1) acre may be developed with a single-family dwelling and customary accessory uses and this requirement shall be recorded as a restrictive covenant on the lot. Only the undeveloped portion of the estate lot shall be used to meet the open land requirements of this article.
- b. The one (1) acre of permitted developed area shall include any portion of the lot which is disturbed or which is not used for agricultural purposes; that is, all dwellings, accessory buildings and structures, paved areas, lawns and gardens, etc.
- c. The developed area of the lot shall meet the neighborhood setback standards set forth in Section 616 of this Ordinance with the exception of agricultural use setbacks.
- d. Estate lots shall be restricted by permanent easement against further subdivision.
- e. Dwellings on estate lots shall be counted toward the maximum density permitted on an Open land development tract.
- f. Dwellings on estate lots shall be sited in accord with the same design principles as neighborhoods set forth in Section 616 of this Ordinance. Specifically, dwellings shall not encroach on primary and secondary conservation areas.
- g. Access to the estate lot may be limited to the owner of the said lot.

525.4 Uses Prohibited on Open Lands - The following uses shall be prohibited in open land areas:

525.401 Use of motor vehicles except on approved driveways and parking areas. Motor vehicles maintenance, law enforcement, emergency, and farm vehicles shall be permitted as needed.

525.402 Cutting of healthy trees or vegetation, regrading, topsoil removal, altering water courses or water bodies, except in accord with a land management plan for the tract conforming to accepted standards.

525.403 Any other use not specifically permitted above.

525.5 Open Land Development Design Standards - The Township, in considering a proposed open land development and determining compliance with the

intent and standards of this article, shall evaluate the layout of lots and open land in accord with the design standards contained in this article. Diversity and originality in lot layout and neighborhood design, and open land designation and interconnection shall be encouraged to achieve the optimum relationship between developed and conservation areas. The final determination of the design of the Open Land Development and those site features which are most significant shall be made by the Board of Supervisors.

- 525.501 The Open Land Development shall be designed around the primary and secondary conservation areas and to otherwise protect the significant site features identified in the site inventory and designated by the Township.
- 525.502 Development on primary conservation areas shall be prohibited and any soil disturbance or vegetation cutting in primary conservation areas shall be avoided. If any disturbance is required, the developer shall provide documentation of compliance with any applicable regulations governing the same and shall show how any potential adverse effects will be mitigated.
- 525.503 Development, soil disturbance, and vegetation cutting on secondary conservation areas shall be absolutely minimized. If any development or disturbance on secondary conservation areas is proposed the developer shall demonstrate why the said development or disturbance is necessary to the overall Open Land Development plan, and show how the same will be mitigated.
- 525.504 Open land areas shall, to the greatest extent possible, be in large, continuous, undivided parcels coherently configured to relate to neighborhood areas of the Open Land Development.
- 525.505 In cases where smaller open land parcels are necessary, no such parcel shall be less than three (3) acres in size and shall not have a length-to-width ratio of more than 4:1, except as may be required for neighborhood design, required buffers or trails linking open land areas.
- 525.506 The potential for interconnection of open land on adjoining tracts shall be considered as part of the layout of open land and design of neighborhoods.
- 525.507 Reasonable access to open land shall be provided for all neighborhood areas and a safe and convenient pedestrian

circulation system shall be provided to connect neighborhoods with open land in the Open Land Development.

525.508 Agricultural land shall be preserved to the greatest extent possible. In cases where agricultural land (crop land and pasture) is a significant feature of the site, neighborhoods shall be designed to minimize conflicts with agricultural practices.

525.509 In order to protect the rural character of the Township, the design of the Open Land Development shall address the preservation of scenic views where the same have been identified as a significant site feature. For example, if a large parcel of agricultural land surrounded by woodland is a significant site feature, neighborhoods would be located within the wooded area in order to minimize the effect on the scenic view.

525.510 The preservation of any identified historic resources shall be incorporated into the design of the Open Land Development.

525.511 Any proposed active recreation areas shall be suitably located for convenient access by residents of the Open Land Development.

526. Neighborhood-Design Standards (For cluster developments)

The purpose of the neighborhood design standards is to create compact groupings of homes located to blend with the existing landscape, such as the rise and fall of the topography of the site, hedgerows, agricultural land and woodland, and preserve to a greater extent the visual character of the landscape; thereby maximizing the preservation of open land and the overall rural character of the community. The standards in this article shall apply to all residential developments in neighborhoods in the Rural Resource Overlay. Separate standards are provided in this Ordinance which shall apply to residential development of tracts of eight (8) acres or less and estate lots.

526.1 General Design Standards- The following general standards shall be applied to all neighborhoods proposed as part of the Open Land Development:

526.101 Neighborhoods shall not be located on primary conservation areas and shall be prohibited on any secondary conservation areas designated by the Township as significant conservation areas.

526.102 Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than malleable elements that can be changed to meet a particular, preferred development design.

- 526.103 Views of neighborhoods from exterior roads shall be minimized by the use of topography, existing vegetation, new landscaping or other design elements.
- 526.104 The orientation of individual building sites shall maximize the maintenance of existing topography and vegetative cover.
- 526.105 Streets shall be designed to maintain and preserve natural topography, cover, significant landmarks, and trees; to minimize cut and fill; and, to preserve and enhance views and vistas on or off the project parcel
- 526.106 The preservation of any identified historic resources shall be incorporated into the design of neighborhoods In the Open Land Development.
- 526.2 Specific Standards- The following general standards shall be applied to all neighborhoods proposed as part of the Open Land Development:
- 526.201 All dwelling units shall be grouped in neighborhoods which should contain at least five (5), but no more than twenty-five (25) units. The number of units in a neighborhood can be increased or decreased provided the developer can demonstrate to the satisfaction of the Township that the proposal is more appropriate to the project parcel and meets the intent and other design standards of this article.
- 526.202 An Open Land Development plan may contain one (1) or more neighborhoods.
- 526.203 Neighborhoods are defined by the outer perimeter of the contiguous lotted areas and may contain lots, roads and neighborhood open land.
- 526.204 Neighborhoods are further defined, surrounded and separated by designated open land areas in order to provide direct access to open land and privacy to individual yards, Neighborhoods may be separated by roads if the road right-of-way is designed as a parkway in accord with Section 526.3 which follows and meets the setback requirements in Section 616 of this Ordinance.
- 526.205 All lots in a neighborhood shall generally have access from only an interior development road and not from any road exterior to the project parcel.
- 526.206 Not less than three-fourths (0.75) of the lots in a neighborhood should abut neighborhood open land or other open land (directly or

across a road) to either the front or rear for a distance of not less than thirty (30) feet.

526.207 The outer boundaries of each neighborhood shall meet the setback requirements in **Section 616** of this Ordinance.

526.208 All lots in a neighborhood shall be restricted by permanent easement against further subdivision.

526.3 Neighborhood Open Land Standards-A neighborhood with ten (10) or more residential units shall provide neighborhood open land at a minimum rate of one-thousand (1,000) square feet per unit in accord with the following standards. The neighborhood open land shall:

526.301 Be central to the neighborhood it serves.

526.302 Have a minimum road frontage of one-hundred (100) feet, and a minimum average width of thirty- five (35) feet.

526.303 Shall be configured as a commons or parkway.

a. A commons shall be located in a central position in the neighborhood and shall be surrounded by streets and/or building units on at least three (3) sides; and, shall be designed and landscaped as an area for use by residents of the neighborhood.

b. A parkway is a narrow strip of open land surrounded by roads on all sides, and is generally intended for a smaller neighborhood; and, shall be designed and landscaped as an area for use by residents of the neighborhood.

526.304 May contain storm water detention basin or parking areas, but the said basins and areas shall not be included in the required minimum neighborhood open land size (i.e., the 1,000 sq. ft. per unit).

526.305 Count toward meeting the overall open land requirements of the Open Land Development.

527. Density and Dimensional Standards

The standards contained in this article shall apply to the specified uses in the Rural Resource Overlay District.

527.1 Dwellings - The standards in **Table 5.2-1** shall apply to all dwelling units in neighborhoods. Maximum density shall be calculated using the base dwelling unit density determined in **this article**.

527.2 Estate Lots and Non-Residential Uses - The standards in **Table 5.2-2** shall apply to all single-family dwellings on estate lots. These standards shall also apply to any non-residential uses permitted in accord with this article which involve any building on site.

- 527.3 Density Bonus for Soil Based Sewage Disposal - In order to minimize sewage effluent discharge to the surface waters of the Township, and to maximize groundwater recharge, the Township encourages the use of soil-based sewage disposal options. Any Open Land Development which employs such disposal method (as enumerated in this article) shall be granted a ten (10) percent density bonus. The density bonus shall be calculated by determining the project density in accord with Table 5.2-1 and then multiplying the permitted number of dwelling units by 1.10.

TABLE 5.2-1 FOR DENSITY AND DIMENSIONAL STANDARDS FOR DWELLINGS WITHIN NEIGHBORHOODS	
Maximum density (the total number of dwelling units permitted calculated using the base dwelling unit density determined in this article, multiplied by the maximum density factor)	
Minimum lot size	
single-family dwelling	10,000 square feet
lot line house	6,000 square feet
two-family dwelling	15,000 square feet
townhouse.....	1,000 square feet
Minimum lot width at the house location	
single-family dwelling	50 feet
lot line house	40 feet
two-family dwelling	80 feet
townhouse	18 feet
Maximum lot depth to width ratio	
single-family, lot line and two-family dwellings	4:1
townhouses	5:1
Minimum front and rear yard setbacks	
single-family, lot line and two-family dwellings	20 feet front/ 25 feet rear
townhouses	10 feet front/ 15 feet rear
Minimum side yard setbacks (each yard)	
single-family and two-family dwellings	15 feet
lot line house	0/15 feet*
(* A lot line house requires a five-foot (5') wide maintenance easement on the lot adjacent to the "zero" side yard. In the alternative, a side yard five (5) feet wide may be provided.)	
townhouse end units	15 feet
Maximum lot coverage (% of lot area)	
single-family, lot line and two-family dwellings	40%
townhouses	75%

527.4 Neighborhood Setbacks- The outer boundaries of all neighborhoods shall meet the setbacks in Table. The outer boundary is defined by the perimeter of the individual building lots abutting the open land, or of roads adjacent to the front of the said lots. Neighborhood setbacks may be reduced to fifty (50) percent of the requirement in the above by the Township as part of the conditional use process to allow for flexibility of design provided the developer can demonstrate that:

- 527.401 The configuration of the project parcel makes the strict application of the setbacks impractical
- 527.402 The reduction does not compromise the design standards of this article the overall intent of this Zoning Ordinance, or the applicable goals of the comprehensive plan.
- 527.403 In the case of exterior roads, existing vegetation and/or topography form an effective visual buffer along the subject road.

TABLE 5.2-2 DENSITY AND DIMENSIONAL STANDARDS FOR SINGLE FAMILY DETACHED DWELLINGS ON ESTATE LOTS AND NON-RESIDENTIAL USES	
Minimum lot size: on tracts of 10 to <20 acres5 acres on tracts of 20 acres or more10 acres	
Maximum developed area	1 acre
Maximum lot depth : width ratio*	4:1
Minimum front yard**	40 feet
Minimum side yard** (1side/total of both)	25/60 feet
Minimum rear yard**	40 feet
Maximum lot coverage	20% of developed area
*Lot width-to-depth ratio may be adjusted by the Township as part of the conditional use process to allow for flexibility of design in cases where the developer can demonstrate that the configuration of the project parcel makes the strict application of the ratio impractical; and provided any adjustment does not compromise the intent of this article. ** setbacks pertain to developed area of lot	

TABLE 5.2-3 NEIGHBORHOOD SETBACKS	
Setback From	Requirement
External road rights-of-way	100 feet
Crop land and pasture land	100 feet
Buildings, barnyards, or corrals housing livestock	200 feet
Other residential neighborhoods	100 feet
Wetlands, flood plain	25 feet
Water bodies or water courses	50 feet

TABLE 5.2-3 NEIGHBORHOOD SETBACKS	
Setback From	Requirement
Active recreation areas such as playgrounds, courts, and playing fields	150 feet

527.5 Building Envelopes - Building envelopes shall be shown on the plan for all lots of one-half (0.5) acres or more to identify the most suitable area for development on each lot. All areas of a lot not within the building envelope shall be restricted from development via a note on the plan to such effect and deed covenants and restrictions. Building envelopes:

527.501 Shall not be located in any Primary or Secondary Conservation Area.

527.502 Shall not include the tops of ridge lines.

527.503 Shall be located on the edges of fields and in wooded areas, except high quality mature woodlands.

527.504 Shall avoid open fields.

528. Water Supply and Sewage Disposal

528.1 Water Supply - All lots in neighborhoods may be served by a community (off-site, central) water supply and distribution system with such volume and pressure to provide adequate serve in accord with accepted engineering practice, the Township Subdivision and Land Development Ordinance, and any other applicable governmental standards; or, may be served with individual wells located on-lot or the reserved open land. However, dwellings on lots less than one-half (0.5) acre shall be served by a community water system.

528.2 Sewage Disposal -All lots shall be provided with adequate sewage disposal facilities consistent with the Township Official Sewage Facilities Plan and meeting the requirements of the Township Subdivision and Land Development Ordinance and the PA DEP. All dwellings on lots less than one (1) acre shall be served by a community sewage disposal system or an individual system located on open lands.

Preferred sewage disposal alternatives, which are granted a density bonus in accord with Section 616 of this Ordinance include:

528.201 Community (off-site, central) system employing subsurface disposal or spray irrigation on open lands.

528.202 Individual (on-site) system employing subsurface disposal or spray irrigation on open lands.

In the case where soil-based methods are not practical, a community (off-site, central) system with a surface water discharge may be employed, but no density bonus shall be granted.

529. Phasing

Development in the Rural Resource Overlay District may be phased by sections, and estate lots may be subdivided prior to neighborhood development in accord with a unified development plan for the entire tract and the following requirements:

- 529.101 A complete inventory and analysis have been completed for the project parcel in accord with Section 524.1 of this Ordinance.
- 529.102 If the proposal is in conformance with the standards in this article, the unified development plan shall be approved as a sketch plan in accord with Section 524.3 of this Ordinance. The design of the unified plan shall be made binding on the developer by a written, recorded development agreement with the Township.
- 529.103 When estate lots are subdivided prior to neighborhood development, the following requirements shall apply:
 - a. The unified plan must provide for sufficient land area in a suitable configuration to allow for neighborhood development in accord with this article.
 - b. The maximum density of the tract must include the dwelling units allocated to estate lots.
 - c. The estate lots, when created, shall be restricted from further subdivision by permanent easement.
 - d. Any future neighborhood development shall be in accord with the approved unified sketch plan and development agreement.

530. Open Land, Recreation Land, and Common Facilities - Ownership and Maintenance

All areas of an Open Land Development not conveyed to individual lot owners and not occupied by required or proposed common facilities and development improvements shall remain permanent open land, or shall be dedicated to recreation land to be used for the sole benefit and enjoyment of the lot owners in the Open Land Development. Ownership and maintenance of open land, recreation land, and common facilities shall be governed by Article 6 of this Ordinance.

5.3 Regional Use Overlay 1

531. Permitted, Conditional, Special Exception and Accessory Uses

Within any Regional Use Overlay 1 listed on the Land Use Table, no building, structure, lot or land shall be used for other than one or more of the Permitted or Accessory Uses listed in said District except for non-conforming uses and non-conforming buildings in the ordinance.

532. Height

No building or structure shall be erected to a height in excess of the maximum allowable height in said District, except as provided in Supplemental Regulations in Article 6.

533. Site Plan Approval for Permitted Uses

Where site plan review is required for a permitted, accessory, conditional or special exception use, said site plan shall be submitted to the Planning Commission for review in accordance with the Township's Subdivision and Land Development Ordinance as amended (SALDO).

533.1 All Permitted Uses. The Planning Commission shall determine that the site makes adequate provision, where applicable, for the following:

533.2 Access facilities adequate for the estimated traffic to and from the site so as to assure the public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street and conform to minimum distances as required in the SALDO.

533.3 Adequate collection and disposal of storm runoff from the site shall be provided in conformance with the Township SALDO and/ or Township Stormwater Ordinance as amended.

533.4 Adequate provision of space between buildings on the lot and of setbacks from private drives, roads, streets or driveways, if any, so as to assure ample light, air and useable open space in the interest of public health, safety and general welfare.

533.5 Lighting facilities and required lightning plans adequate for achieving no glare and dark sky compliance for the safety of pedestrian, adjoining residential properties and vehicular traffic as required in the Township SALDO. Sign lighting shall be in conformance with the standards set forth in Article 9.

533.6 Adequate inclusion of plant material to provide effective planting and buffer screens were deemed advisable by the Township SALDO. A landscape planting plan specifying type, size and location of existing and proposed plant material shall be required as specified in the Township SALDO, unless otherwise specified in this ordinance.

533.7 Adequate parking and truck loading requirements pursuant to the provisions of Article 8 and the Township SALDO.

534. Accessory Uses

534.1 Customary accessory structure and use

534.2 Sign, pursuant to Article 8

535. Lot Area, Width, Building Coverage and Height Regulations (Unless otherwise specified in Article 6 and Article 7.4)

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height
All permitted uses	1 acre	150 ft.	10%	35 ft.

536. Minimum Yard Requirements (Unless otherwise specified in Article 6 and Article 7.4)

	Front Yard	Each Side Yard	Side Yard with Abutting Street	Rear Yard
All permitted uses	50'	30'	50'	50'

5.4 Regional Use Overlay 2

541. Permitted, Conditional, Special Exception and Accessory Uses

Within any Regional Use Overlay 2 listed on the Land Use Table, no building, structure, lot or land shall be used for other than one or more of the Permitted or Accessory Uses listed in said District except for non-conforming uses and non-conforming buildings in the ordinance.

542. Height

No building or structure shall be erected to a height in excess of the maximum allowable height in said District, except as provided in Supplemental Regulations in Article 6.

543. Site Plan Approval for Permitted Uses

Where site plan review is required for a permitted, accessory, conditional or special exception use, said site plan shall be submitted to the Planning Commission for review in accordance with the Township's Subdivision and Land Development Ordinance as amended (SALDO).

543.1 All Permitted Uses. The Planning Commission shall determine that the site makes adequate provision, where applicable, for the following:

- 543.2 Access facilities adequate for the estimated traffic to and from the site so as to assure public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street and conform to minimum distances as required in the SALDO.
- 543.3 Adequate collection and disposal of storm runoff from the site shall be provided in conformance with the Township SALDO and/ or Township Stormwater Ordinance as amended.
- 543.4 Adequate provision of space between buildings on the lot and of setbacks from private drives, roads, streets or driveways, if any, so as to assure ample light, air and useable open space in the interest of public health, safety and general welfare.
- 543.5 Lighting facilities and required lightning plans adequate for achieving no glare and dark sky compliance for the safety of pedestrian, adjoining residential properties and vehicular traffic as required in the Township SALDO. Sign lighting shall be in conformance with the standards set forth in Article 9.
- 543.6 Adequate inclusion of plant material to provide effective planting and buffer screens where deemed advisable by the Township SALDO. A landscape planting plan specifying type, size and location of existing and proposed plant material shall be required as specified in the Township SALDO, unless otherwise specified in this ordinance.
- 543.7 Adequate parking and truck loading requirements pursuant to the provisions of Article 8 and the Township SALDO.
544. Accessory Uses
- 544.1 Customary accessory structure and use
- 544.2 Sign, pursuant to Article 8
545. Lot Area, Width, Building Coverage and Height Regulations (Unless otherwise specified in Article 6 and Article 7.4)

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height
All permitted uses	1 acre	150 ft.	10%	35 ft.

541. Minimum Yard Requirements (Unless otherwise specified in Article 6 and Article 7.4)

	Front Yard	Each Side Yard	Side Yard with Abutting Street	Rear Yard
All permitted uses	50'	30'	50'	50'

542. Site Plan Review

- 547.1 Required for conditional uses and special exception uses pursuant to the provisions of this Chapter.
- 547.2 Required for all permitted uses.

5.5 Growth Area

551. Purpose.

- 551.1 To align densities of permissible land uses with areas of existing and planned public infrastructure service.
- 551.2 To facilitate Cluster Development as an optional form of infill development within areas in the Township served by public sewer and public water.

552. Applicability. The Designated Growth Overlay shall be delineated in the adopted Comprehensive Plan.

553. Connection to public infrastructure shall be required in the Designated Growth Overlay.

554. See also SALDO requirements for Sanitary Sewer Disposal.

5.6 Energy and Information Technology Overlay (EITO)

561. Purpose. The purpose of the Energy and Information Technology Overlay (EITO) District is provide for the development of Data Centers and other related and associated uses, which have the potential to place intense demands on utilities and infrastructure (e.g., electricity, water, storm and sanitary sewer, communications, and transportation networks) in the Township, and to establish standards for these uses to minimize impacts on residential neighborhoods and other non-industrial districts.

562. Extent. The EITO is an overlay district whose geographic extent is shown in the map which is made an attachment to this Zoning Ordinance and which is available on file for public viewing and review at the Municipal Building.

563. Use Requirements and Applicability.

All requirements, standards, and provisions shall apply to the uses, which are permitted in the EITO District listed under Article 4.3 and which are defined.

564. Dimensional requirements. The dimensions of the base district shall apply in addition to those listed below.

564.1 Distance Requirements from Residential Districts, TD-1 and Sensitive Receptors.

The minimum distances to the nearest boundary of any district and to the nearest lot line of any use meeting the definition of a sensitive receptor shall be:

564.101 1000 feet from the exterior walls of any building, principal or accessory.

564.102 1000 feet from any ground-mounted equipment measuring 200 cubic feet or larger, including equipment used for cooling, ventilation, heat, or power and all substations and generators.

564.2 Buffering, Screening, and Fencing Requirements.

564.201 Buffer Yard Location.

Data Centers shall include buffer yards along all property boundary lines, except at ingress and egress points between the site and the street.

a. In the case of a single-lot Data Center, the buffer yards shall be located along the lot lines.

b. In the case of a Data Center comprised of an assemblage of multiple lots, the buffer yards shall be located along the boundary of the entire development tract (i.e., the "Data Center Property").

564.202 Buffer Yard Minimum Width Requirements.

a. Along the entire length of the public street frontage: 50 feet.

b. Along any property line adjacent to another district: 70 feet.

c. Along any property line shared with a use meeting the definition of a sensitive receptor: 80 feet.

d. Along any other property line: 30 feet.

e. If a drainage or utility easement is required along a property line, the minimum width requirements of this subsection shall be measured from the interior boundary of the easement.

564.203 Buffer Yard Development Restrictions.

a. No principal and accessory buildings or paved areas associated with a Data Center, except for vehicular and pedestrian ingress and egress points, sidewalks and walking trails, required fences, signs, and permanently ground-

mounted equipment under 200 cubic feet in volume, shall be located within the required buffer yard. This exception shall not apply to power generators or HVAC equipment.

- b. Utilities within the buffer yard shall be buried underground to the extent physically feasible. If a utility must cross the buffer yard above ground, it shall be by the minimum traversal distance and shall include a screen wall or comparable feature if vegetative screening is not possible. Utilities shall be co-located as much as feasible to minimize the number of crossings through the required buffer yard.

564.204 Buffer Yard Landscaping Requirements.

- a. Buffer yard plantings shall primarily serve as a screen to obscure Data Center buildings and accessory uses from adjacent properties and streets.
- b. Not less than half the exterior width of any required buffer yard shall be maintained with a mix of grass or ground cover, evergreens, and deciduous trees and shrubs. Massed evergreens of a minimum of eight (8) feet in height shall comprise the predominant vegetation type for screening purposes.
- c. Portions of the buffer area closest to required fences shall be planted with massed evergreen trees of a minimum of eight (8) feet in height distributed in two (2) staggered rows on the side of the fence closest to the property line or right-of-way line. All required trees not installed prior to infrastructure acceptance shall be bonded to guarantee installation.
- d. In lieu of massed evergreens of a minimum of eight (8) feet in height, an earthen berm with a minimum height of five (5) feet and a maximum slope of 3:1 may be constructed along the length of any required buffer yard. Vegetative plantings shall be required on top of and along the exterior slopes of the berm but are not subject to a minimum height requirement.
- e. Use of existing vegetation in buffer yards is strongly encouraged and may be substituted for new plantings if requested by the applicant and approved by the Township Board of Supervisors.

- f. Vegetation planted within the buffer area shall not include species listed on the Pennsylvania Department of Conservation and Natural Resources' (DCNR's) Invasive Plant List.
- g. Stormwater management facilities may be located within required buffer yards but must be screened with buffer yard plantings.
- h. It shall be the responsibility of the Data Center applicant, operator, and/or property owner to maintain all buffer yards in good condition, free of rubbish, and to replace any dying or dead plants or deteriorating landscape material. Plantings shall be maintained permanently and any plant material, which does not live, shall be replaced at the start of the next growing season.

564.205 Screening Requirements.

- a. Ground-mounted facilities and equipment such as HVAC equipment, generators, substations, and transformers shall be screened by a visually solid (opaque) barrier such as a fence, wall, building, and/or vegetation that absorbs and reduces noise output and protects neighboring properties from noise pollution and visual impacts.
- b. Loading bays, refuse collection areas, and service entrances shall be visually screened with fences, walls, and/or vegetation from public streets, sensitive receptor uses, and conservation, recreation, and residential districts.
- c. On all four sides of each building, roof-mounted equipment shall be fully screened or hidden with a parapet wall or enclosed penthouse that is consistent and harmonious with the building's facade and character. Such screening shall be provided in order to conceal the equipment from off-site view and to buffer noise. Equipment that exceeds that height of the parapet wall shall be set back from the edge of the roof by a distance of no less than the height of said equipment.

564.206 Fencing Requirements. In the case of a single-lot facility, the fencing shall be located along the lot lines. However, in the case of an assemblage of multiple lots, the fencing shall be located along the boundary of the entire development tract.

- a. A perimeter fence of no shorter than six (6) feet and no taller than 10 feet in height shall completely enclose the Data Center property. Such fence may be located within required buffer yards.
- b. Perimeter fences shall be constructed of high-quality, security-grade materials such as black powder-coated chain link, aluminum, or wrought-iron fencing.
- c. Fences shall not include barbed, razor, or concertina wire.
- d. Fences shall feature fire-department-accessible locking gates with high-security lock boxes (e.g., a KnoxBox).
- e. Fences surrounding power infrastructure, such as substations, generators, and transformers shall include clearly visible warning signs informing individuals of potential voltage hazards.
- f. Perimeter fences and other fencing visible from adjacent properties and streets shall be properly maintained. Failure to repair or replace damaged fencing may result in corrective enforcement action.

565. Relation to other zoning districts. In the case of any proposed Data Center or Data Center Accessory Use within the EITO, the requirements, standards, and provisions of said overlay district shall supersede those of the underlying zoning districts, unless the underlying district requirements are more restrictive.

Independent uses of Battery Energy Storage Systems, Cogeneration Plant, Data Center or Power Plant must also meet the requirements of Article 6.24 and the applicable Article 7 criteria. In case of conflict, the more restrictive criteria shall take precedence

565.1 Site, Building and Operational Standards

565.101 Data Center Accessory Uses.

- a. All proposed accessory uses associated with a Data Center are subject to review and approval by the Township Board of Supervisors. Examples of such accessory uses include but are not limited to accessory solar and wind energy systems, power plants, substations, microreactors, battery energy storage systems, generators, pump stations, water and wastewater treatment facilities, emergency backup facilities, and security features.
- b. Uses and equipment accessory to the operation of a Data Center shall adhere to the same standards for noise control and electrical interference as the principal Data Center use.

- c. Access and parking shall be provided in relationship to the maintenance and servicing of the accessory uses and structures.
- d. The location, design, and operation of Data Center Accessory Uses and structures shall not adversely affect the character of any adjacent residential properties. Outside lighting shall be directed away from adjacent properties.
- e. If the Data Center Accessory Use or structure includes power generation, it shall be surrounded by a fence or wall with a fire-department-accessible gate as well as permanent evergreen shrubbery or tree plantings of a type that will grow to not less than the heights of the fence or wall.
- f. The height of Data Center Accessory Uses and equipment such as towers and substations may not exceed the maximum height permitted for Data Center principal buildings.

565.102 Architectural, Building Placement and Orientation Standards

- a. Buildings shall be sited and oriented to minimize visual impacts of the bulk of the building when examined on a line-of-sight basis from adjacent public streets and nearby uses meeting the definition of a sensitive receptor.
- b. Buildings shall not be designed with uninterrupted blank wall facades visible from a public right-of-way or property line. Design variations on long exterior walls shall be employed in order to create visual interest. Examples include, but are not limited to, banding, windows, scoring of building facades, color changes, texture or material changes, and variety in building height.
- c. Exterior walls shall incorporate articulating elements that create patterns of facade recession, offsets, and extrusions along the entire length of the facade. For every two hundred (200) feet of exterior wall length, a recession, offset, and/or extrusion must be incorporated at a minimum of twenty (20) feet in length and five (5) in depth.
- d. In lieu of meeting the articulation requirements, a green wall system may be implemented along the applicable facade(s), incorporating living evergreen foliage, provided that the

system is continually and properly maintained in good growing condition.

- e. Data Centers containing multiple buildings shall provide a variety in building size, massing, siting, and appearance by transitioning from smaller or lower buildings along street frontages to larger and taller structures on the interior of the site.
- f. Consideration of topography shall be given to avoid placement of larger, taller, or more massive buildings in a prominent location on the property or along a public street.
- g. External building materials shall be of colors that are low-reflective, subtle, or earth tone. Fluorescent and metallic colors shall be prohibited as exterior wall colors.
- h. Site elements, equipment, and service areas, including but not limited to meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, refuse areas, and trash containers, shall be designed, located, or screened so as to minimize their off-site visibility and visual impact.
- i. The building and equipment layout shall be proposed in a manner that minimizes noise and vibration impacts as registered on the sensor receptors located in proximity to the site.

565.103 Landscape Standards

- a. Data Center applicants, owners, and operators shall follow the requirements and standards, Landscaping and Tree Preservation for all pervious areas of the site.
- b. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.
- c. Standard tree preservation practices shall be in place to preserve and protect trees during all phases of construction and operation.
- d. The facility and development shall conform to the landscape requirements as established in the Ordinance.
- e. Existing vegetation and/or topography may be credited toward the buffer requirements where the Data Center

applicant demonstrates, through plans and field verification, that the existing conditions provide substantially equivalent year-round screening. The applicant shall submit:

1. A plan identifying vegetations/topography to remain.
2. Construction protection measures (including limits of disturbance and tree protection.
3. Any supplemental planting required to achieve equivalent screening. Any credited vegetation removed or destroyed shall be replaced to meet the requirements of this article.

565.104 General Environmental Performance Standards.

- a. Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be conducted in such a manner that such environmental externalities are not perceptible at or beyond the lot line of the Data Center or the boundary of the entire development tract when a Data Center is made up of an assemblage of multiple lots.
- b. Unless physically impossible, loading bays, truck entries, and truck drive aisles shall be located as far away as possible from uses meeting the definition of a sensitive receptor and oriented away from such uses to minimize noise disturbances, exhaust, glare, and heat.
- c. Data Centers shall strive to deploy technologies for water conservation to reduce the demand for public water. Cooling systems shall be accompanied by a water-use management plan and employ recycled/recirculated or closed-loop systems where feasible. All stationary diesel backup generators installed must be certified to meet US EPA Tier 4 Final emission or the other relevant updated standards, regardless of their designated operational status as emergency or non-emergency units. The use of lower-tier engines under emergency exemptions is strictly prohibited.
- d. Data Centers shall make good faith efforts to maximize use of renewable and/or clean energy for all electrical and cooling needs, either through on-site generation or verifiable power purchase agreements (PPAs).
- e. Data Centers are encouraged to implement low-impact development practices in site design, such as, but not limited to the following:

1. Selection of a site that avoids sensitive lands such as wetlands, floodplains, and steep slopes.
 2. Minimization of land disturbance.
 3. Maximization of tree preservation.
 4. Minimization of impervious surfaces beyond the percentage required.
 5. Minimization of potential nuisance impacts (e.g., noise, vibration, glare, heat, etc.) on adjacent properties and public roadways.
- f. Data Centers are encouraged to implement energy and resource efficiency practices, such as, but not limited to the following:
1. Orientation of buildings to take advantage of passive cooling and daylight opportunities.
 2. Utilization of alternative energy sources (i.e., energy not derived from the burning of fossil fuels) as much as possible.
 3. Implementation of an energy storage system and energy management best practices to monitor and regulate energy consumption.
 4. Installation of water-efficient landscape materials.
 5. Utilization of reclaimed water for cooling.
- g. Pursuit of building performance benchmarking that meets LEED sustainability standards (with or without formal LEED certification) is strongly encouraged.
- 565.105 Noise standards. Data Centers shall demonstrate compliance with Noise Control, including the maximum permitted sound levels specified (in dBA). Applicants shall strive to install equipment with the quietest specifications possible and perform any upgrades as needed to maintain compliance with these standards. Any emission of noise above the applicable maximum permitted sound level shall be deemed a public nuisance and may be subject to summary abatement procedures.
- 565.106 Vibration Standards. Data Centers shall meet all requirements of Vibration Control, which prohibits the operation of any device or conduct of any use that creates vibration above the vibration perception threshold (detectable without instruments) of a person beyond the property boundaries of the Data Center. Any

emission of vibration above the vibration perception threshold shall be deemed a public nuisance and may be subject to summary abatement procedures.

565.2 Required Impact Studies and Analysis.

- 565.201 Utility Capacity Documentation. Data Center applicants shall provide evidence that existing utilities or proposed utility connections approved by a utility provider have the capacity to meet the demands of the proposed Data Center facility. Approval will not be granted unless infrastructure can accommodate the Data Center use without adverse impacts to services for existing Township residents and businesses. Cumulative impacts of Data Center projects shall be considered during approval. The following documentation shall be submitted with a Data Center application:
- a. Electric Power: An electric utility capacity/feasibility letter shall be provided. Such letter shall document regional impacts and must demonstrate no adverse effects on the local grid.
 - b. Water Supply and Conservation: A feasibility study shall be required, with approval by the Township Engineer and DEP. The study must demonstrate no adverse impact on the local water supply and quality.
 - c. Wastewater/Sewage: All applicants shall obtain a verification letter that demonstrates adequate capacity for the discharge of industrial wastewater, including any cooling water that will enter the sewer system. This letter shall be approved by the Township Engineer, Sewer Enforcement Officer, and DEP.
 - d. Telecommunications: The applicant shall obtain a certification letter from any applicable telecommunications and broadband providers serving Township residents and businesses that the Data Center's operations will not negatively affect connectivity speeds and capacity.

Applicants shall provide "will-serve" letters from all applicable public utilities (i.e., electrical, water, and sewerage providers) certifying that these systems will provide utility services for the proposed Data Center and have the capacity to meet the Data Center's demands while maintaining the same levels of service to the existing residents and businesses of the Township. Zoning

approval will not be granted unless the utility providers acknowledge that infrastructure, existing or proposed, can accommodate the Data Center use.

565.202 Traffic Study.

- a. All Data Center applications shall be accompanied by a traffic impact study (TIS) prepared by a certified professional engineer, experienced in traffic engineering studies, licensed by the Commonwealth of Pennsylvania. All costs of the traffic study shall be borne by the property owner or applicant. The following components shall be required:
 1. General site description. A detailed description of the highway network in the immediate vicinity of the site, a description of the proposed land uses, the anticipated stages of construction and the anticipated completion date of the proposed Data Center. This description shall include a map of the immediate vicinity of the site with the following items: all major intersections, all proposed ingress and egress locations, all existing and proposed streets, rights-of-way and driveway widths, including cartway and shoulder widths, vertical grades, horizontal curvatures, obstructions, sight distance, posted speed limits, signage or other notable features; all existing traffic control devices and, if applicable, all existing and proposed public transportation services and facilities.
 2. Description of the existing traffic conditions and volumes (weekday, morning, and evening peak hours and one Saturday peak hour).
 3. Transportation impact of the Data Center using the ratios and methodology contained in the current edition of the Manual of the Institute of Traffic Engineers (ITE).
 4. Determination of street and intersection service levels.
 5. Traffic accident history.
 6. Impact on pedestrians.
 7. Traffic improvements planned or recommended (e.g., additional traffic lanes, traffic signal, traffic signage, etc.).
 8. Estimates of trip generation. Trip generation can be estimated using any one of the following three methods: analogy, trip distribution model or surrogate data.

Whatever method is used, trip distribution shall be estimated and analyzed for the horizon year and a ten-year projection (both with and without development).

Consideration should also be given to whether inbound and outbound trips will have similar distributions.

- b. If the operating speed of 85% or more of the vehicles using the subject street exceeds the posted speed limit by more than 10 miles per hour, then the 85th percentile speed of vehicles shall be used by the TIS.
- c. The study shall be submitted to the Township Engineer for review and comments. A copy shall also be forwarded to the PennDOT if streets under their jurisdiction are in the study area.
- d. When a proposed Data Center is projected to have an adverse impact sufficient to exceed an acceptable level of service or standard defined by the Pennsylvania Code, Title 67, Chapter 201 regulations, or its succeeding regulations, then the Township may require changes to the proposed development plan in order to ensure adequate mitigation of negative traffic impacts. These required changes may include, but are not limited to:
 1. Altering the proposed development plan to reduce impacts.
 2. The phasing of construction plans to coincide with the completion of state or municipal transportation improvements. Phasing shall not be required unless the improvements have been budgeted for by the responsible body and scheduled for commencement no later than six (6) months after approval of the proposed Data Center and for completion no later than 18 months after said approval date.
 3. The construction of transportation improvements within the proposed Data Center property, or in the immediate vicinity thereof necessary for directing, providing, or controlling access to the property. Such improvements shall be limited to the aforesaid needs which are proximately caused by and directly benefit the proposed Data Center and are to be separate and distinct from

general transportation improvements contemplated under Article V-A of the MPC.

- 565.203 Sound and Vibration Studies. In addition to requirements listed in Article 6 of the ordinance, the following shall be applicable. Sound and vibration studies, preliminary, interim, and post-construction, shall be conducted by a professional acoustical expert paid for by the applicant. Such sound studies shall be conducted using properly calibrated sound level meters as specified in ANSI S1.4-2014 and shall meet the following requirements:
- a. Annual Compliance Testing Required. The owner and operator of any data center facility authorized under this section shall submit an annual Operational Noise Compliance Report to the Zoning Administrator. This report must be submitted within thirty (30) days of the anniversary of the facility's initial Certificate of Occupancy, and every twelve (12) months thereafter.
 - b. Independent Third-Party Testing. All sound level measurements shall be conducted by a Qualified Acoustical Consultant selected by the Municipality and funded entirely via an escrow account maintained by the facility owner/operator.
 - c. Testing Protocols and Operational Conditions.
 - 1. Measurements shall be taken at all property lines and at the nearest residential and sensitive receptor boundaries.
 - 2. Testing must occur during peak summer cooling loads (between July 1 and August 31) under clear weather conditions with wind speeds under six (6) miles per hour.
 - 3. The facility must be operating at maximum design heat-rejection load and computing capacity during the testing window.
 - 4. Sound metrics must include both dBA and dBC levels, capturing steady-state fan noise as well as the activation and operation of all emergency backup generators.
 - d. Non-Compliance and Remediation. If the annual report indicates sound levels exceeding the municipal thresholds established in the ordinance, the operator shall be deemed in violation of this ordinance.

1. The operator shall submit a Noise Mitigation Plan within fifteen (15) days of the violation notice.
2. The operator must implement all physical or operational modifications within forty-five (45) days.
3. Follow-up compliance testing shall be conducted every thirty (30) days at the operator's expense until full compliance is verified.
4. Failure to achieve compliance within ninety (90) days of the initial violation notice shall result in the immediate suspension or revocation of the facility's Operating Permit.

- 565.204 Environmental and Community Impact Analysis. Data Center applicants shall provide an Environmental and Community Impact Analysis, which shall include the following components:
- a. A narrative description of the nature of the on-site activities and operations proposed, including:
 1. The market area to be served by the Data Center facility.
 2. The Data Center's hours of operation.
 3. The total number of employees on each shift.
 4. The times, frequencies, and types of vehicle trips to be generated.
 5. The types of materials to be stored on-site and the duration of their storage.
 - b. A written assessment of and labeled site plan showing potential disturbance to the following environmentally sensitive features on the property and within 1,000 feet of property boundaries, during both construction and operation:
 1. Floodplains.
 2. Wetlands, hydric soils, and areas of high-water table.
 3. Streams and other waterbodies.
 4. Slopes of greater than 15%.
 5. Mature stands of woodlands and native vegetation.
 6. Cultural and historic resources.
 - c. An environmental impact report, prepared by a professional environmental engineer, environmental planner, ecologist, or other qualified individual licensed to do business in Pennsylvania, evaluating the environmental impacts that are likely to be generated from among the following list, with descriptions of measures (best management practices) that

will be employed to mitigate, minimize, or eliminate these impacts:

1. Identification of all potential sources of the following:
carbon monoxide, fine particulate matter (PM_{2.5}), volatile organic compounds (VOCs), nitrogen oxides, sulfur oxides, and methane.
2. Potential public nuisances from operations and truck traffic.
3. Stormwater generation and discharge.
4. Wastewater and sewage generation.
5. Solid waste generation.
6. Electrical interference.
7. Any disturbances to environmentally sensitive features identified above.
8. Any impacts to the environment and human health that cannot be avoided.

d. A Pennsylvania Natural Diversity Inventory (PNDI) Receipt obtained from the Pennsylvania Department of Conservation and Natural Resources (DCNR), through the agency's online PNDI Environmental Review Tool.

e. A statement of consistency with the Township's and Lackawanna County's respective comprehensive plans.

565.3 Required Operational Plans and Reports are as highlighted in Article 6.24 and Article 7 for applicable uses.

565.4 Communications Requirements.

Electrical and Communication Interference. Data Centers and their accessory uses shall not interfere with radio, television, telecommunications, or other electrical signals. There shall be no activities which emit dangerous or harmful radioactivity or that adversely affect the operation of any equipment located beyond the boundaries of the Data Center Property.

566. Administration and Enforcement

567.1 Application Procedure.

567.101 Proposed Data Centers shall follow the application process for conditional uses as provided.

567.102 Applications for zoning and building permits shall be required in accordance with this ordinance, respectively.

567.103 An application to the Township Board of Supervisors for a Data Center as a use by conditional use may be submitted

concurrently with an application to the Township Planning and Zoning Department for a preliminary land development for the proposed Data Center development. However, no preliminary land development will be approved by the Planning Commission prior to approval of the conditional use by the Township Board of Supervisors.

567.104 Land development applications for proposed Data Centers shall follow the standards for preliminary and final plans outlined in the zoning ordinance of the Township, Subdivision and Land Development, including all submission requirements for major land developments.

567.105 The applicant shall pay all land development application fees and engineer review fees when seeking approval of a Data Center. All fees shall be paid before final approval is granted and a certificate of use and occupancy is issued.

567.2 Determination of Application Completeness. Before an application for a Data Center is deemed complete by the Zoning Officer, the applicant shall, at a minimum, provide the information required by this article and the information required for land developments in Subdivision and Land Development Ordinance. In addition, the following items shall be submitted prior to the Township's acceptance of a Data Center application:

567.201 Site plan showing property boundaries, existing and proposed buildings, fencing, buffers, access drives, parking areas, hydrants, accessory buildings and structures, and ground-mounted equipment.

567.202 "Will-serve" and/or utility interconnection approval, capacity, and feasibility letters from all applicable utility providers, as required under this article.

567.203 All required impact studies and analyses listed, unless specifically exempted by the Zoning Officer upon petition by the applicant.

567.204 All required operational plans and reports, unless specifically exempted by the Zoning Officer upon petition by the applicant.

567.3 Enforcement.

567.301 Any person, partnership, or corporation who or which has violated the provisions of this Section shall, upon being found liable therefore in a civil enforcement initially brought before a magisterial district judge, pay a judgment of not more than

\$5,000 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

567.302 Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership, or corporation in violation to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the elate of the determination of a violation by the magisterial district judge, and thereafter each day that a violation continues shall constitute a separate violation.

567.303 Nothing herein shall prevent the Township from seeking such other legal remedies available to prevent or remedy any violations of this article.

6. Supplemental Regulations

6.1 Zone Lot Regulation.

611. Existing Zone Lots of Record

In any District a structure may be erected on a nonconforming zone lot of official record at the effective date of this Ordinance irrespective of its area or width, the owner of which does not own any adjoining property which would create a conforming lot if all or part of said property were combined with subject zone lot. No lot shall be considered to be a nonconforming lot in single ownership where the owner of such lot owns adjacent property regardless of the ownership of such adjoining property being held under a separate deed of ownership. No lot or lots in single ownership shall hereafter be reduced so as to create one (1) or more nonconforming lots, and provided, further, that on any nonconforming lot no side yard shall be less than ten (10) feet, unless a smaller side yard is permitted in Article 3 hereof; provided further that the rear yard of any such lot shall in no case be less than twenty (20) feet, and the front yard shall be as required in Article 6.3 hereof.

In a residential zone, only a single-family detached dwelling or an appurtenant use accessory to an adjacent principal permitted use may be erected on a nonconforming lot.

612. Minimum Lot Sizes where there is no Central Water or Sewer

Unless State or other local regulations require greater lot areas or lot widths, the minimum lot area and lot width for each dwelling unit shall be as specified in Article 4 hereof where such lot is not served by a central sanitary sewer system or a central water system, and provided further, that any dwelling erected on such a lot shall be in accordance with the yard and coverage requirements as specified for a District.

613. Lot Frontage

The minimum lot frontage of any lot shall be measured along the minimum building setback line as required for the district where located.

614. Corner Lots

At all intersecting public right-of-way lines, no obstructions to vision (other than an existing building, post, column or tree) exceeding 30 inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the intersecting public right- of-way and a line

drawn between points along such street lot lines 30 feet distant from their points of intersection.

615. Through Lots

Where a single lot under individual ownership extends from a street to an alley, the widest street shall be deemed the street upon which the property fronts and no principal structures and no dwelling shall be erected which shall face on the rear of such a lot.

616. Required Area or Space cannot be Reduced

The area or dimension of any zone lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Ordinance; and if already less than the minimum required by this Ordinance, said area or dimension may be continued and shall not be further reduced.

617. Maximum Coverage

Land coverage by principal and accessory buildings or structures on each zone lot shall not be greater than is permitted in Article 4 or other pertinent sections of this Ordinance.

618. Number of Building Restricted

There shall be not more than one (1) principal dwelling structure nor more than two (2) accessory structures, including a private garage on each residential zone lot except as otherwise provided herein for dwelling groups, large scale developments, and seasonal or transient dwelling facilities; and, provided further that a swimming pool and all necessary facilities and structures related to a swimming pool shall be considered to be one (1) accessory structure.

6.2 Height exceptions.

621. General Application

No building or structure shall have a greater number of stories than are permitted in Article 4 hereof, provided further that the aggregate height of such buildings or structures shall not exceed the number of feet permitted in Article 4, except as follows.

622. Permitted Exceptions

Height limitations stipulated elsewhere in this Ordinance shall not apply to open amusement areas, barns, silos, schools, church spires, belfries, cupolas and domes, monuments, water towers, utility poles, chimneys, smokestacks, flagpoles, radio and television towers, masts and aerials; or to parapet walls extending not more than four (4) feet above the limiting height of the building.

6.3 Yard Requirements.

631. Side Yards

631.1 Side Yard Width May Be Varied. When the side wall of a building is not parallel with the side lot line or is broken or irregular, the side yard may be varied. In such cases the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such side yard shall not be narrower at any point than one-half (1/2) the otherwise required minimum width; and, provided further that no building wall shall be nearer to any point on a side property line than ten (10) feet.

631.2 Side Yard of Corner Lot. Any corner lot delineated by subdivision after the adoption of this Ordinance shall provide a side street setback line which shall not be less than the minimum front yard required on any adjoining lot fronting on a side street.

632. Front Yard of Corner Lot. The front yard of any corner lot shall be established on the wider of the two (2) streets abutting said lot, except where the widths of the two (2) abutting streets are equal, then the front yard may be established on either street.

633. Front Yard Exception. When an unimproved lot is situated between two (2) improved lots, each having a principal building within twenty-five (25) feet of any side lot line of such unimproved lot, the front yard may be reduced to the greatest depth of the front yard of the two (2) adjoining improved lots, but shall be not less than 10 feet. Where any unimproved lot shall front on a right-of-way which is proposed, on the Municipality's Official Map to be widened, the front yard of such lot shall be as required by Article 4 hereof, and shall be measured from such proposed future right-of-way.

634. Projections into Required Yards. Certain architectural features may project into required yards as follows:

634.1 Cornices, canopies, eaves, and other similar architectural features may project into a side yard a distance of two (2) feet; provided, however, that where a side yard exceeds a width of twelve (12) feet, such extension may

be increased by 2 inches for each 1-foot by which the yard exceeds a width of 12 feet.

- 634.2 Fire Escapes may project into side and rear yards a distance not exceeding four (4) feet, six (6) inches.
- 634.3 Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding four (4) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.
- 634.4 Open patios may be located in side yards and rear yards provided that they are not closer than three (3) feet to any adjacent property line.
635. Additional yards required where "TD-5, TD-6 and TD-10" uses abut "TD-2, TD-3 and TD-4" districts. All commercial and manufacturing uses first permitted in TD-5 or less restrictive districts, which abut, at the lot line or on the same street, an "TD-2, TD-3 and TD-4" District, shall provide yards, where they abut, of not less than one hundred (100) feet in depth. Such yards shall be maintained as landscaped open spaces and shall not be occupied by parking, loading or outdoor storage uses.
636. Maximum Coverage.
Impervious Coverage. Land coverage by principal and accessory buildings or structures and other impervious surfaces on each zone lot shall not be greater than is permitted in Article 4 or other pertinent sections of this Ordinance.
637. Number of Buildings Restricted.
- 637.1 Except as otherwise provided herein for dwelling groups and large-scale developments, there shall be not more than one (1) principal dwelling structure and appurtenant accessory structures on each residential zone lot.
- 637.2 Where two (2) or more principal residential buildings may be located on a parcel in single ownership, as provided in Article 637.1 hereof, such buildings shall conform with the dimensional requirements of this ordinance which would normally apply to each building if each were on a separate zone lot; provided, however, that the provisions of this section shall not apply to minimum lot width requirements.

6.4 Accessory Buildings

641. Maximum Permitted Height
As defined in Article 4.4.

642. Minimum Yard Regulations

- 642.1 Unattached Accessory Structures in Districts. Accessory structures, which are not attached to a principal structure, may be erected within one (1) of the side yards or within the rear yard, but not in the front yard, in accordance with the requirements as listed in Article 4.4.
- 642.2 Attached Accessory Structures in "TD-2, TD-3 and TD-4" Districts. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.
- 642.3 Non-Dwelling Accessory Structures in Other Districts. Non-dwelling accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be not closer to any rear property line than ten (10) feet.

6.5 Residential Standards.

651. Short-Term Rentals

- 651.1 The dwelling must be the permanent address of the owner or lessee and the owner or lessee must occupy the dwelling for at least six (6) months of the calendar year. The owner or lessee shall register as a Short-Term Rental with the Carbondale Township.
- 651.2 An owner or lessee of the dwelling may provide short term rentals up to six (6) times in one calendar year, whereas the maximum total number of days short-term rental activity shall be permitted to occur per dwelling unit shall not exceed thirty (30) calendar days in one calendar year.
- 651.3 The short-term rental shall not permit more than two (2) persons to occupy one (1) bed.
- 651.4 If the short-term rental pertains specifically to couches, the short-term rental shall not permit more than one (1) house guest to occupy one (1) couch. Additionally, if the short-term rental does not offer private sleeping quarters, then the house guests shall be limited to one (1) per dwelling at a time.
- 651.5 All activity at the short-term rental shall be subject to enforcement of the Township's noise-, nuisance- and property maintenance-related ordinances including but not limited to parts of this ordinance pertaining performance standards and property maintenance.
- 651.6 Any noise caused by the house guests that disturbs the neighboring dwellings shall not be permitted, and if the house guest(s) is convicted for any disturbance(s) of the peace, the house owner or lessee shall not be permitted to continue to offer short term rentals for a period of 24 months.

- 651.7 Within the context of short-term rentals, a meeting room shall refer to the location within the dwelling unit where people gather for personal and/or professional purposes.
- 651.8 The short-term rental shall provide off-street parking in accordance with Article 8 of this ordinance.

6.6 Traffic impact study requirements.

- 661. Purpose. Traffic impact studies are required for certain activities to enable the Township to assess the effect on the transportation system in and around the Township and to:
 - 661.1 Ensure that proposed uses do not adversely affect the transportation network.
 - 661.2 Identify any traffic problems associated with site access.
 - 661.3 Determine traffic problems on private, Township, County or State roads in the project traffic study area.
 - 661.4 Assist in the protection of the safety of the motoring public, air quality, and energy conservation.
- 662. Thresholds. A TIS shall be required for all residential and nonresidential proposals that are projected to generate 150 or more trip ends per project peak hour or 750 trip-ends or more per day based on the latest edition of Trip Generation published by the Institute of Transportation Engineers. A TIS shall also be required for additions to a use, changes of use and replacements of nonconforming uses that increase the total traffic (i.e., existing plus new traffic) that meet or exceed the peak hour or daily thresholds.
- 663. Requirement.
 - 663.1 State Roads- In cases where PennDOT requires a TIF for access to a state road, a separate TIS shall not be required by the Township. If PennDOT does not require a TIS and the traffic from the proposed use meets or exceeds the peak hour or daily thresholds, a TIS using PennDOT methodology shall be required.
 - 663.2 Township Roads- If a TIS is required for access to a Township road, the TIS shall be prepared in accord with PennDOT methodology.

6.7 RESERVED.

6.8 Temporary structure or use.

- 681. Temporary Tract Office, Tract Sign, Model Home. Such temporary use in any district shall be located on the property to which it is appurtenant and it shall be limited to a

six (6) month period at the expiration of which time the applicant may request a further extension of time. Otherwise such temporary use shall be removed at the expense of the owner.

682. Other Temporary Uses

682.1 Types of Other Temporary Uses. Temporary uses, other than "sidewalk sales" and those specified in Article 7.4 hereof, shall be permitted only as Special Exceptions and may include such uses as a circus, carnival, bazaar, concert, and other special exhibits, as well as the removal of culm banks and other waste deposits.

682.2 Time Limitation on Permits. Except for tract offices, tract signs, model homes, and the removal of culm banks and other waste deposits, no temporary permits shall be issued for a period of more than thirty (30) consecutive days. For events of one (1) to two (2) day duration the permit shall be limited accordingly. Such limitation shall not, however, preclude the applicant from securing temporary permit renewals not to exceed a period of thirty (30) days covered by any such temporary permit.

682.3 Condition of Site of Temporary Event. Upon the termination of the temporary event, the applicant shall restore the site to its original condition with 24 hours of termination.

682.4 Other Conditions

682.401 The applicant shall provide the Township Board with evidence of adequate liability insurance in an amount to be determined by the Township on a case-by-case basis, as well as evidence of adequate resources to assure the safety of the participants and the surrounding area.

682.402 Provide bathroom facilities.

682.403 Provide a site plan showing location of structure(s), parking layout, and ingress and egress.

682.404 Provide one (1) or more container(s) adequate for trash removal.

682.5 Any use which involves a structure such as a temporary tent shall conform with all other Township codes and ordinances such as applicable UCC codes.

682.6 Temporary uses which involve a structure on a fixed site shall provide evidence of a Highway Occupancy Permit for any site located on a State Highway.

682.7 Additional Requirements. The Township Board may establish additional requirements related to the terms and conditions, and the duration of each

such temporary use on a case-by-case basis as needed to protect public health, safety and welfare.

6.9 Landscaping and Buffer Yards.

691. Landscaping, Screening and Buffer Standards

691.1 Permanent Open Space

691.101 Permanent Open Space shall be landscaped and maintained in accordance with Articles 693.3 and 6146 hereof.

691.102 Up to 20% of the total required permanent open space area in TD-8 zones may also consist of exterior common use areas such as pedestrian paths, sidewalks, plazas, court yards, and recreational amenities.

691.2 Off-street Parking and Loading Areas

691.201 Location of Off-street Parking and Loading Areas

- a. No parking space shall be nearer to any property line or right-of-way line than the minimum setback required for a principal building on the subject lot, but in no case less than 10 feet.
- b. Parking lots shall be provided at the side or to the rear of nonresidential buildings that are visible from public roads; provided, however, that when such placement is not desirable or practicable the off-street parking may be provided between the front of the building and the right-of-way; in such cases, the parking area shall be setback not less than the minimum setback required for the front yard of the principal building, but, not less than 25 feet; and the front yard area shall be developed to form a buffer, as follows: a thickly vegetated buffer shall be provided; and, the width, length and planting materials shall be sufficient to visually screen the view of parked vehicles from the public right-of-way. The buffer area shall not consist of or contain any paved areas, except for pedestrian walkways.

691.202 Landscaping Off-street Parking Lots

- a. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights; to delineate driving lanes; and define rows of parking. Furthermore, parking lots should be adequately landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots. At

least one (1) shade tree shall be provided for each 300 square feet (or fraction thereof) of interior landscaping.

- b. The use of small, ornamental trees in parking lots should be avoided, since these trees will never grow tall enough to provide shade and will block store signs and clear sight triangles. Canopy trees will grow tall enough so that signs can be seen under their branches.
- c. All parking lots with ten (10) or more stalls shall be landscaped according to the following regulations:
 - i. One planting island shall be provided for every ten parking stalls. There shall be no more than twenty (20) contiguous parking stalls in a row without a planting island.
 - ii. The ends of all parking rows shall be divided from drives by planting islands.
 - iii. In residential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 40 stalls.
 - iv. In nonresidential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 100 stalls.
 - v. Planting islands shall be a minimum of nine feet by eighteen feet (9' x 18') in area, underlain by soil (not base course material); mounded at no more than a 4: 1 slope, nor less than a 12: 1 slope; and shall be protected by curbing or bollards. Each planting island shall contain one shade tree plus shrubs and/or ground cover to cover the entire area.
 - vi. All planting strips shall be a minimum of nine (9) feet wide. Strips shall run the length of the parking row, underlain by soil, and shall be mounded at no more than a 4: 1 slope, nor less than a 12:1 slope, and shall be protected by curbs, wheel stops, or bollards. Planting strips shall contain plantings of street-type shade trees at intervals of 30 to 40 feet, plus shrubs and/or ground cover to cover the entire area at maturity. Where planting strips shall exceed a width of twelve (12) feet, the herein-

described shrubbery and ground cover requirements may be reduced to lawn grass ground cover.

vii. Plant materials shall be in accordance with the provisions of Article 693.304 hereof.

d. All parking lots shall be screened from public roads and from adjacent properties as required in Articles 693.302 and 693.303 hereof.

691.203 Lighting Off-street Parking Lots

- a. For all parking areas, driveways and walkways, all pole mounted luminaries shall be low maintenance poles and fixtures; and all branch circuiting for lighting shall be installed below grade.
- b. The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures.
- c. Lighting shall be directed away from adjacent residential uses and residential zones, and shall be shielded from fugitive skyward emissions.

691.3 Buffer and Screening Requirements

691.301 All subdivisions and land developments shall provide the following types of buffer/screening treatment that is applicable to the use and the environment of the subject development, as follows:

- a. Property line buffers that act to integrate new development with its surroundings and to separate incompatible land uses.
- b. Site element screens that act to minimize or eliminate views to certain site elements located within 100 feet of property lines or road right-of-way (either public or private).

691.302 Property Line and Right-of-way Line Buffer Requirements

- a. Property line and right-of-way line buffers shall be required for the following types of development and as otherwise specified herein.
 - i. All nonresidential development adjoining a Residential or a TD-1 District.
 - ii. All multi-family residential structures.
 - iii. All mobile home parks.
- b. An on-site investigation by the applicant shall determine the adjacent land uses along each property boundary. In the case

of vacant land, the existing zoned uses shall be used. The existing or zoned uses shall be noted on the plan. In the case of several permitted uses on a site, the most restrictive requirements shall apply. The municipality shall have final approval of interpretation of land uses or zoning map.

- c. Buffer Area Location and Dimensions
 - i. A buffer area of not less than 25 feet in width shall be established along all property lines, and right-of-way lines unless otherwise specified herein.
 - ii. The buffer area may be included within the front, side, or rear yard setback.
 - iii. The buffer area shall be a continuous pervious planting bed consisting of trees and shrubs, grass or groundcover.
 - iv. Parking is not permitted in the buffer area.
 - v. Site element screens are permitted in the buffer area.
 - vi. Storm water basins are permitted in the buffer area.

691.303 Site Element Screens

- a. Site element screens shall be required in all proposed land developments around the following site elements:
 - i. Parking lots.
 - ii. Dumpsters, trash disposal, or recycling areas.
 - iii. Service or loading docks.
 - iv. Outdoor storage.
 - v. Vehicle storage.
 - vi. Sewage treatment plants and pump stations.
 - vii. Other unenclosed uses of a similar nature, and enclosed uses such as rear facades facing public right-of-way.
- b. Screen Location. The site element screen shall be placed between the site element and the property line or right-of-way and shall be designed to block views to the maximum extent possible. The screen shall be located as close as possible to the site element and shall surround the element without impeding function or encroaching on clear sight triangles.
- c. Screen Types. Any of the following types of screens may be utilized in those cases where they will achieve the objective of blocking certain uses from public view.
 - i. Evergreen or Deciduous Shrubs
 - ii. Double Row of Evergreen Trees

- iii. Opaque Fence - A six-foot opaque fence surrounding the site element on at least 3 sides
- iv. Architectural Extension of the Building-An. eight-foot minimum height architectural extension of the building (such as a wing wall) shall enclose service or loading docks. The building materials and style of the extension shall be consistent with the main building.
- v. Berm with Ornamental Trees or grass - A two- to three-foot- high continuous curvilinear berm with ornamental trees. The maximum slope of the berm shall be 3: 1.
- vi. Evergreen Hedge
- vii. Low Wall - A wall of brick or stone (not concrete block), at least 50 percent opaque, not less than three nor more than four feet in height.
- d. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material at the discretion of the governing body. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.
- e. Existing topographic conditions, such as embankments or berms, may be substituted for part or all of the required property line buffers at the discretion of the governing body. The minimum visual effect shall be equal to or exceed that of the required screen.
- f. The applicant may propose the use of alternative screen types or changes in plant materials or designs which fulfill the intent of this Ordinance, with the approval of the governing body.
- g. Plant materials shall meet the specifications of Article 693.304 hereof.

691.304 Plant Materials

- a. General Location Requirements
 - i. The location, dimensions, and spacing of required plantings should be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as wind, soil, moisture, and sunlight.

- ii. Plantings should be selected and located where they will not contribute to conditions hazardous to public safety. Such locations include, but are not limited to, public street rights-of-way, underground and aboveground utilities, and sight triangle areas required for unobstructed views at street intersections.
- b. Design Criteria
 - i. The required plant material shall be distributed over the entire length and width of the buffer area.
 - ii. Buffer plant material may be arranged symmetrically (formal) or asymmetrically (informal) and may be grouped to form plant clusters. However, informal groupings that reflect the natural character of the region are encouraged.
 - iii. Plants shall be spaced to provide optimum growing conditions.
 - iv. A variety of tree species is required.
- c. Substitutions. In accordance with the following guidelines, wherever possible, existing vegetation shall be retained and utilized as a buffer or a screen in accordance with the following guidelines:
 - i. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material at the discretion of the governing body. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.
 - ii. Existing topographic conditions, such as embankments or berms, in conjunction with existing vegetation, may be substituted for part or all of the required property line buffers at the discretion of the governing body. The minimum visual effect shall be equal to or exceed that of the required buffer or screen.
- d. Plant Material Specifications. The following requirements are minimum standards which shall apply to all plant materials or transplanted trees as required under this Ordinance; additional plant materials, berms, or architectural elements may be included in the plan at the applicant's discretion.

- i. All plants shall meet the minimum standards for health, form, and root condition as outlined in the American Association of Nurserymen (AAN) Standards.
 - ii. All plant material shall be hardy and within the USDA Hardiness Zone applicable to Lackawanna County, Pennsylvania.
 - iii. Canopy trees, sometimes called shade trees, shall reach a minimum height and spread of 30 feet at maturity as determined by the AAN Standards and shall be deciduous. New trees shall have a minimum caliper of two and a half inches at planting.
 - iv. Ornamental trees or large shrubs shall reach a typical minimum height of 15 feet at maturity, based on AAN Standards. Trees and shrubs may be deciduous or evergreen and shall have a distinctive ornamental character such as showy flowers, fruit, habit, foliage, or bark. New ornamental trees shall have a minimum height of 6 feet or one-and-a-half-inch caliper. New large shrubs shall have a minimum height of two and a half to three feet at time of planting.
 - v. Small shrubs may be evergreen or deciduous and shall have a minimum height at maturity of 4 feet based on AAN Standards. New shrubs shall have a minimum height of 18 inches at time of planting.
 - vi. Evergreen trees shall reach a typical minimum height of 20 feet at maturity based on AAN Standards for that species and shall remain evergreen throughout the year. New evergreens shall have a minimum height at planting of six feet.
- e. Additional Plant Material Guidelines. Plant material features should be:
- i. Able to thrive in the existing soil or soil that can be amended to reasonable specifications.
 - ii. Strong wood, not prone to breakage in wind or ice storms.
 - iii. Fruitless or otherwise free of parts that fall and could damage vehicles, clog drains, or make pavement slippery.
 - iv. Tolerant to excessive heat, de-icing salt and air pollution.

- v. Free of unacceptable levels of disease or insect pests, including aphids that coat objects below with sticky "honeydew."
- vi. Fits the site aesthetically and serves an intended function (shade, screen, focal point, etc.).

6.10 Site plan review.

The following standards have been established to guide the Zoning Hearing Board in its review of site plans and hearing of special exception requests. The standards are not absolute requirements, but any site plan should generally conform to their provisions. The Zoning Hearing Board may require any of the appropriate conditions to be met prior to approval.

6.11 Fences, Walls and Hedges.

6111. Fences.

6111.1 Privacy Fences. No solid fence exceeding six (6) feet in height shall be permitted in any residential district nor between buildings or lots used for dwelling purposes in any district except as otherwise required herein. Open or ornamental fences may be erected to a height not exceeding eight (8) feet, provided the ratio of the solid portion to the open portion shall not exceed one (1) to four (4); and, provided further that no such ratio shall be applied to any screening provided by natural vegetation. No fence or other structure or appurtenance, however, may be erected within the clear-sight triangle on all corner lots for a distance of thirty (30) feet measured along street right-of-way lot lines from their point of junction.

6111.2 Screening Fences. Unenclosed non-residential uses except off-street parking areas, commercial recreation areas, automobile sales areas and other similar uses shall be screened from public view and from adjacent properties in accordance with the provisions of Article 692.303 hereof.

6112. Enclosure of Porches. In any new construction, no porch shall extend into any required yard except open patios and decks as provided under Article 634.4. Any open patio, deck, or porch which has been constructed within any required yard prior to the date of this Ordinance shall not be enclosed, except as follows:

6112.1 On an interior lot where such porch shall be located in a front yard and the enclosure of such porch would be on a property where such enclosure would not extend beyond the front wall of the building or porch of any adjoining property.

- 6112.2 On a corner lot, the same provisions described in Article 6112.1. shall apply. In addition, the enclosure of a front porch must also be in accordance with Article 614, concerning the clear sight triangle.
- 6112.3 The enclosure of a front porch in a required front yard of either a corner lot or an interior lot shall not be allowed if such property adjoins an undeveloped zone lot in separate ownership.

6.12 Reserved.

6.13 Wireless Communications Facilities.

Refer to Article 7.4, Telecommunications Facilities, Residential.

6.14 Miscellaneous Building Regulations and Aesthetics

- 6141. Uses to be Enclosed. All "TD-5, TD-6, TD-8 and TD-10" uses, except for off-street parking and loading facilities, service stations, transportation terminals, storage yards, junk yards and new and used car lots shall be conducted wholly within a completely enclosed building.
- 6142. Unenclosed Nonresidential Uses. Unenclosed non-residential uses identified in Article 6141 hereof, except off-street parking and loading, shall not be located less than 100 feet distant from any Residential District.
- 6143. Special Regulations for Housing for the Elderly
 - 6143.1 Maximum Density. In TD-2, TD-3 and TD-4 Districts where housing shall be designed exclusively for occupancy by elderly persons,* the minimum lot area required per dwelling unit shall be 2000 square feet of net land area per dwelling unit.
 - 6143.2 Off-Street Parking. Accessory off-street parking required to serve housing for the elderly shall be provided in an amount of not less than one (1) space per 3 "elderly" dwelling units.
 - * Persons shall be considered to be elderly who meet the definitions of "elderly" as set forth by the U.S. Department of Housing and Urban Development; in the absence of such standards, however, elderly persons shall be all persons 60 years of age or older.
- 6144. Orientation of Buildings
 - 6144.1 Individual Buildings on Public Rights-of-Way. The front facade of a building shall face the road/right of way which it abuts; provided, however, that if it is located on a corner parcel, it shall face the widest road; provided, however, that if both roads are of equal or near equal width, it may face on

either road, unless the existing pattern of development has predetermined the road that shall be faced.

- 6144.2 Large Scale Developments with Interior Circulation. When a development is designed to be served by an interior pedestrian or vehicular circulation system, buildings may face the interior roadways; provided, however, where such an orientation results in the rear or the side(s) of such buildings being within 100 feet of a public right-of-way, then such rear and/or side walls shall be screened from the public right-of-way in accordance with Article 692.3.
6145. Aesthetic Design Standards for Commercial and Manufacturing Uses.
- 6145.1 Aesthetic Goals. All development and construction, in the form of buildings, structures or additions and exterior alterations thereto, and other site improvements and alterations, including paving, lighting and landscaping, at or for each site shall be designed and constructed to achieve the following goals:
- 6145.101 To prevent the erection of poorly designed, constructed or proportioned structures, and structures built of improper or unsuitable materials.
- 6145.102 To increase and secure the spectrum of attractive business establishments, improvements and facilities on appropriate locations within building sites.
- 6145.103 To foster a high quality of development to enhance the value of existing development as well as to enhance the attractiveness of vacant land for future development.
- 6145.2 Aesthetic Design Standards.
- 6145.201 Construction Materials. All construction in the form of new buildings or additions and exterior alterations shall be consistent with original construction or of comparable materials to harmonize with the external design, both as to quality of workmanship and materials of existing structures. No structure shall contain less than 50% external masonry, glass, dryvit or similar type of construction materials, except that the facades of manufacturing and warehousing buildings may consist of metal materials. The buildings and structures shall not be of woodface composition. The fronts of all buildings and structures shall not expose concrete block composition, other than decorative concrete block.

6145.202 Waste Disposal.

- a. No Lot shall be used as a dumping ground for trash.
- b. All trash of any nature shall be securely stored in covered sanitary containers. All containers and other equipment, and the areas and enclosures, for the storage and disposal of trash, shall be kept in a clean and sanitary condition.
- c. All trash shall be properly and securely contained within each site and properly and regularly removed therefrom, and disposed as may be required by state and federal law, regulation and other requirements and standards governing same.
- d. "Trash" shall mean to include all papers, discards, waste, rubbish, refuse and garbage, of any kind or nature whatsoever, and any malodorous and objectionable materials lying around or stored at each site but not customarily used in its then present condition in the business or activities of the site occupants.

6145.203 Mechanical/Electrical Equipment. All mechanical/electrical equipment not enclosed in a structure or building (e.g. on-grade, roof-top, etc.) shall complement, enhance and be compatible with the design and construction of the buildings and structures on each site. The color scheme of such equipment shall complement and be compatible with the color scheme of the building's exterior.

6145.204 Landscaping.

- a. All terrain, grounds, area left in natural state, or areas not covered by building or paving, shall be landscaped, seeded, and otherwise maintained in a good, clean condition having aesthetic appeal.
- b. Each site and the landscaped areas shall be kept clean and free of any and all litter, refuse, and papers of any type. No litter, refuse or paper accumulations whatsoever shall occur, be placed on or remain at each Site.
- c. Each site shall be developed, improved, used and maintained to preserve and foster as much of the existing mature natural growth as is practically possible.

6145.205 Utilities. All electric, telephone, and cable television lines shall be underground.

6146. Standards for Open Space Design and Maintenance.

6146.1 Use and Design of Permanent Open Space. Permanent Open Space to be provided in accordance with certain Sections of this Ordinance shall be designed in accordance with the following standards:

- 6146.101 Permanent Open Space shall be so designated on the submitted plans, and the plans shall contain a notation stating, "Permanent Open Space shall not be separately sold and shall not be further developed or subdivided;"
- 6146.102 Permanent Open Space shall be contiguous to the development, not separated by existing streets, and shall not be a part of any lot within the development;
- 6146.103 Each area of Permanent Open Space shall contain not less than ten thousand (10,000) square feet;
- 6146.104 Permanent Open Space areas shall be designed as a continuous system of open space and shall be interconnected with open space areas on abutting parcels whenever possible;
- 6146.105 Permanent Open Space shall be provided with safe and convenient access to the residentially-developed area of the tract by adjoining frontage on streets or easements capable of accommodating pedestrian, bicycle, and maintenance vehicle traffic. The Permanent Open Space shall contain appropriate access improvements and shall be provided with perimeter parking areas where appropriate;
- 6146.106 All portions of a tract not occupied by buildings and required improvements shall be maintained as landscaped areas consisting of natural environmental features and/or planted vegetation. Permanent Open Space shall predominantly consist of natural environmental features or planted and maintained vegetation that may also contain walking, biking, or equestrian trails. Permanent Open Space may also contain impervious surface areas such as tennis courts, clubhouses, or other active recreation facilities, but such active recreation facilities shall consist of less than twenty-five percent (25%) of the Permanent Open Space;
- 6146.107 Permanent Open Space shall be configured so as to create areas of adequate size and shape to permit a variety of uses, active or passive, throughout the system.

6146.2 Ownership and Maintenance of Permanent Open Space. Permanent open space to be provided in accordance with certain Sections of this Article may be offered for dedication to the Township, although the Township need not accept any such offers. Provision for ownership and maintenance of the Permanent Open Space shall be made in a manner so as to ensure its preservation. This shall be accomplished in one of the following manners:

6146.201 The Township may accept dedication of the Permanent Open Space or any interest therein for public use and maintenance, but the Township need not accept a dedication of the Permanent Open Space if offered;

6146.202 With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the developer may transfer the fee simple title in the Permanent Open Space or a portion thereof to a private, not-for-profit organization among whose purposes is the conservation of open space land and/or natural resources, provided that:

- a. The organization is acceptable to the Township and is a bona fide conservation organization with a perpetual existence;
- b. The conveyance contains appropriate provision for proper retransfer or reverter in the event that the organization becomes unable or unwilling to continue to carry out its functions, and;
- c. A maintenance agreement acceptable to the Township is entered into by the developer, the organization and the Township.

6146.203 The developer shall provide for and establish an organization for the ownership and maintenance of the Permanent Open Space consistent with the requirements for unit owners' associations found in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.S. 33101 et seq. If such an organization is created, the deeds for the Permanent Open Space and for all individual lots within the development shall contain the following requirements in language acceptable to the Township Solicitor.

- a. Such organization shall not dispose of the Permanent Open Space by sale or otherwise except to the Township or other government body unless the Township has given prior approval. Such transfer shall be made only to another

organization that shall maintain the Permanent Open Space in accordance with the provisions of this Ordinance;

- b. The organization and all lot owners within the development shall agree to maintain the Permanent Open Space. If private ownership fails to do so, the Township may proceed to maintain deteriorating open space and may assess and lien the properties within the development accordingly;
- c. All lot owners shall be required to become members of the organization and pay assessments for the maintenance of the Permanent Open Space, which may be increased for inflation and which may provide for professional management.

6.15 Performance Standards

6151. General Application

All existing and proposed permitted uses, special exceptions, and conditional uses and uses accessory thereto, are subject to the following performance standards and procedures.

6152. Performance Standards Procedures

6152.1 Prior to Construction and Operation:

Any application for a building permit for a use, which shall be subject to performance standards, shall be accompanied by a sworn statement by the owner of subject property that said use will be operated in accordance with the performance standards set forth herein.

Such application shall further be accompanied by a report prepared by a licensed professional engineer describing the methods or procedures to be undertaken to assure compliance with the Performance Standards specified herein; provided, however, that the Zoning Hearing Board will consider requests for a waiver of this requirement and may waive this requirement for uses which are not considered likely to violate any of the standards set forth herein.

6152.2 Continued Compliance:

Continued compliance with performance standards is required and enforcement of continued compliance with these performance standards shall be the responsibility of the Zoning Officer.

6152.3 Determination of Violation:

The Zoning Officer shall investigate any purported violation of performance standards and, if there is reasonable ground for the same, shall initiate the procedures set forth in Article 13.6 hereof.

6153. Regulation of Nuisance Elements

6153.1 Definition of Elements

No land or building in any District which shall be used or occupied for manufacturing purposes shall be operated in such a manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; electrical or other disturbance; glare; or other nuisance, condition or element in such amount as to adversely affect the surrounding area or premises (referred to herein as "Dangerous or objectionable elements"); provided that any use permitted by this Ordinance may be undertaken and maintained in any District where it is designated if it conforms to the regulations of this Subsection limiting dangerous and objectionable elements at the specified point or points of the determination of their existence.

6153.2 Locations Where Determinations are to be made for Enforcement of Performance Standards.

The determination of the existence of any dangerous and objectionable elements shall be made at:

6153.201 The point or points where such elements shall be most apparent for fire and explosion hazards, for radioactivity and electrical disturbances, for smoke and other forms of air pollution.

6153.202 The property lines of the use creating such elements for noise, for vibration, for glare and for odors.

6154. Standards to be Enforced

6154.1 Fire and Explosion Hazards

6154.101 In all activities involving, and all storage of, inflammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in this industry. Burning of waste materials in open fires is prohibited. The relevant provisions of State and local laws and regulations shall also apply.

- 6154.102 No highly flammable or explosive liquids, solids or gases shall be stored in bulk above the ground except in structures according to Commonwealth and Federal Specifications.
- 6154.103 All outdoor storage facilities for fuel shall be enclosed by an approved safety fence to prevent access thereto by unauthorized individuals.
- 6154.104 All materials or wastes which might cause fumes, constitute a fire hazard, or attract rodents or insects may only be stored if enclosed in buildings or containers which are adequate to eliminate such hazards.
- 6154.105 No materials, fuels, wastes, or flammable substances may be deposited or stored on a lot in such a manner as to allow them to be transferred off the lot by natural causes or forces. No substances, including but not limited to gasoline, oil, waste oil, and chemicals which can contaminate a stream or water course or render such stream or water source unusable or undesirable as a source of water supply, or recreation or which will destroy or damage aquatic life shall be stored in such a location so that it could be introduced into the said stream or water course by natural causes or forces, or by rupture of storage containers or accidental discharge.

6154.2 Radioactivity or Electrical Disturbance.

No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

6154.3 Noise.

6154.301 Purpose. The purpose of this section is to provide regulations defining the maximum sound levels that land uses, the lots on which they are situated, the buildings and structures they occupy, and the vehicles, appliances, and equipment operated and stored on said lots shall be allowed to produce. The Township recognizes that uncontrolled noise represents a danger to the health and welfare of their neighbors and that each person in the community is entitled to live in an environment in which the level of noise is minimized to safeguard the comfort and health of those persons residing, working, and/or recreating in the Township.

6154.302 Applicability. This section shall apply to:

- a. All land uses, whether principal or accessory or temporary.

- b. Sounds of any time duration.
- c. All buildings, structures, equipment, and vehicles situated or operating on lots within the Township, including their owners, operators, and other associated persons, or in the public right-of-way.

6154.303 Sound Level Limits. It shall be unlawful for any land use, equipment, vehicle, or person on any lot or in any public right-of-way to create noise which causes the sound level to exceed the limits defined in Table 1.

- a. Table 1 lists maximum "Daytime" sound levels permitted at the lot lines of zoning districts and specific land uses receiving sound. "Daytime" shall refer to 7:00 a.m. to 8:00 p.m. local time, other than on federal holidays, unless otherwise defined. "Quiet Hours" shall refer to 8:00 p.m. to 7:00 a.m. local time and all day on federal holidays, unless otherwise defined. During Quiet Hours, the maximum sound level shall be 10 dB less than the corresponding listed Daytime sound level.
- b. As enforced through this Ordinance, sound on a receiving lot line shall not at any time exceed the listed maximum for any of the three (3) types of weighted or unweighted decibel levels identified in Table 1 (dBA, dBC, and dBZ).
- c. Any sound source that produces noise in excess of the levels established in Table 1 shall constitute a noise disturbance. No person shall make or continue, or cause to be made or continued, any noise disturbance, nor shall any person emit noise pollution as defined in this article.
- d. In the event that the ambient sound level exceeds the applicable maximum permissible sound level set forth in Table 1, the maximum permissible sound level at the lot line of the affected district or use shall be increased to reflect the measured ambient sound level. An intrusive sound source is considered a noise disturbance if its measured sound level exceeds this increased maximum permissible sound level.
- e. For any source of sound which meets the definition of cyclical, steady, or tonal noise, the limits set forth in Table 1 shall be reduced by five (5) dB.

Table 1: Sound Level Limits at Receiving Lot Lines

Receiving Lot Line (in a Zoning District or of a Land Use)	Maximum Daytime Decibel Level at Receiving Lot Line (Subtract 10 dB for Maximum Levels During Quiet Hours)		
	When measured as dBA (i.e., ambient sound)	When measured as dBC (i.e., impact sound)	When measured as dBZ (i.e., pure tone)
TD-1, 2, 3, 4	55	50	80
TD-5, 6	65	70	90
TD-8, 10	70	80	110
Any Nonconforming Use in the TD-8, 10	65	75	90
Any Nonconforming Use in the TD-5, 6	60	65	85
Any Nonconforming Use in the TD-1, 2, 3, 4	55	50	80

6154.304 Regulations for Specific Sources of Noise. In addition to the sound sources that produce noise in excess of the levels established, the following identified sources of noise, when occurring on a lot with an authorized principal or accessory use (including legally nonconforming uses) or in the public right-of-way, are specifically regulated as follows:

- a. Alarms.
 - i. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm is not permitted unless such alarm is automatically terminated within 10 minutes of activation and does not sound again at all within the hour, except in the case of emergencies.
 - ii. Each 10-minute interval of a non-emergency sounding, or part thereof, within an hour after the initial 10-minute non-emergency sounding shall constitute a separate violation.
 - iii. Fines for the sounding of burglar or fire alarms in violation of this Subsection may be assessed against the owner or the occupant of the building in which the alarm is located.
 - iv. Any motor vehicle, located on either public or private property, whose alarm has been sounding in excess of 10

minutes in an hour, is hereby deemed to be a public nuisance subject to immediate abatement. To effect abatement, police must have reasonable evidence that the sounding has lasted in excess of 10 minutes, and then make reasonable efforts to contact the owner of such vehicle to either have the owner shut off the alarm or to authorize police to arrange for the shut-off of the alarm. If such efforts are unsuccessful, police are hereby authorized to abate the nuisance by arranging for tow company employees to shut off the alarm and/or to tow the motor vehicle to a storage area or other place of safety. In addition to any fines for violating this section, the registered owner of the motor vehicle shall be responsible for all reasonable expenses, costs, and charges incurred by the deactivation of the alarm and the removal and storage of such vehicle.

- b. Animals and birds.
 - i. Owning, possessing, harboring, or controlling any animal or bird on private property which howls, barks, meows, squawks, or makes other sounds continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for 30 minutes or more to the disturbance of any person at any time of day or night, other than on a farm, is not permitted; provided, however, that at the time the animal or bird is making such noise, no person may trespass or threaten to trespass on the private property upon which the animal or bird is situated or for any other legitimate cause which provoked the animal or bird.
 - ii. This subsection only applies when two (2) or more persons who reside in separate dwelling units (including apartments and condominiums) located across a lot line from the property on which the source of the noise is generated file complaints about the animal or bird within a period of five (5) days. However, prior to filing the complaint, the complainants must first request the person owning, possessing, harboring, or controlling the animal or bird to take action to prevent the animal or bird from creating a noise disturbance. If, after making the request to the person owning, possessing, harboring, or controlling the animal or

bird, the noise disturbance continues, a complaint may be filed. For the purposes of enforcement documentation and corrective action, noise disturbances shall apply to the property and to the property owner rather than to any individual noise-generating animal or bird.

- c. Construction. Unless otherwise authorized by the enforcing authority, operating or permitting the operation of any tools or equipment used in construction operations, drilling, or demolition work shall be specifically prohibited in the following circumstances:
 - i. Between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays or legal holidays, such that the sound therefrom creates a noise disturbance, except for emergency work. In the event that extraordinary circumstances require construction on a Sunday or legal holiday, such construction may be permitted only upon prior notification of and approval by the Township, which shall have sole discretion to approve or deny the request. The Township shall issue a permit as evidence of approval.
 - ii. When performed without approved permits or a noise mitigation plan, as required under Article 6.
 - iii. At any other time such that the sound level at or across a lot line exceeds 85 dBA for a period of one (1) hour, except at lot lines wholly within the permitted districts, in which case the limits specified in Table 1 apply.
- d. Explosives, fireworks, non-emergency use of firearms, and similar devices. The use or firing of explosives, fireworks, firearms (non-emergency uses), firecrackers, or similar devices which make impulsive sound so as to cause a noise disturbance, shall be specifically prohibited. As provided in the Township Ordinance and other relevant documents, the use of consumer fireworks is prohibited on any date other than the day before Memorial Day, Memorial Day, July 3rd, July 4th, the day before Labor Day, Labor Day, and New Year's Eve, and is prohibited at any time on those dates other than between dusk and 10:00 p.m.
- e. Generators.

- i. Applicability. Unless in a state of emergency or a different standard is provided for a specific use elsewhere in this Ordinance, the requirements of this subsection shall apply to the following:
 - 1. All stationary diesel backup generators installed at the facility must be certified to meet US EPA Tier 4 Final emission or the other relevant updated standards, regardless of their designated operational status as emergency or non-emergency units. The use of lower-tier engines under emergency exemptions is strictly prohibited.
 - 2. All generators for new and existing non-residential uses, whether backup/portable or standby/permanent.
 - 3. New and replacement standby generators for residential uses.
 - 4. The generators shall only operate between 10 am to 4 pm.
- ii. Mufflers and/or enclosures required. All generators listed in the article, whether backup/portable or standby/permanent, shall be equipped with functioning mufflers and/or enclosures, unless the applicant can prove to the Township Board through a sound study completed by a third-party professional acoustical expert paid for by the applicant that noise from the generator when used without such sound-dissipative devices will not exceed the maximum permissible sound levels specified in Table 1. Applicants shall strive to deploy generators with the quietest specifications possible and perform any upgrades as needed to maintain compliance with these standards.
- iii. Site placement and screening requirements.
 - 1. All standby/permanent generators shall be fully enclosed or, alternatively, screened by evergreen plantings no shorter than four (4) feet at the time of planting and an opaque gated fence of a height no less than that of the equipment being screened, unless the applicant can prove to the Township Board of Supervisors through a sound study completed by a third-party professional acoustical expert paid for by the

- applicant that noise from the generator when used without screening will not exceed the maximum permissible sound levels specified in Table 1.
2. All generators, whether backup/portable or standby/permanent, shall be placed on the site as far as physically possible from lot lines and oriented to face away from residential lots and districts to the greatest extent possible. In no case shall generators deployed by a non-residential use be placed closer than 500 feet from any lot line of a residential lot or district, except during emergencies.
 - iv. Testing limits. Routine testing of generators shall not occur more than one (1) time per week and shall not exceed one (1) hour of runtime. A routine testing schedule shall be submitted to the Township Zoning Officer and updated when the schedule changes. Testing may only take place during "Business Hours," defined specifically as between the hours of 9:00 a.m. and 5:00 p.m. from Monday through Friday. The maximum permissible sound levels in Table 1 apply during the permitted testing period.
No facility shall test multiple backup generators concurrently during routine maintenance cycles. Generators must be tested sequentially, ensuring that only one (1) individual generation unit is operated for testing or maintenance purposes at any given time to minimize the cumulative localized environmental, noise, and health impacts of diesel or backup generator emissions on adjacent properties, residential zones, and public rights-of-way.
 - f. Other Building and Power Systems.
 - i. Applicability. Unless a different standard is provided for a specific use elsewhere in this Ordinance, the requirements of this Subsection shall apply to building and power systems equipment used for the operation of a non-residential building or use, other than generators, which are regulated in the ordinance. Examples of such systems include cooling towers, chillers, outdoor/rooftop HVAC equipment,

transformers, and substations, provided that these systems are located outdoors or can be heard outdoors.

- ii. Noise mitigation required. The applicant shall equip all building and power systems equipment which made noise that can be heard outdoors with sound-dissipative devices or enclosures that prevent such systems from exceeding the maximum permissible sound levels specified in Table 1. Applicants shall strive to install equipment with the quietest specifications possible and perform any upgrades as needed to maintain compliance with these standards.
- iii. Site placement and screening requirements. Unless the applicant can prove through a sound study completed by a third-party professional acoustical expert paid for by the applicant that building and power systems equipment which make noise that can be heard outdoors will not exceed the maximum permissible sound levels specified in Table 1, such systems shall be installed no closer than 500 feet from any lot line of a residential lot or district and shall be fully enclosed, or alternatively, screened by evergreen plantings no shorter than four (4) feet at the time of planting and an opaque gated fence of a height no less than that of the equipment being screened. Systems shall be physically oriented to face away from residential lots and districts to the greatest extent possible. If post construction testing shows that the equipment is not in compliance with this ordinance, appropriate corrective measures shall be implemented to bring it into compliance.
- iv. Testing limits. Routine testing of building or power systems shall not occur more than one (1) time per week and shall not exceed one (1) hour of runtime. Testing may only take place during "Daytime," defined specifically for this subsection as between the hours of 9:00 a.m. and 5:00 p.m. from Monday through Friday and between the hours of 10:00 a.m. and 6:00 p.m. on Saturday and Sunday. The maximum permissible sound levels in Table 1 apply during the permitted testing period.
- g. Heating, ventilation, and air conditioning (HVAC) and refrigeration equipment. It shall be unlawful for any person to

- maintain any refrigeration machinery or air conditioning, consisting of air compressors or rotating or reciprocating machinery, in such manner as to create a noise disturbance.
- h. Loading and unloading. Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, doors, dumpsters, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance shall be specifically prohibited. This provision shall not apply to municipal or utility services in or about the public right-of-way or to licensed refuse haulers.
 - i. Loudspeakers and public address systems. Unless otherwise permitted by a duly authorized agent of the Township, using or operating for any purpose any loudspeaker, public address system, or similar device (1) such that the sound therefrom creates a noise disturbance or (2) such that the sound occurs between the hours of 10:00 p.m. and 7:00 a.m., shall be specifically prohibited, except that such prohibition shall not apply to Township-owned properties.
 - j. Motor vehicles (including motorcycles and motorboats), and any equipment attached to thereof:
 - i. Vehicle repairs and testing: Repairing, rebuilding, modifying, or testing any motor vehicle in such a manner as to cause a noise disturbance shall be prohibited.
 - ii. Mufflers, engine exhausts, and other sound emissions: Motor vehicles and equipment attached to thereof shall not be operated in such a manner that the sound level emitted from such vehicle or equipment exceeds the level set forth in Title 67, Chapter 450, of the Pennsylvania Department of Transportation (PennDOT) Regulations for Established Sound Levels. This includes the discharge into the open air of the Township of the exhaust of any steam engine, gasoline engine, stationary internal combustion engine, or other kind or type of engine, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - iii. Idling vehicles: Motor vehicles shall not be operated for a period longer than 15 minutes in any one (1) hour while the

vehicle is stationary, for reasons other than traffic congestion, anywhere within 150 feet of any residential dwelling in such a manner as to cause a noise disturbance across a residential lot line.

- iv. Horns and other signaling devices: A motor vehicle shall not be operated such that its driver is engaged in unnecessary horn blowing, except when absolutely necessary as a warning while actually driving such a vehicle. The sounding of any horn or signaling device on any motor vehicle on any lot or in a public right-of-way, so as to cause a noise disturbance, shall be specifically prohibited, except as a danger warning. This specific prohibition includes the creation of any unreasonably loud or harsh sound by means of any such signaling device; the sounding of any such device for more than two (2) seconds in any 10-minute period; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up. The use of sirens, except by authorized emergency vehicles, is specifically prohibited.
- v. Sound-amplifying devices: Motor vehicles shall not operate sound-amplifying equipment mounted in such a manner as to exceed the maximum permissible sound levels established in Table 1.
- k. Powered model vehicles: Operating or permitting the operation of powered model vehicles such as radio-controlled cars so as to create a noise disturbance across a lot line between the hours of 10:00 p.m. and 7:00 a.m. shall be specifically prohibited.
- l. Radios, television sets, music playing devices, musical instruments, and similar devices: Operating, playing, or permitting the operation or playing of any radio, television, phonograph, music playing device, drum, musical instrument, sound amplifier, automobile radio, automobile stereo, or high-fidelity equipment or similar device which produces, reproduces, or amplifies sound under one (1) or more of the following conditions shall be specifically prohibited:

- i. At any time in such a manner as to cause a noise disturbance across a lot line, or between the hours of 10:00 p.m. and 7:00 a.m. so as to be plainly audible across a lot line.
- ii. In such a manner as to create a noise disturbance across a lot line or at 50 feet from such device, whichever is less, when the device is operated in or on a motor vehicle or hand-carried on a public right-of-way.
- iii. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any driver, passenger, or common carrier.
- m. Stationary nonemergency sound devices.
 - i. Sounding or permitting the sounding of any bell, chime, siren, whistle, or similar device, intended primarily for non-emergency purposes, from any place, for more than 10 minutes in any hourly period, shall be specifically prohibited.
 - ii. Devices used in conjunction with places of religious worship shall be exempt from Subsection above.
- n. Street sales. Offering for sale or selling anything by shouting or outcry, or by any other amplified or unamplified sound within any non-industrial zoning district, except in a stadium or sports arena, shall be prohibited, except between the hours of 7:00 a.m. and 10:00 p.m.
- o. Vibrational noise. Operating or permitting the operation of any device that creates vibrational noise which is above the perception threshold of an individual at or beyond the lot line of the source shall be prohibited. See articles below for additional vibration regulations.
- p. Yelling and shouting, etc.: Engaging in loud yelling, shouting, hooting, whistling, or singing under one (1) or more of the following conditions shall be specifically prohibited:
 - i. At any time in such a manner as to cause a noise disturbance across a lot line, or between the hours of 10:00 p.m. and 7:00 a.m. so as to be plainly audible across a lot line.
 - ii. In a public right-of-way between the hours of 10:00 p.m. and 7:00 a.m. so as to cause a noise disturbance.

6154.305 Exemptions. The maximum permissible sound level limits set forth in Table 1 shall not apply to any of the following noise sources:

- a. Sound needed to alert people about an emergency.
- b. Repair or installation of utilities or construction of structures, sidewalks, or streets in the public right-of-way.
- c. Lawnmowers, snowblowers, leaf blowers, and similar equipment, provided that such tools do not cause a noise disturbance between the hours of 10:00 p.m. and 7:00 a.m.
- d. Household power tools, such as mechanically powered saws, drills, sanders, and grinders, provided that such tools do not cause a noise disturbance between the hours of 10:00 p.m. and 7:00 a.m.
- e. Residential backup/portable generators and air-conditioning units.
- f. Agricultural activities and animals residing on a farm.
- g. Forestry activities, including timber harvesting, when such activities are in compliance with Commonwealth of Pennsylvania statutes and regulations.
- h. Public celebrations authorized by Township Board or a Township, County, State, or Federal Government agency or body.
- i. Unamplified human voices, except as set forth in the ordinance.
- j. Routine ringing of bells and chimes by a place of worship or municipal clock.
- k. Vehicles lawfully operating on a public street, railroads and aircraft.

6154.306 Nonconforming Uses. Any noise generated from a lot which, according to the Zoning Ordinance is being used in a legally nonconforming manner shall be judged as if the lot bore a zoning designation under which the use would be conforming. However, notwithstanding the foregoing, noise levels measured at the lot lines of any use receiving the noise, including lot lines shared with the use from which the noise is generated, shall be subject to the limits specified in Table 1.

6154.307 Tampering with Sound-Dissipative Devices Prohibited.

- a. The removal or rendering inoperative by any person, other than for purposes of maintenance, repair, or replacement, of

any muffler or sound-dissipative device or element of design or noise label of any product shall be specifically prohibited.

- b. It shall be unlawful to use a product which has had a muffler or sound-dissipative device or element of design or noise label removed or rendered inoperative, with knowledge that such action has occurred.

6154.308 Measurement.

- a. Measuring Instruments. All sound measurements shall be made on a sound level meter and calibrated in the manner required by the manufacturer's specifications. The sound level meter shall be capable of measuring sound levels using the dBA, dBC, and dBZ weighting filters.
- b. Measurement Protocols.
 - i. Noise shall be measured in both Daytime and Quiet Hours (as defined in the ordinance) for all development applications in which a sound study is required during or post-construction. At the time the study is conducted, no forestry activities may be permissible in compliance with Commonwealth of Pennsylvania statutes and regulations.
 - ii. For existing uses, noise levels shall be measured when a complaint is received from the complainant's lot line closest to the noise-generating use. Noise may also be measured whenever an ordinance enforcement officer suspects that a noise disturbance may be taking place during the routine conduct of his or her duties.
 - iii. If it is suspected that a noise being generated from a district of greater intensity is creating a noise disturbance in a district of lesser intensity, noise levels shall be measured from the closest boundary between the district in which the noise-generating use is located and the district of lesser intensity suspected of experiencing the noise disturbance. (For the purposes of this Article, TD-5, 6, 8, 10 are considered the districts of greatest intensity, and TD-1, 2, 3, 4 the districts of least intensity.)
 - iv. Weather and atmospheric conditions that naturally amplify noise may be taken into account in the administration of enforcement remedies, so long as the measured sound level for the applicable location as provided in Table 1 does

not exceed 15 dB above the listed maximum permissible sound level at any point in time during the measurement period and for any duration of the sound.

6154.309 Monitoring Requirements.

- a. Monitoring of sound levels when required as part of an enforcement action or test, shall be performed by one or more of the following designated ordinance enforcement officers:
 - i. Code enforcement officer.
 - ii. Zoning officer.
 - iii. Law enforcement officers (police).
 - iv. Third-party acoustical professional retained by the Township.
- b. Temporary monitoring may be required at the discretion of the ordinance enforcement officers listed after two (2) or more documented violations by a specific person or land use.
- c. Ongoing or permanent monitoring may be required at the discretion of the ordinance enforcement officers listed after four (4) or more documented violations by a specific person or land use.
- d. Monitoring of sound levels for any use in which monitoring is required by this Ordinance, by condition of approval (such as a conditional use or a use by special exception), or because of documented violations, shall be performed by the landowner or his/her assigns. Monitoring data shall be gathered in accordance with Township requirements and shall be transmitted directly, continuously, and automatically to the Township via electronic means.
- e. All monitoring and testing costs shall be borne by the landowner or his/her assigns.
- f. The sound level meter used in monitoring must be field calibrated before and after any noise monitoring session, and noise measurement and calibration devices must be laboratory calibrated and certified annually (i.e., at least once per year). A copy of factory/laboratory calibration documentation shall be submitted to the Township, kept on file at the Township Office, and included with reports.
- g. Failure of the Township to continuously engage in monitoring after a specific development application or noise complaint

does not waive the right for the Township to initiate an enforcement action at any later time.

6154.310 Noise Mitigation Plan.

- a. Each person, corporation or other business entity performing construction work in the Township shall create and implement a written noise mitigation plan for the site of the construction, and such rules shall apply whenever any construction activity is performed at the site. This plan shall be included with all applications for a Construction Permit issued in accordance with this Ordinance. Such plan shall become a part of said permit when approved by the Zoning Officer.
- b. The noise mitigation plan shall be created prior to the commencement of construction at the site, or, with respect to emergency work, within three (3) days thereafter, and shall apply to all work at the site throughout the construction process. The plan shall provide in detail the noise mitigation strategies, methods, and procedures, for each piece of noise-generating equipment and/or work performed at the site. Each permit holder or other person in charge of the construction site shall be held accountable for compliance with such rules and shall ensure that each person performing construction work at the site is aware of the plan and in compliance with its provisions.
- c. A copy of the plan shall be kept at the construction site, displayed in a conspicuous manner around the perimeter of the site, and made accessible for inspection by the public and persons authorized to enforce the provisions of this Ordinance, except that where there are no exterior structures at the construction site, such plan need only be kept with the permit holder and made accessible for inspection by the public and persons authorized to enforce the provisions of this Ordinance.
- d. The plan shall be amended whenever additional noise-generating equipment is to be deployed or activities are to be performed that were unforeseen at the commencement of construction, or at the direction of an ordinance enforcement officer.

- e. This section shall not apply to construction work in connection with the alteration or repair of an existing owner-occupied dwelling.

6154.311 Enforcement.

- a. Enforcement of this Section shall be initiated by one or more of the following designated ordinance enforcement officers:
 - i. Code enforcement officer.
 - ii. Zoning officer.
 - iii. Law enforcement officers (police).
 - iv. Third-party acoustical professional retained by the Township.
- b. All enforcement remedies shall be initiated in accordance with this Ordinance.
- c. As part of their duties, the ordinance enforcement officers listed in the Ordinance shall have the authority to enter property with proper notice or warrant as mandated by state law, order testing and monitoring, and issue citations, stop-work or cease-and-desist orders, and fines in accordance with the Township's Fee Schedule, or initiate other enforcement actions. Such actions may include, but are not limited to the following:
 - i. Temporarily shut down equipment causing a noise disturbance.
 - ii. Halt generator or load testing.
 - iii. Suspend nighttime operations of violating land uses until compliance is restored.
- d. Stop-work or cease-and-desist orders may be issued in accordance with this Ordinance and specifically in the following situations:
 - i. When noise disturbances or other violations of this Article are persistent.
 - ii. When noise disturbances exceed the maximum permissible sound level limits in Table 1 by 25 dB or greater.
 - iii. When public health, safety, and welfare impacts are documented.
- e. All costs associated with enforcement of this Section shall be borne by the violator, including but not limited to the following:

- i. Costs associated with noise testing and monitoring.
 - ii. Township staff enforcement time, including any overtime costs associated with responses outside of regular business hours.
 - iii. Legal and expert witness fees.
- f. Penalties for the violation of this Section may include but are not limited to the following:
 - i. Enforcement remedies and civil penalties, including financial judgments, as provided for in Section 617.2 of the Pennsylvania Municipalities Planning Code (MPC).
 - ii. Increased frequency of inspections or other enforcement actions.
 - iii. Shortened time limits for the implementation of corrective actions, which may include the requirement that the landowner or his/her assigns replace or retrofit equipment determined to be in violation of this Section in order to maintain permits as required and/or a Certificate of Occupancy. If corrective actions are not appropriately taken within the required time limit, revocation or suspension of permits may occur in accordance with this article.
 - iv. Mandatory curtailment of operations in violation of this Article.
 - v. The initiation of legal proceedings seeking abatement of the violation or prosecution of the owner of the lot from which the source of the noise disturbance is located.
- g. The time limits specified in the Ordinance for corrective actions generally apply to violations of this Article. However, a longer time period to implement corrective actions may be granted under the following circumstances:
 - i. First-time violations.
 - ii. Exceedances of the maximum permissible sound level limits in Table 1 by 25 dB or less, provided that no other violations of this Section have been documented within one (1) year of the exceedance.
- h. Emergency enforcement to compel compliance with this Section may include any of the enforcement actions listed in the Article and may be authorized in the following situations:

- i. Noise levels exceeding the maximum permissible sound level limits in Table 1 by 50 dB or greater or which reach 170 dB, whichever is less.
- ii. When public health, safety, and welfare impacts are documented, including sleep disturbance.
- i. The rules of evidence and process for appeals shall follow the provisions of this Ordinance. Admissible evidence may include sound level measurements from a properly calibrated sound level meter, reports produced by third-party acoustical professionals, and affidavits, sworn statements, and testimony provided by the authorities listed in this Article or by complainants. There shall be no automatic stay of enforcement upon an appeal, and violations remain enforceable during appeal periods.
- j. Unless specifically required by a provision of this Ordinance, the Township shall not be held responsible for detecting noise disturbances, noise pollution, or other violations of the sound level limits in this Section.

6154.312 Financial Assurance Requirements. Each applicant, permittee, or other party required to undertake actions in accordance with this Section, including but not limited to sound studies, noise monitoring, or noise mitigation measures ordered by Township officers, shall guarantee performance of the required work using one of the following options:

- a. Performance Bond.
 - i. The Township shall be provided with an acceptable corporate surety bond to guarantee faithful performance of the required work to maintain compliance with this Section.
 - ii. The term of the bond shall begin upon the date of posting thereof and shall be released upon documentation of sustained compliance with this Article or 24 months, whichever is longer.
 - iii. Depending on the required work or compliance action, the amount of the bond may range from \$100,000 to \$1,000,000, to be determined by Township Board of Supervisors.
- b. Third-Party Escrow Account.

- i. The applicant or documented violator shall be required to pre-fund an escrow account with an initial deposit of between \$50,000 and \$250,000, to be determined by Township Board of Supervisors.
- ii. Funds from the escrow account shall be used for testing, investigations, enforcement, and any other required work to maintain compliance with the requirements of this Article.
- iii. The escrow account shall be automatically replenished by the applicant or documented violator as necessary for the continuance of the tasks listed in this article.

6154.4 Vibration.

6154.401 Purpose. The purpose of this section is to provide regulations defining the maximum vibration levels that land uses, the lots on which they are situated, the buildings and structures they occupy, and the vehicles, appliances, and equipment operated and stored on said lots shall be allowed to produce. The Township recognizes that uncontrolled vibration represents a danger to the health and welfare of their neighbors and that each person in the community is entitled to live in an environment in which vibration and ground motion are minimized to safeguard the comfort and health of those persons residing, working, and/or recreating in the Township.

6154.402 Applicability. The provisions of this Section shall apply to all buildings, structures, equipment, and vehicles situated or operating on lots within the Township, including their owners, operators, and other associated persons, or within the public right-of-way, when engaged in activity initiating an intensity of vibration or ground motion which can be felt on any other lot within the Township, including within any buildings or structures and by any person thereon.

6154.403 Vibration Level Limits. No person shall operate or cause to be operated on any lot or in any public right-of-way any source of continuous vibration in such a manner as to exceed the limits set forth in Table 2.

Table 2: Continuous Vibration Level Limits

1. At or within a Receiving Structure (to Measure Effects on Structural Integrity)		2. At a Receiving Lot Line in a Zoning District or of a Land Use (to Measure Effects on Human Response)	
Receiving Structure (in a Zoning District)	Maximum Peak Particle Velocity (PPV)	Receiving Structure (in a Zoning District)	Maximum Vibration Velocity Level (VdB)
TD-1, 2, 3, 4	0.12 inches/second	TD-1, 2, 3, 4	72
TD-5, 6	0.16 inches/second	TD-5, 6	75
TD- 8, 10	0.2 inches/second	TD- 8, 10	94
Any Nonconforming Use in TD- 8, 10	0.16 inches/second	Any Nonconforming Use in TD- 8, 10	75
Any Nonconforming Use in TD-1, 2, 3, 4, 5, 6	0.12 inches/second	Any Nonconforming Use in TD-1, 2, 3, 4, 5, 6	72

6154.404 Excessive Vibration Prohibited. Any emission of earth-shaking vibration from any source in excess of the limitations established in this Article shall be deemed and is hereby declared to be a public nuisance and may be subject to summary abatement procedures provided in the Ordinance.

6154.405 Exemptions. The provisions of this Section shall not apply to the following:

- a. Temporary work or activities that are necessary to construct or repair buildings, roads, and/or utilities, when performed by governmental agencies or their contractors or when completed as part of emergency work.
- b. Blasting activities occurring in compliance with a DEP permit, in situations where municipal regulation of vibration impacts is pre-empted under State law. Such blasting may occur only between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, unless specifically authorized at different times by the DEP permit.
- c. A snowplow, snowblower, or other similar device in operation used to remove snow or ice.
- d. Trains or aircraft.

6154.406 Measurement

- a. Measuring Instruments. All vibration measurements shall be made on a vibration measuring device (VMD) and calibrated in the manner required by the manufacturer's specifications.

- b. Measurement Protocols.
 - i. Continuous vibration levels suspected to have potential effects on the structural integrity of buildings and structures shall be measured from either the exterior surface of the building or structure experiencing the effects of the continuous vibration or from within said building or structure.
 - ii. Continuous vibration levels which are suspected of being generated from a district of greater intensity and which are suspected to have potential effects on human comfort, wellbeing, or health in a district of lesser intensity shall be measured from the closest boundary between the district in which the suspected source of the continuous vibration is located and the district of lesser intensity suspected of experiencing the excessive vibration. (For the purposes of this Section, TD- 8, 10 are considered the districts of greatest intensity, and TD-1, 2, 3, 4, 5, 6 the districts of least intensity.)
 - iii. For existing uses, continuous vibration levels shall be measured when a complaint is received from the complainant's lot line or building/structure, whichever is applicable, closest to the source of the continuous vibration. Vibration levels may also be measured whenever an ordinance enforcement officer suspects that excessive vibration constituting a public nuisance may be taking place during the routine conduct of his or her duties.

6154.407 Monitoring Requirements.

- a. Monitoring of vibration levels when required as part of an enforcement action or test, shall be performed by one or more of the following designated ordinance enforcement officers:
 - i. Code enforcement officer.
 - ii. Zoning officer.
 - iii. Law enforcement officers (police).
 - iv. Third-party vibration analyst or engineer retained by the Township.

- b. Temporary monitoring may be required at the discretion of the ordinance enforcement officers after two (2) or more documented violations by a specific person or land use.
- c. Ongoing or permanent monitoring may be required at the discretion of the ordinance enforcement officers after four (4) or more documented violations by a specific person or land use.
- d. Monitoring of continuous vibration levels for any use in which monitoring is required by this Ordinance, by condition of approval (such as a conditional use or a use by special exception), or because of documented violations, shall be performed by the landowner or his/her assigns. Monitoring data shall be gathered in accordance with Township requirements and shall be transmitted directly, continuously, and automatically to the Township via electronic means.
- e. All monitoring and testing costs shall be borne by the landowner or his/her assigns.
- f. The vibration monitoring device (VMD) used in monitoring must be field calibrated before and after any vibration monitoring session, and vibration measurement and calibration devices must be laboratory calibrated and certified annually (i.e., at least once per year). A copy of factory/laboratory calibration documentation shall be submitted to the Township, kept on file at the Township Office, and included with reports.
- g. Failure of the Township to continuously engage in monitoring after a specific development application or vibration complaint does not waive the right for the Township to initiate an enforcement action at any later time.

6154.408 Enforcement.

- a. Enforcement of this Section shall be initiated by one or more of the following designated ordinance enforcement officers:
 - i. Code enforcement officer.
 - ii. Zoning officer.
 - iii. Law enforcement officers (police).
 - iv. Third-party vibration analyst or engineer retained by the Township.

- b. All enforcement remedies shall be initiated in accordance with Articles of this Ordinance.
- c. As part of their duties, the ordinance enforcement officers shall have the authority to enter property with proper notice or warrant as mandated by state law, order testing and monitoring, and issue citations, stop-work or cease-and-desist orders, and fines in accordance with the Township's Fee Schedule, or initiate other enforcement actions. Such actions may include, but are not limited to the following:
 - i. Temporarily shut down equipment causing excessive vibration or which exceeds the continuous vibration level limits set forth in Table 2.
 - ii. Suspend operations of violating land uses until compliance is restored.
- d. Stop-work or cease-and-desist orders may be issued in accordance with this Ordinance and specifically in the following situations:
 - i. When excessive vibration, vibration exceeding the limits set forth in Table 2, or other violations of this Section are persistent.
 - ii. When public health, safety, and welfare impacts are documented.
- e. All costs associated with enforcement of this Article shall be borne by the violator, including but not limited to the following:
 - i. Costs associated with vibration testing and monitoring.
 - ii. Township staff enforcement time, including any overtime costs associated with responses outside of regular business hours.
 - iii. Legal and expert witness fees.
- f. Penalties for the violation of this Section may include but are not limited to the following:
 - i. Enforcement remedies and civil penalties, including financial judgments, as provided for in Section 617.2 of the Pennsylvania Municipalities Planning Code (MPC).
 - ii. Increased frequency of inspections or other enforcement actions.

- iii. Shortened time limits for the implementation of corrective actions, which may include the requirement that the landowner or his/her assigns replace or retrofit equipment determined to be in violation of this Section in order to maintain permits required under Section 13 and/or a Certificate of Occupancy. If corrective actions are not appropriately taken within the required time limit, revocation or suspension of permits may occur in accordance with the ordinance.
- iv. Mandatory curtailment of operations in violation of this Section.
- v. The initiation of legal proceedings seeking abatement of the violation or prosecution of the owner of the lot from which the source of the vibration is located.
- g. The time limits specified in this Ordinance for corrective actions generally apply to violations of this Section. However, a longer time period to implement corrective actions may be granted under the following circumstances:
 - i. First-time violations.
 - ii. Exceedances of the maximum permissible continuous vibration level limits in Table 2 by less than 25% above the listed maximum, provided that no other violations of this Section have been documented within one (1) year of the exceedance.
- h. Emergency enforcement to compel compliance with this Article may include any of the enforcement actions as specified and may be authorized in the following situations:
 - i. Continuous vibration levels exceeding the maximum permissible continuous vibration level limits in Table 2 by 50% above the listed maximum or greater.
 - ii. When public health, safety, and welfare impacts are documented, including sleep disturbance.
- i. The rules of evidence and process for appeals shall follow the provisions detailed in this Ordinance. Admissible evidence may include vibration level measurements from a properly calibrated vibration monitoring device (VMD), reports produced by third-party professionals, and affidavits, sworn statements, and testimony provided by the authorities or by

complainants. There shall be no automatic stay of enforcement upon an appeal, and violations remain enforceable during appeal periods.

- j. Unless specifically required by a provision of this Ordinance, the Township shall not be held responsible for detecting excessive vibration or violations of the continuous vibration level limits in this Article.

6154.409 Financial Assurance Requirements. Each applicant, permittee, or other party required to undertake actions in accordance with this Article, including but not limited to vibration studies, noise monitoring, or noise mitigation measures ordered by Township officers, shall guarantee performance of the required work using one of the following options:

- a. Performance Bond.
 - i. The Township shall be provided with an acceptable corporate surety bond to guarantee faithful performance of the required work to maintain compliance with this Section.
 - ii. The term of the bond shall begin upon the date of posting thereof and shall be released upon documentation of sustained compliance or 24 months, whichever is longer.
 - iii. Depending on the required work or compliance action, the amount of the bond may range from \$100,000 to \$1,000,000, to be determined by Township Board of Supervisors.
- b. Third-Party Escrow Account.
 - i. The documented violator shall be required to pre-fund an escrow account with an initial deposit of between \$50,000 and \$250,000, to be determined by Township Board of Supervisors.
 - ii. Funds from the escrow account shall be used for testing, investigations, enforcement, and any other required work to maintain compliance with the requirements of this Article.
 - iii. The escrow account shall be automatically replenished by the documented violator as necessary for the continuance of the tasks listed above.

6154.5 Glare.

- 6154.501 No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement specified in Article 6153.2. This restriction shall not apply to signs otherwise permitted by the provisions of this Ordinance. In no event shall a lighting intensity greater than one twenty-five hundredths (.25) footcandle (2.7lux), measured at grade, be permitted beyond property lines.
- 6154.502 This section shall not apply to street lighting that is owned, and maintained by the Township or the State.
- 6154.503 Flickering - Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25 and January 20.

6154.6 Smoke, Dust, Fumes, Vapor, and Gas Control.

The emission of dust, dirt, fly ash, fumes, vapors, or gases which cause any damage to human health, to animals or to vegetation or other forms of property, or which can cause soiling or staining of persons or property at any point beyond the lot line of the use creating such emission is hereby prohibited.

No activity in any industrial district shall be reactivated, established, modified, constructed, or operated without having obtained valid permits and/or certificates from the Pennsylvania Department of Environmental Protection or its successor agency for airborne emissions. Such proof of compliance shall consist of duplicate copies of such permits and/or certificates for the current time period. In addition to the requirements of the Department of Environmental Protection or its successor agency, the following requirements shall apply:

- 6154.601 Particulate Matter. No use shall exceed the national ambient air quality standards established in the federal Clean Air Act or the requirements of Titles 25 and 35 of the Pennsylvania Code as they are amended and adopted for particulate matter.
- 6154.602 Smoke or Steam. No use may emit from a vent, stack, chimney, or combustion process any smoke that exceeds a density or equivalent capacity of Ringelmann No. 1, except that an emission that does not exceed a density of equivalent capacity of Ringelmann No. 2 is permissible for a duration of not more than four minutes during any eight-hour period if the source of such

emission is not located within 250 feet of a residential district. All measurements shall be taken at the point of emission of the smoke. [For the purpose of determining the density of equivalent opacity of smoke, the Ringelmann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines Information Circular 8333, May 1967, shall be used. The Ringelmann number referred to in this section refers to the number of the area of the Ringelmann Chart that coincides most nearly with the visual density of equivalent opacity of the emission of smoke observed. For example, a reading of Ringelmann No. 1 indicates a 20 percent density of the smoke observed.

6154.603 Toxic Matter and Hazardous Material. Emissions of chemicals, gases, components, or elements, listed as being toxic matter or hazardous material by the American Conference of Governmental Industrial Hygienists, the Pennsylvania Department of Environmental Protection or the U.S. Environmental Protection Agency, or their successor agencies, shall not exceed any stated Threshold Limit Value in any industrial district. No emission of toxic matter shall exceed fifty percent (50%) of the Threshold Limit Value in any adjacent residential or commercial district.

6154.7 Odors.

No emission shall be permitted of malodorous gases or other malodorous matter in such quantities as to be readily detectable at the property line of the zone lot from which they are emitted without instruments.

6154.8 Liquid and Solid Wastes

No operation shall discharge wastes of any kind into a surface water or a groundwater source. All methods of waste disposal shall be approved by the Pennsylvania Department of Environmental Protection. Such evidence of approval shall be provided. Such evidence of approval shall be provided to the Township. The owner of any parcel governed by this ordinance may be required at the discretion of the Township to monitor the ground water and surface water in the vicinity of his premises. Water testing shall be conducted at an interval deemed appropriate by the governing body on any stream located on the premises or any stream within five hundred (500) feet of any area used for storage of liquid or solid wastes. In addition, the well located on the premises shall also be sampled at an interval to be

deemed appropriate by the governing body. The sample shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the governing body and results shall be provided to the Township. If samples exceed the limits established by the Pennsylvania Department of Environmental Protection, remedial action shall be taken in accordance with this Ordinance.

6154.9 Heat

No activity or use shall produce heat perceptible beyond its property lines and no use shall be permitted that would cause the ambient water temperature, as defined by the Pennsylvania Department of Environmental Protection, or its successor agency, to rise or fall more than five (5) degrees Fahrenheit (2.8 degrees Celsius) during the ten (10) year, seven (7) day low flow in any natural pond, stream, river, or other watercourse.

6154.10 Wastewater generated by industrial facilities by evaporation

All facilities should operate in compliance with all applicable laws and regulations as implemented by relevant Federal (such as Code of Federal Regulation, New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants) and State (such as PA DEP) bodies.

6.16 RESERVED.

6.17 RESERVED.

6.18 RESERVED.

6.19 RESERVED.

6.20 RESERVED.

6.21 RESERVED.

6.22 RESERVED.

6.23 RESERVED.

6.24 Battery Energy Storage Systems, Cogeneration Plant and Power Plant.

In addition to criteria listed herein, additional criteria listed in Article 7.4 shall be applicable to the uses.

6241. Access Management:

6241.1 An access road shall be installed for use as a fire and emergency vehicle access road. Such road shall be directly accessible from a public roadway, capable of supporting fire and emergency vehicles, and maintained year-round.

6241.2 Additional roads shall be constructed around the facility, extending 20 feet out from the installation or building, capable of supporting fire and emergency vehicles, and maintained year-round.

6241.3 Parking and Loading. Parking and loading areas shall be required for the uses and shall meet the standards of Article 8.

6242. Lighting.

6242.1 Illumination of a facility is limited to the minimum light necessary for safe operation. Any lighting must not extend beyond the perimeter of the facility property. The facility must not produce any glare that is visible to neighboring properties or to persons traveling on public or private roads.

6242.2 Lighting shall be shielded to the greatest extent feasible and cast down so as not to shine on abutting properties.

- 6242.3 The facility shall strive to use the best available technologies and practices to comply with Dark Sky Lighting Principles.
6243. Noise. The applicant shall identify in a Noise Mitigation Plan all building and power systems which make noise that can be heard outdoors and shall further identify all sound-dissipative devices or enclosures that are to be used to prevent such systems from exceeding the maximum permitted sound levels specified. The plan shall be amended whenever additional noise-generating equipment is to be deployed or replaced or in the direction of the Township. The noise generated by a facility must not exceed the following maximum noise levels as listed below and in accordance with Article 6.15. In case of conflict, the more restrictive criteria shall apply.
- 6243.1 60 dBA Community Noise Equivalent Level (CNEL) for outdoor noise exposure levels at residences and any Sensitive Receptor.
- 6243.2 70 dBC at all property lines for outdoor noise exposure levels at the property lines of residential uses and any uses meeting the definition of a Sensitive Receptor; 75 dBC at all other property lines.
- 6243.3 Any development which produces noise level of 40-50 dBG shall present a Plan for attenuation. No development shall produce a dBG level of greater than 50.
- 6243.4 55 dbZ at all property lines for outdoor noise exposure levels at the property lines of residential uses and any uses meeting the definition of a Sensitive Receptor.
6244. Environmental and Resource Protection.
- 6244.1 Water Pollution and Containment. Facility shall include containment systems to prevent chemicals, fire suppressant agents, or similar hazards, including PFAS, from contaminating soil, surface water, groundwater and public or private wells, and to minimize the risk of human exposure.
- 6244.2 Other environmental standards. Facility shall meet all of the performance standards for electrical disturbances, erosion, fire protection, glare, information services, noise, odors, smoke and air pollution, vibrations, and water pollution, except where this Article specifically prescribes stricter requirements.
- 6244.3 Avoidance of Environmentally Sensitive Areas. Facilities shall minimize impacts to on-site natural resources to the greatest extent possible. The following requirements apply to all proposed Facilities with respect to development within or near environmentally sensitive areas:
- 6244.301 No impervious surfaces, including Facility buildings, parking areas, and Facility Accessory Uses, shall be located within any 100-year or 500-year floodplain as shown in the most recent

Flood Insurance Rate Maps (FIRMs) prepared by the Federal Emergency Management Agency (FEMA).

6244.302 A riparian buffer is an area of permanent vegetation along a waterway or wetland, consisting predominantly of native trees, shrubs, and forbs. When a riparian buffer exists on the Facility Property, it shall be left intact, undisturbed, and undeveloped at a width of no less than 150 feet as measured from the natural waterline up the slope of the bank, to allow for the natural succession of native vegetation.

6244.303 Existing riparian buffers shall be protected in perpetuity through deed, conservation easement, permit conditions, or any other mechanisms that ensure long-term functioning and integrity of the riparian buffer.

6244.4 Stormwater Management Requirements.

6244.401 Facilities shall comply with all stormwater management requirements of the Code of the Township and Stormwater Management.

6244.402 All stormwater management best management practices (BMPs) shall be designed, implemented, operated, and maintained in accordance with DEP's Pennsylvania Stormwater Best Management Practices Manual and Erosion and Sediment Pollution Control Program Manual, as amended and updated.

6245. Screening and Buffering

6245.1 Landscape buffer yards are required between the facility and any adjoining public roadways and rights-of-way and property outside of the base district, any existing residence and uses meeting the definition of a Sensitive Receptor.

6245.2 The landscape buffer yard shall be at least a width of 100 feet and may be part of the minimum required setback distance.

6245.3 Utilities and equipment shall not be located in the landscape buffer yard. If a utility must cross the landscape buffer yard, it shall be the minimum traversal distance and then only if every precaution is taken to make up for the lost visual screen.

6245.4 The preservation of as much existing vegetation as physically feasible is preferred for the use of screening, including the preservation of mature trees of six (6) inches in caliper or greater. The Tree Survey required shall be used to determine whether the existing vegetation meets the density to serve as a visual screen.

- 6245.5 Based on the results of the Tree Survey, the Township Board may, upon recommendation by the Township Engineer and Planning Commission, determine that existing topography and/or vegetation constitutes all or part of the required landscape buffer yard.
- 6245.6 For existing vegetation that is adequate to meet the requirements of this article, such vegetation shall be clearly specified and shown on the Landscape Plan.
- 6245.7 Planting Standards: Landscape buffer yard plantings shall consist of native, non-invasive species planted as follows:
- 6245.8 One (1) large evergreen tree per 25 linear feet of buffer yard. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.
- 6245.9 One (1) deciduous canopy (shade) tree per 75 linear feet of buffer yard. The size of canopy (shade) trees shall be a minimum of three (3) inches in caliper at the time of planting.
- 6245.10 One (1) ornamental/flowering tree per 50 linear feet of buffer yard. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or three (3) inches in caliper at the time of planting for single-stemmed varieties.
- 6245.11 Five (5) shrubs per 25 linear feet of buffer yard. The size of shrubs shall be measured as fully branched and a minimum of three (3) feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.
- 6245.12 Rooftop equipment located on Dedicated Use. The facility shall be appropriately screened by a parapet wall so that such equipment is not visible from the ground level. Any required parapet walls shall be included as part of the maximum height of the building.
- 6245.13 Fencing
- 6245.1301 The facility, including all mechanical equipment, shall be enclosed by a perimeter security fence with a self-locking gate to prevent unauthorized access.
- 6245.1302 Security fencing shall be equipped with a Knox Gate Key Switch, for emergency services access.
- 6245.1303 A minimum of 30 feet of clearance shall be maintained on both sides of the perimeter security fence in order to provide emergency vehicle access.
6246. Emergency Management
- 6246.1 Emergency Management Plan

- 6246.101 The Applicant shall prepare an Emergency Management Plan and ensure that emergency service professionals can safely, effectively, and reasonably respond to an emergency involving the facility.
- 6246.102 The Emergency Response Plan shall document and verify that the facility and its associated controls and safety systems are in compliance with the Fire Code.
- 6246.103 The Applicant shall collaborate with all emergency service professionals servicing the location of the facility.
- 6246.104 The Township Fire Chief shall approve the Emergency Management Plan as a condition of approval.
- 6246.105 A permanent copy of the Emergency Management Plan shall be kept in an approved location on-site to be accessible to facility personnel, fire officials, and emergency responders.
- 6246.106 The Emergency Management Plan shall include site orientation, location and review of Safety Data Sheet (SDS) documentation, review of emergency vehicle access, location of significant structures including emergency shut-off devices (ESD) and what is rendered safe by activating these devices, and other matters as deemed necessary by the Township, including but not limited to:
- a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - b. Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - c. Procedures to be followed in response to notifications from the Management Systems, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions.

Procedures can include sounding the alarm, notifying the Fire Department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

- e. Response considerations similar to a Safety Data Sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- f. Procedures for dealing with the equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged equipment from the facility.
- g. Other procedures as determined necessary by the Township to provide for the safety of occupants, neighboring properties, and emergency responders.
- h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the Emergency Response Plan and appropriate response procedures.

6246.2 Emergency Equipment and Training:

6246.201 An emergency shut-off device (ESD) shall be installed near to the entry gate and also at the ancillary structures within the property. This ESD shall be usable by emergency personnel and shall shut off power generation and render the facility safe to allow for inspection, service, and emergency services.

6246.202 The facility owner and/or operator must provide training to emergency service professionals regarding implementation of the Emergency Management Plan. All costs associated with specialized training and any necessary specialized equipment required to implement the Emergency Response Plan shall be paid for by the facility owner and/or operator.

6246.3 Battery Management System. The use of Management System computer software or similar electronic monitoring solution shall be required for all facility operations. Such system shall alert of potentially dangerous conditions, shut down equipment when necessary, and be able to automatically summon services and repair personnel. The Township shall have access to the Management System and the information provided by such system, including all alerts.

6246.4 Security and Safety. The entry gate to the facility shall be accessible 24 hours a day by emergency personnel and vehicles, via the Knox Box system.

6246.5 Signage.

- 6246.501 A small sign at the facility vehicular entrance gate is required to state the owner of the facility, emergency contact information including address information and a current operating phone number that is answered 24 hours per day, seven (7) days per week.
- 6246.502 During construction, the name and emergency contact information for the general contractor shall also be posted at the entrance gate.
- 6246.503 A clearly visible warning sign shall be posted on-site informing individuals of potential hazards.
- 6246.504 No portion of the facility shall contain or be used to display advertising.

6247. Impact Studies and Operational Plans

- 6247.1 Sound Study. The Applicant shall identify in a Sound Study all building and power systems which make noise that can be heard outdoors and shall further identify all sound-dissipative devices or enclosures that are to be used to prevent such systems from exceeding the maximum permitted sound levels specified in this article. The Applicant shall submit to the Township a baseline Sound Study documenting existing sound conditions prior to facility construction and operation. Following initiation of facility operations, the Applicant shall submit an updated Sound Study to the Township on an annual basis. The Sound Study shall be amended whenever additional noise-generating equipment is to be deployed or at the direction of the Township.
- 6247.2 Visual Impact Study. The Applicant shall submit a viewshed analysis prepared by a Pennsylvania-registered architect or landscape architect illustrating the areas from which any facility installations will be visible.
- 6247.3 Construction and Major Maintenance Transportation Study. The Applicant for a facility, or any facility owner and/or operator thereafter, shall provide the Township with a transportation plan for construction, including any applicable agreements with the Pennsylvania Department of Transportation, which is subject to Township review and approval. Such transportation plan shall also be required when major maintenance activities are to take place on-site that involve significant truck traffic.
- 6247.4 Hazardous Materials and Electronic Waste Plan. A hazardous waste disposal plan shall be submitted that describes the Facility operator's procedures for the responsible disposal, reuse, and/or recycling of hazardous waste. Such

plan shall include protocols for any substances used in the operation of the Facility and its accessory uses that are included on DEP's Regulated Substances List, materials classified as electronic waste (e-waste) by the U.S. Environmental Protection Agency (U.S. EPA), and devices regulated by the Commonwealth of Pennsylvania's Covered Device Recycling Act (CDRA; Act of Nov. 23, 2010, P.L. 1083, No. 108, as amended).

- 6247.5 Heat Mitigation Plan. A Heat Mitigation Plan shall be submitted and include, at a minimum, strategies for waste heat reuse or dissipation and vegetative or green roof and/or site design to offset urban heat island effects. The plan shall be prepared and certified by a professional engineer and shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended plans based upon comments emerging from the review prior to use approval.
- 6247.6 Lighting Plan. Such plan shall be submitted demonstrating consistency with the provisions of this article and the reduction requirements listed in the International Dark Sky Association Model Lighting Ordinance.
- 6247.7 Operations and Maintenance Manual. Such plan shall describe continuing facility commissioning and maintenance, as well as property upkeep, design, construction, installation, and testing information, and shall meet all requirements set forth in the Fire Code, Electric Code, and Building Code.
- 6247.8 Well Testing. An inventory of all water wells, public or private, located within 1,250 feet of the lot lines of the property shall be compiled. Testing of all inventoried wells shall then be completed to establish the baseline water quality of the wells prior to the establishment of the facility by an independent body. The Applicant shall submit to the Township a baseline study documenting existing conditions prior to facility construction and operation. Following initiation of facility operations, the Applicant shall submit updated testing results to the Township on an annual basis to indicate compliance.
- 6247.9 Stormwater Management Site Plan. A stormwater management site plan shall be submitted meeting the standards and requirements of the Zoning Ordinance, Stormwater Ordinance and Township's SALDO as adopted.
- 6247.10 Water Demand and Supply Source Plan. A Water Demand and Supply Source Plan shall be submitted detailing, at a minimum, the total daily intake volume and source(s) of facility's water, discharge volumes and destinations, and cooling system type and efficiency. The plan shall be prepared and certified by a professional engineer and shall be subject to

review and comment by the Township. The Township shall have the right to require supplemental or amended studies based upon comments emerging from the review prior to any zoning approval.

6247.11 Sewage Facilities Plan. All development applicants shall complete the DEP sewage facilities planning module unless approved for an exemption. A copy of the sewage facilities planning module and all accompanying data required by DEP shall be submitted.

6247.12 Erosion and Sedimentation Control Plan. An erosion and sedimentation control plan shall be submitted that meets the definition for such plan in compliance with the requirements of this Ordinance and the Township SALDO. The plan shall indicate the measures to be undertaken to prevent soil erosion and sedimentation, which shall follow DEP regulations and the standards of the Lackawanna County Conservation District.

6247.13 Fire Prevention and Safety Plan.

6247.1301 All Facilities shall meet the requirements of the 2021 International Fire Code (IFC) as adopted as part of the Pennsylvania Uniform Construction Code (UCC), or more current versions, the Township's adopted Fire Prevention Code, as stipulated in the Code of the Township, Fire Prevention.

6247.1302 Battery Energy Storage Systems shall comply with NFPA 855 (Standard for the Installation of Stationary Energy Storage Systems) and applicable Underwriters Laboratories Standards (UL 1741, 1973, 9540, and 9540A).

6247.1303 In addition, the following shall be required:

- a. A fire prevention and safety plan shall be submitted that meets the standards of the National Fire Protection Association's NFPA 75 "Standard for the Fire Protection of Information Technology Equipment," as amended.
- b. Owners and/or operators of facility shall be required to participate in annual emergency management and fire mitigation training, including facility tour, with the Township Fire Department.
- c. The applicants shall furnish evidence of an on-site water supply adequate for and exclusively used for firefighting purposes. The supply must include ample water to mitigate a fire in anticipation of a 20-minute response time for fire service arrival and shall be approved by the Township Fire Chief on an annual basis.

- 6247.14 Energy Management Plan. An Energy Management Plan shall be submitted detailing at a minimum, annual electricity demand, what supply sources will be utilized, energy storage capacity (if applicable), and efforts made to maximize use of renewable or clean energy. The plan shall be prepared and certified by a professional engineer and shall be subject to review and comment by the Township. The Township shall have the right to require supplemental or amended plans based upon comments emerging from the review prior to any zoning approval.
6248. Developer's Agreement
- 6248.1 The Applicant shall, within 90 days after issuance of a use permit for the facility, execute a Development Agreement, in a form approved by the Township, specifying all the terms and understandings relative to the construction and operation of the facility, the permit holder's responsibilities according to this Ordinance, and the requirements of the use permit.
- 6248.2 All costs incurred by the Township, including attorney fees, in drafting and approving the Developer's Agreement, shall be paid by the Applicant. The content of the agreement shall outline the specifics of the facility, but shall at a minimum provide the following terms:
- 6248.201 A survey of the acreage involved in the proposed development.
- 6248.202 A description of the ownership of the subject property.
- 6248.203 General description of the facility and all associated site improvements.
- 6248.204 The anticipated life of the facility.
- 6248.205 Mechanisms to ensure the continued maintenance of the facility, and that maintenance is assured by means satisfactory to the Township.
- 6248.206 The method of ensuring that funds will be available for decommissioning and site stabilization in the amount determined after each annual review as required by this article.
- 6248.207 Requirements that the facility owner and/or operators maintain insurance coverage during development in amounts established by the Township, naming the Township as an additional insured, and required insurance provisions after the development is completed.
- 6248.208 The approved Site Plan and use permit shall be incorporated by reference and attached as an exhibit.

- 6248.209 A description of the timing and sequencing to complete the development of the facility. If the facility is to be developed in phases, a timeline to complete the construction of each phase.
- 6248.210 A listing of any contingencies for removing an intact operational facility from service and for removing a facility from service that has been damaged by a fire or other catastrophic event.
- 6248.3 Host Community Agreement:
- 6248.301 The holder of a use permit for the facility shall enter into a Host Community Agreement with the Township. Such Host Community Agreement shall be included as part of the Developer's Agreement.
- 6248.302 The terms of the Host Community Agreement may include but are not necessarily limited to provisions related to:
- a. Environmental Performance — e.g., noise, air quality, energy usage, water usage, wastewater discharge, and heat mitigation;
 - b. Site Design — e.g., landscaping, buffering and screening, fencing, lighting, and stormwater management;
 - c. Operational Considerations — e.g., emergency management, noise testing, electronic waste, commissioning and decommissioning; and
 - d. Community Engagement and Transparency — e.g., public availability of information related to the use, complaint response processes, local hiring, and performance reporting.
- 6248.4 Public Meeting Requirement. The Facility developer and/or applicant shall hold a public meeting on the proposed Facility no later than 21 days and no earlier than 60 days prior to the first hearing on the proposal before the Township Board of Supervisors. The meeting shall be publicized and conducted in a manner that informs members of the general public about the proposed Facility, includes graphic renderings, identifies any requested variances, and allows for attendees to ask the developer and/or applicant questions about the proposal.
- 6248.5 Prior to the issuance of a Certificate of Occupancy, the applicant shall provide specialized training and is strongly encouraged to provide and fund necessary equipment, for the Township's fire department and other relevant emergency responders regarding the unique hazards and operational characteristics of the facility. This training shall cover, but not

be limited to, emergency shutdown procedures, hazardous materials handling (if applicable), access points, and specific fire suppression system operations. Ongoing training shall be provided by the Facility operator periodically thereafter as deemed necessary by the Township Board of Supervisors and authority(s) having jurisdiction to ensure continued preparedness.

6249. Decommissioning.

- 6249.1 Facilities that cease operation for 12 consecutive months shall be deemed abandoned and decommissioned accordingly. The Facility Owner and/or Operator is required to notify the Township immediately upon permanent cessation or abandonment of the Facility.
- 6249.2 A Decommissioning Plan and financial security shall be provided as part of the Conditional Use Application to ensure removal of improvements and restoration of the Facility site if deemed abandoned.
- 6249.3 The Decommissioning Plan shall include the following items:
 - 6249.301 A detailed plan for the removal, demolition, disposal, recycling, and/or repurposing of all buildings, structures, equipment, utility infrastructure, foundations, fuel storage systems, battery energy storage systems, substations, cooling systems, and other above-ground and below-ground improvements associated with the Facility.
 - 6249.302 A description of the extent of site restoration proposed, including grading, stabilization, revegetation, and removal of impervious surfaces where applicable.
 - 6249.303 Cost estimate for decommissioning and removal activities, including:
 - a. Removal of all structures, pads, and equipment to a minimum depth of three (3) feet below grade.
 - b. Proper disposal of all electronic equipment, battery components, and hazardous materials in compliance with DEP and U.S. EPA regulations.
 - c. Disconnection and discontinuation of public utilities.
 - d. Site restoration with planting or seeding of native vegetation and soil stabilization.
 - 6249.304 A detailed timeline identifying the anticipated length of time necessary to complete the decommissioning process.
 - 6249.305 A plan for completion of a post-decommissioning Phase I Environmental Site Assessment (ESA), and such additional

environmental investigations or remediation as may be required by applicable law or recommended by the environmental professional preparing the assessment.

6249.306 A plan for coordination with applicable public utility providers regarding the safe disconnection, removal, relocation, abandonment, or transfer of electric, water, sewer, telecommunications, gas, and other utility infrastructure during the decommissioning process.

6249.4 Financial security provided in accordance with MPC Section 509 in a form acceptable to the Township Solicitor to guarantee proper decommissioning, such as a posted bond. The amount of the security shall be sufficient to cover the full cost of removal of all Facility structures, accessory uses, and equipment, and restoration of the site. The requirements of the financial security shall be as follows:

6249.401 The Facility Applicant shall post financial security in the amount of 110% of the decommissioning cost, as approved by the Township Engineer, securing the decommissioning obligations of the Facility and naming the Township as beneficiary, the original of which security shall be delivered to the Township. The form of the financial security shall be subject to the review and approval of the Township Solicitor.

6249.402 Every five (5) years after the date of providing the financial security, the Facility Owner and/or Operator shall provide an updated decommissioning cost estimate to be approved by the Township Engineer. If the decommissioning financial security amount increases, the Facility Owner and/or Operator shall remit the increased financial security to the Township within 30 days of the approval of the updated estimate by the Township. If the financial security amount decreases by greater than 10%, the Township shall release any amounts held in excess of 110% of the updated cost estimate.

6249.403 After the Facility site is fully decommissioned and written certification is issued by the Township Engineer to the Township Board of Supervisors that the project parcel(s) have been restored to an environmentally stable condition substantially similar to the condition they were in prior to construction of the Facility, the Township shall release the financial security.

- 6249.404 The financial security shall be in a form to be approved by the Township Solicitor. If the Facility Owner and/or Operator fails to remove Facility structures, accessory uses, and equipment in accordance with the requirements of this Section, the Township, shall have the authority to execute upon the financial security, enter the property, physically remove structures, accessory uses, and equipment, and restore the property to its original, pre-construction condition. The Facility Owner and/or Operator shall be liable for all costs incurred by the Township associated with the decommissioning, including attorneys' and engineering fees and any costs or fees associated with drawing on the financial security.
- 6249.5 The Facility Owner and/or Operator is encouraged to resell or salvage materials to the fullest extent possible. However, materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials in accordance with federal and state laws.
- 6249.6 Any soil exposed during the removal shall be stabilized in accordance with applicable standards.
- 6249.7 Any paved access drives from public roads shall remain for future use unless directed otherwise by the Township.
- 6249.8 The Facility Owner and/or Operator shall have 18 months in which to dismantle and remove Facility Structures, accessory uses, and equipment, and to restore the site to an environmentally stable condition, in accordance with industry practice.
- 6249.9 In the event that the present Facility Owner and/or Operator has temporarily ceased its operation but is in the process of transferring ownership or operational management, the present Owner and/or Operator has the responsibility of notifying the Township. The decommissioning financial security also must be maintained during this time.
- 6249.10 Any necessary permits shall be obtained prior to decommissioning activities.

7. Specific Criteria, Special Exceptions, and Conditional Uses

7.1 Purpose.

This article sets forth the process and conditions which must be met before a special exception or conditional use can receive approval and be granted a zoning permit.

7.2 Special Exception Use Procedure.

721. Applicability.

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Article 4.3 and Article 4.5 as permitted by special exception (notated with the letters 'SE') shall comply with the provisions of this Section, any applicable provisions for the corresponding use found in Article 6, and all other applicable performance standards and supplementary regulations in this Ordinance. A special exception permit shall only be granted when the minimum conditions set forth in Article 6 for the specific use by special exception have been met.

722. Procedure.

Applicants seeking to obtain approval for a use by special exception shall follow the process described in this Ordinance.

723. Conditions for Approval.

723.1 In addition to the minimum conditions contained in Article 6 for each use by special exception, the use shall meet the following additional requirements:

723.101 The Zoning Hearing Board shall find that the proposed use by special exception will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located.

723.102 Uses shall not be located or designed in such a manner as would be detrimental to the privacy, convenience and property values of nearby residential development;

723.103 The Zoning Hearing Board shall find that the proposed use by special exception will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements.

- 723.104 The Zoning Hearing Board shall find that the proposed use by special exception meets all other requirements for the zoning district in which the use is proposed.
- 723.105 The Zoning Hearing Board shall find that the proposed use by special exception is in general conformity with the Community's adopted Comprehensive Plan.
- 723.106 The Zoning Hearing Board shall find that the proposed use by special exception will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Zoning Hearing Board shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.
- 723.2 In granting a use by special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.

7.3 Conditional Use Procedure.

731. Applicability.

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Article 4.3 and Article 4.5 as permitted by conditional use (notated with the letter 'C') shall comply with the provisions of this Section, any applicable provisions for the corresponding use found in Article 7.4, and all other applicable performance standards and supplementary regulations in this Ordinance. A conditional use permit shall only be granted when the minimum conditions set forth in Article 7.4 for the specific conditional use have been met.

732. Procedure.

732.1 An application form prescribed by the Township of Carbondale shall be submitted by the applicant for a conditional use permit along with a fee in an amount as established from time to time by resolution of the Township of Carbondale Board.

732.2 The applicant shall submit seven (7) paper copies and one (1) digital copy of the necessary documentation of the proposed conditional use to enable the review of such proposal by the Township of Carbondale. The burden of submitting adequate data to allow for full evaluation of the proposal shall

rest with the applicant. The applicant must demonstrate that the following conditions have been addressed to the maximum extent applicable:

- 732.201 That the proposed conditional use will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located;
 - 732.202 Uses shall not be located or designed in such a manner as would be detrimental to the privacy, convenience and property values of nearby residential development;
 - 732.203 That the proposed conditional use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements;
 - 732.204 That the proposed conditional use meets all other requirements for the zoning district in which the use is proposed;
 - 732.205 That the proposed conditional use is in general conformity with the Community's adopted Comprehensive Plan; and
 - 732.206 That the proposed conditional use will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Township of Carbondale Board shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.
- 732.3 If subdivision or land development approval is required for the proposed conditional use, the application for a conditional use permit and the application for the subdivision or land development may be processed concurrently, provided that all requirements for the separate applications are met.
- 732.4 The grant of approval of a conditional use permit shall not relieve the applicant from filing and having the Township of Carbondale approve any zoning permit, building permit, certificate of use and occupancy, subdivision, land development, or site plan required by this Ordinance or any other Township of Carbondale ordinance.
- 732.5 The Township of Carbondale Board may attach such reasonable conditions and safeguards as necessary to implement the purpose and goals of this Ordinance and of the Community's adopted Comprehensive Plan, except that any such conditions shall not be related to off-site transportation or road improvements, as prescribed by Section 603(c)(2) of the Pennsylvania Municipalities Planning Code (MPC).
- 732.6 Public Hearings.

- 732.601 Prior to granting approval or denying a conditional use application, the proposal shall be reviewed by the Township of Carbondale Planning Commission. The Planning Commission and Township of Carbondale Engineer shall be given an opportunity to provide written recommendation to Township of Carbondale Board concerning whether to approve, conditionally approve, or deny the application.
- 732.602 A minimum of one (1) public hearing shall be held by the Township of Carbondale Board at a regularly scheduled meeting within 60 days of the date that the applicant filed the conditional use application.
- 732.603 Notice of said public hearing shall be placed in the classified section of a newspaper of general local circulation once in each of two (2) successive weeks, the first notice appearing not more than 30 days or less than seven (7) days prior to the hearing, and shall be conspicuously posted by the Township of Carbondale at least one (1) week prior to the date of the hearing at highly visible locations along the perimeter of the lot affected by the conditional use request. Written notice of the hearing shall also be sent by first-class mail to the owners of lots abutting the subject lot or within 300 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.
- 732.604 If a subsequent public hearing is required, the hearing shall be held within 45 days of the prior hearing.
- 732.605 The Township of Carbondale Board shall render a written decision, upon review by the Planning Commission, or when no decision is called for, make written findings on the conditional use request, within 45 days after the prior public hearing.
- 732.606 If the Township of Carbondale Board denies the conditional use application, the applicant may reapply for the same use no sooner than one (1) year after the date of denial of the application or the date of denial of appeal to the Lackawanna County Court of Common Pleas.
- 732.7 Duration of Conditional Use Permit.

732.701 If a conditional use requires the processing of a subdivision or land development plan, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 24 months from the date of the grant of the conditional use permit. However, the Township of Carbondale Board, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.

732.702 If a subdivision or land development plan is not required, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 12 months from the date of the grant of the conditional use permit. However, the Township of Carbondale Board, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.

7.4 Specific Requirements for Special Exception and Conditional Uses.

741. Airports

741.1 A minimum lot size of 20 acres shall be required.

741.2 Runways shall be oriented to minimize the hazards and disturbance posed by aircraft during takeoff and landing.

741.3 The Pennsylvania Bureau of Aviation shall find the landing area safe and acceptable for licensing a private airstrip, private airport or heliport.

741.4 The Federal Aviation Administration shall have granted approval for the use of the airspace.

741.5 Public airports must meet all applicable regulations and guidelines of the Federal Aviation Administration.

742. Animal Shelters

In any zone district where permitted, no such use shall be located closer than one hundred (100) feet to any Residential District, restaurant, or hotel, and shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. No incineration shall be permitted on the premises.

743. Assisted Living Facility

Assisted Living Facilities shall comply with the following site standards, minimum of five (5) acres and setbacks of 50 feet from all property lines.

744. Automobile Repair

- 744.1 A site development plan shall accompany all applications and shall show building and fuel pump placement and dimensions, parking, landscaping, internal circulation, and the size and location of signage.
- 744.2 All vehicular servicing activities except for those normally performed at fuel pumps shall be performed within completely enclosed buildings.
- 744.3 Location of Gasoline Pumps. Gasoline pumps and all other service equipment shall be set back not less than twenty-five (25) feet from any lot line and shall be so located that vehicles stopped for service will not extend over the property line.
- 744.4 Fuel pumps shall not interfere with parking spaces or internal circulation and shall be located at least thirty (30) feet from all parking areas.
- 744.5 Shall not be located within 100 feet of any boundary line of any Residential District; provided, however, that where the rear lot line of the property shall be less than 100 feet distant from a Residential District there shall be established along such rear lot line a buffer zone which shall be landscaped in accordance with the provisions of Article 693.303 hereof; and, no part of any parking space shall be less than 20 feet from any residential property line.
- 744.6 Shall not be located within two hundred (200) feet of property dedicated to or intended for schools, playgrounds, churches, hospitals, public libraries and institutions for dependents or for children, when located along the same street or road and in the same block as said properties.
- 744.7 Vehicular access to the above automotive uses shall be well-defined driveways and shall not be closer to the intersection of any two (2) street right-of-way lines than fifty (50) feet.
- 745. Battery Energy Storage Systems (BESS)
 - 745.1 Applicability
 - 745.101 The requirements of this Article shall apply to all BESS permitted, installed, or modified in Township after the effective date of this article.
 - 745.102 Modifications to, retrofits, or replacements of an existing BESS shall be subject to this article and the Conditional Use requirements herein under the circumstances listed.
 - 745.2 Permitted Locations
 - 745.201 Facility-Scale BESS is a principal uses permitted as indicated in Article 4.3.
 - 745.202 Electrical Substations, Switchyards, and Transformer Facilities are permitted as an accessory use to a Facility-Scale BESS permitted by conditional use on a lot of record.

745.3 Dimensional Requirements

745.301 Facility-Scale BESS shall meet the following dimensional requirements:

- a. Minimum lot area: Two (2) acre.
- b. Maximum footprint per building: 60,000 square feet of building footprint.
- c. Maximum number of Dedicated-Use BESS Buildings per lot: One (1) building for every two (2) acres of lot area.
- d. If no-grid connection exists but an on-site power source is provided, then said source shall be from renewable energy and the following minimum front/side/rear setbacks for the BESS and power source shall apply; otherwise:
 - i. 100 feet from the exterior building wall to the property line of any existing residential or Sensitive Receptor use.
 - ii. 100 feet from the exterior building wall to the property line of any abutting use connected directly to the BESS by transmission or distribution lines.
 - iii. 100 feet from the exterior building wall to all other property lines.
- e. Maximum building height: 25 feet, inclusive of all rooftop equipment and any parapet walls required for screening.
- f. Maximum height of supporting equipment serving the BESS, including ventilation towers and cooling equipment: 20 feet.
- g. Transmission and/or distribution towers supporting electric power lines are exempt from maximum height requirements, provided that such towers shall only consist of monopole, weathered steel towers.

745.4 Certification and Regulatory Compliance

745.401 BESS and associated equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Battery Energy Storage Systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

- a. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications).
- b. UL 1642 (Standard for Lithium Batteries).
- c. UL 1741 or UL 62109 (Inverters and Power Converters).
- d. Certification under the applicable electrical, building, and fire prevention codes as required.

745.402 All BESS shall be designed, erected, and installed in accordance with all applicable provisions of the Building Code, all applicable state and federal regulations (including applicable environmental

standards), and all applicable standards in the Township Zoning Ordinance and Subdivision and Land Development Ordinance.

745.403 BESS, and the installation and use thereof, shall comply with the Building Code, Fire Code, and other applicable Township, County, and State codes. Installation of a BESS shall not commence until all necessary permits have been obtained.

745.404 All plans, manuals, and procedures required of the BESS owner and/or operator shall be compliant with the standards of UL 9540/9540A test methods and specific Group H or 2-hour fire-resistance ratings or updated measuring systems as adopted under the Pennsylvania Uniform Construction Code and National Fire Protection Association.

745.405 All plans, manuals, and procedures required of the BESS owner and/or operator shall be compliant with the standards of NFPA 855 (Standard for the Installation of Stationary Energy Storage Systems).

745.5 Conditional Use Application Requirements

745.501 When Conditional Use approval is required:

- a. When a new BESS is proposed, whether Facility-Scale or Utility-Scale.
- b. When an Electrical Substation, Switchyard, or Transformer Facility is proposed, either in association with a Facility-Scale BESS or as a standalone principal land use.
- c. When a modification, retrofit, or replacement of a BESS will result in a substantial increase in the total designed discharge duration or power rating of the BESS, as determined under the standard set forth in this Article and Article 6.24;
- d. When an existing BESS intends to connect directly to the electric grid (i.e., when a Facility-Scale BESS proposes to become a Utility-Scale BESS).

745.502 Conditional Use Applications for a BESS shall provide the following documentation: Upon Submittal for Conditional Use Application

- a. Preliminary Site Layout – shall indicate the general location of an Outdoor BESS Installation within the limits of disturbance as required by setbacks.
- b. Sound Study – See requirements in Article 6.24; shall demonstrate compliance with the noise level limits and requirements of Article 6.24.
- c. Visual Impact Study – See requirements in Article 6.24.
- d. Photographs of existing conditions – shall include photos of the property's existing conditions.

745.503 Conditional Use Applications for a BESS shall provide the following documentation: After approval of the Conditional Use, an Applicant shall apply for land development approval pursuant to the

Township's Subdivision and Land Development Ordinance, at which time the Applicant shall submit the following:

- a. Site Plan – shall indicate the location of an Outdoor BESS Installation on the property or the location and footprints of proposed Dedicated-Use BESS Buildings, plus all proposed roads, fences, and required setbacks.
- b. Landscape Plan – shall show existing and proposed vegetation on the property and all required buffer yards.
- c. Layout Diagram – shall show the proposed layout for the Outdoor BESS Installation or Dedicated-Use BESS Building.
- d. Elevations, including for all buildings, walls, and installation support structures such as concrete pads and structural anchors.
- e. Manufacturer's Product Specifications – shall include ratings, listings, certifications, and hourly fire-resistance ratings of assemblies enclosing the BESS and associated equipment.
- f. Project Inventory – shall indicate the number and types of BESS containers to be installed.
- g. Detailed information on:
 1. The Battery Management System to be used, including information on system operation, alerts, and automatic shut-off capabilities.
 2. Fire prevention and heat mitigation, including details on fire suppression, smoke or fire detection, thermal management, ventilation, exhaust, and deflagration venting systems, if provided.
 3. Containment systems proposed to intercept chemicals, fire suppressant agents, or similar hazards, including PFAS, from reaching the soil, surface water, and groundwater.
- h. Tree Survey – A Tree Survey shall be conducted to identify any and all native trees of a six (6) inch caliper (diameter at breast height, or dbh) along the perimeter of the property and to identify the number of qualifying trees within each 100 linear feet.
- i. Emergency Management Plan – See requirements in Article 6.24. The Township Fire Chief shall approve such plan as a condition of approval.
- j. Construction and Major Maintenance Transportation Study – See requirements in Article 6.24.
- k. Hazardous Materials and Electronic Waste Plan – See requirements in Article 6.24.
- l. Heat Mitigation Plan – See requirements in Article 6.24.
- m. Lighting Plan – See requirements in Article 6.24.

- n. Operations and Maintenance Manual – See requirements in Article 6.24.
- o. Decommissioning Plan – See requirements in Article 6.24.
- p. Any other plans as required under Article 6.24.

745.504 Determination of application completeness: No Conditional Use Application for a BESS is deemed complete until all of the required documents listed are provided in full, without any omissions.

745.6 Electric Utility Will-Serve Letter.

Prior to the commencement of construction, applicants for all BESS, Electrical Substations, Switchyards, and Transformer Facilities must provide the Township with a copy of the Applicant's will-serve letter, power purchase agreement, or other similar written agreement from a public electric utility showing approval of an interconnection with the proposed use, including documentation showing that the utility has the necessary capacity to serve the use without compromising service to existing land uses.

745.7 Decommissioning

745.701 BESS that ceases operation for 12 consecutive months shall be deemed abandoned and immediately decommissioned accordingly.

745.702 Decommissioning Plan: As part of the Conditional Use Application, the Applicant shall submit a Decommissioning Plan to the Township. Such plan shall include the following items:

- a. Cost estimate for decommissioning and removal activities, including:
 - 1. Removal of all structures, pads, and equipment to a minimum depth of three (3) feet below grade.
 - 2. Proper disposal of all battery components and hazardous materials in compliance with DEP and U.S. EPA regulations.
 - 3. Disconnection and discontinuation of public utilities.
 - 4. Site restoration with planting or seeding of native vegetation and soil stabilization.
- b. Financial security shall be provided in a form acceptable to the Township Solicitor to guarantee proper decommissioning, such as a posted bond. The requirements of the financial security shall be as follows:
 - 1. The BESS Applicant shall post financial security in the amount of 110% of the estimated net decommissioning cost (estimated decommissioning cost less salvage value), as approved by the Township Engineer, securing the decommissioning obligations of the BESS and naming the Township as beneficiary, the original of which security shall be delivered to the Township. The form of the financial

security shall be subject to the review and approval of the Township Solicitor.

2. Every five (5) years, the BESS owner shall provide an updated decommission cost estimate to be approved by the Township Engineer. If the decommissioning financial security amount increases, the BESS owner and/or operator shall remit the increased financial security to the Township within 30 days of the approval of the updated decommissioning financial security estimate by the Township. If the decommissioning financial security amount decreases by greater than 10%, the Township shall release any amounts held in excess of 110% of the updated decommission cost estimate.
3. After the BESS is fully decommissioned and written certification is issued by the Township Engineer to the Township Board that the project parcel(s) have been restored to an environmentally stable condition substantially similar to the condition they were in prior to construction of the BESS, the Township shall release the decommissioning financial security.
4. The decommissioning financial security shall be in a form to be approved by the Township Solicitor. If the BESS owner and/or operator fails to remove the BESS in accordance with the requirements of this Article, the Township, shall have the authority to execute upon the decommissioning financial security, enter the property, physically remove the BESS, and restore the property to its original, pre-construction condition. The BESS owner and/or operator shall be liable for all costs incurred by the Township associated with the decommissioning, including attorneys' fees and engineering fees and any costs or fees associated with drawing on the financial security.
 - c. The BESS owner and/or operator is encouraged to resell or salvage materials to the fullest extent possible. However, materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials in accordance with federal or state law.
 - d. Any soil exposed during the removal shall be stabilized in accordance with applicable standards.
 - e. Any paved access drives from public roads shall remain for future use unless directed otherwise by the landowner.
 - f. The BESS owner and/or operator is required to notify the Township immediately upon permanent cessation or abandonment of the BESS.

- g. The BESS owner and/or operator shall have 18 months in which to dismantle and remove the BESS, including all related equipment or appurtenances related thereto, in accordance with industry practice.
- h. In the event that the present BESS owner and/or operator has temporarily ceased its operation but is in the process of transferring ownership and BESS management/operation, the present owner/operator has the responsibility of notifying the Township. The decommissioning financial security also must be maintained during this time.
- i. Any necessary permits shall be obtained prior to decommissioning activities.

745.8 Ancillary Power Infrastructure

745.801 Ancillary power generation systems must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC) Act of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.

745.802 All wiring must comply with applicable electrical codes and specifications.

745.803 The system must be constructed to comply with any applicable fire safety codes.

745.804 The system shall not be placed in the established front yards and shall be subject to the same side and rear yard setbacks as other accessory structures. The required setbacks are measured from the lot line to the nearest part of the system. No part of a ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of equipment of parts.

745.805 Notwithstanding the height limitations of the zoning district:

- a. Any height limitations shall comply with all existing building codes for the structures that may be required after compliance with existing zoning and land development ordinances or laws. All soil analysis that may be required shall be part of any required stormwater plan or other permits that are engineering based.
- b. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
- c. For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six feet above the roof to which it is attached.

- d. Ground-mounted systems may not exceed 10 feet in height, measured from the tallest part of the structure when installed.
- 745.806 The footprint of the ground-mounted energy generation system shall not exceed the square footage of permitted buildings on the property where the energy is to be used but shall never exceed 25% of the lot area where it is to be placed.
- 745.807 Screening and visibility.
 - a. Building-mounted systems mounted on a sloped roof shall not be required to be screened.
 - b. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a 50-foot radius of the property, at a level of five feet from the ground, in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the system is not visible from the public right-of-way within a 50-foot radius at a level of five feet from the ground.
 - c. If a building-mounted system is to be installed on any building or structure that is nonconforming because it violates the height or setback restrictions of the zoning district in which it is located, the building-mounted system shall not extend above the peak or highest point of the roof to which it is mounted.
- 745.808 Vacation, abandonment, and/or decommissioning. The owner shall remove all ancillary power generation systems, components, and support structures, buildings, cabling, electrical component, roads, and any other associated equipment within 90 days of cessation of abandonment of the use.
- 745.809 In addition to criteria mentioned in this article, criteria set in Article 6.24 shall be applicable as relevant to the use.
- 745.9 Administration and Enforcement
 - 745.901 Applicant must apply for approval under the Township Subdivision and Land Development Ordinance within one (1) year after Conditional Use Approval is granted. The Township Board may extend this timeline at the request of the Applicant without requiring a new Conditional Use Application.
 - 745.902 Approved BESS shall remain in compliance at all times with the standards of the Conditional Use Permit and all documentation submitted with and affirmations made in the Conditional Use Application. No major changes may be made to the Conditional Use Permit by the BESS owner and/or operator without the written agreement of the Township.
 - 745.903 In the event of any change to the composition, chemistry or design of a battery energy storage system, the facility owner shall provide

the Township with a detailed description of all modified or replaced battery units. The facility owner shall also submit updated safety, emergency response and hazard mitigation procedures applicable to the modified system. If such changes require different emergency response protocols, the facility owner shall be responsible for providing appropriate training, at no cost to the Township, to local emergency responders and other emergency service providers to ensure they are adequately prepared to respond to incidents involving the modified battery system.

745.904 Minor changes to an approved BESS may be reviewed and approved by the Zoning Officer or their designee. The Zoning Officer may, at their discretion, determine that a proposed change to the BESS constitutes a major change that requires a new Conditional Use Approval. The following changes shall be considered minor:

- a. Technical changes to the following application documents:
 1. Construction documents.
 2. The Emergency Management Plan.
 3. The Operations and Maintenance Manual.
- b. Modifications to, retrofits, or replacements of an existing BESS that do not substantially increase the total designed discharge duration or power rating, or that do not substantially increase the lot coverage of the BESS.

745.905 Any violation of this Article shall be subject to the enforcement requirements provided for in the Township Code of Ordinances.

745.10 In addition to criteria listed herein, Article 6.24 shall be applicable to the use.

746. Child Day Care Facilities

746.1 The facilities need to be compliant as per the federal, state and county regulations as enacted by relevant departments.

746.2 Licenses as required by relevant authorities shall be obtained and submitted to the Township with the application for the use.

747. Clubs and Lodges

747.1 All buildings must be a minimum of 20 feet from the rear lot line.

747.2 There shall be no external evidence of any gainful activity. Access to any space used for gainful activity shall be from within the building.

747.3 Any such use shall be located on a street having a pavement width of at least 30 feet, or shall be able to provide access without causing heavy traffic on local residential streets.

- 747.4 Applicants shall prove that such uses proposed to be located in districts will serve primarily the residents of the surrounding neighborhood and that no other satisfactory location exists.
748. Cogeneration plants
- 748.1 Cogeneration Plant and associated equipment shall be listed by a Nationally Recognized Testing Laboratory to approved equivalent test levels, with subcomponents meeting each of the following standards as applicable:
- 748.101 Certification under the applicable electrical, building, and fire prevention codes as required.
- 748.2 All facilities/ infrastructure shall be designed, erected, and installed in accordance with all applicable provisions of the Building Code, all applicable state and federal regulations (including applicable environmental standards), and all applicable standards in the Township Zoning Ordinance and Subdivision and Land Development Ordinance.
- 748.3 The installation and use thereof, shall comply with the Building Code, Fire Code, and other applicable Township, County, and State codes. Installation of a Cogeneration Plant shall not commence until all necessary permits have been obtained.
- 748.4 All plans, manuals, and procedures required of the Cogeneration Plant owner and/or operator shall be compliant with the Federal, State and County standards.
- 748.5 Installation.
- 748.501 No alternative energy system shall be located, modified or constructed within the Township unless a permit has been issued to the facility owner in accordance with the provisions of this section of the Zoning Ordinance.
- 748.502 For alternative energy system categories in which installer certification exists, a certified installer shall be required for more complex installations, nonresidential installations, or if recommended by the manufacturer.
- 748.6 Maintenance obligations. The accessory alternative energy system must be clean and properly maintained in good, working order, and kept free from all hazards and unsafe conditions that are detrimental to the public health, safety and welfare. To the extent that an accessory alternative energy system constitutes an immediate threat to the public health, safety and welfare, the Township is authorized to take all necessary steps to mitigate

such public health, safety or welfare threat. All costs incurred by the Township in doing so will be borne by the owner.

- 748.7 Best practices required. All alternative energy systems are to be installed and maintained using best practices.
- 748.8 Corrective action. In the case of a breakdown, malfunction, misuse or other situation involving an alternative energy system, it is the obligation of the facility owner and operator to immediately initiate corrective action. If the facility owner and operator refuse or are incapable of doing so, the Township has the right to take corrective action at the expense of the facility owner and operator.
- 748.9 Removal.
- 748.901 The facility owner or operator shall, at his/her expense, completely remove any alternative energy system within 12 months after the end of its useful life. The alternative energy system will be presumed to be at the end of its useful life if no energy is generated for a continuous period of 12 months.
- 748.902 If the facility owner or operator fails to complete removal during the prescribed period of 12 months, the Township may take such measures as necessary to complete removal in accordance with this Zoning Ordinance at the expense of the facility owner and operator.
- 748.10 Existing systems. All alternative energy systems in place at the time this section is adopted shall be kept in clean, working order and meet the maintenance, corrective action and removal responsibilities mentioned above.
- 748.11 Utility safety and system protection requirements. Any qualifying facility operating in the Township shall provide adequate staff and equipment to ensure the safety and reliability of interconnected operations and comply with all Township requirements and specifications. This equipment shall be specifically designed, installed, and operated to protect interconnected operations between the qualifying facility and the Township's system. The qualifying facility shall be solely responsible for the cost of obtaining, installing, maintaining, repairing, renovating, replacing, removing, and operating this equipment. Access to the facility and inspection of all equipment is a required right of interconnection.
- 748.12 The application shall also include the plans as required by Article 6.24 including but not limited to Noise Mitigation Plan, Hazardous Materials and

Electronic Waste Plan, Lighting Plan, Stormwater Management Site Plan, Emergency Management Plan and Decommissioning Plan.

- 748.13 Retention of experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the qualifying facility and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this article. The applicant and/or owner of the qualifying facility shall establish an escrow deposit to cover the costs of any consultant(s) and/or expert(s) hired to assist the Township in reviewing and evaluating the application for approval of the qualifying facility. The amount of the escrow deposit is directed to be established from time to time by resolution of the Township Board.
- 748.14 Owners of qualifying facilities shall be required to pay all costs associated with their decommissioning. Such costs include, but shall not be limited to, the costs of decommissioning and liquidating or redistributing each individual component and any decommissioning studies to determine the effect on the Township's system of such decommission. The Township may require the owner of the qualifying facility to post financial security at the time the application to interconnect is submitted in an amount necessary to guarantee payment of the costs described in this section as estimated by the Township in its sole discretion.
- 748.15 In addition to criteria listed herein, Article 6.24 shall be applicable to the use.
749. Data Center
- 749.1 In addition to criteria listed below, refer to Article 5.6 Access management requirements.
- 749.101 Access to and from a Data Center property shall be via an arterial or collector street as designated by the Township's SALDO, unless:
- a. The Data Center is to be located within an existing industrial or business park or industrial subdivision served by an existing local street; or
 - b. The Data Center applicant requests and the Township Board of Supervisors grants an exemption from this provision based on considerations related to the unique nature and circumstances of the site.
- 749.102 Sufficient on-site queueing areas shall be provided at security gates to prevent backups onto the public street. On-site queueing

areas shall accommodate a minimum of three (3) tractor-trailers.

749.103 All Data Centers shall provide 24-hour emergency contact signage visible at the access entrance to the property. Signs shall include the name of the company operating the Data Center, the owner's name (if different), the telephone number, and the local electric utility company's name and telephone number.

749.2 Parking and Loading

749.201 Off-street parking shall be provided for Data Centers at a ratio of one (1) parking space per 3,000 square feet of gross building area, but in no case shall there be less than one (1) parking space per employee, based upon the maximum number of employees on site during the largest shift.

749.202 Parking facilities shall be designed in accordance with the ordinance.

749.203 The required number of parking spaces accommodating individuals with disabilities shall be provided at the ratio required based on the total number of required off-street parking spaces calculated in subsection above.

749.204 Loading areas, unloading areas, and commercial vehicle storage space shall be provided off-street and designed in accordance with the ordinance.

749.205 Loading bays shall be designed to limit obstructions to adjacent street traffic, including during reversing and unloading of commercial vehicles. Sufficient space shall be provided around loading areas to allow for emergency vehicle access.

749.206 Loading and unloading areas shall be designed to limit noise, heat, and exhaust from traveling to adjacent conservation, recreation, and residential districts and sensitive receptor uses.

749.3 Lighting requirements. All Data Centers and Data Center Accessory Uses shall comply with the requirements for lighting and glare, including the maximum illumination provisions. Outdoor lighting fixtures shall be properly shielded so that such lighting will not adversely affect abutting properties.

749.4 Avoidance of Environmentally Sensitive Areas. Data Centers shall minimize impacts to on-site natural resources to the greatest extent possible. The following requirements apply to all proposed Data Centers with respect to development within or near environmentally sensitive areas:

- 749.401 No impervious surfaces, including Data Center buildings, parking areas, and Data Center Accessory Uses, shall be located within any 100-year or 500-year floodplain as shown in the most recent Flood Insurance Rate Maps (FIRMs) prepared by the Federal Emergency Management Agency (FEMA).
- 749.402 A riparian buffer is an area of permanent vegetation along a waterway or wetland, consisting predominantly of native trees, shrubs, and forbs. When a riparian buffer exists on the Data Center Property, it shall be left intact, undisturbed, and undeveloped at a width of no less than 150 feet as measured from the natural waterline up the slope of the bank, to allow for the natural succession of native vegetation.
- 749.403 Existing riparian buffers shall be protected in perpetuity through deed, conservation easement, permit conditions, or any other mechanisms that ensure long-term functioning and integrity of the riparian buffer.
- 749.5 Stormwater Management Requirements.
- 749.501 Data Centers shall comply with all stormwater management requirements of the Code of the Township and Stormwater Management.
- 749.502 All stormwater management best management practices (BMPs) shall be designed, implemented, operated, and maintained in accordance with DEP's Pennsylvania Stormwater Best Management Practices Manual and Erosion and Sediment Pollution Control Program Manual, as amended and updated.
- 749.6 Community Engagement.
- 749.601 Public Meeting Requirement.
The Data Center developer and/or applicant shall hold a public meeting on the proposed Data Center no later than 21 days and no earlier than 60 days prior to the first hearing on the proposal before the Township Board of Supervisors. The meeting shall be publicized and conducted in a manner that informs members of the general public about the proposed Data Center, includes graphic renderings, identifies any requested variances, and allows for attendees to ask the developer and/or applicant questions about the proposal.
- 749.602 Host Community Agreement.

The holder of a Conditional Use Permit for a Data Center shall enter into a Host Community Agreement with the Township. Such Host Community Agreement shall be included as part of the Developer's Agreement. The terms of the Host Community Agreement may include but are not necessarily limited to provisions related to:

- a. Environmental performance — e.g., noise, air quality, energy usage, water usage, wastewater discharge, and heat mitigation;
- b. Site design — e.g., landscaping, buffering and screening, fencing, lighting, and stormwater management;
- c. Operational considerations — e.g., emergency management, noise testing, electronic waste, and decommissioning; and
- d. Community engagement and transparency — e.g., public availability of information, complaint response processes, local hiring, and annual reporting.

749.603 Prior to the issuance of a Certificate of Occupancy, the applicant shall provide specialized training and is strongly encouraged to provide and fund necessary equipment, for the Township's fire department and other relevant emergency responders regarding the unique hazards and operational characteristics of the Data Center facility. This training shall cover, but not be limited to, emergency shutdown procedures, hazardous materials handling (if applicable), access points, and specific fire suppression system operations. Ongoing training shall be provided by the Data Center operator periodically thereafter as deemed necessary by the Township Board of Supervisors and authority(s) having jurisdiction to ensure continued preparedness.

749.7 Decommissioning.

749.701 Data Centers that cease operation for 12 consecutive months shall be deemed abandoned and decommissioned accordingly. The Data Center Owner and/or Operator is required to notify the Township immediately upon permanent cessation or abandonment of the Data Center.

749.702 A Decommissioning Plan and financial security shall be provided as part of the Conditional Use Application to ensure removal of improvements and restoration of the Data Center site if deemed abandoned.

- 749.703 The Decommissioning Plan shall include the following items:
- a. Cost estimate for decommissioning and removal activities, including:
 - i. Removal of all structures, pads, and equipment to a minimum depth of three (3) feet below grade.
 - ii. Proper disposal of all electronic equipment, battery components, and hazardous materials in compliance with DEP and U.S. EPA regulations.
 - iii. Disconnection and discontinuation of public utilities.
 - iv. Site restoration with planting or seeding of native vegetation and soil stabilization.
 - b. A detailed timeline identifying the anticipated length of time necessary to complete the decommissioning process.
 - c. A detailed plan for the removal, demolition, disposal, recycling, and/or repurposing of all buildings, structures, equipment, utility infrastructure, foundations, fuel storage systems, battery energy storage systems, substations, cooling systems, and other above-ground and below-ground improvements associated with the Data Center.
 - d. A description of the extent of site restoration proposed, including grading, stabilization, revegetation, and removal of impervious surfaces where applicable.
 - e. A plan for completion of a post-decommissioning Phase I Environmental Site Assessment (ESA), and such additional environmental investigations or remediation as may be required by applicable law or recommended by the environmental professional preparing the assessment.
 - f. A plan for coordination with applicable public utility providers regarding the safe disconnection, removal, relocation, abandonment, or transfer of electric, water, sewer, telecommunications, gas, and other utility infrastructure during the decommissioning process.
- 749.704 Financial security provided in accordance with MPC Section 509 in a form acceptable to the Township Solicitor to guarantee proper decommissioning, such as a posted bond. The amount of the security shall be sufficient to cover the full cost of removal of all Data Center structures, accessory uses, and equipment, and

restoration of the site. The requirements of the financial security shall be as follows:

- a. The Data Center Applicant shall post financial security in the amount of 110% of the decommissioning cost, as approved by the Township Engineer, securing the decommissioning obligations of the Data Center and naming the Township as beneficiary, the original of which security shall be delivered to the Township. The form of the financial security shall be subject to the review and approval of the Township Solicitor.
- b. Every five (5) years after the date of providing the financial security, the Data Center Owner and/or Operator shall provide an updated decommissioning cost estimate to be approved by the Township Engineer. If the decommissioning financial security amount increases, the Data Center Owner and/or Operator shall remit the increased financial security to the Township within 30 days of the approval of the updated estimate by the Township. If the financial security amount decreases by greater than 10%, the Township shall release any amounts held in excess of 110% of the updated cost estimate.
- c. After the Data Center site is fully decommissioned and written certification is issued by the Township Engineer to the Township Board of Supervisors that the project parcel(s) have been restored to an environmentally stable condition substantially similar to the condition they were in prior to construction of the Data Center, the Township shall release the financial security.
- d. The financial security shall be in a form to be approved by the Township Solicitor. If the Data Center Owner and/or Operator fails to remove Data Center structures, accessory uses, and equipment in accordance with the requirements of this Section, the Township, shall have the authority to execute upon the financial security, enter the property, physically remove structures, accessory uses, and equipment, and restore the property to its original, pre-construction condition. The Data Center Owner and/or Operator shall be liable for all costs incurred by the Township associated with the decommissioning, including attorneys' and engineering fees

and any costs or fees associated with drawing on the financial security.

- 749.705 The Data Center Owner and/or Operator is encouraged to resell or salvage materials to the fullest extent possible. However, materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials in accordance with federal and state laws.
- 749.706 Any soil exposed during the removal shall be stabilized in accordance with applicable standards.
- 749.707 Any paved access drives from public roads shall remain for future use unless directed otherwise by the Township.
- 749.708 The Data Center Owner and/or Operator shall have 18 months in which to dismantle and remove Data Center Structures, accessory uses, and equipment, and to restore the site to an environmentally stable condition, in accordance with industry practice.
- 749.709 In the event that the present Data Center Owner and/or Operator has temporarily ceased its operation but is in the process of transferring ownership or operational management, the present Owner and/or Operator has the responsibility of notifying the Township. The decommissioning financial security also must be maintained during this time.
- 749.710 Any necessary permits shall be obtained prior to decommissioning activities.

749.8 Power Generation and Distribution.

749.801 On-Site Power Generation.

- a. All Data Center principal building roofs shall be “solar-ready,” which includes designing and constructing buildings in a manner that facilitates and optimizes the installation of roof-mounted solar energy systems at some point after the building has been constructed.
- b. On-site or behind-the-meter power generation using natural gas or renewable energy is permissible. All systems shall meet environmental, safety, and utility interconnection standards. Data Centers and battery storage systems may install on-site accessory solar and/or wind energy systems to offset peak electricity consumption, provided that such systems meet the design, dimensional, locational, height, and screening requirements. The restriction of one (1) accessory wind

energy system per lot shall apply, except that such restriction applies to the entire Data Center property when made up of an assemblage of multiple contiguous lots.

749.802 Battery Energy Storage Systems.

- a. Battery energy storage systems shall not be located within 150 feet of a stream, wetland, or 100-year floodplain.
- b. Rooftop or building-mounted battery storage systems shall comply with the Township's Building Code and NFPA 855.
- c. Installations shall not obstruct emergency vehicle access routes, stormwater conveyance systems, or required buffer areas.
- d. No system component shall discharge pollutants, vapors, or waste materials inconsistent with DEP and U.S. EPA regulations.
- e. The area around the battery energy storage system shall remain free of combustible waste, debris, or vegetation accumulation at all times to reduce the risk of fire.
- f. All systems shall include remote monitoring of temperature, voltage, and status through a manufacturer-approved monitoring facility, 24 hours a day, seven (7) days a week.
- g. All fire protection and gas detection systems shall transmit alarms to an approved central station.
- h. All systems shall be subject to annual Township and Fire Department inspection for compliance with landscaping, noise, safety, and maintenance standards.
- i. Records of inspections, maintenance, and incidents shall be maintained on-site and available for Township review.
- j. The Township may revoke operational permits or require immediate shutdown of any system found to pose a health, fire, or environmental hazard.

749.9 Backup Power and Requirements.

749.901 Uninterruptible Power Supply. Data Centers shall install and maintain an uninterruptable power supply (UPS) providing adequate automated backup electrical power and/or portable power generation for continual operation in the event of a disruption of the main power supply.

749.902 Generator Regulations.

- a. Diesel generators, whether portable or permanent, shall be used sparingly and may not be located closer than five hundred (500) feet from any lot line of a residential lot or any residential or conservation district. There shall be a minimum separation between individual diesel generators of five (5) feet.
- b. Generator testing shall only take place between 9:00 a.m. and 5:00 p.m., Monday through Friday, unless emergency conditions require otherwise.
- c. Diesel generators shall meet the requirements of all applicable emissions standards from DEP; the Air Pollution Control Act, 35 P.S. § 4001 through 4015, as amended; and National Emissions Standards for Hazardous Air Pollutants administered by the U.S. EPA under the Federal Clean Air Act (42 U.S.C. § 7412) as promulgated in 40 CFR 61, or its most recent update.
- d. Visible air contaminants shall not be emitted in such a manner that the opacity of the emissions is equal to or greater than 20% for a period or periods aggregating more than three minutes in any one hour, or equal to or greater than 60% at any time, and shall comply with Pennsylvania Code Title 25, Chapter 127A(7), or its most recent update.
- e. No person shall cause, suffer or permit the emission of fugitive particulate, vaporous or gaseous matter from any source in such a manner that the emission is visible or detectable outside the property of the person where the source is being generated.
- f. No person shall cause, suffer or permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the Data Center. Any process which causes an odor emission shall be operated in a manner such that escaping odors are eliminated. Backup odor reduction equipment shall be maintained to support primary odor reduction equipment.
- g. Proposals for diesel generators should use U.S. EPA Tier IV with selective catalytic reduction systems or, if practical, use alternative fuels such as hydro-treated vegetable oil. Onsite

battery systems can help reduce the amount of time diesel generators must be run when line voltage is insufficient.

- h. Diesel generators shall include a muffler or enclosure to limit noise. Noise shall not exceed the outdoor day-night average sound level (DNL) of 65 dBA as specified when measured at the property line using ANSI standard meters. Exceptions may be allowed during emergencies which must be temporary in nature.
- i. To reduce sound and exhaust, any grouping of two (2) or more non-portable diesel generators shall be surrounded by a fence or wall with a fire-department-accessible gate as well as permanent evergreen shrubbery or tree plantings of a type that will grow to not less than the heights of the fence or wall.
- j. Backup generators shall be subject to the noise standards as established.

749.10 Developer's Agreement. The Data Center Applicant shall, within 90 days after issuance of a Conditional Use Permit for a Data Center, execute a Development Agreement, in a form approved by the Township, specifying all the terms and understandings relative to the construction and operation of the Data Center, the permit holder's responsibilities according to this Ordinance, and the requirements of the Conditional Use Permit.

749.1001 Contents of Agreement. The content of the Developer's Agreement shall, at a minimum, provide the following terms:

- a. A survey of the acreage involved in the proposed Data Center development.
- b. A description of the ownership of the subject property.
- c. General description of the Data Center facility and all associated site improvements.
- d. Written confirmation that the Data Center Owner and/or Operator shall maintain insurance coverage during development in amounts established by the Township, naming the Township as an additional insured, and required insurance provisions after the development is completed.
- e. Written confirmation that the Data Center Owner and/or Operator will participate in annual inspections by the Carbondale Township Fire Department that includes an

inventory of the Data Center buildings to note changes in use and occupancy.

- f. A description of the timing and sequencing to complete the development of the Data Center. If the Data Center is to be developed in phases, a timeline to complete the construction of each phase shall be provided.
- g. A listing of any contingencies for removing Data Center buildings, structures, accessory uses, or equipment from service because of a reduction in needed capacity, a fire or other catastrophic event, or any other reason.
- h. A Host Community Agreement, as required.
- i. The approved Site Plan and Conditional Use Permit shall be incorporated by reference and attached as an exhibit.

749.1002 All costs incurred by the Township, including attorney fees, in drafting and approving the Developer's Agreement, shall be paid by the Data Center Applicant.

749.1003 Guarantees. An affidavit letter of understanding that financial security in the form of bonds, letters of credit, escrow accounts, cash, or other financial instruments accepted by the Township Board of Supervisors in the amount sufficient to cover applicable bonding set forth in this Ordinance shall be required prior to the submission of a land development plan in accordance with the SALDO, in amounts to be determined by the Township Engineer and Township Board of Supervisors. The Data Center applicant is required to provide at the time of application an affidavit agreeing to the provisions set forth in this Developer's Agreement.

750. Detention Facilities

750.1 The premises shall be maintained so as to not constitute a nuisance or a nuisance to public health and safety.

750.2 Air transport operations shall be located to minimize impacts to adjacent development.

750.3 No detention facility shall be established or operated within a thousand (1,000) feet of an existing school, public park, public playground, hospital, nursing home, place of worship, place of assembly, and/or dwelling.

750.4 Detention facilities shall provide a visual screen along all property lines. The screen shall be constructed as an earth berm, landscaped buffer yard, fence,

or wall. The screen shall have a minimum height of eight (8) feet and shall have a minimum opacity of eighty (80) percent.

750.5 No barbed wire or similar security fencing shall be visible from a public right-of-way or adjacent residential lot.

750.6 A detention facility shall be served by public sewer and water.

751. Drug Treatment Facility

751.1 No methadone treatment facility shall be permitted unless it is licensed by the PA Department of Health.

751.2 No methadone treatment facility shall be permitted if it is determined by the PA Department of Health that such use would be detrimental to the health, welfare, peace and morale of the inhabitants of the neighborhood within a radius of five-hundred (500) feet of the facility.

751.3 No methadone treatment facility or any other permitted drug rehabilitation facilities and drug treatment centers shall be nearer to any of the following uses than five-hundred (500) feet. For the purposes of this section, spacing distances shall be measured as follows: (1) from all property lines of the uses regulated in this Article hereof; (2) from the outward line or boundary of all residential zoning districts; (3) from all property lines of any of the following uses:

- a. Church, charitable institution, school or public playground.
- b. Child day-care center or family day-care home.
- c. Pennsylvania liquor store established, operated and maintained pursuant to the terms of Article III of the PA Liquor Code.
- d. Hotel, restaurant or club possessing a retail liquor license issued pursuant to Article IV of the PA Liquor Code.
- e. Older adult daily living center licensed by the PA Department of Aging.
- f. Any "senior center" as defined in Section 3 of the PA Senior Center Grant Program Act.

751.4 Such use shall have frontage on a collector street, and, it shall be accessible from such a street.

752. Essential Services

Such uses are intended to include facilities for sewage treatment, electric substations, transformers, switches, and auxiliary apparatus, as well as local governmental services. Where such uses are proposed to be located in a Residential District, they shall be subject to the following regulations:

752.1 Such facility shall not be located on a residential street (unless no other site is available), and shall be so located as to draw a minimum of vehicular traffic to and through such streets.

- 752.2 The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.
- 752.3 Adequate fences, barriers and other safety devices shall be provided, and shall be landscaped in accordance with the provisions of Article 6.9.
- 752.4 Noise emitted from electric substations shall not be greater than permitted in accordance with the performance standards set forth herein.
753. Funeral Homes and Undertakers
Undertaking and funeral parlor establishments may be permitted as a special exception in those zone districts where they are enumerated in Articles 4.3, hereof, provided that all required parking is made available; the outward appearance of the building does not detract from the residential area where it may be proposed; and it is to be located on a street where the collection and movement of vehicles participating in a funeral procession will not adversely affect the major or secondary vehicular circulation pattern of the community.
Applications for such uses shall be accompanied by maps showing the proposed routing of funeral processions.
754. Group Care
- 754.1 The facilities need to be compliant as per the federal, state and county regulations as enacted by relevant departments.
- 754.2 Licenses as required by relevant authorities shall be obtained and submitted to the Township with the application for the use.
755. Group Homes
- 755.1 It must include supervision by not less than one (1) person.
- 755.2 It must be operated by a not-for-profit charitable institution or by a governmental agency. It shall not be operated as a business.
- 755.3 It shall not be hazardous to the health, safety and welfare of the residential neighborhood where it is to be located.
- 755.4 Such uses shall not be a residence for transients. There shall be no fixed length of time for occupancy by the residents.
- 755.5 It must show evidence of such licensing as may be required by the Pennsylvania Department of Public Welfare.
756. Heavy construction equipment storage yards
- 756.1 Access to the facility shall only be from a collector or arterial street.
- 756.2 No retail sales of any kind shall be permitted.
- 756.3 Any storage areas on the lot shall be enclosed by a solid wall or fence and screened from view of adjoining properties. Screening shall be at least 6' in height except no more than 4' tall where it would block a line of sight for

- motor vehicles. No materials may be stored so as to create a public health hazard or a public nuisance.
- 756.4 No toxic or hazardous materials may be stored on any property, except in compliance with applicable State and Federal regulations.
- 756.5 Outdoor activities other than the departure or arrival of vehicles for off-site services shall be limited to 6 a.m. to 7 p.m.
757. Heavy Equipment Sales and Storage
- 757.1 Any storage areas on the lot shall be enclosed by a solid wall or fence and screened from view of adjoining properties. Screening shall be at least 6' in height except no more than 4' tall where it would block a line of sight for motor vehicles. No materials may be stored so as to create a public health hazard or a public nuisance.
- 757.2 No toxic or hazardous materials may be stored on any property, except in compliance with applicable State and Federal regulations.
- 757.3 Outdoor activities other than the departure or arrival of vehicles for off-site services shall be limited to 6 a.m. to 7 p.m.
758. Hospitals
- All such uses shall be located on a public street and they shall maintain a minimum 10-foot wide landscaped strip in accordance with the provisions of Article 6.9 on all property lines abutting residential parcels and all residential streets.
759. Kennels
- 759.1 Lot Area. Five acres minimum.
- 759.2 Setbacks. All buildings, dog runs, fenced enclosures and similar structures shall be located at least 100 feet from all property or street lines.
- 759.3 All boarding areas shall be completely within an enclosed building.
- 759.4 All outdoor running areas shall be fenced in a manner that restricts access and provides for a full enclosure.
- 759.5 The applicant shall furnish credible evidence that any and all other State and/or Federal approvals have been obtained or that none are required prior to the application for any permit authorizing the erection or use of any structure or land for a kennel.
- 759.6 The applicant shall furnish credible evidence of an effective and recognized acceptable manner for the disposal of animal waste and carcasses.
- 759.7 The owner/operator shall be responsible to exercise reasonable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor.
760. Laboratory, Research and Testing

- 760.1 All equipment and processing shall be contained within an enclosed building.
- 760.2 Unless otherwise identified the Township Building Code, no explosive materials or processes shall be used and no noise, smoke or fumes shall be noticeable beyond the limits of the lot. With regard to glare, see Article 6, required provisions pertaining to lighting and glare for all districts.
- 760.3 The lot shall be no less than twenty thousand (20,000) square feet in area and the building or buildings shall be set back at least 100 feet from abutting highways and residential zone boundaries.
- 760.4 Any outdoor storage conducted on the lot shall comply with Township standards.
- 760.5 Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- 760.6 An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.
- 761. Large scale Commercial Development
 - 761.1 Spacing and Orientation of Commercial and Manufacturing Developments. Spacing between buildings and orientation in commercial and industrial building groups shall be as follows:
 - 761.101 Exterior walls of opposite buildings shall be located no closer than a distance equal to the height of the taller building.
 - 761.102 A building group may not be so arranged that any permanently or temporarily inhabited building is inaccessible by emergency vehicles.
 - 761.103 Individual Buildings on Public Rights-of-Way. The front facade of a building shall face the road/right of way which it abuts; provided, however, that if it is located on a corner parcel, it shall face the widest road; provided, however, that if both roads are of equal or near equal width, it may face on either road, unless the existing pattern of development has predetermined the road that shall be faced.
 - 761.2 Signs and Lighting. All signs and lighting devices shall be of a type and design that will not conflict with traffic control signs and lights and shall be so oriented that they do not produce glare on the highway or adjacent residential development.

In any commercial development of 5 acres or more, identification signs may be erected in accordance with the provision of Article 9 hereof, except as follows:

- 761.201 There shall be not more than one (1) such sign for each commercial establishment, but there may be a maximum of one additional sign identifying the large-scale development and the occupants thereof; provided, however, that where there is more than one (1) main entrance, such signs may be erected at each entrance.
- 761.202 Signs identifying a large-scale manufacturing/ industrial development may be free-standing or attached to a wall.
- 761.203 Any free-standing sign shall be located at the entrance way of the use which it identifies. No such free-standing sign shall extend more than 30 feet above the mean ground level where it is located.
- 761.204 No sign identifying a building group shall have an area of more than 10 percent of the vertical wall area of the front of the building nor shall the total area of the sign of each tenant exceed 10 percent of the vertical building wall area of the front of the space occupied by the tenant.
- 761.205 Except for signs identifying the large-scale development, all signs shall be attached to the principal buildings.
- 761.206 No business sign shall project more than two (2) feet from the building facade to which it is attached.
- 761.207 No business sign shall be erected or maintained upon the roof of a building nor shall any sign extend above the roof of a building a distance of more than five (5) feet, provided, however, that a business sign may be affixed to a parapet. It may not extend above the top of the parapet, except that it may extend not more than five (5) feet above the roof of the building and no such sign shall project more than one (1) foot from the parapet.
- 761.208 The area of any sign shall include the entire face of the sign and any structural work incidental to its erection and/or decoration. If the sign is composed of individual letters, figures or designs, the space between and around such letter, figures, or designs shall be considered as part of the area.
- 761.209 Plans showing proposed location and design of all signs, including directional traffic signs and parking signs shall be submitted to the Planning Commission for its review and recommendation to the Zoning Hearing Board which shall be responsible for approval. In

granting such approval, special attention shall be given to considerations of safety and convenience of traffic movement, and the appropriate and harmonious relationships between buildings, structures, and signs, both on the site and in adjacent areas.

761.210 Proper arrangement of signs and lighting devices with respect to traffic control equipment and adjacent residential parcels shall be observed.

761.211 Directional signs indicating the location of the occupant(s) may be erected and maintained, provided, however, that the size of such sign shall not exceed an area of six (6) square feet nor a length of four (4) feet, and provided further that there shall be not more than one (1) such sign for each entrance to any premises.

761.212 The lesser dimension of any sign shall not exceed five (5) feet, provided, however, that for large-scale development signs, this provision shall not apply.

761.3 Planting and Screening. In business building groups abutting or within one hundred (100) feet of residential lots, fences, walls or year-round screen planting shall be provided when necessary to shield adjacent residential lots from parking lot illumination, headlights, heat, blowing papers and dust and to reduce the visual encroachments of commercial architecture, signs and activity.

761.4 Planned, integrated Shopping Centers and Industrial Parks shall be subject to the following requirements regardless of the applicants' request for consideration as a large scale development.

761.401 A tract of no less than 175,000 sq. ft. is required.

761.402 Only one ingress and one egress point is permitted for each 300 front feet along a Major Highway.

761.403 A site design plan showing building placement and vehicular safety control features, specific landscaping components, and the size and location of signage shall be submitted with all applications.

761.404 An architectural rendering showing the appearance of the facade(s) of the structure(s) visible from the Major Highway shall be submitted along with the site plan.

761.5 Justification for Exception

Where such exceptions are requested, they shall be granted solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such developments as well as of neighboring

properties than would be obtained under the standard requirements of this Ordinance.

762. Large Scale Manufacturing/ Industrial Development

762.1 Spacing and Orientation of Commercial and Manufacturing Developments.

Spacing between buildings and orientation in commercial and industrial building groups shall be as follows:

762.101 Exterior walls of opposite buildings shall be located no closer than a distance equal to the height of the taller building.

762.102 A building group may not be so arranged that any permanently or temporarily inhabited building is inaccessible by emergency vehicles.

762.103 Individual Buildings on Public Rights-of-Way. The front facade of a building shall face the road/right of way which it abuts; provided, however, that if it is located on a corner parcel, it shall face the widest road; provided, however, that if both roads are of equal or near equal width, it may face on either road, unless the existing pattern of development has predetermined the road that shall be faced.

762.2 Signs and Lighting. All signs and lighting devices shall be of a type and design that will not conflict with traffic control signs and lights and shall be so oriented that they do not produce glare on the highway or adjacent residential development.

In any commercial development of 5 acres or more, identification signs may be erected in accordance with the provision of Article 9 hereof, except as follows:

762.201 There shall be not more than one (1) such sign for each commercial establishment, but there may be a maximum of one additional sign identifying the large-scale development and the occupants thereof; provided, however, that where there is more than one (1) main entrance, such signs may be erected at each entrance.

762.202 Signs identifying a large-scale manufacturing/ industrial development may be free-standing or attached to a wall.

762.203 Any free-standing sign shall be located at the entrance way of the use which it identifies. No such free-standing sign shall extend more than 30 feet above the mean ground level where it is located.

762.204 No sign identifying a building group shall have an area of more than 10 percent of the vertical wall area of the front of the building nor shall the total area of the sign of each tenant exceed 10 percent of

the vertical building wall area of the front of the space occupied by the tenant.

- 762.205 Except for signs identifying the large-scale development, all signs shall be attached to the principal buildings.
- 762.206 No business sign shall project more than two (2) feet from the building facade to which it is attached.
- 762.207 No business sign shall be erected or maintained upon the roof of a building nor shall any sign extend above the roof of a building a distance of more than five (5) feet, provided, however, that a business sign may be affixed to a parapet. It may not extend above the top of the parapet, except that it may extend not more than five (5) feet above the roof of the building and no such sign shall project more than one (1) foot from the parapet.
- 762.208 The area of any sign shall include the entire face of the sign and any structural work incidental to its erection and/or decoration. If the sign is composed of individual letters, figures or designs, the space between and around such letter, figures, or designs shall be considered as part of the area.
- 762.209 Plans showing proposed location and design of all signs, including directional traffic signs and parking signs shall be submitted to the Planning Commission for its review and recommendation to the Zoning Hearing Board which shall be responsible for approval. In granting such approval, special attention shall be given to considerations of safety and convenience of traffic movement, and the appropriate and harmonious relationships between buildings, structures, and signs, both on the site and in adjacent areas.
- 762.210 Proper arrangement of signs and lighting devices with respect to traffic control equipment and adjacent residential lots shall be observed.
- 762.211 Directional signs indicating the location of the occupant(s) may be erected and maintained, provided, however, that the size of such sign shall not exceed an area of six (6) square feet nor a length of four (4) feet, and provided further that there shall be not more than one (1) such sign for each entrance to any premises.
- 762.212 The lesser dimension of any sign shall not exceed five (5) feet, provided, however, that for large-scale development signs, this provision shall not apply.

762.3 Planting and Screening. In business building groups abutting or within one hundred (100) feet of residential lots, fences, walls or year-round screen planting shall be provided when necessary to shield adjacent residential lots from parking lot illumination, headlights, heat, blowing papers and dust and to reduce the visual encroachments of commercial architecture, signs and activity.

762.4 Justification for Exception

Where such exceptions are requested, they shall be granted solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such developments as well as of neighboring properties than would be obtained under the standard requirements of this Ordinance.

763. Large scale Residential Development

The purpose of this Section shall be to permit the large-scale development of housing in such a manner as to provide for the flexibility of design and arrangement of dwelling structures which would achieve the objectives of this Ordinance but would not be bound by the standards established for individual lot by lot developments. Such developments, shall however, be subject to the broader standards set forth below.

763.1 Spacing and Orientation of Residential Developments. Spacing between buildings and orientation in residential building groups shall be as follows:

763.101 In buildings containing multiple dwelling units, walls containing main window exposures or main entrances, shall be so oriented as to insure adequate light and air exposures.

763.102 Such buildings shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.

763.103 Large Scale Developments with Interior Circulation. When a development is designed to be served by an interior pedestrian or vehicular circulation system, buildings may face the interior roadways; provided, however, where such orientation results in the rear or the side(s) of such buildings being within 100 feet of a public right-of-way, then such rear and/or side walls shall be screened from the public right-of-way in accordance with Article 6.9.

763.2 Vehicle and Pedestrian Circulation. Adequate provision for vehicle and pedestrian circulation shall be designed as follows:

- 763.201 Safe and convenient arrangement of walks, roadways, driveways, and off- street parking and loading space.
- 763.202 Separation of general vehicle traffic from pedestrian walks and public transportation loading places.
- 763.203 A building group may not be so arranged that any temporary or permanently inhabited building is inaccessible by emergency vehicles.
- 763.3 Paving and Drainage. The developer shall install throughout any proposed large scale residential development, hard-surfaced streets, which shall include curbs or gutters, catch basins and storm sewers.
- 763.4 Development Standards
- 763.401 Minimum Lot Area Per Dwelling Unit
- a. Single-Family Detached. Although the average minimum lot area per dwelling unit shall not be less than the minimum area requirement for the District where the development is located, the size of each lot may) be reduced as needed, to not less than two-thirds of the minimum required in the District where located, provided, however, that for "cluster" developments each lot may be reduced to one-third of the minimum lot area, but the average area per dwelling unit, within each development section including open space shall not be less than the minimum otherwise required for the District where located.
 - b. Two-family Dwellings. and Multi-family Dwellings. The average minimum lot area per dwelling unit shall not be less than the minimum area required for each respective type of dwelling structure in the district where such principal permitted uses are first permitted. The dimensions of each individual lot may, however, be reduced by not more than one-third of the minimum requirement, provided that the average lot area per dwelling unit within each development district shall not be less than the area otherwise required.
- 763.402 Minimum Lot Size. There shall be no minimum lot size requirements for any housing types other than the average minimum lot area required for such dwellings as described in Article 4.4 and Article 6 hereof.
- 763.403 Minimum Lot Frontage. The minimum lot frontage requirement shall be as follows:

- a. 1-family and 2-family dwellings, detached: 80 feet
- b. 1-family and 2-family dwellings, semi-detached: 50 feet for each side
- c. 1-family dwellings, attached (town-houses): 20 feet per dwelling unit plus an additional 25 feet at each end of all rows
- d. 1-family cluster development: None
- e. Multi-family dwelling structures: None

763.404 Minimum Lot Depth. No lot for any residential structure or group of residential structures shall have a lot depth of less than 100 feet.

763.405 Minimum Front Yards

The minimum front yard for all residential structures shall be 30 feet, except that garden apartments and other multi-family structures not including town houses shall have a minimum front yard of not less than 50 feet; provided, however, that these minimum front yard requirements may be reduced by not more than 20 percent if the developer shall provide adequate justification acceptable to both the Planning Commission and the Zoning Hearing Board.

763.406 Minimum Side Yards and Other Distances Between Buildings

Minimum side yards for all single-family dwellings including "cluster" developments shall be as specified in Article 4.5 hereof for the District where located. There shall be no side yard requirements for all other residential structures, except as follows:

- a. Side Yards adjoining public rights-of-way or other thoroughfares shall be not less than 25 feet.
- b. All other distances between buildings shall be as set forth under Article 6.1 through 6.3.

763.407 Maximum Lot Coverage

There shall be no maximum lot coverage limitation on a lot-by-lot basis; provided, however, that the overall coverage of land by buildings and other impervious surfaces within any development section shall not exceed 60 percent of the net land area (excluding land used for rights-of-way).

763.5 Supporting Commercial Facilities

Local retail and service commercial facilities, including those uses designated as principal permitted uses in a TD-6 District may be permitted in a Large-scale Residential Development provided that such commercial development including required off-street parking, off-street loading and

landscaping shall not exceed 10 percent of the net land area of the large-scale residential development; provided that such uses shall not include automobile service stations, bars, cocktail lounges, and similar uses; and, provided further, that the location of such commercial facilities shall be approved by the Planning Commission. Such permitted retail and service uses shall be designed to primarily serve the residents of the large-scale development of which they are a part.

763.6 Esthetic Considerations

Due to the potential impact of a large-scale development on the Township as a whole; and since the developer is provided the opportunity to modify otherwise minimum development standards, the Board of Supervisors may withhold the overall approval of such projects as well as the approval of reduced standards pending their review and approval of the proposed overall design, arrangement and layout of the buildings to be erected, including the exterior design of such buildings to insure that the architectural character of the large-scale development area will be compatible with that of the adjoining areas.

764. Libraries

764.1 The landowner and/or developer shall demonstrate that the primary visitor drop-off and pick-up area is located in a manner that does not cause undue traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

764.2 Garage doors nor loading docks shall not be parallel to any adjacent right-of-way.

764.3 Dumpsters shall be positioned and screened so as to not be visible from any right-of-way nor within any area between the front façade of the building and the front lot line.

764.4 At no time shall any supply materials or equipment be permitted to be stored outdoors.

765. Mineral Extraction

765.1 Procedure. All types of earth-extraction industrial activities shall be considered a temporary use of land and may be permitted in accordance with Article 4.3 and the classification therein. Such use shall only be authorized as a temporary use for a period of not more than ten (10) years or such lesser period as may be established on a case-by-case basis. Such temporary use may be extended for periods of time equal to or less than the original temporary use permit; provided, however, that each such request for an extension shall be in accordance with the procedures for any

new application for a use. Any such request for an extension of authorization shall be initiated not less than 120 days prior to the scheduled termination of the temporary use.

765.2 Excavations. All excavations must be enclosed by a fence not less than six (6) feet in height located at least ten (10) feet from the sides or perimeter of the excavation. All such excavation must be adequately drained to prevent the formation of pools of water. The side walls of all such excavations shall slope at an angle no steeper than one (1) foot of vertical distance for each two (2) feet of horizontal distance.

765.3 Special Provisions Governing Earth Extraction Activities.

765.301 The operator of any and all earth extraction operations existing within the Township at the time of passage of this Ordinance shall apply for a permit as required under the terms of this Ordinance. Said application shall not include any such earth extraction activities which will be completed within 60 days of the passage of this Ordinance.

765.302 All applications for earth extraction permits shall be filed with the Zoning Officer and shall include the following:

- a. A map in duplicate drawn to scale of not less than one inch equals 200 feet, which outlines the entire proposed area of earth extraction activities and shows the surface features, including buildings, dwellings, schools, railroads and highways within a distance of 500 feet from the perimeter of the proposed activities. In addition, said map will indicate the approximate or proposed depth of excavation and the number of surface acres of land subject to these activities.
- b. A bond payable to the Township conditioned on saving the Township and its officials of and from any and all claims, suits or demands caused by any blasting and further, to guarantee backfilling as required herein. The amount of said bond shall be set by an engineer designated by the Township and based on his estimate of the reasonable cost of such replacement, but in no case shall the amount be less than \$5,000 per acre of land to be excavated or otherwise as specified in the municipal fess schedule. Such bond shall be signed by the applicant and a corporate surety licensed to do business in the State of Pennsylvania, or the applicant may elect to deposit cash or United States Securities in lieu of surety bond. Upon covering

the exposed surface and approval thereof by the Engineer, the Township will release the applicant and his surety from their bond.

- c. A certificate of insurance with limits of \$100,000 for personal injuries and \$300,000 for property damage for the benefit of all persons who might be injured or suffer property damage as a result of said earth extraction operations.
- d. All earth extraction operations shall be backfilled and all overburden material shall be replaced in a manner which will restore the premises to an equal or same grade as existed on the original site before the commencement of the proposed earth extraction operation.
- e. The perimeter of any earth extraction operation shall not be nearer than 100 feet to any public right-of-way.
- f. If required by the Township Board to ensure the public safety and welfare of persons and property in the immediate vicinity open excavation and pits shall be enclosed with a fence of not less than six (6) feet in height.
- g. A statement signed by the applicant agreeing to comply with the requirement that no earth-extraction activities will be operated earlier than 7:00 A.M. nor later than 8:00 P.M. during each day and such activities shall not be operated on Sundays.
- h. All operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

766. Mineral Processing

Mineral processing is considered a conditional use. In addition to the performance standards in Article 6.15 and all other applicable standards of this Ordinance, the requirements of this article shall apply.

766.1 Location Requirements. Mineral processing operations shall comply with the following location requirements:

766.101 Setbacks - The following setbacks shall be maintained for any mineral processing operation:

- a. Property Lines, Road rights-of-Way-Two hundred (200) feet to adjoining properties and public road rights-of-way.
- b. Residential Structures- Three hundred (300) feet to any existing residential structure not located on the project parcel.

- c. Water Bodies - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland.

766.102 Buffer

- a. An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- b. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty (20) feet wide.
- c. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
- d. It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

766.2 Local State and Federal Regulations

All operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

766.3 Information Requirements

The applicant shall provide the information required by this Article 6 and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code. The Applicant shall provide the following:

- 766.301 Application Information- The information required by this article, all required application information, and all other necessary information to enable the Township to assess compliance with this Ordinance.
- 766.302 Additional Information - The Township may require the applicant to submit details about ground and surface water protection and an Environmental and Community Assessment
- 766.303 DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection Rules (DEP) Rules and Regulations.
- 766.304 Emergency Response - The Applicant shall develop a Emergency Preparedness, Prevention and Control Plan in accord with state and federal requirements and generally accepted practice and submit the Plan to review and comment by the Township.
- 766.4 Reporting Requirements
For any mineral processing operation approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.
767. Nursing Homes
- 767.1 Storage of gases must be in areas made inaccessible and secure by the construction of fences.
- 767.2 The location of access points shall be properly suited to the safe operation of emergency vehicles.
- 767.3 Access shall be available at a minimum of two (2) locations.
- 767.4 Suitable areas shall be provided for trash storage, which are so designed as not to be visible from a public street. The trash storage areas must allow for safe, easy removal of the trash.
768. Oil and Gas Facilities
- 768.1 Review Period. The review period for complete submissions shall not exceed thirty (30) days for principal permitted uses and one hundred twenty (120) days for conditional uses.
- 768.2 Oil and Gas Well and Pipeline Location Assessment. Oil and gas well and pipeline location assessment shall be a principal permitted use in all Districts.
- 768.3 Oil or Gas Well Development.
- 768.301 Nonresidential Districts - Oil and gas well development shall be principal use as designated in Article 4.3.

- 768.302 Residential Districts - Oil and gas well development shall not be permitted where the well head is less than five hundred (500) feet from an existing building. Where permitted in Districts:
- a. Well development shall not be located so that the outer edge of the well pad is less than three hundred (300) feet from an existing building.
 - b. The required setback of three hundred (300) feet shall not apply to the placement, use and repair of oil, and gas pipelines, water pipelines, access roads or security facilities.
- 768.4 Oil and Gas Pipeline. Oil and gas pipelines shall be principal uses in districts where Oil and Gas facility is permitted.
- 768.5 Oil and Gas Fluid Storage/ Impoundment. Oil and gas fluid storage/impoundment shall be a principal use in districts where Oil and Gas facility is permitted. However, in no case shall the edge of any fluid storage/impoundment area be less than three hundred (300) feet from an existing building.
- 768.6 Natural Gas Compressor Stations. Natural gas compressor stations shall be considered principal uses in districts where Oil and Gas facility is permitted and the following shall apply:
- 768.601 Setback-The natural gas compressor building shall be located not less than seven hundred and fifty (750) feet from the nearest existing building or two hundred (200) feet from the nearest lot line of a non-residential use or four hundred (400) feet from the nearest lot line of a residential use, whichever is greater, unless waived by the owner of the building or adjoining lot; and
- 768.602 Noise -The noise level of the natural gas compressor station does not exceed a noise standard of sixty (60) dbA at the nearest property line or the applicable standard of noise criteria elsewhere in the ordinance, whichever is less.
- 768.7 Natural Gas Processing Plant. Natural gas processing plants shall be considered principal uses in districts where Oil and Gas facility is permitted and the following shall apply:
- 768.701 Setback-The natural gas compressor building shall be located not less than seven hundred and fifty (750) feet from the nearest existing building or two hundred (200) feet from the nearest lot line of a non-residential use or four hundred (400) feet from the nearest lot line of a residential use, whichever is greater, unless waived by the owner of the building or adjoining lot; and

- 768.702 Noise -The noise of the natural gas processing plant level does not exceed a noise standard of sixty (60) dbA at the nearest property line or the applicable standard imposed by this ordinance, Federal law, whichever is less.
769. Pool Hall, Bowling Alleys, or any Legal Inside Recreational Use
- 769.1 Such uses, except amusement parks, shall be conducted entirely within an enclosed structure.
- 769.2 Parking areas shall be screened from adjoining residential properties in accordance with Article 6.9.
- 769.3 A principal structure shall be not less than twenty (20) feet from any property line, or such greater distance as may be otherwise required in the district where located or as set forth in Article 635.
- 769.4 There shall be no offensive noise or vibration; such elements may be emitted only in accordance with the performance standards set forth in Article 6.
770. Power Plants
- 770.1 Power Plant and associated equipment shall be listed by a Nationally Recognized Testing Laboratory to approved equivalent test levels, with subcomponents meeting each of the following standards as applicable:
- 770.101 Certification under the applicable electrical, building, and fire prevention codes as required.
- 770.2 All facilities/ infrastructure shall be designed, erected, and installed in accordance with all applicable provisions of the Building Code, all applicable state and federal regulations (including applicable environmental standards), and all applicable standards in the Township Zoning Ordinance and Subdivision and Land Development Ordinance.
- 770.3 The installation and use thereof, shall comply with the Building Code, Fire Code, and other applicable Township, County, and State codes. Installation of a Power Plant shall not commence until all necessary permits have been obtained.
- 770.4 All plans, manuals, and procedures required of the Power Plant owner and/or operator shall be compliant with the Federal, State and County standards.
- 770.5 The following project information shall be submitted to the Township for every proposed Power Plant Facility.
- 770.501 Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the

- number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions and respective manufacturers, and description of any ancillary facilities to the energy generation systems.
- 770.502 An affidavit or similar evidence of agreement between the property owner and the energy generation facility owner or operator demonstrating permission to apply for necessary permits for construction and operation of an energy generation facility.
- 770.503 Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed locations.
- 770.504 A site plan showing the planned location of each proposed energy generation facility, property lines, setback lines, access roads and the locations of any ancillary structure, including equipment, cabling, building, structure, transmission lines and substations.
- 770.505 A view shed impact analysis by a certified engineer consisting only of sufficient information to identify where buffer screening is necessary to hide views of the facility.
- 770.506 Stormwater Management Plan for the project must be filed.
- 770.6 Solar Energy Panels shall not exceed a maximum height of 15 feet, measured from ground level to the tallest point on the facility.
- 770.7 All energy facilities and any accessory equipment shall comply with all area, dimensional and yard setbacks for the zoning district in which the facility is located, as well as any other zoning provisions that apply, including buffering and landscaping, except as provided in this article, if more restrictive.
- 770.701 For a building-mounted system installed on a sloped roof, the system must be installed at the same angle as the roof on which it is installed, with a maximum distance measure perpendicular to the roof of 18 inches between the roof and the highest edge of the system.
- 770.702 For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
- 770.703 For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six feet above the roof to which it is attached.
- 770.704 Ground-mounted systems may not exceed 10 feet in height, measured from the tallest part of the structure when installed.
- 770.705 The footprint of the ground-mounted system shall not exceed twenty-five percent (25%) of the lot area of the property on which it is placed.

770.8 A decommissioning plan shall be submitted as part of the zoning permit application for such system and shall include, but not be limited to, the following:

- 770.801 A schedule and methods for the removal of such system.
- 770.802 A plan for restoring the site to a condition similar to its conditions that existed immediately prior to the development of such system, including grading and vegetative stabilization.
- 770.803 A performance bond, decommissioning trust or escrow account, or irrevocable letter of credit or a financial guarantee in an amount to be based upon the estimated cost of the decommissioning to insure completion of the decommissioning plan hereinafter referred to as "Security".
- 770.804 Any obsolete or unused power plant and appurtenant structures shall be removed from the property within six (6) months of abandonment or decommissioning.
- 770.805 The power plant owner is required to notify Township, immediately upon cessation or abandonment of the operation. The power plant shall be presumed to be discontinued or abandoned if no power is generated by such system for a period of six (6) continuous months. Upon notification or determination by the Township that the power plant operation is ceased or abandoned, the decommissioning and restoration process of the associated properties shall be initiated in accordance with this Ordinance and other Federal and State regulations.
- 770.806 At the time of issuance of the permit for the construction of the power plant, the owner shall engage an independent professional engineer licensed in the Commonwealth of Pennsylvania who is acceptable to the Township to conduct an appraisal to determine the approximate cost of decommissioning and dismantling the fully constructed power plant and removing the above-ground and below-ground (to the depth of not less than three (3) feet below-ground but in all cases at least to the depth of plow line) components of the energy generation system property (the Decommissioning costs) and to determine the costs of restoring and reclaiming the property under the assumption that the above-ground components of the power plant have been removed from the property ("Restoration Costs"). The power plant owner shall be responsible for all costs and expenses of the appraisal and the decision of such engineer shall be binding and conclusive.
- 770.807 Prior to the commencement of construction, Township, shall be named as the sole payee, obligee, or beneficiary, under the Security. Once the Security has been issued and delivered to Township, the Security shall not lapse until the restoration activities are

completed. Not less than sixty (60) days prior to any expiration of the Security, evidence of the renewal of such Security shall be provided to Township. The power plant owner shall provide evidence of such Security, and the Security shall contain an agreement by the institutional provider that the Security will not be cancelled, or the Security changed, without at least sixty (60) days prior written notice to Township. In no event shall the Security, be cancelled or changed by the power plant owner without the written consent of Township. In any event, the power plant owner shall keep Security as is provided herein, in place containing the determined amount.

770.808 The amount of the Security shall be reviewed and reset immediately after completion of construction based on a new estimate by a professional engineer acceptable to the Township, licensed in the Commonwealth of Pennsylvania, and then updated every five (5) years thereafter until the site is discontinued and is fully restored to the conditions as prior to construction and use of the facility. The cost of the estimate shall be paid by owner.

770.9 In addition to criteria listed herein, Article 6.24 shall be applicable to the use.

771. Public and Semi-Public buildings and uses

771.1 There shall be no external evidence of any gainful activity. Access to any space used for gainful activity shall be from within the building.

771.2 Any such use shall be located on a street having a pavement width of at least 30 feet, or shall be able to provide access without causing heavy traffic on local residential streets.

771.3 Applicants shall prove that such uses proposed to be located in districts will serve primarily the residents of the surrounding neighborhood and that no other satisfactory location exists.

772. Public Utility Facilities

Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to those of Article 6 of this Ordinance.

773. Railway Yards

773.1 Overnight operations and residential occupancy shall be prohibited on the premises.

- 773.2 The facility shall provide and maintain an independent security system for the entire site.
- 773.3 All operations shall comply with the applicable noise standards established by this Ordinance.
- 773.4 All maintenance and service areas shall be clearly identified on submitted land development plans.
- 773.5 All safety measures shall be implemented in accordance with applicable regulations and guidelines as implemented by relevant federal, state and local authorities.
774. Retirement Communities
- Retirement Communities shall include a form of residential use that is designed and operated for senior adults.
- 774.1 General Regulations. The applicant shall submit, to the satisfaction of the Township Solicitor, a proposed set of regulations to control such operation, including definition of age and income limitations of residents, any other restrictions to be placed upon the residents or their activities, admission procedures and security provisions, and provisions setting forth the policy to be used in determining the amount of rental and other charges to the residents in accordance with all applicable state and federal laws and regulations. The applicant shall indicate that single prospective residents of housing have attained the age of at least fifty-five (55) years or that families to occupy said units are elderly families (i.e. families whose heads or their spouses are at least fifty-five (55) years of age) or are under a disability as defined in Section 223 of the Social Security Act.
- 774.2 Use Regulations. Permitted uses for Retirement Communities shall be as follows:
- 774.201 Apartments for elderly persons (two (2) stories or less)
- 774.202 Accessory uses provided primarily to meet the needs of the occupants of the complex, including and limited to a medical office, other professional offices and/or retail in accordance with criteria herein.
- 774.3 Development Regulations. The following density, area, width, and yard regulations shall apply to Retirement Communities.
- 774.301 Maximum Residential Density. The number of elderly person apartments permitted shall be calculated as follows: 1 unit = 8,000 SF
- 774.302 Non-Residential Use. In addition to the above requirements, a maximum floor area ratio of one-tenth (0.10) may be used for

non-residential uses including and limited to a medical or other professional office, provided said use is located on the ground floor. As part of the maximum permitted non-residential floor area, one (1) percent may be used for retail purposes.

774.303 Minimum area. A lot of not less than one (1) acre shall be provided for Retirement Communities.

774.304 Open Space and Community Use Area. A minimum area equivalent to ten (10) percent of the lot area shall be designed, designated and used for open space and/or community use purposes by the residence of the use. This area shall be a combination of both indoor and outdoor spaces. The designated spaces shall be improved with activity and sitting areas appropriate for the residents.

774.305 Setbacks, Building Height and Building Coverage. The following requirements shall be met.

- i. Apartment buildings shall be a minimum of twenty-five (25) feet from any property line.
- ii. The maximum building height shall be forty-four (44) feet, unless a hip roof is provided with a minimum pitch of 4 on 12 in which the building height shall be a maximum of fifty (50) feet.
- iii. The minimum open space shall be fifteen (15) percent.

774.4 General Requirements.

774.401 Utilities. All buildings for Retirement Communities shall be serviced by a public sewage and water supply system and by underground utilities.

774.402 Common Areas and Facilities. Provision shall be made for the perpetual maintenance and care of all common areas including streets, driveways, parking areas, walkways, landscaped planting areas, open space, and community use facilities.

774.403 Other Facilities. Such other improvements including curbs, and storm water collection and control facilities as required by Ordinance shall be provided.

774.404 Buffer Yards. A buffer yard ten (10) feet in width shall be provided along all side and rear property lines where a Retirement Community adjoins a single-family dwelling or railroad. The buffer yard shall contain a combination of an ornamental wall or fence four (4) feet in height, and planted evergreen trees and shrubs as

required to create a dense screen a minimum of four (4) feet high upon planting. Evergreen trees such as firs or spruce shall be planted fifteen feet on center, evergreen shrubs such as arborvitae shall be planted five (5) feet on center or as required to create a dense visual barrier within three (3) years of planting. A combination of fencing, trees and shrubs shall be provided.

774.405 A minimum of five (5) percent of all apartments in a Retirement Community shall be handicap accessible including but not limited to access, cabinetry, switches and bathroom fixtures and accessories.

774.406 Retirement Community in excess of two (2) stories shall provide an elevator.

775. School, Pre-Kindergarten

Such uses shall be situated on a zone lot of not less than five (5) acre, except where a greater area is otherwise required herein, and shall be screened in accordance with the provisions of Article 6.9. Such uses shall provide evidence of all required State approvals.

776. School, Primary and Secondary

In any residential district, such uses, including play areas shall be located not less than 100 feet from any lot line, except where greater distances are otherwise required herein. Schools will be located on or within close proximity to roads having a pavement width of not less than 20 feet.

777. Sewage Treatment Plant

777.1 All areas at the use other than alleys, drives and screening shall be set back a minimum of 250 feet from any property line.

777.2 Hazardous areas shall be enclosed by a fence suitable to prevent unauthorized people from gaining access to such areas.

777.3 The actual area of sewage treatment shall not be established in a floodway, floodway fringe or approximated floodplain.

777.4 The potential for noise, fumes and dust shall be evaluated by the Board and a finding shall be made that no surrounding properties will be adversely affected by noise or fumes associated with the use.

778. Shooting Range, Outdoor

This section is intended to provide minimum standards to regulate outdoor shooting ranges and commercial outdoor archery ranges (hereinafter referred to as ranges) in order to protect neighboring property owners and the public at large from dangers of wild or ricocheting projectiles and from excessive noise and other

nuisances. Such ranges shall be permitted only in those districts as specified in the Schedule of Uses.

778.1 Setbacks

778.101 All outdoor shooting ranges shall be situated not less than five hundred (500) feet from any property line and not less than seven hundred and fifty (750) feet from any principal residential or commercial structure existing on the effective date of this section. This shall not apply to structures on the same parcel as the shooting range.

778.102 All outdoor archery ranges shall be situated not less than two hundred (200) feet from any property line and not less than three hundred (300) feet from any principal residential or commercial structure existing on the effective date of this section. This shall not apply to structures on the same parcel as the shooting range.

778.2 Safety Design

All ranges shall be designed and constructed with safety facilities to prevent accidental wild or ricocheting projectiles and stray arrows, and the Township may require such additional safety features deemed necessary to meet the intent of this section. Such features may include but not be limited to Increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.

778.3 Noise Reduction

All ranges shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of Article 6.15 of this Ordinance unless more restrictive standards are required by the Township as a condition of approval.

778.4 Hours of Operation

Hours of operation shall be limited to Daylight hours. However, the Township may establish more restrictive time limits as a condition of approval.

778.5 Fence

Security fencing may be required by the Township of such extent and design to restrict accidental access to any range.

778.6 Posting

A three hundred (300) foot perimeter around any outdoor range shall be posted with warning signs to adequately inform anyone entering the area.

778.7 NRA. State and Federal Regulations

The applicant shall provide evidence of compliance with any applicable National Rifle Association guidelines and state and federal regulations.

779. Shopping Centers and Malls

779.1 It is the intent of this section to provide standards for the flexibility of design of shopping centers and malls, and multiple occupant commercial establishments, (referred to as multiple occupant commercial establishments) while at the same time to assure the compatibility of the commercial development with the surrounding character of the Township. This shall be accomplished by:

- 779.101 Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site;
- 779.102 Designing buildings with consideration of architectural style and type of construction material in keeping with the surrounding landscape and development pattern;
- 779.103 Providing safe and convenient access from the public right-of-way based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;
- 779.104 Designing parking areas to complement patterns of traffic flow and to provide adequate off-street parking for shopping center patrons;
- 779.105 Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
- 779.106 Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts;

779.2 Conditional Use and Land Development: Any proposed multiple occupant commercial establishment shall be considered a conditional use, and in addition to the other applicable requirements of this Ordinance, shall be subject to the requirements of this section. Said proposal shall also be considered a land development as defined by the Pennsylvania Municipalities Planning Code and the Carbondale Township Subdivision and Land Development Ordinance and shall comply in all respects with all the requirements for plan submission and content for land developments contained therein, as well as the information which follows. The Township may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other Township Ordinances.)

- 779.201 Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and municipal boundary lines, within five hundred (500) feet of the tract;
- 779.202 A traffic flow chart showing circulation patterns from the public right-of-way and within the confines of the shipping center.
- 779.203 Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes;
- 779.204 Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking;
- 779.205 Location, arrangement, and dimensions of truck loading and unloading spaces and docks;
- 779.206 Location and dimensions of pedestrian entrances, exits, walks;
- 779.207 Location, height, and materials of walls, fences, screen plantings, and other landscaped areas.
- 779.208 Preliminary architectural drawings for all buildings;
- 779.209 Location, size, height, and orientation of all signs other than signs flat on building facades;
- 779.3 Ownership. The site proposed for any multiple occupant commercial establishment shall be held in single ownership or in unified control; and the applicant shall provide to the Township evidence of said ownership and/or control.
- 780. Single Family Cluster

A Single Family Residential Cluster is a form of planned residential development which allows for additional flexibility in the design of a development in exchange for the retention of open space.

 - 780.1 Minimum Lot Area. The minimum lot area for a Cluster shall be 20 acres.
 - 780.2 Use Regulations. Permitted use types as part of a Residential Cluster development may include uses as listed in Article 4.4.
 - 780.3 Development Regulations. The density, area, width, and yard regulations shall apply to all Residential Clusters as established in Article 4.4.
- 781. Stables

Commercial stables, including horses for hire, shall, in addition to all other applicable requirements of this Ordinance, comply with the following requirements:

 - 781.1 Parcel Size - A minimum parcel of twenty-five (25) acres shall be required and a single-family residence for the owner or manager shall be permitted

- on the premises provided all other Sections of this Ordinance and other applicable standards are met.
- 781.2 Number of Horses - No more than ten (10) horses are kept with the exception that one (1) additional horse may be kept for each additional one (1) acre of land in excess of the minimum acreage required in above.
- 781.3 Fences- All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means.
- 781.4 Parking-Adequate off-street parking shall be provided pursuant to this Ordinance with one space provided for each non-resident employee and one (1) space per two (2) horses kept on the premises.
- 781.5 Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Article 4.5. These setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback
- 781.6 Trails- Riding trails shall be separated from adjoining properties and any public road by a vegetative buffer of not less than fifteen (15) feet in width.
- 781.7 Nuisances -The commercial stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.
- 781.8 Uses Permitted -The following types of uses shall be permitted as part of the horse farm operation:
- 781.801 Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
- 781.802 Training of horses, and necessary buildings and structures, including facilities for training only, which are set back a minimum of one hundred and fifty (150) feet from all neighboring and adjoining property and any public or private road right-of-way.
- 781.803 Boarding of horses, and necessary buildings and structures.
- 781.804 The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.
- 781.805 Sale of horses other than the horses raised or boarded on the premises.
- 781.9 Uses Prohibited - The following types of uses shall not be permitted as part of the horse farm operation:
- 781.901 Commercial horse racing. (See definition of "private recreation facilities")

781.902 Retail or wholesale sales of any goods or merchandise except as may otherwise be permitted in accord with this Zoning Ordinance.

782. Telecommunications Facilities, Residential

782.1 Purpose. The following regulations governing antennae are designed to protect the aesthetic environment of the vicinity where they are to be located as well as to protect the public health, safety and welfare. The provisions of this section shall not apply to a T.V. Satellite Dish Antennae and Other Antennae having a diameter of 36 inches or less.

782.2 Allowed Locations. In the TD-2 districts, they shall be allowed anywhere on the site or on the building. In the TD-1, TD-3 and TD-4 districts, they shall be limited to the rear yard. If the applicant adequately documents that reception is infeasible in the rear yard they may be located in any side yard. If, however, reception is infeasible in either of these areas, they may be located in the front yard or on the roof of the building to which they are appurtenant. If they are to be located in the front yard or on the roof of the building, a special Satellite Reception Permit shall be required as specified hereof.

782.3 Size and Height. In the TD-2 districts, there shall be no restrictions regarding their size or height. In all residential districts, however, except as otherwise provided herein, they shall not exceed a height of 20 feet. However, where such height restrictions preclude the feasibility of reception, these dimensions may be exceeded, but a special Satellite Reception Permit shall be required.

782.4 Additional Requirements

782.401 Except in the TD-2 districts, satellite television antennas shall be located and designed (to the extent reasonably feasible) to reduce visual impact on surrounding properties.

782.402 Antennae shall meet all manufacturers' specifications, be of non-combustible and corrosive-resistant material, and be erected in a secure, wind-resistant manner.

782.403 Every antenna must be adequately grounded for protection against a direct strike of lightning.

783. Water Facilities

In addition to the performance standards and all other applicable standards of this Ordinance, the requirements of this article shall apply.

783.1 Requirements

783.101 Parking and Staging Areas -Adequate vehicle parking and staging areas for all facilities shall be provided on site to prevent parking or staging on any public road right-of-way.

783.102 Local, State and Federal Regulations -The facilities shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

783.103 Informational Requirements

- a. Application Information-The applicant and/or operator for all facilities shall provide the information required by this article, all other application information required by this Ordinance, and all other necessary information to enable the Township to determine compliance with this Ordinance.
- b. DEP/SRBC Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection (DEP) Rules and Regulations and the Susquehanna River Basin Commission (SRBC).
- c. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the facility and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use and how damage to public roads adjacent to the site will be addressed. The Applicant shall also comply with the Township road bonding requirements.
- d. Conditions -The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code.

783.104 Reporting Requirements - For any facility approved by the Township, the operator shall submit to the Township copies of all documents and reports associated with the operation which are required or issued by PA DEP or SRBC within fifteen (15) days of the submission/receipt of the document or report.

784. Zoos, Menageries, and Wild and Exotic Animals

Menageries and zoos shall, in addition to all other applicable Township, state and federal requirements, comply with the following:

- 784.1 A minimum parcel size of five (5) acres shall be required.
- 784.2 All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
- 784.3 The permit holder shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.
- 784.4 Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.
- 784.5 The permit holder shall maintain the premises so as to eliminate offense odors or excessive noise.
- 784.6 The permit holder shall not permit any condition causing disturbance of the peace and quiet of his neighbors.
- 784.7 Animals must be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from his premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.
- 784.8 The operation shall conform to all applicable local, state and federal laws and regulations
- 784.9 Any building, corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or animal waste storage shall not be located within one hundred twenty-five (125) feet of any adjoining property line and one hundred (100) feet from any public or private road right-of-way.
- 784.10 The applicant shall provide for adequate disposal of all waste materials generated on the premises, and a detailed plan for the same shall be included with the zoning application.

785. Concentrated Animal Feeding Operations

- 785.1 This section is intended to provide standards for industrial-like agricultural operations with animal densities which are likely to create effects on the environment and community which exceed those effects normally associated with typical farming. It is not intended to supersede the Pennsylvania Nutrient Management Act in terms of regulation of the storage, handling or land application of animal manure or nutrients or the construction, location or operation of facilities used for the storage of animal manure or nutrients or practices otherwise regulated by the Act. The

definitions and calculations in this section are intended to be consistent with the Nutrient Management Act, and all information and studies required by this section shall, at a minimum include the information required by the Act and its regulations.

- 785.2 Definition of CAFO - Any livestock operation which is defined as a concentrated animal feeding operation by the regulations adopted by the Commonwealth of Pennsylvania.
- 785.3 Conditional Use - CAFO's shall be considered conditional uses and only in those districts specified by the Schedule of Uses.
- 785.4 Standards- The following standards shall be applied to all CAFO's and no conditional use approval shall be granted until all required information and plans have been submitted by the applicant and have been approved by the Township. Failure of the applicant to implement any of the required plans shall constitute a zoning violation subject to the penalties and remedies contained in this Ordinance.
- 785.401 Parcel Size -The minimum parcel size (contiguous owned or rented acres) for a CAFO shall be fifty (50) acres for a CAFO involving poultry and one hundred (100) acres for any other CAFO.
- 785.402 Location -The applicant shall conduct a traffic study in accord with **Section 6.6** to demonstrate the roads serving the location are adequate to carry the volume and weight of the anticipated traffic. Such final determination shall be made by the Township based on the traffic study. The traffic study and plan shall (establish the most direct proposed route or routes for vehicles serving the facility. This route shall minimize impacts on any residence, commercial or retail establishment, public school or religious institution.
- 785.403 Setbacks - CAFO buildings used for housing of animals and structures for the storage of manure shall not be less than five hundred (500) feet from any property line and not less than two thousand five hundred (2,500) feet from any existing dwelling not located on the land with the CAFO. Manure storage facilities shall meet the setbacks established by the Nutrient Management Act and its regulations.
- 785.404 Buffer - A buffers shall be provided in accord with a plan to minimize CAFO visibility from adjoining properties and minimize sound and odor emanating from the property.

- 785.405 Nutrient Management Plan - A nutrient management plan shall be prepared in accord with the requirements of Title 25, Chapter 83, Subchapter D, Pennsylvania Code.
- 785.406 Storm water Management-A storm water management plan shall be prepared meeting the requirements of the Subdivision and Land Development Ordinance.
- 785.407 Conservation Plan - A conservation plan shall be prepared meeting the requirements of the County Conservation District.
- 785.408 Ground Water Protection -The applicant shall submit a groundwater and hydrogeological report from a qualified engineer or geologist detailing the groundwater characteristics of the area and identifying the (probable impacts on groundwater supply and quality. Details of the potential hazards and details of planned safety devices and contamination response actions shall be provided. The Township may require a plan to be submitted for review and approval and may require security for insuring contamination response. Monitoring wells and water quality testing may also be required by the Township. The developer shall also provide details about the use of ground water and any processes that could result in the depletion of ground water supplies. In cases where the use is of such a nature that large volumes of ground water are required the developer shall provide appropriate hydro-geologic studies which clearly establish that the proposed use will not cause a reduction in the quantity or the quality of ground water supplies available to other properties located within one-thousand (1,000) feet of any portion of the property where the proposed use will be located.
- 785.409 Waste-Disposal or Discharge - Solid and liquid wastes shall be disposed of in a manner to avoid creating insect or rodent problems, and an insect/rodent abatement plan which shall be prepared. No discharges of liquid wastes and/or sewage shall be permitted into a reservoir; sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the standards of local, state and/or federal regulatory agencies.
- 785.410 Odor Control -The applicant shall prepare an odor abatement plan and document the ability to comply with the plan. It is recognized that certain agricultural activities do produce odors, but the

applicant shall show that odors can be reduced to a minimum or abated. The plan shall include such steps as may be necessary to abate odors or to allow odors at times to minimize interference with the public health, safety and welfare.

785.411 Facility Operation and Management -The applicant shall demonstrate that the facility will meet the operational and management standards as may be set forth in treatises recognized by agricultural authorities or as the same may be produced by the Pennsylvania Department of Agriculture, Department of Environmental Protection, Pennsylvania State University, College of Agricultural Sciences, or similar entity. The operation and day-to-day maintenance of the facility shall comply with all applicable local, state and federal statutes, rules, regulations and ordinances 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. The applicant shall obtain all required local, state and federal as a condition of Township approval. A copy of all written applications, filings, plans and materials that are filed before any local, state and federal agency or which relate to other ordinances of the Township shall be concurrently submitted to the Zoning Officer.

785.412 Flood Plain - No CAFO buildings or manure storage facilities shall be erected in the one hundred-year flood plain.

785.5 Manure from CAFO Outside Township - This section applies to application of manure on lands in the Township from CAFO's located outside the Township. It is intended to ensure compliance with all applicable state and federal regulations.

785.501 Conditional Use -The application of manure on lands in the Township from a CAFO located outside the Township shall be considered a conditional use.

785.502 Nutrient Management Plan - A nutrient management plan shall be prepared in accord with the requirements of Title 25, Chapter 83, Subchapter D, Pennsylvania Code.

785.503 Conservation Plan - A conservation plan shall be prepared meeting the requirements of the County Conservation District.

785.504 Setbacks - Manure application shall meet the setbacks established by the Nutrient Management Act and its regulations.

- 785.505 Odor Control - The applicant shall prepare an odor abatement plan and document the ability to comply with the plan. It is recognized that certain agricultural activities do produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. The plan shall include such steps as may be necessary to abate odors or to allow odors at times to minimize interference with the public health, safety and welfare.
- 785.506 Regulation Compliance -The applicant shall provide documentation to demonstrate compliance with all applicable state and federal regulations. This shall also include the source and content of the manure and documentation of compliance with the source operation with all applicable state and federal regulations.
786. Concentrated Animal Operations
Livestock operations shall not be permitted in districts as designated in Article 4.3, except in cases where livestock is at all times no less than five hundred (500) feet from any property line and not less than two thousand five hundred (2,500) feet from any existing dwelling not located on the land with the CAO or principal non-residential structure not located on the same parcel on which the livestock is kept.
787. Lumber Mill
- 787.1 A Circulation and Safety Plan shall be submitted for review and approval.
- 787.2 An Hours of Operations Plan associated with delivery, transport, and operations shall be submitted for review and approval.
- 787.3 All site access shall be immediately adjacent to and occur on a State-owned road.
788. Medical Marijuana Dispensary Facility
- 788.1 A dispensary facility must be owned and operated by a legally registered dispensary in the commonwealth and possess a current and valid medical marijuana permit from the PA Department of Health pursuant to the Act.
- 788.2 A dispensary facility may only dispense medical marijuana in an indoor, enclosed, permanent and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- 788.3 A dispensary facility may not operate on the same site on which a grower/processor facility is located.
- 788.4 A dispensary facility shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of medical marijuana and unauthorized entrance into areas containing medical marijuana, all of which shall be in accordance with the Act.

- 788.5 Permitted hours of operation of a dispensary facility shall be 8:00 a.m. to 8:00 p.m. (of the same calendar day).
- 788.6 A dispensary facility shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of medical marijuana, and shall have an interior customer waiting area equal to a minimum of 25% of the gross floor area of the dispensary facility.
- 788.7 A dispensary facility shall:
- 788.701 Not have a drive-through service;
 - 788.702 Not have outdoor seating areas;
 - 788.703 Not have outdoor vending machines;
 - 788.704 Prohibit the administering of, or the consumption of, medical marijuana on the premises; and
 - 788.705 Not offer direct or home delivery service.
- 788.8 A dispensary facility may dispose only medical marijuana to certified patients and caregivers as set forth in the Act and shall comply with all lawful, applicable health regulations, including those of the PA Department of Health.
- 788.9 A dispensary facility may not be located within 1,000 feet of a property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
- 788.10 A dispensary facility shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of the municipality in which it is located. This separation distance does not apply to the distance between the grower/processor facility or academic clinical research centers and the specific dispensary facility they serve, or with which they partner.
- 788.11 Any medical marijuana facility lawfully operating pursuant to the Act shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or day-care center.
- 788.12 All external lighting serving a dispensary facility must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

- 788.13 Parking requirements will follow the parking schedule for medical and dental offices including outpatient clinics.
- 788.14 A buffer planting is required where a dispensary facility adjoins a residential use or district as applicable.
- 788.15 Entrances and driveways to a dispensary facility must be designed to accommodate the anticipated vehicles used to service the facility.
- 788.16 The dispensary facility shall require a site plan review and approval if it is utilizing an existing facility and a land development review and approval if a new facility is being built and utilized pursuant to the Ordinance.
- 788.17 Any and all other provisions contained in the Act affecting the construction, use and operation of a dispensary facility.
789. Waste Transfer Station
- 789.1 Unless otherwise regulated by the Commonwealth of Pennsylvania, the Department of Environmental Protection, and/or any other applicable entities, the following conditions apply:
- 789.101 Content: Solid Waste Material Permitted at Facilities. No facility shall accept materials inconsistent with the Solid Waste Management Act, as amended, and/or the PA Department of Environmental Protection.
- 789.102 Environmental Assessment. All proposed facilities shall prepare and submit to the Township an Environmental Assessment and shall fully comply with the regulations of the Pennsylvania Department of Environmental Protection.
- 789.103 Such Environmental Assessments shall also include a traffic study and plan which shall comply with the following requirements:
- i. Any facility located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration.
 - ii. Any facility located adjacent to a State Highway shall comply with all regulations of the Pennsylvania Department of Transportation.
 - iii. The traffic study and plan shall establish the most direct proposed route or routes for vehicles carrying solid waste to the facility. This route shall minimize impacts on any hospital, residential home, commercial, retail establishment, public school, or religious institution.

- iv. The traffic impact study and plan shall include proposed remedial actions to be taken in the event of a solid waste spill or accident involving a vehicle transporting solid waste.

789.2 Storage of Waste

789.201 All solid waste facilities, including transfer stations and staging areas, which store the solid waste at any stage prior to disposal at an approved facility shall maintain the aforesaid solid waste within a completely enclosed building.

789.202 Storage of materials, supplies or solid waste in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted unless the aforesaid motor vehicles, truck trailers or other containers shall be stored within a building in accordance with the following provisions.

- i. All municipal solid waste is brought to the site shall be removed from the site by the end of business on the date that it is brought to that site, notwithstanding and DEP regulations which would allow said municipal waste to remain thereon for a longer period of time; provided, however, that not more than one (1) loaded or partially loaded vehicle may be stored overnight in an enclosed building for a period of not more than eighteen (18) hours. Hazardous waste, infectious waste, and/or residual waste as classified by DEP shall not be disposed of at a facility. Such wastes shall not be stored overnight in the Township except as otherwise provided herein. regulations of the Federal Highway Administration.
- ii. Facility operators shall be responsible for the cleanup of the facility's road entrance and surrounding area, throughout the work period, with a final cleanup at the conclusion of the work period.

789.3 Screening, Fencing and other Security Requirements

789.301 All facilities shall be completely enclosed by a litter fence. The fence shall be fully enclosed with slats to a height of not less than ten (10) feet for the purpose of retaining all litter waste within the confines of the site. The erection of said fence shall be completed within six (6) months after the issuance of license for a facility. A locked gate system shall be installed on the property to prevent any and all illegal dumping which may take place on

site and its surroundings. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. Such a fence shall not be located closer than two hundred (200) feet to any property line. In cases where natural vegetation is not adequate to screen the facility from view from adjoining properties or roads, a dense evergreen planting to effect such screening shall be provided and maintained by the applicant in accordance with a planting plan submitted by the applicant and approved by the Township.

789.302 An evergreen buffered area shall be provided outside of the litter fence, but on the same property. Such natural vegetation shall be designed to act as a visual screen against the site from all adjoining landowners.

789.303 Security guards shall be placed at the site for the purposes of control against illegal dumping.

789.4 Location Restrictions

After the effective date of this ordinance no facility shall be located closer than seven hundred and fifty (750) feet to an existing public right-of-way or property line; residential structure existing at the time of adoption of this ordinance; public, semi-public, or institutional use; or commercial or recreational facility.

789.5 Vector Control

All facilities shall establish a vector control program designed to eradicate all rodent problems at the subject site and on surrounding sites. A description of the planned vector control program shall be submitted with all applications for facilities.

790. Wind Energy System

790.1 Site Plan; Information Requirements; Notice; Consent

790.101 Land Development and Site Plan - A full site plan shall be required for all wind farm sites showing all information required to determine compliance with this Ordinance. New windmills and/or the construction of any equipment building or other roofed structures which have a combined gross floor area of greater than one hundred (100) square feet shall be considered a land development subject to the Township's Subdivision and Land Development Ordinance.

- 790.102 Information Requirements - For all proposed wind farms, in addition to the information required by other Township Ordinances, the following minimum information shall be provided. Items 10 through 14 shall be included in a report prepared by a registered professional engineer or other professional deemed qualified by the Township. The Township shall require any additional information deemed necessary to determine compliance with this Ordinance.
- i. Name and address of the property owner and the applicant.
 - ii. Address, lot and block and/or parcel number of the property.
 - iii. Name and address of person preparing the plan.
 - iv. Size of the property and the location of all lot lines.
 - v. Approximate location of nearest residential structure.
 - vi. Approximate location of nearest occupied structure.
 - vii. Location of all structures on the property which is the subject of the application.
 - viii. Location, size and height of all proposed and existing antennas and all appurtenant structures on the property.
 - ix. Type, size and location of all proposed landscaping and fences.
 - x. A report by a Pennsylvania registered and licensed professional engineer, documenting compliance with applicable structural standards and describing the general structural capacity of any proposed installation.
 - xi. The number and type of windmills and other structures proposed.
 - xii. A description of the proposed windmills and all related fixtures, structures, appurtenances and apparatus, including height above grade, materials, color and lighting.
 - xiii. A description of the noise generated by the windmills.
 - xiv. The make, model and manufacturer of any proposed windmill.
 - xv. A visual analysis of the wind farm as seen from public viewing points in the Township.
 - xvi. Wind speed maps
 - xvii. Maps of migratory bird routes
 - xviii. Information on the bat population in the area
 - xix. Generator capacity of the turbines

- 790.103 Existing and Planned Facilities - The applicant shall provide details about the location, height and operational characteristics of all existing facilities of the applicant in and immediately adjacent to the Township. The applicant shall also provide a five-year plan for the provision of additional facilities in and immediately adjacent to the Township showing proposed general locations or areas in which additional facilities are planned. Subsequent applications shall confirm or modify the facility service plan, so that the Township will be kept up to date on future activities.
- 790.104 Operational Compliance - Within ninety (90) days of operating any wind farm, the owner or operator shall submit to the Township a written certification by a Pennsylvania registered and licensed professional that the wind farm complies with this ordinance and all other applicable government regulations.
- 790.105 Change in Ownership/Operation - If the name or address of the owner or operator of the wind farm is changed, the Township shall be notified of the change within ninety (90) days.
- 790.106 Associated Uses - All other uses ancillary to the wind farm (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the wind farm site, unless otherwise permitted by Township ordinances. This shall not prohibit the installation, as accessory structures, of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the wind farm.
- 790.2 Wind turbines shall be independent of any other structure and shall be located a minimum distance of one and one-half times the turbine height from any structure and property line, except for roof-mounted wind turbines. No part of the wind turbine shall be located within or above any required front, side or rear setback.
- 790.3 Visual Impact - The applicant shall provide to the Township graphic information that accurately portrays the visual impact of the proposed wind farm and individual windmills from various vantage points selected by the Township, such as, but not limited to key roads and recreation areas. This graphic information may be provided in the form of photographs or computer-generated images with the windmills superimposed, as may be required by the Township. The Township may require the applicant to conduct a balloon test to confirm the visual impact. The Township may

require specific colors, consistent with applicable federal regulations, to ensure that the wind farm is compatible with the surrounding landscape.

- 790.4 The structure shall constructed to a height no greater than the minimum required to function to industry standards. Further the minimum clearance between the blade tip and the ground shall be no less than 30 ft.
- 790.5 Wind turbines shall not be climbable up to 12 feet above the ground surface.
- 790.6 Wind turbines shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip and other similar-systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- 790.7 All electrical components of the wind turbine shall conform to the relevant and applicable local, state and national codes and relevant and applicable international standards.
- 790.8 Wind turbines shall be a nonobtrusive color, such as white, off-white or gray.
- 790.9 Wind turbines shall not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- 790.10 Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, which sign shall have an area of less than 200 square inches.
- 790.11 On-site transmission and power lines shall, to the maximum extent practicable, be placed underground.
- 790.12 A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- 790.13 Visible, reflective, colored objects, such as flags, reflectors, or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.
- 790.14 The applicant shall avoid any disruption or loss of radio, telephone, television or similar signals and shall mitigate any harm caused by the wind turbine and/ or any other structures used in the production of energy.
- 790.15 The applicant shall be responsible for obtaining all state and federal permits if required.
- 790.16 When a building is necessary for storage cells or related mechanical equipment, the building must not exceed dimensional requirement described in [Article 4.4](#) and must not be located within any required front, side or rear setbacks.

- 790.17 The wind turbine shall comply with all other applicable regulations and requirements as set forth in this chapter. However, land development approval shall not be required under the Township Land Development Ordinance. A zoning permit shall be required from Township prior to the erection of a wind turbine.
- 790.18 Insurance - The applicant shall submit a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$2,000,000 per occurrence and property damage coverage in the minimum amount of \$2,000,000 per occurrence covering the wind farm and all its facilities. The applicant shall provide the Township with proof of annual renewal prior to expiration.
- 790.19 Discontinued Use - If the use of any facility/ structure is discontinued, the owner or operator or then owner of the land on which the facility is located shall be required to remove the same within ninety (90) days from the abandonment of use. Failure to do so shall authorize the Township to remove the facility/ structure, including foundations to a minimum of four (4) feet below grade, and assess the cost of removal to the foregoing parties. In addition, at the time of permit issuance for any wind farm the Township shall require a financial guarantee, in a term, form and amount determined by the Township Supervisors with the advice of their Solicitor, to guarantee the removal of the facility/ structure. If such guarantee is inadequate, the Township shall be authorized to use all means provided in law, including a municipal lien, to recover all costs of removal.
- 790.20 The wind turbine shall be subordinate to and located on the same lot occupied by the principal use to which it relates.
- 790.21 Audible sound from a wind energy facility shall not exceed standards as listed in the ordinance, as measured at the exterior of any occupied building on a nonparticipating landowner's property. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for prevision described in American Wind Energy Association (AWEA) Standard 2.1- 1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume 1. First Tier," or any successor provision or publication.
- 790.22 The system owner/operator shall make all reasonable efforts to minimize and/or eliminate shadow flicker to occupied buildings on immediately adjacent properties. The applicant is responsible for identifying problem areas where shadow flicker will interfere with existing or future residences

and describe proposed mitigation measures including, but not limited to, a change in siting of the wind energy conversion system, a change in the operation of the wind energy conversion system or grading or landscaping mitigation measures.

791. Bulk Storage of Gasoline, Fuel Oil, or Other Inflammable or Explosive Liquid
- 791.1 Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.
- 791.2 A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.
- 791.3 Site map location of where hazardous materials are stored, handled and used.
- 791.4 Storage areas shall be located at least 200 feet from any property line.
- 791.5 Storage areas shall be completely screened from view from any public right-of-way or adjoining properties. Screening shall meet the requirements for "screening" as defined in this code and shall be at least 6' in height except no more than 4' tall where it would block a line of sight for motor vehicles.
- 791.6 Access to the facility shall only be from a collector or arterial street.
792. Personal Care Homes or Centers
- 792.1 Ingress and egress points must be located in safe and proper locations.
- 792.2 The use shall be served by a public sewage system.
- 792.3 The use shall be served by a public water supply system.
- 792.4 Landscaped buffer of fifty feet (50 ft) shall be established along each side and rear yard area, in accordance with the design specifications of the Carbondale Township Subdivision and Land Development Ordinance as amended.
- 792.5 The Township may attach certain conditions to its approval in order to preserve and protect the character of the zoning district and the health, safety and welfare of the public.
- 792.6 The applicant shall demonstrate that all applicable Federal, State, County and Township licenses or certifications have been obtained.
- 792.7 All portions of a facility shall be provided with an automatic fire suppression system.
- 792.8 The use shall not provide any services to nonresidents of the home, other than providing meals for employees or visitors to residents of the facility.
793. Agritourism
- 793.1 Activities shall only occur on land which is at least ten (10) acres in size.

- 793.2 Patrons participating shall only be permitted to access structures that are located a minimum distance of three hundred feet (300') from the nearest point of any dwelling unit not owned by the owner of the land where they are conducted.
- 793.3 Patrons participating in Activities shall only be permitted to access structures that are located a minimum distance of one hundred feet (100') from any real property boundary line, unless such property boundary line is appurtenant to a parcel of real property owned by the owner of the land on which the Activities are conducted.
- 793.4 Onsite parking for patrons shall be provided, and no parking by patrons shall occur on any public road.
- 793.5 Parking areas used by patrons participating in the Activities shall be located a minimum distance of one hundred feet (100') from any real property boundary line, unless such property boundary line is appurtenant to a parcel of real property owned by the owner of the land on which the Activities are conducted.
- 793.6 The Activities shall not be conducted in such a way as to produce noxious odors, noise, or glare.
- 793.7 Agritourism activities shall not be conducted between the hours of 9 p.m. and 6 a.m.

8. Parking and Loading

8.1 Required number of parking spaces.

Sr. No.	Uses	No. of Minimum Parking as per use
1	Residential	2 per dwelling unit
2	Temporary Living	1.1 per bedroom
3	Agribusiness and related	1 employee per maximum shift
4	Commercial (Light)	1 per 100 sq. ft. of gross floor area open to public
5	Commercial (Heavy)	1 per 200 sq. ft. of gross floor area open to public
6	Institutional	1 per 4 seats
7	Industrial (Light)	1 per 600 sq. ft. of gross floor area
8	Industrial (Heavy)	1 per 2 employees on maximum shift or 1 per 1,000 sq. ft. of gross floor area (whichever is greater)
9	Recreation, Open Space	As per Township

8.2 General regulations for off-street parking.

Off-street parking, loading, and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.

8.3 Standards for off-street parking.

831. In all districts, in connection with every manufacturing, business, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking space for automobiles available to the occupants of such buildings and to visitors thereto at no charge in accordance with the requirements set forth herein.

831.1 Size and Access. Each off-street parking space in a parking lot shall have an area of not less than one hundred eighty (180) square feet exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area shall contain less than 3 spaces. There shall be adequate provisions for ingress and egress to all parking spaces. Access to off-street parking areas shall be limited to several well-

defined locations and in no case shall there be permitted unrestricted access along the length of the street or alley upon which the parking area abuts. No off-street parking shall be located in the front yard of any residential lot. No point of ingress or egress shall be nearer, one to the other, than 300 feet, except where inadequate highway frontage precludes the feasibility of complying with this requirement.

- 831.2 Number of Parking Spaces Required. The number of off-street parking spaces required shall be as set forth in Article 8.1 following in accordance with the definition of "floor area" as set forth in Article 2 hereof, provided further that in any TD-2, TD-3 and TD-4 Districts, on any lot having an area of one (1) acre or less, private garage space may be provided for not more than four (4) motor vehicles. Space for one (1) additional motor vehicle may be provided for each one-half (1/2) acre by which the area of the lot exceeds one (1) acre.

In any case of a building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, in the opinion of the Zoning Hearing Board, shall apply.

- 831.3 Off-Site Facilities. All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same zone lot as the use to which such spaces are accessory, except that such spaces may be provided elsewhere but shall be provided with a radius of no greater distance than 400 feet from the zone lot, and provided further, that required spaces are provided off the site in accordance with the provisions set forth herein and that such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and/or assigns to maintain the required number of spaces available throughout the life of such use, and such spaces shall conform to all regulations of the district in which they are located.

8.4 Off-street loading.

841. In any district, in connection with every building, or building group or part thereof hereafter erected and having a gross floor area of five thousand (5,000) square feet or more, which is to be occupied by manufacturing, or commercial uses, or distribution of material or merchandise by vehicles, there shall be provided and maintained, on the same zone lot with such building, off-street loading berths in accordance with the requirement of table below.

- 841.1 Size and Location. Each loading space shall be of sufficient size to accommodate vehicles that are likely to utilize the berth, but not less than 10 feet in width, 25 feet in length and 14 feet in height, and may occupy all or any part of any required yard, except where located adjacent to any Residential districts where they shall be set back a minimum of 6 feet from any such property line.

Uses	Sq. Ft. of Floor Area	Required Off-Street Loading Berths
Schools	15,000 or more	1
Hospitals (in addition to space for ambulance)	From 10,000 -30,000 For each additional 30,000 or major fraction thereof.	1 1 additional
Undertakers and Funeral Homes	5,000 For each additional 5,000 or major fraction thereof.	1 1 additional
Hotels and Offices	10,000 or more	1
Retail, Commercial, Wholesale, Manufacturing, Storage & Miscellaneous	From 10,000 - 25,000 From 25,000 - 40,000 From 40,000 - 60,000 From 60,000 - 100,000 For each additional 50,000 or major fraction thereof	1 2 3 4 1 additional

842. Joint Facilities for Parking or Loading
Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one use unless otherwise approved by the Zoning Hearing Board in accordance with the purposes and procedures set forth herein.

8.5 Design and Layout of Off-Street Parking and Loading Facilities.

851. Development and Maintenance of Parking and Loading Areas. Every parcel of land hereafter used as a public or private parking area or loading area including a commercial parking lot shall be developed and maintained in accordance with the following requirements.

851.1 Screening and Landscaping. Off-street parking areas for more than five (5) vehicles and off-street loading areas shall be effectively screened on each side which adjoins or faces premises situated in any TD-2, TD-3 and TD-4 Districts, or institutional premises, by a solid fence or hedge. Such fence or hedge shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. Any space between such fence or hedge and the side lot line adjoining premises, or the front lot line facing premises, in any Residential districts shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition. The landscaping of parking lots shall conform with the requirements of Article 693.3 hereof.

851.2 Minimum Distances and Setbacks. No off-street parking or loading area or part thereof for more than five (5) vehicles shall be closer than twenty (20) feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot. If not in an TD-2, TD-3 and TD-4 Districts but adjoining such district, the parking area shall be set back not less than ten (10) feet from the established street right-of-way line within fifty (50) feet of any TD-2, TD-3 and TD-4 Districts.

851.3 Surfacing. Any off-street parking or loading area shall be surfaced with an asphaltic or cement binder pavement or similar durable and dustless surface which shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for the orderly and safe loading, parking and storage of self-propelled vehicles.

851.4 Lighting. Any lighting used to illuminate any off-street parking or loading areas shall be so arranged as to reflect the light away from the adjoining premises in any TD-2, TD-3 and TD-4 Districts.

851.5 Modification of Requirements. The Zoning Hearing Board may authorize on appeal, a modification, reduction or waiver of the foregoing requirements, if it should find that in the particular case appealed the peculiar nature of the use, or the exceptional situation or condition must justify such action. Such

modification shall be granted only in accordance with the procedure for variances, Article 11.3 hereof.

852. Service Stations and Parking Lots.

852.1 Location of Establishments and Access Thereto. Vehicular Service Stations, commercial parking lots for five (5) or more motor vehicles, automobile repair shops, or any vehicular access thereto are regulated as follows:

852.101 Shall not be located within 100 feet of any boundary line of any TD-2, TD-3 and TD-4 Districts; provided, however, that where the rear lot line of the property shall be less than 100 feet distant from an TD-2, TD-3 and TD-4 Districts there shall be established along such rear lot line a buffer zone which shall be landscaped in accordance with the provisions of Article 6.9 hereof; and, no part of any parking space shall be less than 20 feet from any residential property line.

852.102 Shall not be located within two hundred (200) feet of property dedicated to or intended for schools, playgrounds, churches, hospitals, public libraries and institutions for dependents or for children, when located along the same street or road and in the same block as said properties.

852.103 Vehicular access to the above automotive uses shall not be closer to the intersection of any two (2) street right-of-way lines than fifty (50) feet.

853. Truck and Tractor Trailer Parking in Residential Districts. Trucks and tractor trailers may be parked in Residential Districts provided that there shall be not more than one (1) truck or one (1) tractor trailer parked on any residential zone lot, but not on any residential street except for incidental deliveries; and, provided further, that any such vehicle parked on a residential zone lot shall conform with the following additional requirements:

853.1 The motor of such a vehicle shall not be left running for more than one (1) hour during any 24-hour period.

853.2 No refrigeration units on such vehicles shall be operated on a residential zone lot.

9. Signs

9.1 Purpose and applicability.

Signs may be erected, reconstructed and maintained only when in compliance with the following provisions and the Building Code of the Township of Carbondale.

9.2 Sign Regulations according to Districts

921. Signs in Residential Districts. The following types of non-illuminated, non-advertising signs are permitted in all Residential Districts as follows:

921.1 Nameplates and Identification Signs.

921.101 Signs indicating the name or address of the occupant, or a permitted home occupation, provided that they shall not be larger than two (2) square feet in area. Only one such sign per dwelling unit shall be permitted except in the case of corner lots where two such signs (one facing each street) shall be permitted for each dwelling unit.

921.102 For buildings other than dwellings a single identification sign not exceeding six (6) square feet in area and indicating only the name and address of the building and the name of the management may be displayed, provided that on a corner lot two such signs (one facing each street) shall be permitted.

921.2 Sale or Rental Signs. Signs advertising the sale or rental of the premises upon which they are erected by the owner or broker or any other person interested in the sale or rental of such premises, and signs bearing the word "sold" or "rented" with the name of persons effecting the sale or rental may be erected or maintained, provided:

921.201 The size of any such sign is not in excess of six (6) square feet; and

921.202 Not more than one (1) sign is placed upon any property unless such property fronts upon more than one street, in which event one (1) more sign may be erected on each additional frontage.

921.3 Institutional Signs. Signs of schools, colleges, churches, hospitals, sanatoria, or other institutions of a similar public or semi-public nature may be erected and maintained, provided:

921.301 The size of any such sign is not in excess of 20 square feet; and

921.302 Not more than one (1) such sign is placed on a property, unless such property fronts upon more than one street, in which event two such signs may be erected, one on each frontage.

- 921.4 Signs Accessory to Parking Areas. Signs designating entrances or exits to or from a parking area and limited to one sign for each such exit or entrance and to a maximum size of two (2) square feet each shall be permitted for each direction of traffic flow. One sign per parking area designating the conditions of use and identity of such parking area and limited to a maximum size of nine (9) square feet shall be permitted, provided that on a corner lot two such signs shall be permitted, one facing each street.
- 921.5 Development Signs. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other persons interested in such sale or development, may be erected and maintained, provided:
- 921.501 The size of any sign is not in excess of 20 sq. ft.
- 921.502 Not more than two (2) signs are placed upon any property, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on such frontage; and
- 921.503 Any such signs except signs identifying the development shall be removed by the developer within thirty (30) days of the final sale of property.
- 921.6 Directional Signs. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided:
- 921.601 The size of any such sign is not in excess of six (6) square feet, and not in excess of four (4) feet in length; and
- 921.602 Not more than one such sign is erected on each five hundred (500) feet of street frontage.
- 921.7 Artisans' Signs. Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided:
- 921.701 The size thereof is not in excess of twelve (12) square feet; and
- 921.702 Such signs are removed promptly upon completion of the work.
- 921.8 Private Driveways. Signs indicating the private nature of a driveway, or trespassing sign, provided that the size of any such sign shall not exceed two (2) square feet.
- 921.9 Height and Projection of Signs. No sign in an residential district shall project into the public way or project higher than twelve (12) feet.
922. Signs in Non-Residential Districts. Business signs shall be permitted as follows:

- 922.1 Size of Signs. (Detached). No detached sign shall have a gross surface of more than 100 sq. ft. in any TD-5, TD-6 and TD-10 Districts.
- 922.2 Size of Signs. (Attached). No attached sign shall have a gross surface area in excess of 20 percent of the building side on which it is attached.
- 922.3 Location of Signs. No free standing signs shall be nearer to any property line than the height of such sign, but in no case less than twenty (20) feet.
- 922.4 Illumination of Signs. Flashing signs are prohibited in all districts. Stationary illuminated signs are permitted in TD-1, TD-5, TD-6 and TD-10 Districts only.
- 923. Outdoor Advertising. Outdoor advertisements (billboards) are permitted in TD-6, TD-8 and TD-10.
 - 923.1 No outdoor advertisement shall be permitted within two hundred (200) feet of any residential district, nor facing any public or parochial school, library, church, hospital or similar institutional use, if closer than two hundred (200) feet.
 - 923.2 No two outdoor advertisements shall be located closer to one another than one-thousand (1000) feet. Double outdoor advertising signs shall be treated as a single sign regarding this restriction governing the minimum distance between signs.
 - 923.3 Outdoor advertisements shall conform with all yard spaces required for the district in which they are located.
 - 923.4 The total surface area of any outdoor advertisements, exclusive of structural supports, and trim, shall not exceed, in square feet, four times the frontage of the lot or tract on which it or they stand, nor shall any individual outdoor advertisement exceed 672 square feet.
 - 923.5 No outdoor advertising sign shall be nearer to any property line than the height of such sign, but in no case less than 25 feet.
 - 923.6 Illumination of Signs. Flashing signs are prohibited in all districts. Revolving illuminated signs shall be considered as a Special Exception permitted in TD-10 District provided that such signs shall not create any traffic hazard, or abut or face any residential property or any residential zone lot.

9.3 General Regulations.

The following regulations shall apply to all permitted signs.

- 931. Maintenance. Signs shall be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.

932. Wall Signs. Display signs placed against the exterior walls of buildings or structures shall not extend more than 15 inches out from the wall surface. Wall signs exceeding forty (40) square feet in area shall be of non-combustible material.
933. Projecting Signs. Attached signs shall not project from any building more than three (3) feet in the direction of a public street or public walk-way area nor shall any such sign extend over a public street or walk-way area. A clear space of not less than ten (10) feet shall be provided below all parts of projecting signs. Projecting signs exceeding forty (40) square feet in area shall be made of non-combustible material.
934. Height of Signs. No sign except a free-standing sign shall be higher than the building on which such sign is located nor shall any sign be located upon the roof of any building except as otherwise provided in Articles 761.207 and 762.107. No such free-standing sign shall extend more than thirty (30) feet above the mean ground level where it is located.
935. Permits (Building) for Signs. Building permits shall be required for all signs except temporary political signs, signs provided for in Article 921 and other accessory residential signs. For signs in the interest of the public information and convenience, the Zoning Officer, upon approval by the Zoning Hearing Board, may issue a temporary permit for a period to be designated by the said Board. Such temporary signs shall be removed by the property owner at the termination of any permit for the erection thereof.
936. Fees. Fees for all signs requiring permits shall be in accordance with Article 13.9 hereof.

10. Nonconformities

10.1 Intent and Applicability.

1011. It is the intent of this Article to recognize the right of nonconformities to continue but to encourage that such lots, uses, and structures be brought into conformity with this Ordinance as soon as constitutionally permissible. To achieve this end, nonconformities are subject to the regulations set forth in this Article.
1012. 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 and subject to the following criteria and standards:
- 1012.1 The alteration or extension provides for a natural expansion which is not detrimental to public health, safety, and general welfare, provided such expansion does not exceed 50% of the existing ground floor area of the structure or other space occupied by the use.
- 1012.2 The alteration or extension does not constitute the addition of a new nonconforming use or structure.
- 1012.3 The alteration or extension does not decrease yards when already failing to meet minimum yard setback areas.
- 1012.4 The alteration or extension meets the district regulations for such use or structure as if the use or structure were being altered or extended in a district where such use is permitted.

10.2 Nonconforming Uses.

1021. Expansion of Nonconforming Residential Uses.
An existing nonconforming residential use may be expanded in floor area as a permitted by right use, provided that:
- 1021.1 The number of dwelling units is not increased;
- 1021.2 The expansion meets all applicable setbacks;
- 1021.3 No new types of nonconformities are created; and
- 1021.4 A nonconformity is not made more severe (including the building area within the required setback area).
1022. Expansion of Nonconforming Nonresidential Uses.
A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

- 1022.1 An expansion of a total of more than 5% in total building floor area in any five-year period shall require special exception approval from the Zoning Hearing Board under Article 12.
- 1022.2 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.
- 1022.3 The total building floor area used by a nonconforming use or the total area covered by impervious surfaces of a nonconforming use shall not be increased by greater than 50% beyond each such measurement that existed in such use at the time the use became nonconforming. This maximum increase shall be measured in aggregate over the entire life of the nonconformity.
- 1022.4 Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
1023. Abandonment of Nonconforming Uses.
If a nonconforming use is discontinued or abandoned for 12 months or longer, subsequent use shall conform with the current regulations of this Ordinance.
1024. Nonconforming Outdoor Storage Activities.
If a nonconforming junkyard, outside storage area, or similar use of open land is discontinued for 90 days or more, or is damaged or destroyed to an extent of 50% or more of replacement cost, such use shall not be continued, repaired, or reconstructed.
1025. Change from One Nonconforming Use to Another.
- 1025.1 Once changed to a conforming use, such use shall not revert to a nonconforming use.
- 1025.2 A nonconforming use may be changed to another nonconforming use only if permitted as a special exception by the Zoning Hearing Board. The Board 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:
- a. Traffic generation (especially truck traffic);
 - b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, and explosive hazards;
 - c. Amount and character of outdoor storage;
 - d. Hours of operation if the use would be close to dwellings; and
 - e. Compatibility with the character of the surrounding area.
1026. Nonconformities Due to Zoning Changes.

Any uses that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

10.3 Nonconforming Structures.

1031. Reconstruction or Expansion of Nonconforming Structures.

1031.1 The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded, provided that:

- a. Such action will not increase the severity, extent, or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity; and
- b. Any expanded area complies with the applicable height restrictions and applicable setbacks set forth in the underlying zoning district in which the nonconforming structure is located as well as all other requirements of this Ordinance.

1031.2 In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.

1032. Damaged or Destroyed Nonconforming Structures.

1032.1 A nonconforming structure that has been destroyed or damaged by fire, windstorm, lightning or a similar cause to an extent of 50% or more of its total value and shall be deemed not to be the fault of the owner may rebuild in a nonconforming fashion only if the application for a building permit is submitted within 18 months after the date of damage or destruction, work begins in earnest within 12 months afterward, and no nonconformity is created or increased by any reconstruction.

1032.2 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.

1032.3 Nonconforming agricultural structures on farms may be reestablished or reconstructed as a use permitted by right if damaged or destroyed, without a time limit.

1033. Abandonment of Nonconforming Structures.

If a nonconforming structure is razed, removed, or abandoned for 12 months or longer, subsequent use of such building or land shall conform with the current regulations of this Ordinance.

1034. New Construction and Building Permits.

1034.1 New Construction.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

1034.2 Building Permits and Nonconformities.

When an active building permit has been lawfully issued prior to the adoption of this Ordinance that makes such activity nonconforming, such use, lot, or structure shall be regulated under the applicable nonconforming regulations, provided that such construction is completed within a maximum of 12 months of the issuance of such permit.

10.4 Nonconforming Lots of Record.

1041. In any district in which dwellings are permitted as principal uses, a single-family detached dwelling and customary accessory uses may be erected on any single nonconforming lot of record at the effective date of adoption of this Ordinance, provides that such lot:

1041.1 Has a minimum width of 100 feet measured at the minimum building setback line;

1041.2 Has a minimum lot area of 0.5 acres;

1041.3 Will comply with minimum setbacks and other requirements of this Ordinance for any new construction or expanded area, except for minimum lot depth and those provisions specifically allowed to be altered by this Section or for which a variance is granted; and

1041.4 Has minimum side yard setbacks of eight (8) feet each or 10% each of the lot width, whichever is larger.

1042. Integration of Nonconforming Lots.

If two (2) or more abutting lots or combinations of abutting lots and portions of lots under the same ownership are of record and not in conformity at the time of adoption of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width or area, the lands involved shall be integrated to form one (1) lot that would be in conformance with this Ordinance or otherwise less

nonconforming. Such integrated lot in common ownership shall not be subdivided, re-subdivided, or sold in parts using separate deeds to separate owners, unless specifically approved as a subdivision under the adopted subdivision and land development regulations of Township of Carbondale.

10.5 Registration of Nonconformities.

It shall be the responsibility of a property owner asserting a nonconformity to provide the evidence that it is lawful. The property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

11. Zoning Hearing Board

11.1 Organization and expenditures.

1111. Organization.

1111.1 The Township of Carbondale Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided.

1111.2 The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with the ordinances of Township of Carbondale and the laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, records of which shall be the property of Township of Carbondale. The Zoning Hearing Board shall submit reports of its activities to the Township of Carbondale Board when requested.

1112. Membership, Terms, and Vacancies.

The membership of the Zoning Hearing Board shall consist of three (3) residents of Township of Carbondale appointed by the Township of Carbondale Board by resolution. Their terms of office shall be three (3) years and shall be so fixed that the term of office of no more than one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Township of Carbondale Board of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in Township of Carbondale.

1113. Removal of Members.

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by majority vote of the Township of Carbondale Board, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

1114. Appeals and Applications to the Zoning Hearing Board.

Appeals and applications to the Zoning Hearing Board from the terms of this Ordinance shall be filed with the Zoning Officer and shall contain:

- 1114.1 The name and address of the applicant;
 - 1114.2 The name and address of the owner of the real estate involved in the appeal;
 - 1114.3 A brief description and location of the real estate involved in the appeal;
 - 1114.4 A statement of the present zoning classification of the involved real estate and a description of the improvements thereon and the present use thereof;
 - 1114.5 Reference to the section or sections of this Ordinance under which the appeal or application is filed; or, reference to the section or sections of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal;
 - 1114.6 An accurate description of the present and/or proposed use intended to be made, indicating the size and use of such proposed use;
 - 1114.7 A plot plan of the involved real estate as required to accompany applications for permits; and
 - 1114.8 An application fee, in an amount as established from time to time by resolution of the Township of Carbondale Board, payable to Township of Carbondale.
1115. Conduct of Hearings.
The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 10.6 and with Section 908 of the Pennsylvania Municipalities Planning Code (MPC).
1116. Expenditures for Services.
Within the limits of funds appropriated by the Township of Carbondale Board, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by resolution of the Township of Carbondale Board, but in no case shall it exceed the rate of compensation authorized to be paid to members of the Township of Carbondale Board.

11.2 Jurisdiction and functions.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- 1121. Substantive challenges to the validity of any land use ordinance, except when a curative amendment is brought before the Township of Carbondale Board;

- 1122. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance;
- 1123. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure, or lot;
- 1124. Appeals from a determination by the Township of Carbondale Engineer or the Zoning Officer with reference to any floodplain or flood hazard ordinance or such provisions within a land use ordinance;
- 1125. Applications for variances from the terms of this Ordinance;
- 1126. Applications for uses by special exception under the terms of this Ordinance;
- 1127. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this Ordinance;
- 1128. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC); and
- 1129. Appeals from any determination of the Township of Carbondale Engineer or the Zoning Officer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development applications or applications for a planned residential development.

11.3 Variances.

- 1131. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. Upon appeal, the Zoning Hearing Board shall have the power to authorize variances from the requirements of this Ordinance and to attach conditions to such variances as it deems necessary to assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made, where relevant in a given case:
 - 1131.1 That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular lot 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 lot is located;

- 1131.2 That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the lot;
 - 1131.3 That such unnecessary hardship has not been created by the appellant;
 - 1131.4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the lot is located, nor substantially or permanently impair the appropriate use or development of adjacent lots, nor be detrimental to the public welfare; and
 - 1131.5 That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.
1132. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.
1133. Unless specifically authorized by the Zoning Hearing Board, the grant of a variance shall expire if a zoning permit, building, permit, certificate of use and occupancy, or grading permit is not obtained within 12 months from the date of the grant of the variance. However, the Zoning Hearing Board, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the initial expiration date.

11.4 Uses by Special Exception.

The Zoning Hearing Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Ordinance, in harmony with the purpose and goals of this Ordinance and of the Comprehensive Plan, and in accordance with the provisions set forth in Article 6. The Zoning Hearing Board shall approve a use by special exception only if it meets all applicable requirements of this Ordinance and the express standards and criteria set forth in Article 7.4. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to properly implement the purpose and goals of this Ordinance and to protect the public health, safety, and welfare.

11.5 Hearings and decisions.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 908 of the Pennsylvania Municipalities Planning Code (MPC). The rules and procedures for such hearings shall be as follows:

1151. Public notice shall be placed in the classified section of a newspaper of general local circulation once in each of two (2) successive weeks, the first notice appearing not more than 30 days or less than seven (7) days prior to the hearing, and shall be conspicuously posted at highly visible locations along the perimeter of the subject lot at least one (1) week prior to the hearing. In addition, written notice of the hearing shall be sent by first-class mail to the owners of lots abutting the subject lot or within 300 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.
1152. The parties to the hearing shall be the applicant, the municipality, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person, including civic or community organizations, permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall require all persons who wish to be considered parties to enter such request on an appearance form provided by the Zoning Hearing Board for that purpose.
1153. The Chairman of the Zoning Hearing Board or the hearing officer presiding shall conduct the hearing and shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and/or the production of relevant documents and papers, including witnesses and documents requested by the parties.
1154. The parties in a hearing shall have the right to be represented by counsel and shall be afforded the opportunity to respond, present evidence and cross-examine adverse witnesses on all relevant issues.
1155. Formal rules of evidence shall not apply and irrelevant or redundant evidence may be excluded.
1156. The first hearing before the Zoning Hearing Board or the hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time.
1157. Each subsequent hearing before the board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record.
1158. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing.
1159. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the 100 days, including the first hearing.

1160. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Township of Carbondale, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.
1161. The Zoning Hearing Board, or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer, or shall be paid by the person appealing the decision of the Zoning Hearing Board if such an appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
1162. The Zoning Hearing Board, or the hearing officer, as the case may be, shall not communicate, directly or indirectly, with any party and/or representative of any party in connection with any issue relevant to the hearing except upon notice and opportunity for all parties to participate; shall not take notice of any communications, reports or other materials, except advice from the Zoning Hearing Board's legal counsel, unless all parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings with any party and/or representative of any party after the start of hearings unless all parties are given an opportunity to be present.
1163. The Zoning Hearing Board, or the hearing officer, as the case may be, shall render a written decision, or, when no decision is required, a written finding on the application, within 45 days after the last hearing. Decisions shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this Ordinance or any other ordinance or regulation shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
1164. If the hearing is conducted by a hearing officer and there has been no stipulation that his or her decisions or findings are final, the Zoning Hearing Board shall make the hearing officer's report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to

the Zoning Hearing Board prior to final decision or entry of findings. The Zoning Hearing Board may concur in the hearing officer's decision, overturn it, or order a new hearing, provided that such decision by the Zoning Hearing Board is entered no later than 30 days after the report of the hearing officer.

1165. Where the Zoning Hearing Board fails to render the decision within the period required by this Section or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing or on the record, to an extension of time.
1166. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as herein provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in this Section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Lackawanna County Court of Common Pleas.
1167. A copy of the final decision, or the findings, if no decision is required, shall be mailed to the applicant not later than the day after the date of the decision. All others requesting notice of the decision not later than the last day of the hearing shall receive by mail a summary of the findings or decision and a statement of the place at which the full decision or findings may be examined.

11.6 Parties appellant before the Board.

Appeals under Article 10, may be filed in writing with the Zoning Hearing Board by:

1161. The landowner affected;
1162. Any officer or agency of the Township of Carbondale; or
1163. Any person aggrieved.

11.7 Mediation.

1171. Parties to proceedings authorized in this Section may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Section once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

1172. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township of Carbondale, in offering the mediation option, shall assure that in each case the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
- 1172.1 Funding mediation;
 - 1172.2 Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
 - 1172.3 Completing mediation, including time limits for such completion;
 - 1172.4 Suspending time limits otherwise authorized by this Ordinance or the Pennsylvania Municipalities Planning Code (MPC), provided that there is written consent by the mediating parties, and by an applicant or decision-making body of the Township of Carbondale, if either is not a party to the mediation;
 - 1172.5 Identifying all parties and affording them the opportunity to participate;
 - 1172.6 Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public; and
 - 1172.7 Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance or the Pennsylvania Municipalities Planning Code (MPC).
1173. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

11.8 Time Limitations.

1181. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Township of Carbondale officer, agency, or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC), shall preclude an appeal from a final approval

except in the case where the final submission substantially deviates from the preliminary submission.

1182. All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.

11.9 Appeals to Court and Other Administrative Proceedings.

Nothing contained in this Article shall be construed to deny the appellant the right to proceed directly to a court where appropriate, pursuant to the Pennsylvania Rule of Civil Procedure No. 1091, relating to action in mandamus. Appeals to court from any decision of the Zoning Hearing Board may be taken by any party aggrieved in accordance with the time frame and manner provided by Article X-A of the Pennsylvania Municipalities Planning Code (MPC).

12. Amendment Procedure

12.1 Amendments.

1211. Zoning Ordinance Amendments.

The Township of Carbondale Board may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The enactment of a zoning amendment shall be in accordance with Section 609 of the Pennsylvania Municipalities Planning Code (MPC).

1212. Zoning Map Amendments (Rezoning).

1212.1 Purpose of Rezoning.

Rezoning can be initiated to protect the safety, capacity, and efficiency of the Township of Carbondale's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the NorLACK Planning Association Comprehensive Plan.

1212.2 Rezoning Applications.

Rezoning applications are completed on the official forms provided by the Zoning Officer. All applicants submitting rezoning applications are required to prepare a series of plans, analyses and reports as enumerated by the following, to demonstrate the compatibility of a rezoning proposal:

- a. Statement of existing and proposed base and overlay zoning districts;
- b. Conceptual site development plan;
- c. Topographic survey;
- d. Site conditions report;
- e. Estimated infrastructure demands (sanitary sewer and potable water) in gallons per day;
- f. Off-street parking projections (number of parking spaces) available on site;
- g. A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, and hours of operation;
- h. Other related studies that the Township of Carbondale may require, depending upon the location of lot access, infrastructure service/demands, and impacts identified on adjoining lots, such as a:
 - i. Traffic impact study;
 - ii. Fiscal impact analysis;

- iii. Density comparison between existing and proposed zoning districts;
and/or
- iv. Geotechnical/stormwater analysis.

1212.3 Landowner Curative Amendments.

A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, shall submit to Township of Carbondale a curative amendment, any fees established by resolution of the Township of Carbondale, and a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (MPC). The Township of Carbondale Board shall commence the associated procedures in accordance with Section 609.1 of the Pennsylvania Municipalities Planning Code (MPC).

1212.4 Municipal Curative Amendments.

If the Township of Carbondale Board determines that this Ordinance, or any portion hereof, is substantially invalid, it shall take actions in accordance with Section 609.2 of the Pennsylvania Municipalities Planning Code (MPC).

12.2 Public hearing.

Proposed zoning ordinances and amendments shall be published, advertised, and available for review in accordance with the procedures found in Section 610 of the Pennsylvania Municipalities Planning Code (MPC).

12.3 Review by Planning Commission.

1231. Review of Rezoning Applications.

1231.1 The Zoning Officer will:

- a. Perform a review of the application and packet for completeness. An incomplete or insufficient application and packet will be returned to the applicant. A completed application and packet will be forwarded to the Township of Carbondale and Lackawanna County planning commissions for review;
- b. Provide the applicant written confirmation within seven (7) business days stating that the application has been received with all required information; and
- c. Submit a written recommendation to the Planning Commission and the Township of Carbondale Board, either in favor of or not in favor of the rezoning proposal, including a specific statement as to whether or not

the proposed rezoning is in accordance with the objectives of the NorLACK Planning Association Comprehensive Plan;

1231.2 As part of the rezoning approval process, the Township of Carbondale Board and Planning Commission can consider the motivation and implications of each plan, analysis, and report.

1231.3 The Planning Commission will:

- a. Consider any projected beneficial and/or detrimental effects on the Township of Carbondale and hold a public hearing on the application, if deemed applicable; and
- b. Forward to the Township of Carbondale Board a recommendation for the nature of action regarding rezoning.

1231.4 The Lackawanna County Planning Commission shall review such requests and provide comments as necessary to the Township of Carbondale Board and Planning Commission.

1231.5 The Township of Carbondale Board will hold a public hearing on the application and may compose a brief summary explanation of its decision and will forward the decision and explanation to the applicant. Upon rezoning approval, the Zoning Officer will update the Zoning Map accordingly.

12.4 Review by County Planning Agency.

1241. A completed application and packet will be forwarded to the County planning commissions for review by the Zoning Officer.
1242. The County Planning Commission shall review such requests and provide comments as necessary to the Board of Supervisors and Township Planning Commission.
1243. All steps for the processes shall be completed in accordance with the Pennsylvania Municipalities Planning Code (MPC) requirements.

12.5 Opportunity to be heard.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 10.6 and with Section 908 of the Pennsylvania Municipalities Planning Code (MPC).

12.6 Enactment of amendment.

The Board of Supervisors may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The enactment of a zoning amendment shall be in accordance with Section 609 of the Pennsylvania Municipalities Planning Code (MPC).

12.7 Copy to County Planning Agency.

All copies for the ordinance and amendments must be provided to the County Planning Agency in accordance with the Pennsylvania Municipalities Planning Code (MPC).

12.8 Curative amendments.

The Board of Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that their challenge and proposed amendment be heard and decided on as provided in §609.1 and §916.1 of the Pennsylvania Municipalities Planning Code.

13. Administration and Enforcement

13.1 General procedure.

The applicant shall be responsible to submit sufficient data with his or her applications for a zoning permit, a certificate of use and occupancy, and/or a building permit to enable the Township of Carbondale to review said applications for full compliance with the provisions of this and other applicable ordinances. The Township of Carbondale reserves the right to request that the applicant submit information certified by a professional engineer or registered surveyor licensed by the Commonwealth of Pennsylvania when it is deemed necessary for an accurate review of the application(s).

13.2 Zoning permit.

1321. Zoning Permits.

1321.1 A zoning permit shall be required prior to:

- a. A change in use of land or structure;
- b. The placement, erection, construction, improvement, or alteration of a structure, or portion thereof, including a fence, that has a fair market value exceeding \$500, except that a zoning permit shall be required prior to all construction or development located in the Floodplain Overlay, regardless of cost;
- c. The alteration or improvement of any existing structure, where such improvement or alteration thereof increases the amount of space enclosed by the structure;
- d. The alteration or development of any improved or unimproved real estate; and
- e. The erection or alteration of any signs specified in Article 8, except for those specifically exempted from permit.

1321.2 No zoning permit shall be required for the following:

- a. The placement, erection, construction, improvement, or alteration of a structure, or portion thereof, including a fence, that has a fair market value of less than \$500, except that a zoning permit shall be required prior to all construction or development located in the Floodplain Overlay, regardless of cost;
- b. Ordinary repair to existing structures, except signs;
- c. Light fixtures for single-family and two-family dwellings complying with the provisions;
- d. Sidewalks or walkways on grade;

- e. Sidewalk or walkway steps, when not connected to a building, porch, deck, or other part of a building or structure;
- f. Handrails along sidewalk or walkway steps;
- g. Access drives;
- h. Parking spaces for dwellings having three (3) or fewer dwelling units;
- i. Flagpoles of the display of official government flags of the United States and its political subdivisions placed on lots containing single-family and two-family dwellings, provided that such flagpoles do not exceed the maximum height limitations for the underlying zoning district;
- j. Vegetation, including trees, landscaping, and vegetative buffering;
- k. Landscaping materials, excluding patios, decks, and porches;
- l. Decorative lawn ornaments and walls not exceeding 32 inches in height;
- m. Children's play yards, trampolines, treehouses, and swing sets placed on lots containing dwellings;
- n. Stormwater management facilities;
- o. Traffic control devices located within a public right-of-way or governmental easement;
- p. Utility structures not exceeding seven (7) feet in height, including emergency call stations, except that wireless communication facilities and lighting poles for recreational uses shall require permitting;
- q. Railroad sidings;
- r. Public transit stops involving surface improvements only;
- s. Signs specifically exempted from permit; and
- t. Temporary construction buildings or trailers as permitted.

1321.3 A zoning permit shall only be issued when it is deemed that the proposed use or improvement is in conformity with:

- a. All applicable regulations of this Ordinance;
- b. Any conditions imposed upon the site by the Township of Carbondale Zoning Hearing Board or the Township of Carbondale Board; and
- c. Any recorded subdivision or land development plan, when specifically required by the adopted subdivision and land development regulations of Township of Carbondale.

1321.4 Application Procedures.

- a. Applications for zoning permits shall be submitted by the applicant to the Zoning Officer.
- b. An application for a zoning permit shall be made by the owner of any building or structure or the agent thereof; provided, however, that if the application is made by a person other than the owner or agent, it

shall be accompanied by a written authorization of the owner or agent that the proposed work is authorized by the owner or agent. The full name and address of the owner or agent shall be stated in the application.

- c. The Zoning Officer may consult with or call upon other Township of Carbondale staff and/or Township of Carbondale-appointed consultants in the review of submitted materials for applications.
- d. Upon receiving the application, the Zoning Officer shall examine the application and grant or deny such application, in whole or in part, within 30 business days of the filing date. If the application or plans do not conform to the provisions of all pertinent ordinances and laws, the Zoning Officer shall deny such application in writing, stating the reasons therefor, and inform the applicant of his or her right to appeal the Zoning Officer's decision to the Township of Carbondale Zoning Hearing Board. If satisfied that the proposed work and/or use conforms to the provisions of this Ordinance and all ordinances and laws applicable thereto and that a certificate of use and occupancy as required herein has been applied for, the Zoning Officer shall grant such zoning permit application.
- e. The Zoning Officer may revoke a zoning permit or approval issued under the provisions of this Section in the case of any false statement or misrepresentation of fact in the application or on the plans on which the zoning permit or approval was based or for any other cause set forth in this Ordinance.
- f. No zoning permit shall be issued until the fee, in an amount as established from time to time by resolution of the Township of Carbondale Board, is paid to the Township of Carbondale. The payment of fees under this Section shall not relieve the applicant or holder of the zoning permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law. Where a zoning permit is required by this Section but the work or the use is commenced or changed prior to obtaining such zoning permit, the fee set by resolution of the Township of Carbondale Board shall be doubled to reflect the additional expense incurred by the Township of Carbondale resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices, and/or process additional applications. The payment of such increased permit fee shall not relieve any person from the compliance with all requirements of this Ordinance or any other

applicable ordinances or laws or from any penalties or enforcement actions authorized by this Ordinance or the Pennsylvania Municipalities Planning Code (MPC).

- g. In all instances in which the Zoning Officer expresses reasonable doubt as to the ability of a proposed use or improvement to meet all of the requirements of this Section, it will be incumbent upon the applicant to furnish adequate evidence in support of his or her application. If such evidence is not presented, the zoning permit will be denied.
- h. An applicant whose request for a zoning permit has been denied by the Zoning Officer may make a later application for a zoning permit, provided that all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to conduct a new review of the application if this condition is not met.
- i. The zoning permit shall expire after one (1) year from the date of issuance; provided, however, that the permit may be extended every six (6) months for a period not to exceed an additional two (2) years, upon written request by the applicant that demonstrates good cause to the Zoning Officer. When a zoning permit is issued in conjunction with a building permit, the zoning permit shall remain valid for up to five (5) years so long as the building permit is valid.
- j. The zoning permit shall be a license to proceed with work and shall not be construed as authority to violate, cancel, or set aside any provisions of this Ordinance. The issuance of a zoning permit does not indicate that a building permit will be issued nor is it considered a license to begin work where a building permit is also required.
- k. All approved zoning permits shall be prominently and continuously displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance or prior to the commencement of actual work on the site, whichever occurs first, and shall remain on display until the site receives its certificate of use and occupancy.

1321.5 General Application Requirements.

Applications for zoning permits shall contain a general description of the proposed work, development, use, or occupancy of all parts of the

structure or land and shall be accompanied by plans in duplicate drawn to scale and showing the following, where applicable:

- a. The actual dimensions and shape of the lot to be developed;
- b. The exact location and dimensions of any structures to be erected, constructed, and/or altered;
- c. Existing and proposed uses, including the number of dwelling units, tenant spaces, employees, etc., that all structures are designed to accommodate;
- d. The location and number of off-street parking and loading spaces;
- e. Utility systems affected and proposed, including the locations of any primary and alternate on-lot sewage disposal systems and the required isolation distances imposed thereupon and any sewer permitting required;
- f. Alteration or development of any improved or unimproved real estate;
- g. Two (2) copies of any approved highway occupancy or driveway permits;
- h. Any supplementary information required as a condition for use or development in the Floodplain Overlay as detailed in Article 5;
- i. Information related to needed conservation plans, nutrient management plans, and erosion and sediment pollution control plans; and
- j. Any necessary approvals granted by the Pennsylvania Department of Labor and Industry or any other state agencies.

1321.6 Additional Application Requirements for Nonresidential Uses.

Applications for zoning permits for uses of a nonresidential nature shall also contain, where applicable:

- a. A location plan showing the lot(s) to be developed, zoning district boundaries, adjoining lots, significant natural features, and streets for a distance of 200 feet from all lot boundaries;
- b. A plot plan of the lot showing the location of all existing and proposed buildings, structures, driveways, parking lots, access drives, circulation patterns, curb cut accesses, screening fences and walls, waste and sewage disposal areas, other construction features, and the location of all topographical features;
- c. A description of the proposed operations in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety

hazards, or the emission of any potentially harmful or noxious matter or radiation;

- d. Designation of the manner by which sanitary sewage and stormwater shall be conveyed and water supply obtained;
- e. The proposed number of shifts to be worked and the maximum number of employees on each shift; and
- f. Where use by more than one (1) business/firm is anticipated, a list of the businesses/firms which are likely to be located in the development, their floor area, and estimated number of employees for each.

1322. Certificates of Use and Occupancy.

1322.1 It shall be unlawful to use and/or occupy any building, structure, sign, and/or land or portion thereof for which a zoning permit is required herein until a certificate of use and occupancy for such building, structures, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time as an application for a zoning permit is filed with the Zoning Officer.

1322.2 The application for a certificate of use and occupancy shall be in such form as the Zoning Officer prescribes and may accompany the application for a zoning permit.

1322.3 The application for a certificate of use and occupancy shall contain the intended use and/or occupancy of any building, structure, sign, and/or land or portion thereof for which a zoning permit is required herein.

1322.4 The Zoning Officer or his or her assign shall inspect any building, structure, or sign within 10 days upon notification that the proposed work that was listed under the zoning permit has been completed, and if satisfied that the work is in conformity and compliance with the work listed in the issued zoning permit and with all other pertinent provisions, ordinances, and laws, shall issue a certificate of use and occupancy for the intended use listed in the application.

1322.5 Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a building, structure, sign, and/or land, or portion thereof, before all work covered by the zoning permit has been completed provided that such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. Such temporary certificates shall be valid for a period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months, unless an extension of the

temporary permit has been requested from and granted by the Zoning Officer.

- 1322.6 A certificate of use and occupancy shall not be issued for buildings and structures located in subdivisions or land developments requiring improvement guarantees until the building or structure has access to either a roadway which has been dedicated to and accepted by the Township of Carbondale or which abuts upon a street which has been paved with a base wearing course.
- 1322.7 The certificate of use and occupancy or a copy thereof shall be kept available for official inspection at all times.
- 1322.8 If a zoning permit and/or building permit is not required, a certificate of use and occupancy will still be required.
1323. Building Permits.
- 1323.1 Building permit administration shall be governed by provisions of the current building code adopted by Township of Carbondale; provided, however, that no building permit shall be deemed valid until the Zoning Officer has certified that the proposed building, structure, addition, or alteration thereto or any change of use complies with all of the provisions of this Ordinance and has issued to the applicant a zoning permit.
- 1323.2 The building permit shall be a license to proceed with work and shall not be construed as authority to violate, cancel, or set aside any provisions of this Ordinance. The issuance of a building permit does not indicate that a zoning permit will be issued nor is it considered a license to begin work where a zoning permit is also required.
- 1323.3 The Zoning Officer shall deny any permit authorized by this Ordinance to any applicant to whom a permit may be denied pursuant to the Neighborhood Blight Reclamation and Revitalization Act, Act 90 of 2010, 53 Pa.C.S.A. § 6101 et seq.

13.3 Zoning Officer.

It shall be the duty of the Zoning Officer to:

1331. Examine, record, and file all applications for zoning permits, with any accompanying plans and documents, and to issue such permits only for lots, uses, and structures which are in conformity with the provisions of this Ordinance or which are permitted nonconformities as regulated by Article 9;
1332. Initiate enforcement proceedings;

- 1332.1 Receive all fees to the Township of Carbondale as required by this Ordinance and to post a schedule of fees in the Township of Carbondale Municipal Building;
- 1332.2 Receive complaints and notify persons of violations of the provisions of this Ordinance;
- 1332.3 Conduct inspections of property for which zoning permits have been issued to ascertain if the construction or use is in conformity with the provisions of the permit;
- 1332.4 Present to the Township of Carbondale Board, Planning Commission, or Zoning Hearing Board such facts, records, and any similar information required to assist such bodies in their deliberations;
- 1332.5 Keep records of all applications received, permits and certificates of use and occupancy issued, reports of inspection, and notices and orders issued, and to file and safely keep copies of all plans permitted, which shall be available for the use of the Township of Carbondale Board and other Township of Carbondale officials;
- 1332.6 Keep current copies of this Ordinance and the Zoning Map for distribution to the public; and
- 1332.7 To perform other duties in the administration and enforcement of this Ordinance as may be directed by the Township of Carbondale Board.

13.4 Planning Commission.

The Township of Carbondale Planning Commission has been created in accordance with Article II of the Pennsylvania Municipalities Planning Code (MPC) to fulfill the advisory role to the Township of Carbondale Board in the administration of this Ordinance and the adopted subdivision and land development regulations of Township of Carbondale.

1341. Membership.

- 1341.1 The membership of the Planning Commission shall consist of five (5) members, all of whom shall be residents of Township of Carbondale. At least three (3) of the five (5) members shall be citizen members and shall not be officers or employees of the Township of Carbondale.
- 1341.2 The term of office for each member shall be four (4) years, and the terms of no more than two (2) members shall expire in any calendar year.
- 1341.3 When any vacancies occur, the chairman of the Planning Commission shall promptly notify the Township of Carbondale Board, upon which a member of the Township of Carbondale Board shall fill the vacancy for the unexpired portion of the term until a replacement member is found.

1342. Duties.

The Planning Commission shall, at the request of the Township of Carbondale Board, have the power and shall be required to, at the request of the Township of Carbondale Board:

- 1342.1 Represent the Township of Carbondale in the development of the Planning Association Comprehensive Plan and any future comprehensive plan;
- 1342.2 Maintain and keep records of its actions, which shall be in the possession of the Township of Carbondale Board;
- 1342.3 Make recommendations to the Township of Carbondale Board concerning adoption or amendment of an official map;
- 1342.4 Prepare and present to the Township of Carbondale Board a zoning ordinance and make recommendations to the Township of Carbondale Board on proposed amendments to it; and
- 1342.5 Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code (MPC) or as prescribed in this Ordinance.

13.5 Nonconforming use registration.

It shall be the responsibility of a property owner asserting a nonconformity to provide the evidence that it is lawful. The property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

13.6 Enforcement; violations and penalties.

1361. Causes of Action.

In case any building, structure, landscaping, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Township of Carbondale Board or an officer of the Township of Carbondale, with the approval of the Township of Carbondale Board, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is to be instituted by a landowner or tenant, notice of that action shall be served upon Township of Carbondale at least 30 days prior to the time the action is to be instituted by serving a copy of the complaint on the Township of Carbondale Board. No such action may be instituted until such notice has been given.

1362. Enforcement Notices.

- 1362.1 If it appears to the Township of Carbondale that a violation of this Ordinance has occurred, the Township of Carbondale shall initiate enforcement proceedings by sending an enforcement notice as provided in this Subsection.
- 1362.2 The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- 1362.3 An enforcement notice shall be in writing and shall state at least the following:
- a. The name of the owner of record and any other person against whom the Township of Carbondale intends to take action;
 - b. The location of the property in violation;
 - c. The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance, and an outline of remedial action which, if taken, will bring such property compliance with the provisions of this Ordinance;
 - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed;
 - e. A statement that the recipient of the notice has the right to appeal to the Zoning Hearing Board; and
 - f. A statement that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- 1362.4 In any appeal of an enforcement notice to the Zoning Hearing Board, the Township of Carbondale shall have the responsibility of presenting its evidence first.
- 1362.5 Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township of Carbondale if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.
1363. Penalties and Remedies.
- 1363.1 District Justices shall have initial jurisdiction over proceedings brought under this Ordinance.
- 1363.2 Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township of Carbondale, pay a judgment of not more than \$500, plus all

court costs, including reasonable attorney fees incurred by the Township of Carbondale as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township of Carbondale may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, in assessing if there has been a further violation, determines that there was a good faith basis for the person, partnership, or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation.

1363.3 The Lackawanna County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

1363.4 Nothing contained in this Ordinance shall be construed or interpreted to grant to any person or entity other than the Township of Carbondale the right to commence any action for enforcement pursuant to this Ordinance.

13.7 Appeal from Zoning Officer.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- 1371. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure, or lot;
- 1372. Appeals from a determination by the Zoning Officer with reference to any floodplain or flood hazard ordinance or such provisions within a land use ordinance;
- 1373. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC); and
- 1374. Appeals from any determination of the Zoning Officer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development applications or applications for a planned residential development.

13.8 Public hearings and notice.

1381. All procedures shall be completed in compliance with the PA Municipal Planning Code and Article 11.5 of the Ordinance.
1382. Rehearing. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
1383. Publication, Advertisement and Availability of Ordinances.
All processes related to the Amendments for the ordinance shall be completed in compliance with the Pennsylvania Municipal Code (MPC).

13.9 Filing fees.

1391. The Township of Carbondale Board shall establish, by resolution, a schedule of fees and a collection procedure for all permits, applications, and appeals.
1392. The schedule of fees shall be available in the Township of Carbondale Municipal Building.
1393. All such fees shall be payable to Township of Carbondale.
1394. No request for any permits, applications, or appeals shall be considered complete, nor shall they be filed or docketed, until all fees have been paid in full.