

**UPPER NAZARETH TOWNSHIP
PLANNING COMMISSION
100 NEWPORT AVENUE
NAZARETH, PA 18064**

Minutes of June 22, 2023

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, June 22, 2023, in the Township Building.

ROLL CALL

The following members were present: Pamela Berlew, Jim Campana, Scott Sylvainus, Robert Williams, Zoning Officer John Soloe, Clerk Angela Strohl, and Recording Secretary Deanne Werkheiser. Jay Benfield was absent.

APPROVAL OF AGENDA

Motion was made by Pamela Berlew, seconded by Robert Williams to approve the June 22, 2023, meeting agenda. Motion approved unanimously.

APPROVAL OF MINUTES

Motion was made by Robert Williams, seconded by James Campana to approve the June 8, 2023, meeting minutes. Motion approved unanimously.

NEW BUSINESS

Zoning Ordinance update. John Soloe stated the members will be reviewing Part 4- Additional Requirements for Specific Uses.

Part 4- Additional Requirements for Specific Uses

See attached with notes and discussions.

OLD BUSINESS:

Scott Sylvainus stated there was nothing at this time.

COURTESY OF THE FLOOR

Brian Sayago asked where these came from. Scott replied our ordinance and EPD. This section will be smaller once we go through it and remove unnecessary items.

ADJOURNMENT

6/22/2023

Motion was made by Robert Williams, seconded by James Campana to adjourn the meeting at 8:55 PM. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary

Part 4 ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

§ 27-401. Applicability.

1. This Part establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this chapter and the requirements of each district. Wherever two requirements conflict, the stricter requirement shall apply.
 - A. For uses allowed within a specific zoning district as "special exception" uses, see also the procedures and standards in § _____. For conditional uses, see also § _____.

§ 27-402. Additional Requirements for Specific Principal Uses.

1. Each of the following uses shall meet all of the following requirements for that use:
 - A. Adult Day-Care Center.
 - (1) The use shall be fully licensed by the state, if required by the state.
 - (2) The use shall include constant supervision during all hours of operation.
 - (3) The use shall not meet the definition of a "treatment center."
 - B. Age-Restricted Residential Development. See §27-314.
 - C. Any Residential Land Use Not Assigned Otherwise.
 - (1) The impact of the proposed use on the adjacent properties, surrounding neighborhood, and/or environment shall remain equal to or less than any use specifically listed in the same Base Zoning District.
 - (2) Any use shall be in conformance to the dimensional standards of the TD4 District.
 - D. Apartment, Conversion.
 - E. Apartments. See "Townhouse and Multifamily (Apartments) Dwellings" in this section.
 - F. Assisted Living Facility/Personal Care Center. The standards for Nursing Homes in this section shall apply.
 - G. Auto Service/Repair Station.

6/22/2023

Commented [DW1]: John stated this is Missing information.

Commented [DW2]: (6) Scott asked if this is pertinent. Bob suggested adding within 60 or 90 days. John suggested adding removed as soon as possible and not kept as junk/ storage.
(7) John takes this as dismantling.

- (1) All service and/or repair activities shall be conducted within an enclosed building.
- (2) All exterior off-street parking and storage areas shall be screened from adjoining residential uses and districts.
- (3) Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street).
- (4) The outside storage of more than one (1) unlicensed vehicle is prohibited.
- (5) Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining residential uses or districts.
- (6) All vehicles and machinery shall be repaired and removed from the premises.
- (7) The demolition or junking of vehicles and machinery is prohibited.
- (8) The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

H. **Auto, Boat or Mobile home Sales.**

- (1) No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions in § ____.
- (2) See light and glare standards in § ____.
- (3) Any mobilehomes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.

Commented [DW3]: (2) Scott asked why so many other sections are being referenced. John replied this is the way our current Ordinance is set up. We will work on cleaning this up.

I. **Auto/Truck/Body Collision/Repair Center.**

- (1) All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a "residential lot line."
- (2) All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Part 5. See buffer yard requirements in § ____.
- (3) Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
- (4) Overnight outdoor storage of "junk" other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling.
- (5) Any "junk vehicle" (as defined by Part 2) shall not be stored for more than 20 days within view of a public street or a dwelling. A maximum of six junk vehicles may be parked on a lot outside of an enclosed building at any one time. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
- (6) Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.

Commented [DW4]: (2) John stated this should not be here. (4) Scott asked what are permitted junk vehicles? John stated there is a difference between Junk and Junk vehicle. Bob reviewed the definition of junk.

J. **Bed and Breakfast.**

- (1) Bed and Breakfast as a Principal Use in TD4 Village Residential and TD6 Village Mixed Use:

Commented [DW5]: John stated these are not allowed Township wide- TD4 and TD6, accessory in TD1. In denser areas, parking will be the most restrictive part as well as impervious coverage due to parking required.

- (a) A maximum of six (6) rental units shall be provided and no more than three (3) adults may occupy one (1) rental unit. Only one (1) Bed and Breakfast shall be permitted per lot.
 - (b) One (1) off-street parking space shall be provided for each bedroom, plus one (1) off-street parking space for each employee at peak hour. To the maximum extent feasible, off-street parking spaces for the Bed and Breakfast shall be: (a) located either to the side or rear of the principal building and (b) screened from the street and abutting dwellings by landscaping. Off-street parking spaces shall be set back a minimum of 10 feet from lot lines.
 - (c) There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of eight square feet on each of two sides and with a maximum height of eight feet. No internal lighting of the sign shall be permitted.
 - (d) Within a residential district, the use shall have a residential appearance and character.
 - (e) The use shall be owned, operated or managed by permanent residents of the lot.
 - (f) There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
 - (g) No guest shall stay for more than 14 days in any month.
- (2) Bed and Breakfast as an accessory use to an Agriculture Operation in TD1 Field and Wood:
- (a) See criteria for Agriculture Supportive Industry/Service in § ____.

K. **Betting Use.**

- (1) Shall be located abutting an arterial or collector street.
- (2) Minimum lot area: 10 acres.
- (3) Minimum building setback from the lot line of any place of worship/place of assembly or residential zoning district: 250 feet.

Commented [DW6]: (2) John stated this seems to be over restrictive. This needs to be looked at from a legal aspect, 10 acres seems too high. Bob asked why is there a minimum lot requirement? Is it needed? John stated he is more concerned about the zone it will be in.

L. **Beverage Distribution.**

- (1) Parking and traffic flow associated with deliveries shall be positioned so as to minimize any conflicts between customer and business operations on site and any adjacent right-of-way.
- (2) Any site development, no matter if indoor or outdoor, shall ensure the following be designed, placed and positioned so as to uphold the continued health, safety and general welfare of any surrounding land uses, including but not limited to residential land uses:
 - (a) Hours of operations;
 - (b) Dumpsters;
 - (c) Outdoor Seating;
 - (d) Areas designated for the serving and/or entertainment of customers.
 - (e) Parking shall include 1 space per 200 square feet of customer sales area, 1 space per 50 square feet of tasting room/serving area, and 1 space per peak hour employee.

Commented [DW7]: (2) a-e Scott asked why these were included. John replied for winery's and distillery's (consumption) which are now very popular. Suggested removing a-d and making e (3). A brief discussion ensued of beverage distribution definition that references code- Title 47.

M. **Bus Station or Taxi Terminal.**

Commented [DW8]: Missing information

N. **Campground.**

Commented [DW9]: John stated this section is good.

- (1) Within a residential district, for each acre of total lot area, there shall be a maximum average of: (a) five (5) recreational vehicle sites (where allowed), (b) ten (10) tent sites, or (c) cabin sleeping capacity for twenty (20) persons. Such sites may be clustered in portions of the tract.
- (2) Retail sales shall be allowed as an accessory use. Within a residential district, any store shall be limited to sales of recreational, household, food, gift and camping items. Within a residential district, any store shall be primarily intended to serve persons camping on the site.
- (3) All campsites, recreational vehicle sites, and principal commercial buildings shall be set back a minimum of 75 feet from any contiguous lot line of an existing dwelling that is not part of the campground or camp. Within this buffer, the applicant shall prove to the maximum extent feasible that any existing healthy trees will be maintained and preserved. Where healthy mature trees do not exist within this buffer, and if practical considering soil and topographic conditions, new trees shall be planted within this buffer.
 - (a) The screening of evergreens provided in § ___ between business and residential uses is not required if the tree buffer would essentially serve the same purpose, or if removal of mature trees would be needed to plant the shrubs.
 - (b) Removal of trees within this buffer shall be only allowed for a necessary crossing of a street (which shall be generally perpendicular to the buffer), stormwater channel, driveway, and utility and to provide safe sight distance.
- (4) Buildings used for sleeping quarters shall not be within the one-hundred- year floodplain.
- (5) No person other than a bona-fide resident manager/caretaker shall reside on the site for more than six months in any calendar year. No recreational vehicle shall be occupied on the site for more than six months in any calendar year by any one individual or one family, other than a resident manager/caretaker.

O. **Car Wash. <additional criteria to be added>**

Commented [DW10]: (4) John stated hours are listed for manual car washes.
(6) John stated 5 acres is referenced if they do not recycle the water, but most recycle at this point.

- (1) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
- (2) Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
- (3) Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- (4) Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- (5) No portion of a car wash shall be located within 100 feet from the center line of a perennial waterway.
- (6) Minimum lot area: five acres, which shall be reduced to one acre if the applicant proves that

most of the water used in the operation will be recycled on-site.

P. **Commercial Communications Antennas/Tower as Principal or Accessory Use.**

- (1) An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:
 - (a) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
 - 1) A principal agricultural building or silo.
 - 2) An electric high voltage transmission tower.
 - 3) An existing lawful commercial communications tower.
 - 4) A fire station or steeple or bell tower of a place of worship.
 - 5) A water tower.
 - (b) In a commercial or industrial district, the antennas shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is set back a distance equal to its total height above the ground from any lot line of a dwelling on another lot.
- (2) Any commercial communications antenna/tower that does not meet Subsection ___ above (such as a new freestanding tower) shall only be allowed where specifically authorized in § ___, and in compliance with the following additional regulations:
 - (a) Such antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is greater than the total height of the antenna/tower above the surrounding ground level. The Board of Supervisors may permit an easement arrangement to be used without meeting the setback requirement from the edge of the leased area, provided that there are legal safeguards to ensure that the setback will continue to be met over time from a lot line.
 - (b) A new tower, other than a tower on a lot of an emergency services station, shall be set back the following minimum distance from any existing dwelling-300 feet plus the total height of the tower above the surrounding ground level.
 - (c) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of eight feet and evergreen plantings or preserved vegetation with an initial minimum height of four feet.
 - (d) The applicant shall provide a written statement sealed by a professional engineer stating that the communications antenna/tower will meet the structural and wind resistance requirements of the Construction Code.
 - (e) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the Township.
 - (f) An applicant for a new commercial communications tower shall provide evidence to the

Commented [DW11]: Scott stated smaller antennas are not addressed. John replied they are under a different section.
(6) this should be at the beginning, not halfway through. Also, the references to the Board of Supervisors/ Zoning Hearing Board are not consistent.
(9) John stated this section will be clarified.

Board of Supervisors ("the Board") that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.

- (3) A maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where it may be allowed, unless the applicant proves to the Board of Supervisors as a conditional use that a taller height is absolutely necessary and unavoidable.
- (4) The application shall describe any proposed lighting. The Board may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters. Strobe lighting shall not be used, but flashing lights may be used.
- (5) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs or designs worked into a flag pole are preferred over lattice designs. Self-supporting towers are preferred over towers with guy wires that would require removal of larger numbers of trees.
- (6) Purposes. These provisions for commercial communications antenna/ towers are primarily designed to serve the following purposes, in addition to the overall objectives of this chapter:
 - (a) To protect property values.
 - (b) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
 - (c) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
- (7) A tower/antenna that is intended to primarily serve emergency communications by a Township-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.
- (8) Any antenna and tower that is no longer in active use shall be completely removed within six months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed. The Board of Supervisors may require that a financial guarantee be posted to pay for removal of the tower if the Board determines such guarantee is needed.
- (9) All accessory utility buildings or cabinets shall: have a maximum total floor area of 400 square feet, which may be divided among adjacent buildings serving separate companies, have a maximum height of 10 feet and meet principal building setbacks.
- (10) No new or existing antenna shall cause interference with public safety telecommunications. The Township may require the applicant for a new commercial communications tower to submit a study by a radio frequency engineer or other qualified professional to analyze the threat of interference.

Q. Commercial Crop Storage.

Commented [DW12]: Missing information.

R. Convenience Store

- (1) In TD5 Town Residential:
 - (a) A Convenience Store shall only be permitted on a lot fronting Route 191.
 - (b) Maximum total floor area. 5,000 square feet.
 - (c) Dumpsters shall be placed behind the principal structure and screened in accordance with § ____.
 - (d) Parking areas shall be landscaped in accordance with § ____.

Commented [DW13]: John stated this whole section is being reviewed and updated. Fronting Route 191 needs to be removed.

S. Convenience Store with Fuel/Energy Recharge

- (1) See definition of this term and "Auto/Truck/Body Collision/Repair Center" in Part 2. The uses may be combined if the requirements for each are met.
- (2) At least two access drives with a minimum width of twenty (20) feet shall be provided onto public rights-of-way.
- (3) The Convenience Store shall not exceed 5,000 square feet in total floor area.
- (4) All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
- (5) Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
- (6) Overnight outdoor storage of "junk" shall be prohibited within view of a public street or dwelling. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
- (7) Any "junk vehicle" (as defined by Part 2) shall not be stored more than 20 days within view of a public street or a dwelling. No junk vehicles shall be stored within 20 feet of an existing street right-of-way. No more than six junk vehicles shall be stored on the lot outside of an enclosed building at any point in time.
- (8) Dumpsters shall be placed behind the principal building.
- (9) Canopy Structures. A canopy shall be permitted over all gasoline pumps with a minimum front yard setback of 20 feet from each street right-of-way line.
 - (a) A maximum of two (2) canopy structures shall be permitted.
 - (b) A maximum six (6) gasoline pumps shall be permitted per canopy structure.
 - (c) Such canopy may be attached to the principal building. The canopy shall not include any signs, except for the following: 1) a sign may be attached to each of two sides of the canopy in place of an allowed freestanding sign, 2) an allowed wall sign may be placed on a portion of the canopy that is behind the minimum front yard setback line, and 3) necessary warning signs. light
 - (d) Within the minimum front yard building setback, the distance between the ground level and the bottom of the canopy shall not be greater than 20 feet. Parts of a sloped canopy may have a taller height if the purpose of the taller height is to deflect soot and glare away from the street or neighboring properties.

Commented [DW14]: (4) Why is spray painting referenced?
(8) Scott stated dumpsters cannot always be in the back due to accessibility. If not in back needs to be screened.
(9) b- Scott asked why there is a limit, wouldn't that be based on lot sized? John replied yes.
(9) c remove light.

(10) Fuel tanks and dispensers and ventilation equipment shall be setback a minimum of 100 feet from the lot line of any residential or institutional use (such as a school or nursing home). Fuel dispensers shall be set back a minimum of 30 feet from the existing street right-of-way line.

T. Concentrated Animal Feeding Operation (CAFO) or Concentrated Animal Operation (CAO)

(1) All Concentrated Animal Operations and Concentrated Animal Feeding Operations are subject to regulations enforced by the State Conservation Commission (SCC) and the Pennsylvania Department of Environmental Protection, pursuant to its authority under the Nutrient and Odor Management Act and the Clean Streams Law, respectively, and its regulatory schemes. Where such uses are permitted as conditional uses, an applicant shall provide proof of compliance with all applicable State law, pending approval by the Board of Supervisors when such proof has been provided.

Commented [DW15]: Scott asked why we need it in the ordinance if it needs to follow state law. A brief discussion ensued regarding zones and what requires conditional use.

U. Contractor Office/Yard.

- (1) Outdoor storage areas.
 - (a) Access to and from any Outdoor Storage areas on a lot shall be paved or graveled to prevent any residual dust, dirt, or debris from spilling into public rights of way.
 - (b) Where adjacent to a residential lot, a twenty-five (25) foot landscape buffer in accordance with Section 605 shall be placed parallel to the entire adjoining residential lot line.

Commented [DW16]: John perceives this to be like East Lawn Supply or PA American H2O office.

V. Child Care Center.

- (1) The use shall comply with any applicable state and federal regulations, including having an appropriate Pennsylvania Department of Public Welfare (or its successor agency) registration certificate or license.
- (2) Convenient parking spaces within the requirements of Part 6 shall be provided for persons delivering and waiting for children.
- (3) In residential districts, where permitted as a principal use, a day care use shall have a minimum lot area of 30,000 square feet and a minimum setback for buildings and outdoor play areas of 25 feet from an abutting "residential lot line."
- (4) Fencing of at least four (4) feet in height shall be placed around outdoor play areas.
- (5) This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
- (6) In residential districts, any permitted day care use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
- (7) A Child Care Center may occur in a building that also includes permitted or nonconforming dwelling units.
- (8) See also the standards for a "place of worship" in this section, which allows a Child Care Center as an adjunct use.

Commented [DW17]: V (1) Scott asked why this is in the ordinance. Because it is the law.
(3) Why minimum lot requirements? John replied for small in home child care. Angela replied in home child care isn't the principle use.
(5) Does not make sense. Why included?

W. Cultural/Community Center.

Commented [DW18]: Missing information

X. Day Care Center, Adult.

Commented [DW19]: Already done- 1st page, 1-A

Y. Dormitory.

Commented [DW20]: Missing information

Z. Drive-In Theater.

- (1) The minimum lot area for a Drive-In Theater shall be 10 acres.
- (2) Any structure used for the display of motion pictures shall face the rear of the lot and shall be oriented in a manner that does not create a direct sightline to any oncoming traffic on a State Road.
- (3) The Applicant must demonstrate that a structure dedicated to entry ticket sales will be constructed and situated on the lot.
- (4) The applicant must demonstrate the location of a paved or graveled access drive leading up to the structure dedicated to entry ticket sales, where at least two (2) rows of ten (10) cars each can line up within the boundaries of the lot.

AA. **Emergency Services.** The following uses shall be allowed as accessory uses to the principal use of a fire company station: a banquet hall, small games of chance allowed under state law, and facilities for periodic special events.

Commented [DW21]: County permits. Will review with EDP

BB. **Group Home.** Unless otherwise regulated by the Commonwealth of Pennsylvania, group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:

Commented [DW22]: John stated this entire section needs to be reviewed.
(3) how many staff members are required for 12 residents?
(3) c- Scott asked why this is in here? Not needed
(7) who does this pertain to?
(10) defined in definitions
(11) referring to transport van for those with disabilities
(12) what is the code for this. Isn't this required by state? Brief discussion ensued.

- (1) The use shall meet the definition in § ____.
- (2) A group home shall not include any use meeting the definition of a "treatment center."
- (3) A small group home shall include the housing of a maximum of six unrelated persons, and a large group home shall include the housing of a maximum of 12 unrelated persons, except:
 - (a) If a more restrictive requirement is established by another Township Code.
 - (b) The number of bona-fide paid professional staff shall not count towards such maximum.
 - (c) As may be approved by the Zoning Hearing Board under § ____, Subsection ____.
- (4) The facility shall have adequate trained staff supervision for the number and type of residents. If the staffing of the facility has been approved by a state or county human service agency, then this requirement shall have been deemed to be met.
- (5) The applicant shall provide evidence of any applicable federal, state or county licensing or certification to the Zoning Officer.
- (6) The group home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer. –The applicant shall notify the local ambulance and fire services of the presence of the group home and the type of residents.
- (7) Any medical or counseling services shall be limited to a maximum of three nonresidents per day. Any staff meetings shall be limited to a maximum of five persons at one time.
- (8) Parking. See § ____.
- (9) If a group home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
- (10) The persons living on-site shall function as a common household unit.

- (11) An off-street parking space shall be provided for the largest vehicle that serves the use.
- (12) The building shall have lighted exit lights, emergency lighting and inter-connected smoke alarms.

CC. **Junkyard. (Includes Automobile Salvage Yard).**

- (1) Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
- (2) Outdoor storage of junk shall be at least: (a) 100 feet from any residential lot line, and (b) 50 feet from any other lot line and the existing right-of-way of any public street.
- (3) The site shall contain a minimum of two exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways with a minimum width of 15 feet shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
- (4) Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a forty-foot wide buffer yard which complies with § ____, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be six feet. Secure fencing with a minimum height of eight feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
- (5) Burning or incineration is prohibited.
- (6) See the noise or dust regulations of Part 5.
- (7) All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
- (8) Lot area: five acres minimum; 20 acres maximum.
- (9) Tires. See the "outdoor storage and display" standards in § ____.
- (10) Any storage of junk shall be maintained a minimum distance of 50 feet from the one-hundred-year floodplain of any waterway, and shall be kept out of a drainage swale.
- (11) Where a junkyard is regulated by both this chapter and another chapter of the codified ordinances of the Township, the provision that is more restrictive upon the junkyard use shall apply.

Commented [DW23]: (4) Scott stated this comes out of nowhere and references evergreens. Bob asked why just evergreens? John replied they are used so there is continuous screening.
 (6) why? Can this be removed?
 (8) why is there a maximum size, seems restrictive.
 (9) why?
 (11) general disclaimer, why included? Remove?

DD. **kennel.**

- (1) All buildings in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 150 feet from all "residential lot lines." This one-hundred-fifty-foot setback shall be increased to 200 feet if more than 20 dogs are kept overnight on the lot, and be increased to 250 feet if more than 50 dogs are kept overnight on the lot.
- (2) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- (3) No animal shall be permitted to use outdoor runs from 9:00 p.m. to 8:00 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual

Commented [DW24]: Scott stated not just for dogs.
 (4) Scott asked why included. John replied this has to do with sanitary conditions.

barriers a minimum of four feet in height, to minimize dog barking.

- (4) See state law regulating kennels.
- (5) Minimum lot area: six acres, unless a larger lot area is required by another section of this chapter.

EE. **Livestock and Poultry, Raising of.**

	Raising of Livestock or Poultry
Max. Building Coverage	10%
Max. Impervious Coverage	20%
Minimum Lot Area	5 acres
Min. Lot Width at Min. Building Setback Line (feet)	300
Max. Building Height* (feet)	35
Min. Yards Front/Side/Rear (feet)	150/100/150

Commented [DW25]: A brief discussion of definitions ensued.
 (1) minimum and maximum questioned.
 (6) Scott asked why this is included.
 (7) John stated this is part of land development phase
 (10) John stated we are working on this one.

- (1) Minimum lot area: five acres, except a minimum lot area of 25 acres shall apply for an "intensive raising of livestock or poultry" use.
- (2) Except for an intensive raising of livestock or poultry use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: (a) 300 feet from a lot in a residential district, (b) 150 feet from an existing dwelling that is not within a residential district, and (c) 50 feet from all other exterior lot lines. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.
- (3) For an intensive raising of livestock or poultry use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: (a) 500 feet from a lot in a residential district, (b) 200 feet from an existing dwelling that is not within a residential district, and (c) 100 feet from all other exterior lot lines. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.
- (4) The setbacks from lot lines provided in this § ____, Subsection ____ for this use shall not apply from dwellings or lots owned by: (a) the operator or owner of the livestock use, or (b) affected property owners providing a written notarized letter waiving such setback.
- (5) Fencing shall be used as necessary and practical to prevent livestock from entering streets or

unauthorized property.

- (6) The keeping of putrescent garbage-fed swine shall meet the setbacks for an intensive raising of livestock or poultry use. See the State Domestic Animal Law provisions regarding garbage-fed animals.
- (7) For a new or expanded raising of livestock or poultry use, evidence shall be provided by the operator/applicant to the Township to show that there will be compliance with procedures and requirements of the State Nutrient Management Act, 3 Pa.C.S.A. § 501 et seq., and accompanying state regulations.
- (8) Buildings used for the keeping of livestock or poultry shall:
 - (a) Meet Township floodplain regulations.
 - (b) Not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir.
 - (c) Not be located within 100 feet of an active public water supply drinking well or an active intake for a public water supply.
- (9) For manure storage facilities that are specifically required to have a setback from lot lines under the State Nutrient Management Regulations, that state setback shall apply. For any other manure storage facilities, a one-hundred-foot minimum setback shall apply from all lot lines.
- (10) The following additional requirements shall apply to an intensive raising of livestock or poultry use:
 - (a) The applicant shall provide a soil and erosion control plan to the County Conservation District for review and pay their review fees.
 - (b) The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances. The applicant shall provide a written comparison of proposed methods of controlling insect and odor nuisances and avoiding water pollution to applicable sections of the Pennsylvania Soil and Water Conservation Technical Guide as published by the U.S. Department of Agriculture and the State Department of Environmental Protection's Manure Management Manual for Environmental Protection, or their successor publications. The applicant may meet this requirement by providing a cross-reference to certain sections of such manuals or other written industry standards to describe the methods that will be used.
 - (c) The location of the facility is requested to consider prevailing wind patterns as they may affect the nearest existing dwellings.
 - (d) An area shall be provided for trucks to turnaround on the property that avoids the need to back out onto a public road.

FF. Manufacturing, Heavy.

Commented [DW26]: Missing information

GG. Medical Marijuana Grower or Processor Facility.

Commented [DW27]: John stated they are working with EDP on this one. Questions on justification, legal issues, and why certain items are included.

- (1) It is the intent that a grower and processor of medical marijuana shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are in the same district to comply with Section 2107(1) of the Pennsylvania Medical Marijuana Act, Act 16 of 2016.

- (2) Medical marijuana may only be grown and processed in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Department of Health. Solid or liquid waste byproduct or remnants generated from the operation shall also be stored in the enclosed secured principal building until picked up for transportation to a facility authorized to accept such waste. Storage of medical marijuana waste remnants in an accessory building or waste refuse container located outside of the principal building is prohibited.
- (3) Loading areas shall be located within the principal building.
- (4) Growing and processing of medical marijuana shall be limited to wholesale products for sale to another medical marijuana facility. Retail sales of medical marijuana including the operation of a medical marijuana dispensary on the same property as the growing and processing operation is prohibited.
- (5) The use may not be located within 1,000 feet of the lot line of a public, private, or parochial school or Child Care Center unless a waiver is granted by the Pennsylvania Department of Health.
- (6) All outdoor lighting shall comply with § ___ of this Ordinance.
- (7) Off-street parking and loading spaces shall be provided in accordance with §§ Part ___ of this Ordinance.
- (8) A screen or buffer under § 27-___ of this Ordinance is required where the use adjoins a residential district or use.
- (9) The use shall obtain a permit and approval from the Pennsylvania Department of Health and the user shall provide a copy of that approval to the Township.
- (10) Growers/processors shall post a bond in the amount of ___ to secure the Township's potential cost of soil and/or water contamination or abatement of unsafe or dangerous conditions as authorized by law or any provisions of this Ordinance.

HH. Membership Club.

- (1) Any active outdoor play areas shall be set back at least 30 feet from any abutting "residential lot line."
- (2) This use shall not include an "after hours club."

II. Mineral Extraction. – FIND SST KURT LANGUAGE ON PERMITTING

- (1) If a mineral extraction use involves mining activities over more than two acres of land in any calendar year, then the following additional requirements shall be met:
 - (a) A copy of all information submitted to state agencies shall also be submitted to the Zoning Officer at the same time.
 - (b) A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer. Compliance with such plan shall be a condition of Township permits.
 - (c) After areas are used for mineral extraction, those areas shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting some productive or beneficial future use.

Commented [DW28]: ? not sure what this is referencing- sst kurt
 Scott stated shouldn't this be federal mining regulations.
 (e) The distances should match federal regulations. Scott asked if it is necessary to change from what we are currently allowing? John replied he is having EDP review this entire section.

- (d) A fifty-foot-wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. The Board of Supervisors may require this yard to include an earth berm with a minimum average height of six feet and an average of one shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
 - 1) New trees shall not be required where preserved trees will serve the same purpose.
- (e) The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
 - 1) One hundred feet from the existing right-of-way of public streets and from all exterior lot lines of the property.
 - 2) One hundred fifty feet from a nonresidential principal building, unless released by the owner thereof.
 - 3) Four hundred feet from the lot line of a dwelling.
 - 4) One hundred fifty feet from the lot line of a publicly-owned recreation area that existed at time of the application for the use or expansion.
- (f) The excavated area of a mineral extraction use shall be set back 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than two acres.
- (g) Truck access to the use shall be located to reasonably minimize: hazards on public streets and dust and noise nuisances to residences.
- (h) Fencing. The Board of Supervisors may require secure fencing in locations where needed to protect public safety. As an alternative, the Board of Supervisors may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
- (i) Hours of Operation. The Board of Supervisors, as a condition of conditional use approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
- (j) The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
- (k) A plan shall be submitted showing sequential phases of mining activities on the land. Reclamation shall be initiated on one phase before the next phase is opened for mining.
- (l) A plan shall be submitted showing how dust will be controlled.

JJ. **Mobile home Park.**

- (1) Plans and Permits. Plans shall be submitted and reviewed by the Township for all mobilehome parks in compliance with the mobilehome park provisions of the Subdivision and Land Development Ordinance and all other provisions of such ordinance that apply to a land development, including the submission, approval and improvements provisions (other than specific provisions altered by this section).

Commented [DW29]: (3), (4), (13) John stated these will need to be reviewed by engineering for clarification, include double wides.

- (2) The minimum tract area shall be three contiguous acres, unless a larger tract area is required by § ___ in a particular zoning district. This minimum tract area shall be under single ownership.
- (3) Density. The maximum average density of the tract shall be four dwelling units per acre.
- (4) To calculate this density: 1) land in common open space or proposed streets within the park may be included, but 2) land within the one- hundred-year floodplain, wetlands and slopes over 25% shall not be included.
- (5) Landscaped Perimeter. Each mobilehome park shall include a thirty-five-foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Board of Supervisors as part of any required conditional use approval. Such landscaped area shall not be required between adjacent mobilehome park developments. The same area of land may count towards both the landscaped area and the building setback requirements.
- (6) A dwelling, including any attached accessory building, shall be set back a minimum of 25 feet from another dwelling within the mobilehome park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
- (7) The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.
- (8) The minimum principal and accessory building setbacks from exterior/ boundary lot lines and rights-of-way of preexisting public streets shall be 50 feet.
- (9) Accessory Structures. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.
- (10) "Common Open Space" for a Mobilehome Park. A minimum of 15% of the total lot area of the entire mobilehome park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field 100 feet by 200 feet suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails, including segments that are ADA accessible. A recreation building or pool available to all residents of the development may count towards this requirement.
- (11) Streets.
 - (a) Access to individual mobilehome spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
 - (b) Streets within the mobilehome park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.
 - (c) Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Township cartway construction standards.
- (12) Utilities. All units within the mobilehome park shall be connected to a public water and a public

sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements. The applicant shall prove that adequate provisions are made for solid waste disposal.

- (13) Along through-streets, a minimum nighttime lighting level of 0.2 footcandles shall be maintained, at no expense to the Township.?
- (14) Other Requirements. A mobilehome park shall comply with all of the same requirements of Township ordinances that apply to a subdivision or land development of site-built single-family detached dwellings, except for requirements that are specifically modified by this § ___, Subsection ___. This includes, but is not limited to, submission, approval and improvement requirements of the Township Subdivision and Land Development regulations.

KK. **Nursing Home.**

- (1) Licensing. See definition in Part 2.
- (2) A minimum of 15% of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

Commented [DW30]: (1) does not need to be included

LL. **Personal Care Boarding Home or Group Care Facility.**

- (1) This use shall be located only on property which has direct access to an arterial street.
- (2) Conversion of existing structures into this use must meet the site plan requirements for new construction according to Section ___.
- (3) Minimum lot size of 10,000 square feet shall be required.
- (4) A buffer area of 15 feet shall be provided along all adjacent property lines. The type of screening shall be in accordance with §27- ___.
- (5) Parking shall be required as follows: One space for every two employees, plus one space for every three residents.
- (6) The applicant must supply to the Township (and keep current) the name of a manager and/or other person responsible for responding quickly to a complaint filed by the Township.

Commented [DW31]: Scott stated this may be for low income or run by a church.
(5) parking requirements need to be reviewed.

MM. **Place of Worship/Assembly.**

- (1) Minimum lot area: two acres in a residential district, unless a larger lot area is required by the applicable zoning district. In any other district, a place of worship shall meet the minimum lot area provided in Part 3 for that district.
- (2) Weekly religious education rooms and meeting rooms are permitted accessory uses provided they are incidental to the place of worship. A primary or secondary school and/or a child or adult Child Care Center may be approved on the same lot as a place of worship provided the requirements for such uses are also met. See § ___. Buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable district.
- (3) A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family. Such dwelling shall meet the maximum number of unrelated persons in the definition of a "family." No other

Commented [DW32]: (3) family includes up to 3 unrelated members.

residential use shall be allowed.

- (4) If within a residential district, any new place of worship shall be adjacent to an existing collector or arterial street that is in public ownership.
- (5) Minimum building setback from a lot line of an existing dwelling in a residential district: 60 feet.
- (6) Minimum parking setback from a lot line of an existing dwelling in a residential district: 20 feet.