

**Section 300**

**ACCESSORY USES AND STRUCTURES**

**§300.1**      Accessory Structures Attached: A permanent-roofed accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.

**§300.2**      Accessory Structure Nonattached: A permanent-roofed accessory structure, standing apart from the principal structure, is permitted in rear yards. For all other requirements, a nonattached structure is considered a part of the principal building.

- a)      No mobile home or structure that has been built and titled under the Pennsylvania Motor Vehicle Code or any other state vehicle code (e.g. recreational vehicles, tractor trailers) shall be used as an accessory structure or storage unit on any lot within the boundaries of Penn Township. The use of such units as an office and storage during construction projects is an allowed exception to the above.

**§300.3**      Fences and Walls: No fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than three (3) feet in a front yard area. Similarly such fences or walls shall not exceed six (6) feet in height in side and rear yards in residential zones and eight (8) feet in side and rear yard areas in any other zone. (For retaining walls, see section 313.3)

**§300.4**      Walkway and Patio: All internal walkways and/or patios within a designated lot shall not be constructed within three (3) feet of the front, side or rear property line except that portion which is used to enter or exit the lot.

**§300.5**      Satellite Dish Antenna: Any accessory structure other than an antenna used for reception of regular AM-FM signals, capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or transmitter relay located in planetary orbit shall be subject to the following constraints:

- a)      Such devices shall not be placed within any required setback area.
- b)      Satellite dish antenna must be located in a side or rear yard only.
- c)      A ground-mounted dish antenna on any residential lot cannot exceed

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an overall diameter of twelve (12) feet or an overall height of fifteen (15) feet.

- d) Only one (1) antenna is permitted per building lot.

### **§300.6**

Solar and Wind Energy Facilities: Solar or wind energy systems either as part of a structure or as an independent structure providing a significant fraction of the electricity, space heating, space cooling or domestic hot water heating for a permitted use in any zone shall be permitted as accessory uses subject to the following constraints:

- a) No solar energy system located on the ground shall exceed a height of eight (8) feet.
- b) The maximum ground coverage of a structure supporting a solar collector shall not exceed twenty-five (25) percent of the area of the ground floor of the principal building.
- c) Solar Energy Systems must be reasonably installed and sited in the most aesthetic and architecturally compatible method possible, whether as a part of a structure or incidental to a structure or group of structures nearby.

### **§300.7**

Decks:

- a) Location and Setback - All decks shall be located in the rear yard area only and shall meet current setback requirements for the appropriate zone.
- b) All construction of decks shall meet current requirements of the Township's Building Code as amended and revised or per approval of the Penn Township Board of Commissioners.

### **§300.8**

Swimming Pools/Garden Pools:

- a) Location and setback - All swimming, bathing, or other private pools as defined in the Ordinance of Definition shall be located to the rear of the dwelling and shall observe the side yard and rear yard setbacks for the appropriate zone.
- b) All swimming, bathing, or other private pools, as defined in the

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Ordinance of Definition with a minimum height of four (4) feet from the circumference base to the water's edge are required to have access by a removable ladder or lockable gate to the access ladder. Pools less than four (4) feet from the circumference base to the water's edge but with a water depth of twenty-four (24) inches or greater must be surrounded by a minimum four (4) foot high fence.

- c) Fencing/Gate Requirements - Every swimming, bathing, or other outdoor private pool shall be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four (4) inches in any dimension.

A dwelling or accessory building may be used as part of such enclosure. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

**§300.9**  
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Utility Sheds and Gazebos: utility sheds/gazebos may be erected in with the following provisions:

- a) A utility shed/gazebo shall not be erected except in the rear yard of a dwelling.
- b) A utility shed/gazebo shall be erected not less than four (4) feet from any rear or side property line.
- c) A utility shed/gazebo shall not have a ground floor area exceeding one hundred forty-four (144) square feet nor a height in excess of ten (10) feet from floor to peak.
- d) Only one (1) utility shed and one (1) gazebo is to be allowed.

**§300.10**

Temporary Uses:

Authorization - The following uses of land are permitted in each zoning district (unless restricted to particular zoning districts) subject to the specific regulations and time limits which follow and to the other applicable regulations of the district in which the use if permitted:

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- a) Christmas Tree Sales: Will be allowed only in the following zones - S/C and H/B and for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of this Chapter provided that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets. Area devoted to Christmas tree sales must be cleared of all debris and all excess trees by January 1<sup>st</sup>.
- b) Contractor's Office and Equipment Shed: An accessory to a construction project. The office and/or shed must be removed within two (2) weeks of the completion date.
- c) Temporary Offices and Bank Facilities in Mobile homes: Will be allowed in the following zones - A/O, HB and S/C after a Land Development Plan has been approved. The Land Development Plan must show the locations of the proposed temporary facility and the proposed permanent facility.
- d) Real Estate Office/Model Home: Incidental to a new housing development. Contains no sleeping or cooking accommodations unless located in a model dwelling unit. Maximum number of permanent employees is two (2). Time limit of one (1) year plus one (1) year extension.
- e) Outdoor Seasonal Sale of Farm Produce and/or Seafood: To continue for not more than three (3) consecutive months per year only in the HB and S/C zones.
- f) Temporary Storage of Retail Goods: Drop boxes/storage containers may be utilized for seasonal storage of retail goods only. A ninety (90) day temporary use permit shall be required. All temporary storage permits shall expire on December 31<sup>st</sup>. Only one permit shall be issued in any calendar year.
- g) Retail business may display merchandise that is for sale within the building with the above restrictions in the area immediately adjacent to the building subject to the following conditions:
  - 1) May be conducted outside of enclosed buildings for a period of not more than two (2) consecutive weeks in any three (3)

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- month period.
- 2) No portion of the display shall be on publicly owned property unless the applicant shall first have obtained approval for such use from the Township.
- 3) No required off-street parking space or loading area will be utilized for such display, storage or dispensing.

### **Section 301 OUTDOOR SIGNS** – Governed by the Penn Township Sign Ordinance

### **Section 302 UNENCLOSED STORAGE**

**§302.1**      Recreational Vehicles, Trailers, and Boats: In the R-8, R-15, R-22, R-40 and R-C zones recreational vehicles, trailers, and boats shall not be stored for a period in excess of three (3) days in the area between the street line and the line formed by the front wall of the principal building extended the full width of the lot.

**§302.2**      Outdoor Stockpiling: In all zones, no outdoor stockpiling of any material is permitted in the front yard.

**§302.3**      Junk: The accumulation of junk out-of-doors is prohibited in all zone districts except as provided in §621 of this Ordinance or as allowed in any other Township Ordinance in the rear area only and for a period not to exceed fifteen (15) days.

**§302.4**      Garbage and/or Refuse: Outdoor storage of weekly accumulation of garbage and/or refuse in a suitable container is allowed in the side or rear yard area only.

### **Section 303 OFF-STREET PARKING**

**§303.1**      Off-Street Parking: In all districts, off-street parking spaces shall be provided as set forth in the following schedule whenever any building is erected or enlarged. Such spaces shall have adequate and well-designed ingress and egress and shall be located on the same lot as the use to which they are necessary. Handicapped parking spaces shall be provided in accordance with the Penn Township Building Code, as amended.

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<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Dwelling	2 spaces per dwelling unit
Hotel, Motel, Tourist Home (Not Including Restaurant Or Lounge Facilities)	- Guest Sleeping Room - Employee On Maximum Shift
Hotel, Motel, Tourist Home (Including Lounge Facility)	- Guest Sleeping Room - Employee On Maximum Shift - 2 Seats - 10 sq. ft. of Lounge Floor Area
Office Building Area	- 200 sq. ft. of gross floor area (Minimum 5 Spaces)
Retail Store or Shop	- 200 Sq. Ft. - Employee on Maximum Shift
Eating Establishments	- 2 seats - Employee on Maximum Shift
Elementary Schools	- 1/2 classroom and each other room used by students - non-instructional employee
Middle Schools	- 1/2 classroom and each other room used by students - non-instructional employee
High Schools	- 1/2 classroom and each other room used by students - four (4) full-time students - non-instructional employee
Bowling Alley	- 1/5 lane (i.e. 5 Spaces per Lane) - employee on peak shift

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<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Public and Commercial Recreation	- 50 sq. ft. of Gross Floor Area
Convenience Store Automobile Repair Gasoline Station Service Station	- 400 sq. ft. of Gross Floor and Ground Area Devoted to Repair and Service Facilities
Professional Office of Physician and Dentist	- 175 sq. ft. of Gross Floor Area
Other Commercial Buildings	- 200 sq. ft. of Gross Floor Area - every employee on peak shift
Auditorium, Church, Theater and other such places of Public Assembly	- 2 Seats
Funeral Homes	- 100 sq. ft. of Gross Floor Area
Industrial Establishments	- 1.5 Employees on Maximum Shifts (Minimum 1 Space for Each 5,000 sq. ft. of Gross Floor Area)
Warehouse Distribution	- 1000 sq. ft. of Gross Floor Area - 400 sq. ft. of Office, Sales or Visitor's Space
Club, Lodges and Other Similar Places	- 50 sq. ft. of Gross Floor Area - Employee on Maximum Shift
Drive-in Establishments	- twenty (20) sq. ft. of floor space plus one space per employee on the peak shift.

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<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Colleges, Junior Colleges, Technical Schools, Universities And related uses	- one (1) parking space for every three (3) students enrolled.
Child Care Center	- Employee on Maximum Shift
Church Day Care Center	- Each Two (2) Children Provided Care By The Facility
Family Day Care Home Group Day Care Facility Group Day Care Home	- Employee on Maximum Shift - Each Four (4) Children Provided Care By The Facility (Minimum of 500 sq. ft.)

**§303.2**      Development and Maintenance of Parking Facilities.

Whenever off-street parking is required, the parking area, turning aisle and space shall be designed, constructed and maintained in accordance with the following minimum standards:

- a) All parking areas shall be clearly marked for ease of movement and efficient use of space.
- b) All parking spaces shall have access from an aisle in the parking area; under no circumstances shall direct access to the parking area be allowed from a public street or private road when servicing three (3) or more dwelling units.
- c) Parking areas shall be a minimum of five (5) feet from the right-of-way of a public or private streets and/or property line.
- d) The parking area shall be constructed of a stabilized base and shall be paved with concrete or compacted/rolled asphalt paving material. Special consideration should be given to utilizing the parking area as a component of the stormwater management facilities.
- e) Parking spaces shall have dimensions of ten feet by twenty feet (10'x

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20'),

however lots of eight (8) spaces or more may designate a number of compact spaces (8'x 16') up to a maximum of 20% of the total number of required spaces.

f) All parking areas shall have access from a clearly limited and defined driveway curb in accordance with the following standards:

- 1) One-way traffic: 12' minimum, 15' maximum
- 2) Two-way traffic: 20' minimum, 35' maximum
- 3) Radius of the edge of the driveway apron shall be at least 15'
- 4) Or as PENNDOT may specify for any given proposal.

g) All parking areas shall include a minimum buffer of five (5) feet consisting of attractive evergreen vegetation between the parking area and right-of-way. Where parking areas of five (5) or more spaces are adjacent to residential development, a solid screen of attractive fencing or evergreen vegetation shall be provided to a minimum height of four (4) feet.

h) In all cases where curb and gutter or sidewalks exist or are adjacent to the proposed parking area, these facilities shall be retained or extended.

i) Parking areas shall be illuminated as is necessary to protect the public safety; in all cases such illumination shall be designed to prevent glare or excessive brightness, which may become a nuisance for adjacent residential development.

j) In accordance with variance procedures the Zoning Hearing Board, upon the recommendation of the Planning Commission, may require fewer total spaces under the following conditions:

- 1) The peak usage hours of the different uses vary to the extent that each use may share the same parking facilities while still providing adequate parking for each use; or
- 2) The clientele of a given use could reasonably be expected to be pedestrian, or utilize shared-rides or public transit.
- 3) Should the Zoning Hearing Board and developer agree to reduced parking requirements, the Zoning Hearing Board may require a

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written agreement which reserves sufficient open space to provide additional parking and turning area in the event of unanticipated growth or any miscalculation.

- 4) Further, the Zoning Hearing Board may require the reservation of open space for additional parking which may be necessary in excess of the guidelines in the schedule of required spaces above.

**Section 304   LOADING SPACE**

**§304.1**        Size; Surfacing: The loading space must be not less than twelve (12) feet wide and fifty (50) feet long. It must be paved with concrete or compacted/rolled asphalt paving material.

**§304.2**        Spaces Required: Off-street loading spaces must be provided for each building erected or enlarged in accordance with the following schedule:

<u>Type of Use</u>	<u>Minimum of One (1) Parking Space for Each</u>
Commercial Establishment	10,000 sq. ft. Of gross floor area or major fraction, in excess of first 3,000 sq. ft.
Factory, Warehouse	Establishment, plus an additional space for each 10,000 sq. ft. of gross floor area, or major fraction, in excess of first 7,500 sq. ft.

**§304.3**        Layout: The loading area must be arranged so that there will be no need for motorists to back over public rights-of-way and must not be located in the front yard area.

**Section 305   VACANT**

**Section 306   ACCESS DRIVES**

Unobstructed access to and from a street shall be provided. Such access shall consist of at least one eighteen (18) foot lane for parking areas with less than twenty (20) spaces. All other parking areas must comply with the access drive standards of §306.2 herein. No entrance or exit for any off-street

parking area shall be located within fifty (50) feet of the street right-of-way line.

**§306.1**

Single-Family Detached and Semi-Detached Dwellings:

All Single Family Detached and Semi-Detached dwelling driveways shall conform to the following:

- a) The number of driveways may not exceed two per lot on a street frontage.
- b) Driveways may not exceed a width of twenty-four (24) feet between the street line and the right-of-way line..
- c) Driveways must be located in safe relationship to sight distance and barriers to vision. The drive may not exceed a slope of eight percent +/- (8%) within twenty (20) feet of the street right-of-way line. Where a drive enters a bank through a cut, the shoulders of the cut may not exceed fifty (50) percent in slope within twenty-five (25) feet of the point the drive intersects the right-of-way.
- d) A clear sight triangle in conformance with the Subdivision and Land Development Ordinance shall be provided for driveways.
- e) Single Family detached and Single Family Semi-Detached dwellings may utilize driveways as part of required parking.
- f) Any residential dwelling located along and accessing directly an arterial or collector street shall provide an area to be utilized as a turn around area (minimum size 15' x 10') to the side of the main driveway so that entrance to the road can be performed in a safe manner.
- g) Single Family driveways shall not be located:
  - 1) Within five (5) feet of a fire hydrant.
  - 2) Within twenty-five (25) feet of another access drive on the same property where lot width permits.
  - 3) Within three (3) feet of a side and/or rear property line.
- h) PENNDOT Permit. Any access drive intersecting with a State-

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owned road shall require the obtainment of Pennsylvania Department of Transportation driveway permit as set forth in the Pennsylvania Code, Title 67, Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, as amended.

### **§306.2**      Single-Family Attached, Two-Family and Multi-Family Dwellings:

- a)      The number of driveways may not exceed two per lot on a street frontage.
- b)      Driveways may not exceed a width of twenty-four feet (24') between the street line at the right-of-way line.
- c)      Driveways must be located in safe relationship to sight distance and barriers to vision. The drive may not exceed a slope of eight (8) percent within twenty (20) feet of the street right-of-way line. Where a drive enters a bank through a cut, the shoulders of the cut may not exceed fifty (50) percent in slope within twenty-five (25) feet of the point the drive intersects the right-of-way.
- d)      A clear sight triangle in conformance with the Subdivision and Land Development Ordinance shall be provided for driveways.
- e)      Any Multi-Family dwelling located along and accessing directly an arterial or collector street shall provide an area to be utilized as a turn around area - minimum size 20 x 10 to the side of the main driveway so that entrance to the road can be performed in a safe manner.
- f)      A Multi-Family dwelling driveway shall not be located:
  - 1)      Within five (5) feet of a fire hydrant.
  - 2)      Within twenty-five (25) feet of another access drive on the same property where lot width permits.
  - 3)      Within three (3) feet of a side and/or rear property line.
- g)      PENNDOT Permit. Any access drive intersecting with a State-owned road shall require the obtainment of Pennsylvania Department of Transportation driveway permit as set forth in the Pennsylvania

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Code, Title 67, Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, as amended.

### §306.3 Non-Residential Access Driveway:

- a) Number Per Lot: Except as specified elsewhere, the number of access drives intersecting with each street shall not exceed two (2) per lot. The Zoning Hearing Board may grant a variance for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists.
  
- b) Setbacks: All access drives shall be located at least:
  - 1) Fifty (50) feet from any other access drive or driveway located upon the same lot (measured from cartway edges); and
  
  - 2) Ten (10) feet from any side and/or rear property lines; however, this setback can be waived along one property line when a joint parking lot is shared by adjoining uses.
  
- c) Clear Sight Triangle: Access drives shall be located and constructed so that a clear-sight triangle of a minimum of one hundred (100) feet as measured along the street centerline and along the driveway centerline is maintained; no permanent obstructions and/or plant materials over thirty-six (36) inches high shall be placed within this area. In addition, all proposed access drives must have a minimum adequate safe stopping sight distance based upon current PENNDOT standards.
  
- d) Access Drive Width: In no case shall any access drive cartway be less than eighteen (18) feet wide. See table below for further explanation:

No. of Lanes	Direction of Travel	Required Access Drive Width
1	one way	18 feet
2	one or two way	24 feet
3 or more	one or two way	12 feet/lane

- e) PENNDOT Permit. Any access drive intersecting with a State-owned road shall require the obtainment of Pennsylvania Department of Transportation driveway permit as set forth in the Pennsylvania Code, Title 67, Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, as amended.

**Section 307 LANDSCAPING AND BUFFER YARDS**

Landscaping and Buffer Yards must meet the requirements the Penn Township Subdivision and Land Development Ordinance.

**Section 308 ILLUMINATION**

Governed by the Penn Township Street Lighting Ordinance.

**Section 309 DRAINAGE**

**§309.1** Adequate Drainage Required: No principal building may be erected, structurally altered, or relocated on land which is not adequately drained at all times.

**§309.2** Building Restricted Adjacent to Drainage Channels and Watercourses: No building which is permanently attached to the ground may be erected, structurally altered or relocated on land which is subject to flooding as defined by the Federal Emergency Management Agency (FEMA) 100 year flood plain or delineated by soils subject to flooding as specified in Table 6, Engineering Interpretations, York County Soil Survey prepared by United States Department of Agriculture, Soil Conservation Service.

**§309.3** Drainage Upon Streets: In order to prevent improper surface water drainage upon streets, each building erected, structurally altered, or relocated, and its driveways, must be at a grade in satisfactory relationship:

- a) With the existing street grade, or
- b) With the street grade established by approved plan or by the Governing Body.

**§309.4** Drainage Upon Adjoining Properties; Slopes: In order to protect adjoining property owners, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any

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land may be made which would:

- a) Result in a slope of more than fifty (50) percent within twenty (20) feet of a property line.
- b) Alter the existing drainage or topography in any way so as to adversely affect adjoining properties.

In no case may any slope exceed the normal angle of slippage of the material involved. All slopes must be protected against erosion.

**§309.5**      Obstruction to Drainage Prohibited: The damming, filling, or otherwise interfering with the natural flow of a surface watercourse is not permitted without approval of the Township.

### **Section 310    NUMBER OF PRINCIPAL USES ON A LOT**

In an R-8, R-15, R-22, R-40, or R-C residential zone, not more than one principal use shall be permitted upon a lot except by Special Exception.

### **Section 311    STREET ACCESS**

The lot of any dwelling hereafter erected shall abut a public street unless otherwise authorized by Special Exception. Said street shall have a minimum right-of-way of fifty (50) feet.

### **Section 312    MINIMUM HABITABLE FLOOR AREA**

All dwelling units must conform to the minimum habitable floor area following:

- a)      Single family Dwelling: Eight Hundred (800) square feet.
- b)      Multi-Family Dwellings: Six Hundred (600) square feet.
- c)      Studio Apartments (1 person): Four hundred (400) square feet.

### **Section 313    OTHER IMPROVEMENTS**

**§313.1**      Water Supply: Unless a safe water supply is provided, a use certificate shall not be issued for any principal building involving human use or occupancy.

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For any private water supply for a principal building involving human use and occupancy, satisfactory evidence to this effect must be submitted to the Township. The water supply must meet or exceed the Pennsylvania Department of Environmental Protection standards.

**§313.2**      Grading Requirements: No cut shall exceed a ratio of two (2) to one (1) or fill a ratio of three (3) to one (1) on any lot unless satisfactory erosion controls approved by the York County Conservation District are employed or unless a retaining wall subject to the requirements of Section 313.3 is supplied.

**§313.3**      Retaining Walls: No retaining wall shall be constructed without satisfactory drainage provision or at a height exceeding six (6) feet unless a continuous four (4) foot high protecting fence is provided on top within one (1) foot of the wall edge.

### **Section 314   INTERSECTION SIGHT DISTANCE**

**§314.1**      Clear Sight Triangles: Proper sight lines must be maintained at all street intersections. Clear sight triangles of one hundred (100) feet for all collectors, local roads and cul-de-sacs and two hundred (200) feet for all arterial streets (may be reduced to one hundred fifty (150) feet at the discretion of the Township Engineer) measured along street center lines from their points of junction shall be provided at all intersections and no building, structure, grade or planting higher than three feet above the centerline of the street shall be permitted within such sight triangles.

(See Figure 2 Ordinance of Definitions).

Clear sight triangles for all streets and access drives shall be indicated on all subdivision and land development plans.

**§314.2**      Stopping Sight Distance: All intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment.

The minimum sight distance shall be in accordance with the most recent PENNDOT standards, as amended. (Source: PA Code Title 67, Chapter 201, 1993, or most recent edition, or as amended):

### **Section 315   INTERIOR YARDS**

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Open space between Multi-Family buildings shall be provided as follows:

- a) Parallel buildings shall have fifty (50) feet between faces for one story in height, plus five (5) feet for each additional story. If the front or rear faces are obliquely aligned the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.

Where service drives or bank grade changes or collector walks are introduced in this space, the yard distance shall be at least twenty-five (25) feet.

- b) A yard space of twenty-five (25) feet for each one story building, plus five (5) feet for each additional story, shall be required between end walls of buildings. A yard space of thirty (30) feet for one story, plus five (5) feet for each additional story, shall be required between end walls and front or rear faces of buildings where buildings are not parallel.
- c) When two adjacent buildings differ in the number of stories, the spacing shall be not less than the required distance between two (2) buildings having the same height as the higher building.
- d) Outer and inner courts shall be permitted when such courts are not less than fifty (50) feet or equal to the dimensions of the full height of the building walls enclosing the court, whichever is greater.

### **Section 316 FLOOD PLAIN REGULATIONS**

Any use, activity or development which is proposed in a flood prone area must comply with this Ordinance and the provisions established in the Township Building Permit and Flood Plain Management Ordinance.

### **Section 317 DEMOLITION**

Demolition of any structure must be completed within three (3) months of the issuance of a permit. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is completed as required in the previous sentence. All evidences of the structure that was demolished

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must be removed from the exterior surfaces of the remaining building.

### **Section 318 ON-SITE SEWAGE DISPOSAL SYSTEMS**

The Board of Commissioners may approve on-lot sewage disposal only when the Township Sewage Enforcement Officer and/or a sanitarian of the Department of Environmental Resources shall certify that both an initial location and a replacement location for the on-lot sewage disposal system are present on each lot and the feasibility report prepared under Section 403 of the Subdivision and Land Development Ordinance indicates:

- a) Justification of the project necessitates consideration of this method.
- b) The soil absorption areas are satisfactory for the type of system proposed.
- c) Such systems will not endanger groundwater supplies below the level of the absorption system.
- d) The replacement location shall be of a size and capacity to allow complete abandonment of the initial system in the event of failure.
- e) The replacement location shall be protected from traffic and no filling or excavation shall be allowed within its boundary.  
The standards for installation of the replacement system shall be as required by the Department of Environmental Protection at the time of its construction.

### **Section 319 PERFORMANCE STANDARDS**

No land or building in any district in the Township shall be used or occupied in such a manner so as to create any dangerous or objectionable elements in such amount as to adversely affect the surrounding area or premises. All uses of land or building shall initially and continuously comply with all applicable performance standards established by federal and state agencies. Where the provisions of this section impose greater restrictions than those of federal or state agencies, the provisions of this chapter shall prevail. When provisions of state and federal agencies exceed the provisions of this section, the provisions of such state and federal agencies shall prevail.

#### **§319.1 Noise:**

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- a) The sound level of any operation or activity shall not exceed the decibel levels of the preferred frequencies cited below or as modified or exempted by the ASA. The sound-pressure level shall be measured with an octave bank analyzer calibrated in the preferred frequencies conforming to the specifications published by the American Standard Association (Preferred Frequencies for Acoustical Measurements, SI 6-1960 American Standards Association, New York, New York).
- b) At no point on the property line of the owner of any operation or activity shall the sound-pressure level resulting from any operation or activity exceed the maximum permitted sound levels set forth below or expressly waived below.

	Maximum Sound-Pressure Level		
Center Frequency (Cycles per second)	Residential Districts	A/O, S/C, and H/B Districts	I District
31.5	72	77	82
63	71	76	81
125	65	70	75
250	57	62	67
500	51	56	61
1,000	45	50	55
2,000	39	44	49
4,000	34	39	44
8,000	32	37	42
Total dBA	55	60	65

NOTE:

Sound pressure level in decibels equals 0.0002 dynes/cm<sup>2</sup>.

- c) The following sources of noise are exempt:
  - 1) Transportation vehicles not under the control of an on-site use.
  - 2) Occasionally used safety signals, warning devices and emergency pressure-relief valves.
  - 3) Temporary construction activity between 6:00 a.m. and 7:00 p.m.

**§319.2** Air Pollution:

- a) A person, partnership, corporation or association may not cause on any land or permit on land owned by him, 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 person on whose land the sources is being operated. For purpose of this section, "malodor" is an odor which causes annoyance or discomfort to the public and which the township determines to be objectionable to the public.
- b) The Commonwealth of Pennsylvania has established ambient air quality standards. In order to minimize overlapping regulations, the township adopts these standards as its own. However, to govern situations of a localized nature, the following additional regulations are provided:
  - 1) Odor threshold is defined as the lowest concentration of odorous matter that produces an olfactory response in normal human beings. Odor thresholds shall be measured in accordance with ASTM d 1391-57, "Standard Method for Measurement of Odor in Atmosphere (Dilution Method)" or its equivalent. Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the lot line, measured either at ground level or habitable elevation. Should any such odorous material contain toxic material, such airborne toxic matter shall not exceed one-thirtieth (1/30) of the odor threshold at the appropriate points of measurement.
  - 2) For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart published by the United States Bureau of Mines shall be used. Opacity may not exceed No. 1 on the Ringelmann Smoke Chart.

**§319.3** Heat: No heat from any use shall be sensed at any property line to the extent of raising the temperature of air or material more than one degree Fahrenheit (1° F).

**§319.4** Vibration: No use shall cause vibrations exceeding the maximum values specified in this section. The maximum vibration is given as particles velocity, which may be measured directly with suitable instrumentation or

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computed on the basis of displacement and frequency. When computed, the following formula shall be used:

PV = 6.28 F x D where

PV = Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration inches

Particle velocity shall be the vector sum of three (3) individual components measured simultaneously in three (3) mutually perpendicular directions.

**Maximum Ground Transmitted Vibration**

<b>Zoning District</b>	<b>Particle Velocity (Inches/second)</b>	
	<b>Adjacent Lot Line</b>	<b>Residential District</b>
R-8, R-15, R-22 R-40 Zones	0.05	0.02
A/O, S/C, H/B, I Zones	0.10	0.02

Where the vibration is produced as discrete impulses and such impulses do not exceed a frequency of sixty (60) per minute, then the values in this table may be multiplied by two (2).

**§319.5** Offensive Area: All areas for parking, recreation, service, utility equipment, waste receptacles and/or other elements which because of their appearance, odor and/or noise would be offensive to those occupying the lot or adjoining lots or those on the street, shall be screened, landscaped or otherwise treated to eliminate the offensive condition.

**§319.6** Landscaping: Natural landscaping elements, trees, shrubs, rocks, streams, contours, are a valuable asset in the environment. All site developments shall retain as much of the natural landscaping to a quality comparable to that of the surrounding properties.

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- §319.7**        Fire: All site layouts and structures shall comply with the Township Building Code. No structure and no activity within a site or structure shall pose a hazard of fire for adjacent lots and/or structures. Access for fire fighters and equipment shall be provided for every structure on the site.
- §319.8**        Toxic and Noxious Matter: No emission that would be demonstrably injurious to human health, animals or plant life at or beyond the boundaries of any lot will be permitted. Where such an emission could result from an accident or equipment malfunction, adequate safeguards considered standard for utilization of the toxic and noxious matters involved shall be taken.
- §319.9**        Radiation Hazards: The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in conformance with the applicable regulations of the Atomic Energy Commission.
- §319.10**       Fire and Explosive Hazards: The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, but only if said materials or products are stored, utilized, or manufactured within completely enclosed building having incombustible exterior and protected throughout by an automatic fire extinguishing system.
- §319.11**       Safety Devices: All activities involving the use and/or storage and/or disposal of flammable or explosive material shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire-fighting and suppression equipment and devices standard to the industry involved.
- §319.12**       Electromagnetic Radiation: In the interest of maintaining an atmosphere fruitful to research, there shall be no electromagnetic interference that adversely affects at any point the operation of any equipment other than that belonging to the creator of such interference, or that is not in conformance with the regulations of the Federal Communications Commission.
- §319.13**       Water: No emission of pollutants (as defined by the Pennsylvania Department of Environmental Protection) into a waterway or sewage system extending beyond the property line shall be permitted.
- §319.14**       Outdoor Lighting: Where light fixtures are installed to provide exterior illumination, excluding overhead street lighting and warning, emergency, or traffic signals, the

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following restrictions shall apply. These standards will only apply to non-residential users abutting residential users. Also see Penn Township Residential Street Lighting Ordinance, as amended.

- a) All outdoor lighting, whether or not required by this ordinance; shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook.
- b) All future amendments to the recommended practices of the IESNA shall be made a part of the Ordinance without further action by the Board of Commissioners.
- c) No glare or direct illumination may be in excess of 0.5 footcandles when measured at a residential use and/or residential zoning districts.
- d) Parking/Site lighting fixtures, when required for safety considerations, may be controlled by photocells for dusk to dawn operation.
- e) The lighting from any luminaire shall be shaded, shielded, or directed to prevent direct light from being distributed beyond an angle of thirty-five (35) degrees from a vertical plane onto adjacent properties and/or surrounding areas. Unshielded lighting is not permitted, except for temporary holiday lighting.
- f) Lighting shall be designed so that the illumination does not exceed one half (0.5) footcandles beyond the property line on which the lighting originates.
- g) Externally illuminated signs shall be lighted by fixtures mounted on top of the sign and aligned down, rather than by fixtures mounted at the bottom of the sign and aimed up. Sign lighting shall be equipped with timers and extinguished between the hours of 11 PM and dawn.
- h) Such lighting on private, residential, commercial, industrial, municipal, recreational or institutional property shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse (disabling glare), and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property (nuisance glare).
- i) Pole-mounted lamps shall be placed directly above the area to be illuminated

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and shielded at the top and sides or positioned near the perimeter of a property and aimed toward the area requiring illumination, subject to applicable yard setback provisions.

- j) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of mounting height, wattage, aiming angle, fixture placement, etc.
- k) The installation or erection of any lighting which may be confused with warning signals, emergency signals, or traffic signals, shall not be permitted.
- l) Except for all night safety or security lighting uses, all area lighting shall be controlled by automatic switching devices such as timers and/or motion detectors to extinguish offending sources between 11:00 PM and dawn and to mitigate glare and sky lighting consequences.
- m) Where all night safety or security lighting is to be provided, the intensity levels of said lighting shall not exceed twenty-five (25) percent of the levels normally permitted by this ordinance.
- n) Fixtures used for architectural lighting, e.g., facade, feature, and landscape lighting shall be aimed so as to not project their output beyond the objects intended to be illuminated and shall be extinguished between the hours of 11 PM and dawn.
- o) Maintenance: Lighting fixtures shall be maintained so as to always meet the requirements of this Ordinance.
- p) Nonconforming Lighting: Any lighting fixture existing on the effective date of this Ordinance which does not conform with the requirements of this Ordinance shall be considered a lawful, nonconforming lighting fixture, subject to the following:
  - 1) All nonconforming lighting fixtures shall be made to comply with the requirements of this Ordinance when such fixture is replaced, relocated or repaired.
  - 2) All nonconforming lighting fixtures within the Township shall be

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made to conform to all pertinent regulations or be removed upon notification by the Zoning Officer after the effective date of this Ordinance.

- q) When a property owner is notified by the Zoning Officer that a violation of these provisions exists, the glare or illumination problem shall be abated within fifteen (15) days of receipt of the violation notice.

### **Section 320 PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS AND UNREGISTERED VEHICLES.**

- a) Intent: To prevent residential areas from being harmed by nuisances from smells and noise from noxious commercial vehicles. To maintain a residential character in residential districts.

- b) Definitions:

- 1) **Commercial Vehicle**: A motor vehicle with a gross weight (GVW) exceeding 8,500 pounds that is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material).
- 2) **Tractor**: A truck with more than 2 axles that is primarily intended to be used to pull a trailer, as defined below.
- 3) **Trailer**: A commercial vehicle with a length of 10 feet or more that is not self-propelled, that is intended to haul materials, vehicles, goods, gases or liquids and that is intended to be pulled by a tractor (as defined above).

- c) Exceptions: No part of this section shall apply to the following:

- 1) Township-owned vehicles
- 2) Ambulance, fire and rescue vehicles
- 3) Buses used primarily for transporting public or private school children to and from school or transporting persons to or from a place of worship
- 4) Recreational vehicles (see definition in Ordinance of Definition)
- 5) Vehicles operated by the U.S. Postal Service

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- 6) Vehicles actually engaged in the construction or repair of streets, curbs, sidewalks or utilities
- 7) Vehicles actually engaged in making routine household deliveries or rendering routine household services to a property abutting or that is part of the location where the vehicle is parked
  
- d) Storage of Commercial Vehicles in Residential District: No commercial vehicle with a gross vehicle weight exceeding 8,500 pounds or with greater than two (2) axles or any tractor or any trailer (as defined by this Section) shall otherwise be maintained (except clearly emergency repairs), parked, stored or kept within a lot that is within a residential district between the hours of 6:30 PM and 9:00 AM any day of the week.
  
- e) Refuse Hauling Vehicle: In addition to the requirements of this Section, no vehicle that has been used for the bulk hauling of refuse shall be parked for more than fifteen (15) minutes in any twenty-four (24) hour period on a portion of a lot that is within two hundred (200) feet of a dwelling.
  
- f) Nonconformities: The provisions of this Ordinance that allow nonconforming uses to continue and expand do not apply to conditions under this Section. Any nonconforming condition or use that exists under this Section shall be made conforming within ninety (90) days of the adoption of this Ordinance.
  
- g) Moving of Pre-existing Nonconforming Vehicles: If a vehicle that is parked in a nonconforming fashion under this Section is moved from the subject property or street for more than 12 consecutive hours, the nonconformity shall be considered to have been abandoned and the lot shall then only be used in a manner that conforms to this Ordinance in that respect.
  
- h) Storage of Unregistered Vehicles: Except as specifically permitted by this Ordinance, not more than one (1) motor vehicle that does not display both current State registration and safety inspection stickers shall be parked or stored in any way on any lot.

### **Section 321      TIMBER HARVESTING**

- a) Timber harvesting, as defined by the Penn Township Ordinance of Definition, shall not apply to the harvesting of wood for personal use by the property owner and his or her family.

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- b) A person who intends to undertake timber harvesting activities on land located within the Township shall provide the Township with written notice at least seven (7) days prior to the date that such activities are to commence. Such notice must be sent to the Township Zoning Officer and shall include the following components:
  - 1) A copy of the Erosion and Sedimentation Control Plan (as required by Chapter 102, Erosion Control Rules and Regulations issued under Act of June 22, 1937, P.L. 1987 (Clean Streams Law); and
  - 2) The following information shall also be submitted to the extent that such information is not clearly indicated within the submitted copy of the Erosion and Sedimentation Control Plan.
    - a. Location of the land;
    - b. Owner of the land;
    - c. Person timbering;
    - d. Timbering schedule;
    - e. Number of acres to be timbered;
    - f. Estimated number of board feet to be timbered;
    - g. Type of timbering: selective, cutting or clear cut;
    - h. Method of transport; and
    - i. Identification of transport route through the Township
- c) A person who fails to give notice or fails to provide all of the information required above may not commence timbering harvesting activities. The Board of Commissioners may take the course(s) of action it deems to be necessary (including injunctive relief) to prevent timbering of land within the Township without notice. Any expenses incurred by the Township in order to enforce these provisions (including reasonable attorney's fees) shall be charged to and fully payable by the owner of the land being timbered and/or the person timbering the land and such costs and expenses shall constitute a lien upon the land until paid in full.

**Section 322 USES NOT PROVIDED FOR**

Whenever under this Ordinance a use is neither specifically permitted nor denied and an applicant makes an application to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the standards governing special exception applications. The use may be permitted if it is similar to and compatible with the permitted uses in the district in which the subject property is located, is not permitted in any other district under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood.

**Section 323 CORNER LOTS**

A front yard, as provided for in the area and bulk regulations for the various zones, shall be required along each street on which a corner lot abuts.

On any corner lot, no wall, fence, or other structure shall be erected, altered, or maintained, and no hedge, tree, or other plant material shall be planted or maintained which may cause danger to traffic on a street by obscuring the view. On corner lots, no such structure or plant material shall be permitted within an area, which is formed by the clear sight triangle as described in Section 314.1