

Article VI - Standards for Special Exception Uses

Section 600 REQUIREMENT OF SPECIFIC STANDARDS

In addition to the general standards for all Special Exceptions as contained in Section 503, the specific standards for the particular uses allowed by Special Exception are set forth in this ARTICLE. These standards must be met prior to the granting by the Zoning Hearing Board of a Special Exception for such uses in applicable zones.

Section 601 ADULT REGULATED FACILITY

In a S/C Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Permits required. No person shall operate an adult regulated facility without first obtaining a use and occupancy or zoning permit as provided in this Ordinance and all other applicable permits required by law. The permit will be reviewed annually for compliance. The Zoning Officer will also perform regular inspections.
- b) Minimum Spacing and Proximity Requirements.
 - 1) No adult regulated facility shall be located within six hundred (600) feet of any other adult regulated facility.
 - 2) No adult regulated facility shall be located within specified distances of certain land uses as set forth below:
 - a. No such facility shall be located within six hundred (600) feet of the property line of a residential dwelling.
 - b. No such facility shall be located within one thousand (1,000) feet of any parcel of land that contains any one or more of the following specified land uses:
 - (i) Amusement park;
 - (ii) Camp (for minors' activity);
 - (iii) Child care facility;
 - (iv) Church or other similar religious facility;
 - (v) Community center;
 - (vi) Museum;
 - (vii) Park;
 - (viii) Playground;
 - (ix) School;

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- (x) Other lands where minors congregate.
- c. The distance between any two adult regulated facilities shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each facility. The distance between any adult regulated facility and any land use specified in Subparagraph (2) above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the adult regulated facility to the closest point on the property line of said land use.
- c) Visibility from the street. No person operating an adult regulated facility shall permit, or cause to be permitted, any stock in trade which depicts, describes, or relates to specified sexual activities and/or specified anatomical areas as defined in the Ordinance of Definition, to be viewed from the street, sidewalk, or highway.
- d) Signs.
 - 1) No person shall place or cause to be placed or maintained in such a location as can be viewed by persons on any public street, any sign or signs, photographic, pictorial, or other graphic representation, that depict in whole or in part the following:
 - a. Act or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
 - b. Scenes where a person displays the vulva or the anus or other genitals.
 - c. Scenes where artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above.
 - d. Any other graphic illustration pertaining to specified sexual activities and/or specified anatomical areas.

Section 602 AIRPORTS, HELIPORTS, AND HELISTOPS

- a) Airports, Heliports and Helistops may be permitted as a Special

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Exception Use by the Zoning Hearing Board in the I Zone subject to the following criteria:

- 1) Minimum lot area shall be thirty (30) acres for airports and three (3) acres for heliports and helistops.
 - 2) The applicant shall submit evidence confirming that the facility will be constructed, operated, and maintained in accordance with applicable rules and regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation related to the use of airports, heliports, or helistops.
 - 3) No part of the take-off/landing strip and/or pad shall be located within three hundred (300) feet from any property line.
 - 4) All facilities shall not be detrimental to the health, welfare and safety of the Township residents and their property.
- b) In addition to the requirements in Section 602.a, heliports and helistops shall meet the following requirements:
- 1) The landing pad shall be at least eighty (80) feet square or a circle with an eighty (80) foot diameter. This pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
 - 2) At least two (2) approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than ninety (90) degrees apart. Each approach lane shall be located within forty-five (45) degrees left or right of the prevailing winds and shall fan out at an angle of ten (10) degrees from the width of the landing pad to a width of one thousand (1,000) feet; and shall have a glide angle slope of eight (8) degrees to one (1) measured from the outer edge of the pad.
 - 3) An application for a helistop or heliport on a roof or similar above ground structure, shall be accompanied by a certification by registered engineer that the loads imposed by a helicopter will be supported by the structure.
 - 4) The helistop and heliports shall be used only for personal or executive use by a firm or individual.

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- c) No helicopter over six thousand (6,000) pounds gross weight shall use any helistop.
- d) The application shall include at a minimum, the following:
 - 1) A copy of the Federal Aviation Administration Form 7480-1, Notice of Land Area Proposal, as amended.
 - 2) A copy of the letter of No Objections from the Federal Aviation Administration.
 - 3) A copy of the Commonwealth of Pennsylvania Application for Approval of a Land Site, AV-4, and necessary supplemental information or equivalent and the letter of site approval from the Pennsylvania Department of Transportation, Bureau of Aviation.
 - 4) An aerial photograph or drawing, either of which shall be at a scale no less than one (1) inch equals two hundred (200) feet, indicating the approach and departure routes, the location of all residents, schools, churches, hospitals, and areas used for the open assembly of people, as well as other noise sensitive areas within the radius of one-half (1/2) mile of the proposed helistop or heliport sites.
- e) In addition to the requirements in Sections 602.a, b, c, and d, heliports shall meet the following requirements:
 - 1) Heliports shall be located a minimum of one thousand (1,000) feet from any dwelling unit.
 - 2) The applicant shall submit a land development plan for review and approval by the Township.
 - 3) Heliports shall meet all requirements of the Zoning Ordinance for the district of its proposed location.
 - 4) The proposed site shall be fenced with a minimum height of four (4) feet with at least two openings, except those located on the rooftops. The fence shall be located so as not to obstruct the glide angle of the helicopter using the heliport.
 - 5) The proposed heliport shall not adversely affect the health and safety of the citizens both in and surrounding Penn Township.

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- 6) The applicant shall also make full compliance with those guidelines and regulations for helistops and heliports or similar facilities as outlined in the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Aviation, Title 67, regulations relating to Pennsylvania Aviation, as amended.
- f) It shall be unlawful for any person to land, discharge, load or take off in a helicopter any place within Penn Township other than at an approved helistop or heliport, except:
 - 1) In conjunction with a special event such as an athletic contest, a holiday celebration, parade or similar activity, after ten (10) days advanced notice has been given to the Zoning Officer and a special permit has been issued by the Zoning Officer.
 - 2) When necessary for law enforcement purposes and for emergencies.
 - 3) For the purpose of delivery or transfer of patients to/from any hospital and/or its emergency trauma centers.

Section 603 ANIMAL HOSPITAL

In the R-40 and H/B Zones and subject to the requirements of these zones in which located except as herein modified and provided:

- a) Minimum of five (5) off-street parking spaces plus one for each employee.
- b) Evidence of adequate water supply and wastewater disposal must be provided by the applicant.
- c) Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.
- d) Landscaping and Buffer Yards in accordance with the Subdivision and Land Development Ordinance shall be provided.
- e) Fencing shall be provided in accordance with the provisions of Section 300.3 in addition to any landscaping and Buffer Yard requirements.
- f) No outdoor animal pens, stalls, or runways will be permitted.

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Section 604 BED AND BREAKFAST INN

In the R-40 Zone and subject to the requirements of the zone in which located, except as herein modified and provided:

- a) Bed and Breakfast Inn shall be allowed only in an owner-occupied single-family, detached residential dwelling or buildings accessory thereto.
- b) The owners of a Bed and Breakfast Inn must be in the residence when guests are present.
- c) The length of stay for each guest shall not exceed seven (7) days.
- d) A minimum of one (1) parking space must be provided for each guest room.
- e) A sign of not more than two (2) square feet may be erected to advertise such accommodations. The sign may be illuminated only by indirect lighting.
- f) Breakfast shall be the only meal served to overnight lodgers.
- g) Bed and breakfast operations shall be conducted so as to be clearly incidental and accessory to the primary use of the site as a single-family dwelling.
- h) The inn must comply with local regulations regarding applicable permits, including but not limited to fire, health and building codes.

Section 605 CEMETERY

In the R-15, R-22, R-40, and R-C Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) All burial plots or facilities shall be located at least one hundred (100) feet from all property or street lines.
- b) Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.

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- c) No burial plots or facilities are permitted on flood plain land.

Section 606 CHILD CARE CENTER

In the S/C, H/B, and I Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) All applicants must provide proof of all approved documentation required by the Commonwealth of Pennsylvania prior to the time of request for a special exception.
- b) The use shall meet all requirements for licensing or certification by the Department of Public Welfare and the Department of Labor and Industry.
- c) The Zoning Officer shall have the authority to continue the special exception as long as proof of annual licensing, certifications, and re-certifications are provided to the Township when the provider receives such documentation.
- d) A minimum outdoor play area of sixty-five (65) sq. ft. per child is required.
- e) Outdoor play areas shall be sufficiently enclosed so as to provide for the health and safety of the children as determined by the Zoning Hearing Board. Outdoor play areas for newly approved Child Care Centers shall be sufficiently enclosed prior to conducting business. A minimum height requirement for fencing is four (4) feet with spacing in any fencing structure not greater than four (4) inches.
- f) At least one (1) off-street parking space for each person employed plus one (1) off-street space for each four (4) children to be served by the facility shall be provided. A minimum of five hundred (500) sq. ft. of off-street parking shall be provided.

Section 607 CHURCH DAY CARE CENTER

In the R-8, R-15, R-22, R-40, R-C and S/C Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) All applicants must provide proof of all approved documentation required by the Commonwealth of Pennsylvania prior to the time of request for a special exception.

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- b) The use shall meet all requirements for licensing or certification by the Department of Public Welfare and the Department of Labor and Industry.
- c) The Zoning Officer shall have the authority to continue the special exception as long as proof of annual licensing, certifications, and re-certifications are provided to the Township when the provider receives such documentation.
- d) A minimum outdoor play area of sixty-five (65) sq. ft. per child is required.
- e) Outdoor play areas shall be sufficiently enclosed so as to provide for the health and safety of the children as determined by the Zoning Hearing Board. Outdoor play areas for newly approved church day care centers shall be sufficiently enclosed prior to conducting day care business. A minimum height requirement for fencing is four (4) feet with spacing in any fencing structure not greater than four (4) inches.
- f) At least one (1) off-street parking space for each person employed plus one (1) off-street space for each four (4) children to be served by the facility shall be provided. A minimum of 500 sq. ft. of off-street parking shall be provided.

Section 608

COMMUNICATION, TRANSMITTING AND RECEIVING FACILITIES

In the I Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Communication Towers and Equipment Buildings shall be allowed only on hilltops and are not authorized in severe slope areas.
- b) Applicants are required to show compliance with the provisions of this Section and other applicable provisions of the Zoning Ordinance.
- c) Applications for Conditional Uses for the construction of Communications Antenna, support structures, and related facilities shall include a written report containing the following:
 - 1) Information describing the tower height and design;
 - 2) A cross-section of the structure;
 - 3) Engineering specifications detailing construction of tower, base,

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- and guy wire anchorage;
- 4) Information describing the proposed painting and lighting schemes;
 - 5) Information describing the tower's capacity, including the number and type of antennas that it can accommodate;
 - 6) All tower structure information shall be certified by a licensed professional engineer;
 - 7) Certification that there is not suitable space on existing sites or structures where the intended facility can be accommodated and functioned required without reasonable modification;
 - 8) Technological evidence that the facility must go where proposed in order to satisfy its function in the grid system and provide quality of service required by law;
 - 9) Written authorization from the property owner of the proposed site;
 - 10) Inventory of existing antennae support structures within a two (2) mile radius of the proposed site discussing the unavailability of sites and reasons therefore; and
 - 11) Evidence of the applicant's good faith efforts to locate the antenna on an existing structure.
 - 12) Applicant shall demonstrate that he/she is licensed by FCC to operate a Communication Tower and/or Communication Antenna.
- d) All other uses ancillary to the antenna, tower, and associated equipment are prohibited unless otherwise permitted in the zoning district in which the site is located. This includes, but is not limited to, business offices, maintenance depot and vehicle storage.
- e) Other standards of approval for antenna support structures and antenna related facilities include the following:
- 1) Setbacks:
 - a. Antenna support structures shall be set back from all

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- property lines a distance equal to the yard setbacks applicable to other structures in the zoning district.
- b. The foundation and base of any Communications Tower shall be set back from a property line (not lease line) and shall be set back from any other property line (not lease line) at least fifty (50) feet.
- 2) Antenna Support Structure Height:
 - a. The maximum height of any single antenna support structure located at a single site for one antenna shall be at the lowest height to function at the proposed location, based upon specific engineering data pertaining to the function of the antenna support structure to be supplied to the applicant.
 - b. An antenna support structure may exceed the minimum allowable height to allow for the co-location of another antenna; provided that the applicant shows the evidence that the antenna support structure will be a shared location site.
 - 3) Landscaping and Screening:
 - a. If the antenna support structure site is located in an area of existing woodlands, the existing woodlands shall be preserved to the fullest extent possible. The existing woodlands shall be supplemented as needed to fully screen antenna support base structure base.
 - b. If the site is not wooded, the entire perimeter of the fence surrounding the antenna support structure compound shall be planted with evergreen trees at least six (6) feet in height at the time of planting. The planting area around the antenna support structure shall have a minimum radius of ten (10) feet. The evergreens shall be planted every five (5) feet.
 - c. The site shall be landscaped so as to screen the facility base tower and buildings from abutting properties.
 - 4) Equipment or Accessory Buildings - Accessory buildings must conform to the yard setbacks as required for the zoning district in which the tower is located.

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- 5) Parking - At least two (2) off-street parking spaces shall be provided within the fenced area.
- 6) Security, Maintenance, and Fencing:
 - a. The site shall be secured by a fence with a minimum height of six (6) feet and maximum height of eight (8) feet to limit accessibility by the general public.
 - b. All guy wires shall be clearly marked so as to be visible at all times and shall be located within the fence enclosure.
 - c. All equipment and buildings shall be constructed and maintained in accordance with the Penn Township Building Code, as amended.
- 7) Lighting and Signs:
 - a. No signs shall be mounted on a Communications Tower except as may be required by the Federal Communications Commission, Federal Aviation Administration, or other governmental agency that has jurisdiction.
 - b. All Communication Towers shall have lights as may be required by the Federal Communications Commission, Federal Aviation Administration, or other governmental agency which has jurisdiction. If lighting is not required by other agencies, then lighting acceptable to the Township shall be required.
- 8) Color - Antenna support structures shall be painted in the color that best allows it to blend into the surroundings unless otherwise by the Federal Aviation Administration regulations. The use of grays, blues, and greens may be appropriate.
- 9) Antenna Support Structure Design and Structural Integrity - The owner of the antenna or antenna support structure shall provide a registered professional engineer's report documenting that the structure meets the structural standards of the applicable building code in the Telecommunications Industry Association.
- 10) Other:
 - a. Prior to issuance of a zoning permit for the erection of an

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antenna or antenna support structure, applicants must receive approval of a land development plan from the Penn Township Board of Commissioners. The land development plan must provide the information required by all applicable Township Ordinances.

- b. A formal land development plan is not required if the antenna is to be mounted on the existing structure.
- c. Evidence shall be submitted from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, taking into consideration winds and other loads associated with location.
- d. The applicant, owner, or operator of the antenna shall be licensed by the Federal Communications Commission.
- e. The tower shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable zoning regulations.
- f. Certification of Insurance evidencing general liability in the minimum amount of \$1,000,000 per incident and property damage coverage in the minimum amount of \$1,000,000 per incident is required to cover the tower, antenna, and structures.

11) Abandonment:

- a. If an antenna support structure is unused as evidenced by notice to the Federal Communications Commission of intent to cease operations for a continuous period of twelve (12) months after said notice, it shall be deemed abandoned.
- b. Any antenna support structure or antenna that is deemed to be abandoned must be removed within one hundred and eighty (180) days.
- c. Removal of the antenna support structure shall be the responsibility of the owner of the antenna support structure. At the time of land development plan approval; the owner of the antenna support structure must enter into an

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agreement with the Township regarding the removal of an abandoned antenna support structure as herein defined.

- d. In the case of multiple operators sharing the use of a single tower, this provision shall become effective when all users cease operation.

Section 609 CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

In the R-C Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) The parcel of contiguous land owned by the owner of the large livestock operation must be and remain at least fifty (50) acres. In the event the parcel of contiguous land in common ownership consists of more than one "tract" as defined in this ordinance, the owner must merge such tract by a recordable agreement with the Township, which will preclude the tract from being placed in separate ownership without Township subdivision approval.
 - 1) Irrespective of the provisions of this section, any large livestock operation in existence prior to the enactment of this ordinance may expand such operation subject to the following limitations:
 - a. The gross floor area of buildings housing such livestock may not be expanded to more than double the gross floor area housing such livestock.
 - b. The number of equivalent animal units may not be more than doubled. For this purpose both the number of animal equivalent units present on the property prior to the enactment of this ordinance and the number permitted by this section shall be calculated by reference to Title 25, Chapter 83, subchapter D, Table A, referred to in the Pennsylvania Code (Section 83.212).
 - 2) Any building constructed after the date of the enactment of this ordinance to house animals in a large livestock operation must maintain the following setbacks:
 - a. From a dwelling not owned by the owner of the large livestock operation, a church, a building used in connection with a home occupation or small business, or other building occupied by human beings at least ten (10) hours a week - five hundred (500) feet.

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- b. From a property line - one hundred (100) feet.
 - c. Buildings housing animals shall not be located within the floodplain.
 - d. From a well not owned by the owner of the large livestock operation - one hundred (100) feet.
 - e. Irrespective of the setback requirements of this section, a new building to provide housing for animals may be located in the aforesaid setback area provided:
 - (i) There was prior to the enactment of this ordinance, another building housing animals within the required setback area.
 - (ii) The new building housing livestock will not project further into the required setback area than did the building in existence prior to the enactment of this ordinance.
 - (iii) The number of equivalent animal units [Section 642.4.a.1(b)] on the parcel where the large livestock operation is or will be located, after construction of the proposed building, not be more than three times the number that were present on such tract prior to the enactment of this ordinance.
- 3) The owner of the large livestock operation must establish and maintain an access to the large livestock operation so that all motor vehicles making a right turn (whether entering or leaving the property) can do so without first having to enter the left-hand side of the public highway. Such access is required only for motor vehicles going in one direction with the direction of travel to be selected by the Township, provided such vehicles do not in fact travel in the other direction. In the event vehicles should travel in the other direction, the owner of the large livestock operation shall be required to alter the access so that vehicles will not be required to enter the left side of the public highway to complete the turn. In the event motor vehicles entering or leaving the large livestock operation by making a right turn in fact enter the left lane of the public highway the owner of the operation shall revise the access

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so that motor vehicles entering or leaving the operation by making a right turn can do so without entering the left lane of the public highway.

- 4) The large livestock operation must establish and maintain compliance at all times with the requirements of the *Pennsylvania Nutrient Management Law*.
- 5) The large livestock operation must ensure that all dead animals, if disposed of on the property, are disposed of in strict accordance with the applicable standards of the Pennsylvania Department of Environmental Protection. Until such disposition, irrespective of whether such disposition occurs on the property, the operation will ensure that dead turkeys, chickens, or piglets are kept in airtight containers and larger animals are kept in a manner so as to minimize the spread of odors and disease.
- 6) The owner of the property on which a building to house animals in a large livestock operation is located shall remove such building within five (5) years following the time such building ceases to be utilized to provide housing for livestock unless prior thereto such owner attains a Use or Occupancy Certificate from the Township to utilize such building for another purpose. Such a Use or Occupancy Certificate shall not be granted to permit use of such building for storage purposes unless:
 - a. Such storage is of materials utilized in conjunction with the agricultural use of the property.
 - b. At least fifty (50) percent of the gross floor area of the building is utilized for such storage purposes.
 - c. A property owner shall not obtain a Use or Occupancy Certificate permitting a different use unless the owner has maintained the buildings so that windows are not out, substantial rust does not appear, and the building is in otherwise reasonably good condition. Following the issuance of such Use or Occupancy Certificate, the building must be maintained in the same condition as at the time the certificate is issued.

Section 610 CONVENIENCE STORE

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In the HB Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Minimum lot area - Thirty thousand (30,000) sq. ft. With gasoline, diesel or kerosene pumps forty thousand (40,000) sq. ft.
- b) Minimum lot width - Two hundred (200) ft.
- c) Maximum lot coverage - Seventy (70) percent.
- d) At least one (1) parking space for every one hundred (100) sq. ft. of retail store.
- e) Access drives must be located as follows:
 - Minimum offset from intersection of street right-of-way lines: fifty (50) feet.
 - Side lot line offset: Ten (10) feet.
 - Minimum width: Eighteen (18) feet.
 - Maximum width: Thirty-five (35) feet.
 - Minimum separation of drives of same lot: Twenty-five (25).
 - Access onto a State highway must be approved by PENNDOT.
- f) Except along access drives, a concrete curb eight (8) inches in height must be placed along all street right-of-way lines.
- g) Building area should be setback at least fifty (50) feet from each property line.

Section 611

CONVERSION OF DWELLING FOR ADDITIONAL FAMILY MEMBERS

In the R-8, R-15, R-22, R-40, and R-C Zones and subject to the requirements of the zone except as herein modified and provided:

- a) A Single Family dwelling unit may be converted by allowing a second kitchen for the incorporation of one (1) additional dwelling unit for a family member in any residential district. For the purpose of this

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section, the term incorporation shall mean either completely within an existing principal building or added to an existing principal building, provided that both dwelling units shall be attached by a common wall, floor or ceiling, and not simply by an attached breezeway or porch; and shall be contained within one (1) building. For purposes of this Ordinance, family members shall include and be restricted to the following: parents, grandparents, children, grandchildren and siblings.

- b) The dwelling in question shall be owner occupied during the duration of the special permit. The Zoning Officer upon verification that the use is still in effect shall renew the permit on an annual basis.
- c) A family member shall occupy the additional dwelling unit and under no circumstances shall more than two (2) individuals occupy this unit.
- d) The additional dwelling unit shall not exceed four hundred fifty (450) square feet of floor area, unless such parts of an existing dwelling are otherwise arranged or designed to be reasonably, conveniently, and safely transformed into a slightly larger one (1) bedroom unit. The minimum non-habitable floor area shall not be more than thirty (30) percent of the total habitable floor area of the dwelling.
- e) Prior to the issuance of a zoning permit, a certificate in the form of an affidavit to verify that the owner is in residence and that one (1) of the occupants of a particular dwelling unit is a family member shall be presented to the Planning Commission and the Zoning Hearing Board. Thereafter, the applicant shall submit such notarized affidavit to the Zoning Officer by January 31st of each year as a requirement for the continuance of the special permit, with an annual fee as established by the Board of Commissioners.
- f) At such time as the owner is no longer in residence or the approved family member is no longer an occupant of the unit, the owner shall immediately notify the Township and the unit shall be returned to use as part of the normal Single Family residence.
- g) For sewage disposal, water supply and all other utilities, the addition or conversion area for additional family member shall be physically connected to those systems serving the principal dwelling. No separate utility systems or conversions shall be constructed or used. All connections shall meet the applicable utility company and Penn Township standards.

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- h) A minimum of one (1) all-weather, off street parking space with an unrestricted ingress and egress to the dedicated street shall be provided in addition to that required for the principal dwelling.

Section 612 EXPANSION OF NONCONFORMITY

In any Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this Ordinance or any amendment thereto creating the nonconformity.
- b) The total of all such expansions or alterations of use shall not exceed an additional thirty-five (35) percent of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities.
- c) Provision for access drives; off-street parking and off-street loading shall be consistent with standards required by this Ordinance.
- d) Provision for yards, building height and building area shall be consistent with the standards required for permitted used in the zone in which the nonconformity in question is located.
- e) Appearance should be harmonious with surrounding properties. This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance in good conditions of all improvements and open spaces.
- f) Landscaping and Buffer Yards in accordance with the Subdivision and Land Development Ordinance shall be provided as necessary to adequately protect neighboring properties.
- g) The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

Section 613 FAMILY DAY CARE HOME

In R-8, R-15, R-22, R-40 and A/O Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) All applicants must provide proof of all approved documentation required

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by the Commonwealth of Pennsylvania prior to the time of request for a special exception.

- b) The use shall meet all requirements of licensing or certification by the Department of Public Welfare and the Department of Labor and Industry.
- c) The Zoning Officer shall have the authority to continue the special exception as long as proof of annual licensing, certifications, and re-certifications are provided to the Township when the provider receives such documentation.
- d) A minimum outdoor play area of sixty-five (65) sq. ft. per child is required.
- e) Outdoor play areas shall be sufficiently enclosed so as to provide for the health and safety of the children as determined by the Zoning Hearing Board. Outdoor play areas for newly approved family day care homes shall be sufficiently enclosed prior to conducting day care business. If the use existed prior to Zoning Hearing Board approval and no fencing existed, the applicant must install fencing as soon as possible and the children to be served by the facility may not be in the outdoor play area until the fencing requirements are completed. The minimum height requirement for fencing is four (4) feet with spacing in any fencing structure not greater than four (4) inches.
- f) At least one (1) off-street parking space for each person employed plus one (1) off-street space for each four (4) children to be served by the facility shall be provided. A minimum of five hundred (500) sq. ft. of off-street parking shall be provided.

Section 614 GOLF COURSE

Golf Courses, including accessory uses (e.g., club house, parking lots, storage sheds, pro shop, driving range, snack bar, restaurant, swimming pools, etc.) are permitted by special exception in the R-22 and R-40 Zones subject to the following criteria:

- a) No separate chip n' putt, nine hole or miniature golf course shall be permitted.
- b) Minimum lot area - Thirty (30) acres.
- c) The construction of a golf course shall be considered a "development" and subject to all appropriate requirements.

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- d) All applicants shall submit plans for the following to the Township Zoning Officer and York County Conservation District at least 30 days before the Zoning Hearing Board request for a special exception:
 - 1) Earth moving and erosion control;
 - 2) Run-off control for herbicides, pesticides, fungicides, and fertilizer, and plans for disposal of the containers for those items;
 - 3) Water use plan, including emergency condition usage;
 - 4) Waste water treatment and disposal;
 - 5) Traffic study;
 - 6) Mosquito control; and
 - 7) Nutrient plan to ensure no excess nitrates, herbicides, pesticides, fungicides, or other fertilizer is used. When less potentially environmental alternatives are available, they shall be used.
- e) No golf hole shall be arranged to require a golf ball to be driven across any building, road, or parking lot.
- f) Any points where the golf course crosses a road(s) shall be signed warning motorists and pedestrians.
- g) All accessory uses of the golf course shall be set back at least two hundred (200) feet from all lot lines.
- h) No outdoor maintenance of golf carts shall be permitted.
- i) All golf course buildings shall be set back two hundred (200) feet from any adjoining roads and parcels.
- j) All golf courses shall front and have access to an arterial or collector road, as designated by the Penn Township Comprehensive Plan, as amended.
- k) Parking shall be set back at least thirty (30) feet from any adjoining lot lines and be paved with asphalt and screened from adjoining residentially-zoned or used property and shall be in compliance with

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Article III.

Section 615

GROUP DAY CARE FACILITY

In the S/C and HB Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) All applicants must provide proof of all approved documentation required by the Commonwealth of Pennsylvania prior to the time of request for a special exception.
- b) The use shall meet all requirements of licensing or certification by the Department of Public Welfare and the Penn Township Fire Chief.
- c) The Zoning Officer shall have the authority to continue the special exception as long as proof of annual licensing, certifications, and re-certifications are provided to the Township when the provider receives such documentation.
- d) A minimum outdoor play area of sixty-five (65) sq. ft. per child is required.
- e) Outdoor play areas shall be sufficiently enclosed so as to provide for the health and safety of the children as determined by the Zoning Hearing Board. Outdoor play areas for newly approved group day care facilities shall be sufficiently enclosed prior to conducting day care business. The minimum height requirement for fencing is four (4) feet with spacing in any fencing structure not greater than four (4) inches.
- f) At least one (1) off-street parking space for each person employed plus one (1) off-street space for each four (4) children to be served by the facility shall be provided. A minimum of five hundred (500) sq. ft. of off-street parking shall be provided.

Section 616

GROUP DAY CARE HOME

In the R-8, R-15, R-22, R-40, and A/O Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) All applicants must provide proof of all approved documentation required by the Commonwealth of Pennsylvania prior to the time of request for a special exception.
- b) The use shall meet all requirements of licensing or certification by the Department of Public Welfare and the Department of Labor and Industry.

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- c) The Zoning Officer shall have the authority to continue the special exception as long as proof of annual licensing, certifications, and re-certifications are provided to the Township when the provider receives such documentation.
- d) A minimum outdoor play area of sixty-five (65) sq. ft. per child is required.
- e) Outdoor play areas shall be sufficiently enclosed so as to provide for the health and safety of the children as determined by the Zoning Hearing Board. Outdoor play areas for newly approved group day care homes shall be sufficiently enclosed prior to conducting day care business. The minimum height requirement for fencing is four (4) feet with spacing in any fencing structure not greater than four (4) inches.
- f) At least one (1) off-street parking space for each person employed plus one (1) off-street space for each four (4) children to be served by the facility shall be provided. A minimum of five hundred (500) sq. ft. of off-street parking shall be provided.

Section 617

HALFWAY HOUSE

In the R-8 and R-15 Zones and subject to the requirements of the zone in which located except as herein modified and provided.

- a) A minimum of 350 square feet of habitable floor area must be provided for each occupant, including any staff.
- b) A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require any kitchen and dining facilities if an affiliated institution provides them elsewhere.
- c) All Halfway houses shall be connected to public water and public sanitary sewage facilities.
- d) All Halfway houses shall comply with the Federal Life Safety Code, the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety, and fire codes of the federal, state, or local government.
- e) A Halfway house shall not be located within 2000 feet of any other Halfway house.

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- f) Off-street parking shall be provided for all Halfway houses based upon one (1) parking space for each occupant.

Section 618 HOME OCCUPATION

In the R-8 and R-15 Zones, home occupations may be permitted by special exceptions subject to the following criteria:

- a) The use shall be clearly incidental to the primary use of the premises as a dwelling for living purposes.
- b) No more than two (2) persons, both of whom shall be residents of the dwelling, may be engaged in the home occupations use.
- c) No more than one (1) home occupation may be located in any dwelling unit.
- d) The home occupation shall not alter the appearance of the building as a dwelling unit.
- e) No mechanical equipment shall be employed in a home occupation other than that customarily utilized for hobby or domestic purposes.
- f) No sales of any goods or merchandise shall occur on the premises, other than those goods or merchandise that are produced on the premises.
- g) No manufacturing shall occur on the premises other than the products of customary hobbies and fabrication of garments by a seamstress or similar occupation.
- h) No goods may be publicly displayed on the premises.
- i) Home occupations shall be limited to not more than fifteen (15) percent of the net floor areas of the dwelling unit or four hundred (400) square feet, whichever is less.
- j) No accessory building or structure or attached garage shall be utilized as a home occupation or for storage for home occupation.
- k) Parking shall be consistent with Section 303 for parking provisions.
- l) Only one (1) sign advertising a home occupation may be permitted. Such sign shall not be illuminated and shall be limited to two (2) square feet in display area, including all sides of the sign (see also Section 301). A zoning

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permit is required for the sign.

- m) The applicant shall submit evidence of all necessary State approvals or evidence that such approvals are not necessary.
- n) No on-site storage of commercial vehicles except as provided under the definition of Garage, Private.
- o) Delivery of materials and goods shall not require a size larger than a standard panel truck.
- p) Only single-family, detached dwellings may contain a home occupation.
- q) No manufacturing, repairing, or other mechanical work shall be performed in any open area. All windows shall be closed when in use. Such activity shall be conducted in such a way that noise, odor, vibration, electromagnetic interference, dust, smoke, or other nuisance or pollution shall not be noticeable at or beyond the property line.

Section 619 HOSPITAL, SKILLED HEALTH CARE FACILITY

In the A/O, S/C Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Lot area - One (1) acre minimum.
- b) Lot width - Two hundred (200) feet minimum.
- c) Setbacks - All buildings shall be located at least fifty (50) feet from all property or street lines.
- d) Access shall be via an arterial or collector street as designated by the Township Comprehensive Plan, as amended.

Section 620 INDUSTRIAL PARK

In the I Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Total Park area - Ten (10) acres minimum.
- b) Lot width - Three hundred (300) feet minimum.

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- c) All buildings must be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street line.
- d) Landscaping and Buffer Yards in accordance with the Subdivision and Land Development Ordinance shall be provided.
- e) Access shall be via an arterial street or collector street as designated by the Penn Township Comprehensive Plan, as amended. Traffic routes and exits shall be far enough from houses so that truck noise and vibration will be minimized.
- f) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes).
- g) Appearance should be harmonious with adjoining properties. This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, building coverage, and architectural controls.

Section 621 JUNKYARD, AUTOMOBILE DISMANTLING PLANT

In the I Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Lot area - Five (5) acres minimum.
- b) Lot width - Three hundred (300) feet minimum.
- c) Setbacks - Any area used for this purpose must be at least seventy-five (75) feet from any property line and one hundred (100) feet from any street line.
- d) The area to be used must be completely enclosed with a six (6) foot high fence so constructed as not to have openings greater than six (6) inches in any direction.
- e) Must comply with the Township Junkyard Ordinance and all other applicable Federal, State and Local regulations.

Section 622 KENNEL

In the R-40, R-C, and HB Zones and subject to the requirements of the zone in

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which located except as herein modified and provided:

- a) Kennels shall have a minimum lot size of five (5) acres.
- b) Minimum of five (5) off-street parking spaces plus one for each employee.
- c) One sign may be permitted six (6) square feet in area located a minimum of twenty (20) feet from the street right-of-way.
- d) All areas used for exercise shall be securely fenced.
- e) All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls, or runways shall be a minimum of one hundred (100) feet from all property lines; and a minimum of two hundred (200) feet from any adjacent residence whose owner is other than the animal building owner.
- f) Animals shall be permitted to exercise daily only between the hours of 8 A.M. - 8 P.M. All outdoor exercise areas shall be two hundred (200) feet from any property line.
- g) Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.
- h) Evidence of adequate water supply and wastewater disposal must be provided by the applicant.
- i) All kennel areas not enclosed by a building shall be enclosed by a solid fence not less than six (6) feet in height.
- j) All animal boarding buildings that are not wholly enclosed, and any outdoor animal pens, stalls, or runways shall be located within the rear yard.

Section 623

LIVESTOCK AND POULTRY KEPT FOR PERSONAL USE

In an R-40 zone as an accessory use involving the use of land or buildings for the keeping of horses, ponies, other livestock and poultry for personal use shall be subject to the following regulations:

- a) All areas used for pasturing, grazing, feeding or exercise shall be

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securely fenced.

- b) All poultry and livestock shall, except while pasturing, grazing, feeding or exercising, be housed in a building erected or maintained for that purpose.
- c) The building required by subsection (b) hereof shall not be erected or maintained within two hundred (200) feet of any property line.
- d) The accumulation and storage of livestock and poultry waste (manure) or other odor producing substances shall not be permitted within two hundred (200) feet of any lot line, and such accumulation and storage shall not be permitted beyond a reasonable period of time.
- e) Lot area – Five (5) acres minimum.

Section 624

MEDICAL CLINICS AND FACILITIES

In the R-15, R-22, and I Zones and subject to the requirements of that zone except as herein modified and provided:

- a) Lot area - One (1) acre minimum.
- b) Lot width - Two hundred (200) feet minimum.
- c) Setbacks - All buildings shall be located at least fifty (50) feet from all property or street lines.
- d) Access shall be via an arterial or collector street as designated by the Penn Township Comprehensive Plan, as amended.
- e) Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized.
- f) Appearance shall be harmonious with adjoining properties. This feature includes but is not limited to: landscaping, height control, sign control, building coverage, and architectural controls.
- g) Landscaping and Buffer Yards in accordance with the Subdivision and Development Ordinance shall be provided.
- h) Accessory services, including laboratories and pharmacies for the use

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of patients visiting medical practitioners in the clinic may be permitted as part of the clinic facility, subject to the following specific conditions:

- 1) All entrances to parts of the building in which these accessory services are provided shall be from within the building and any direct access from the street is prohibited.
- 2) The hours during which these services are provided shall be the same as those during which medical practitioners are receiving patients.
- 3) Signs or other evidence advertising or indicating the provision of these services visible from outside the building are prohibited; except that there may be erected one (1) sign not exceeding two (2) square feet in area attached to the building, any illumination thereof being white, non-flashing and limited to an enclosed lamp design. (See Sign Ordinance for additional information.)

Section 625 MINI-STORAGE WAREHOUSES

In the S/C Zone and subject to the requirements of that zone in which located except as herein modified and provided:

- a) Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane.
- b) Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially zoned land and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.
- c) All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above.

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- d) It shall be prohibited to store gasoline, diesel fuel, paint, paint remover, and other flammable materials. Also the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.
- e) Mini warehouses shall be used solely for the dead storage of property. The following uses are expressly prohibited and shall be noted in any written contract between the Lessor and Lessee:
 - 1) Auctions, commercial, wholesale or retail sales including garage sales.
 - 2) The servicing, repair, fabrication of any item.
 - 3) The operation of power tools or spray painting equipment.
 - 4) The establishment of a transfer business.
 - 5) Any use that is noxious because of odors, dust fumes, or vibrations.
- f) The minimum tract area shall be two (2) acres.
- g) All lighting shall be shielded to direct light onto the uses established and away from adjacent property.
- h) Landscaping and Buffer Yards in accordance with the Subdivision and Land Development Ordinance shall be provided.
- i) Fencing shall be provided in accordance with the provisions of Section 300.3 in addition to any landscaping and Buffer Yard requirements.

Section 626 MOBILE HOME PARK

In the R-8 and A/O Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) The minimum tract area shall be ten (10) acres.
- b) Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized, and each lot

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must be not less than five thousand (5,000) square feet in area and not less than fifty (50) feet wide at the building setback line.

- c) Regardless of lot size, the side yard distances measured from outside each mobile home to the lot line shall not be less than thirty (30) feet in total and no one side yard distance less than twelve (12) feet. Front yards shall not be less than twenty (20) feet and rear yards shall not be less than ten (10) feet and in no case, shall the distance between any two (2) mobile homes be less than thirty (30) feet.
- d) The Zoning Hearing Board may require suitable screen planting, or may restrict the proximity of mobile homes or other improvements to adjoining properties, or may attach such other conditions or safeguards to the use of land for a mobile home park as the Board may deem necessary to protect the general welfare.
- e) A mobile home park and extension thereof shall also comply with all applicable State and/or municipal regulations now in effect or hereafter enacted.

Section 627 MODEL HOME AND/OR SALES OFFICE

In the R-8, R-15, R-22 and R-40 Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Must be a permanent structure only.
- b) Parking - See Section 303.
- c) Outdoor Signs - See Section 301.
- d) Hours of Operation:

Monday thru Saturday	9:00 A.M. - 7:00 P.M.
Sunday	12:00 P.M. - 5:00 P.M.
- e) Lot must be graded and landscaped with temporary sidewalk block or permanent concrete sidewalks.
- f) Use will be discontinued immediately upon last lot sale.

Section 628 MULTI-FAMILY DWELLING

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In the R-8 Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Lot area - Ten thousand (10,000) square feet minimum.
- b) Lot width - One hundred (100) feet minimum.
- c) Side setbacks - Fifteen (15) feet (each) minimum.
- d) Paved area - Thirty (30) percent maximum.
- e) Density requirement - the maximum number of dwelling units per gross acre of land permitted for this use is ten (10).
- f) Design standards - All of the applicable General Provisions listed in ARTICLE III of this Ordinance shall be enforced. This includes but is not limited to all provisions listed as applying to apartments and multi-family buildings and structures regardless of the zone referred to in a particular section.
- g) Consideration shall be given to traffic problems. If the nature of the multi-family development is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated by the Township Comprehensive Plan, as amended.
- h) In the case of multi-family development, each individual dwelling shall have a minimum width of sixteen (16) feet and there shall be not more than eight (8) row dwellings in any one (1) row.

Section 629 PARKS, OUTDOOR RECREATIONAL FACILITIES AND OTHER OPEN SPACES WITH APPURTENANT BUILDING

In the R-8, R-15 and R-22 Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Consideration shall be given to traffic problems. If the nature of the park or open space area is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated by the Penn Township Comprehensive Plan, as amended.

Section 630 POWER GENERATION FACILITIES/GAS FIRED GENERATORS

In the I Zone and subject to the requirements of the zone in which located

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except as herein modified, as well as provisions of Section 319 of this ordinance.

- a) Heat, glare, radiation, noise, vibration, fumes, odors, or other objectionable emissions.

Every use shall be operated so that it does not emit a dangerous level of heat, glare, radiation, noise, vibration, fumes, odors or other objectionable emission beyond any boundary of the site on which the use is located.

- b) Outdoor storage and waste disposal:
 - 1) No material or wastes shall be deposited upon a site in such form or manner that natural causes or forces may transfer them off site.
 - 2) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents shall be stored outside in closed containers.
 - 3) The storage of explosives and blasting agents, the bulk storage of flammable or combustible liquids and the bulk storage of liquefied petroleum gas must comply with all local, state and federal distance and other safety requirements applicable to the types of storage stated in this subsection.
- c) The proposed facility shall comply with all applicable federal and state air, waste quality, environmental and regulatory permits and requirements including but not limited to the permits and approvals listed below. Approval would be contingent on the granting of the required permits and approvals.
 - 1) NPDES water quality and earth disturbance permits.
 - 2) Section 404 of the Clean Water Act.
 - 3) Chapter 105 Encroachment Permit.
 - 4) Water Consumptive Permit from Susquehanna River Basin Commission.

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- 5) Water Allocation/Withdrawal Permit from Pennsylvania Department of Environmental Protection.
 - 6) Air Quality Permits.
 - 7) Public Utility Commission Approvals.
- d) Landscape Requirements:
- 1) The landscape provisions in this ordinance are intended to encourage development of an attractive working environment for development, to buffer objectionable views, to provide year round landscape, and to provide for the mitigation of environmental impacts.
 - 2) Suitable planting and landscaping shall be provided in areas required as setback under the provisions of this ordinance.
 - 3) Landscaping is not required for side and rear property lines behind the front building setback line for property abutting other industrial zoned property.
 - 4) Parking shall not be permitted in the landscape setback abutting any street.
 - 5) Landscaping shall meet all other requirements of the Penn Township Subdivision/Land Development Ordinance.
- e) Emergency Plan of Access:

The owner must provide a written Plan of Access in the event of emergency conditions such as fire, assuming the worst condition. The owner's plan of action for emergency access to the building shall be submitted to the Township and the Fire Chief at the time of submission for a building permit.

Section 631 PUBLIC USES AND BUILDINGS

In R-8, R-15, R-22, and R-40 Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Consideration shall be given to traffic problems. If the nature of the public building is such that it will generate a high volume of vehicular

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traffic then access should be via an arterial or collector street as designated by the Penn Township Comprehensive Plan, as amended.

- b) Side setback - Must meet the minimum side yard setback for each zone, but not less than fifteen (15) feet (each) must be provided.

Section 632 PUBLIC UTILITY BUILDINGS

In the A/O, S/C, H/B and I Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) In an A/O Zone, the permitted building shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing unreasonable noise, vibration, smoke, odor, or hazardous effect shall be installed.
- b) Unhoused equipment shall be enclosed with a fence or wall not less than six (6) feet in height which shall be so constructed as not to have openings, holes or gaps larger than six (6) inches in any dimension.
- c) Housed equipment - When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the zone in which the building is located.

Section 633 QUARRIES AND MINES

In the I Zone and subject to the requirements of the zone except as herein modified and provided:

- a) Machines or operations which cause vibrations shall be permitted, but in no case shall any such vibrations be perceptible along any adjoining or adjacent property in different ownership or public right-of-way.
- b) A six (6) foot fence that completely encloses the portion of the property in which an open excavation or quarry is located shall be provided and shall be so constructed as to have openings no larger than six (6) inches, and if pickets are used, the openings shall not exceed six (6) inches. Planting may be used as fencing. When used, the original plants must be at least eighteen (18) inches high and must be placed in a double-staggered row with no more than three (3) feet between plants.
- c) In addition to the fencing requirements of (b), landscaping and Buffer

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Yards shall be provided in accordance with the Penn Township Subdivision and Land Development Ordinance.

- d) When adjacent to a residential district, no stockpiles, waste piles, processing or manufacturing equipment and no part of the open excavation or quarrying pit shall be located closer than five hundred (500) feet to the Residential District.
- e) From the right-of-way line of a public street or highway, no part of a quarrying or excavating operation shall be closer than one hundred (100) feet.
- f) Commercial Use. No part of the quarrying or excavating operation shall be located closer than two hundred (200) feet to a Commercial District.
- g) Where a quarry property abuts another quarry property or an operating railroad's right-of-way, no part of the operation shall be closer than seventy-five (75) feet.
- h) In no case shall any use permanently impede the flow of natural watercourses.
- i) All uses of land or processes that pollute natural watercourses are prohibited.
- j) All uses of land shall be conducted in a manner which will not allow water to collect and permit stagnant water to remain in quarries or excavations.
- k) An Operations Plan shall be submitted that contains, but may not be limited to, the following items:
 - 1) Ownership and acreage of the land proposed for use.
 - 2) Type of resources to be extracted or quarried.
 - 3) Estimated depth of the proposed operation.
 - 4) Location map at a scale of 1 inch = 800 feet, or less, which shall show:
 - a) The land area to be excavated or quarried with

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dimensions and the total property.

- b) Private access roads and abutting streets and highways.
 - c) Abutting and/or adjacent districts and land uses.
 - d) Existing watercourses, and proposed alterations to assure stream quantity and quality.
 - e) Fencing and buffer planting. If fencing is to be vegetation, details must be given of the size and type.
 - f) Title, scale, north arrow, and date.
 - g) Ownership.
- l) A Rehabilitation/Reclamation Plan shall be submitted that includes, but is not limited to, the following items:
- 1) An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries, and legal description of the tract.
 - 2) A description of the location, type, extent, methods, and time schedule for the operations proposed.
 - 3) A drawing showing the location and/or proposed re-location of land, trees, buildings, structures, public roads, streams, drainage facilities, and utility lines on the tract or adjacent tracts as may require protection, repairs, clearing, demolition or restoration either during or following the completion of the operations proposed.
 - 4) A statement describing methods for handling operations with respect to the "Operational Requirements", plus any drainage, air pollution, soil erosion or other environmental problems created during the operations, including production transportation, processing, stockpiling, storage and disposal of by-products and wastes.
 - 5) A plan for re-use of the land after completion of the operation which shall permit the carrying out of the purposes of this

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Ordinance and appropriately provide for any restoration, reclamation, reforestation or other correction work deemed necessary.

- m) Within three (3) years after the termination of operations the area must be rehabilitated to conform with the Rehabilitation and/or Reclamation Plan as approved.
- n) The following minimum standards must be met in the rehabilitation of the area:
 - 1) The entire area disturbed by excavating, quarrying, mining or other natural production use shall be planted in such a manner so as to control soil erosion.
 - 2) The entire area shall be graded wherever necessary to provide for the conveyance of stormwater. Finished grade shall not have a slope of less than two (2) percent so as to provide for natural drainage.
 - 3) Stockpiles, overburden, refuse, plant facilities or equipment shall be removed immediately upon the termination of operations and in no case shall such removal be delayed for more than six (6) months.
 - 4) Where screen planting and/or fencing has been provided, the same shall remain where necessary for safety, and shall be continuously maintained in good repair.
- o) All mining or quarrying operations and reclamation practices shall conform to the provisions of Act 147 of 1971, the "Surface Mining Conservation and Reclamation Act," as amended.

Section 634

REPLACEMENT OF NONCONFORMITY BY ANOTHER NONCONFORMITY

In any Zone and subject to the requirements of that zone except as herein modified and provided.

- a) Before granting a Special Exception for the replacement of one (1) nonconformity by another, the Zoning Hearing Board must determine that the proposed nonconformity will have no more adverse effect upon adjacent property than the existing nonconformity. In making this

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determination, the Board should consider particularly the effect upon adjacent property of the following:

- 1) Signs and lighting.
- 2) Extent and appearance of structures.
- 3) Traffic generation and movement.
- 4) Parking and loading.
- 5) Emission of noise, odors, fumes, glare, vibration, smoke, vapors, gases, wastes or storm water runoff.
- 6) Fire, explosion or other hazards.

Section 635 RETIREMENT VILLAGE

In the R-8, R-15, R-22, R-40, or A/O Zones and subject to the requirements of that zone except as herein modified and provided:

- a) Minimum lot area - Five (5) acres minimum.
- b) Minimum lot width - Two hundred (200) feet minimum.
- c) Maximum dwelling unit density – Ten (10) dwelling units per acre.
- d) Lot coverage shall not exceed thirty-five (35) percent.
- e) A maximum of twenty-five (25) percent of the lot area shall be landscaped with trees and shrubbery.
- f) Required parking:
 - 1) Per dwelling unit - One and one-half (1-1/2) spaces.
 - 2) Personal care and medical care facilities - One (1) space per facility employee and one (1) space per bed.
 - 3) Parking aisles shall be at least twenty-four (24) feet wide.
- g) Public water and sewer are required.

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- h) No structure shall be closer than fifty (50) feet to any lot or street line.
- i) Landscaping and Buffer Yards in accordance with the Subdivision and Land Development Ordinance shall be provided.
- j) Direct access to an arterial or collector road as designated in the Township Comprehensive Plan.
- k) All proposed streets and access drives should follow the provisions of the street design requirements of the Subdivision and Land Development Ordinance (Sections §504-508 and 602-605).
 - 1) One (1) overhead street lamp per ten (10) parking spaces for each facility and multi-family dwelling complex. Residential lighting shall be provided for single-family detached dwellings.

Section 636 RIDING ACADEMIES AND BOARDING STABLES

In the R-40 and R-C Zones and subject to the requirements of that zone except as herein modified and provided

- a) Shall have a minimum lot size of ten (10) acres.
- b) Signs shall meet the provisions contained in Article III.
- c) All animals except while exercising or pasturing shall be confined in a building erected or maintained for that purpose.
- d) The building required by Section 636.C shall not be erected or maintained within three hundred (300) feet of any lot line and seventy-five (75) feet from any public or private road.
- e) All areas used for exercising and pasturing shall be securely fenced.
- f) Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.
- g) No more than ten (10) equine are kept with the exception that one (1) additional equine may be kept for each additional acre of land over ten (10) acres.

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- h) The building shall not be less than two hundred (200) square feet in size for one (1) equine, with an additional two hundred (200) square feet for each added equine.
- i) All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four (4) foot-high fence, which is located at least twenty-five (25) feet from all property lines. All buildings shall be set back a minimum of one hundred (100) feet from any adjacent residence whose owner is not the owner of this use.
- j) All parking compounds and unimproved overflow parking areas shall be set back at least ten (10) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties. There shall be one (1) space for each non-resident employee and one (1) space for every two (2) equines kept on the property.

Section 637 SANITARY LANDFILL

In the I Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Lot area - Fifty (50) acres minimum.
- b) Lot width - Three hundred (300) feet.
- c) No refuse shall be deposited and no building or structure shall be located within two hundred (200) feet of the nearest property line.
- d) The area being used must be completely surrounded by a six (6) foot high fence so constructed that no opening will be greater than six (6) inches in any dimension.
- e) Must comply with all applicable requirements of the Pennsylvania Department of Environmental Protection.

Section 638 SERVICE STATION

In the H/B Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Buildings must be set back at least forty (40) feet from the street line.

Article VI - Standards for Special Exception Uses

- b) Pumps must be set back at least fifteen (15) feet from the street line.
- c) Access drives must be located as follows:
 - 1) Minimum offset from intersection of street right-of-way lines: Fifty (50) feet.
 - 2) Side lot line offset: Ten (10) feet.
 - 3) Minimum width: Twelve (12) feet.
 - 4) Maximum width: Thirty-five (35) feet.
 - 5) Minimum separation of drives on same lot: Twenty-five (25) feet.
- d) Except along access drives, a concrete curb eight (8) inches in height must be placed along all street right of-way lines.
- e) All lights must be diverted toward the gas station or downward.
- f) No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties.
- g) At least ten (10) percent of the lot on which the gasoline station is situation must be devoted to natural landscaping.

Section 639 SHOPPING CENTER/MALL/PLAZA

In the S/C Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Lot area - Five (5) acres minimum.
- b) Lot width - Three hundred (300) feet minimum.
- c) All buildings must be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street line.
- d) Landscaping and a Buffer Yard in accordance with the Subdivision and Land Development Ordinance shall be provided.

Article VI - Standards for Special Exception Uses

- e) Parking must be provided at the ratio of parking space to gross floor area of two (2) to one (1).
- f) Access must be via an arterial street or collector street as designated by the Penn Township Comprehensive Plan, as amended.

Section 640 SINGLE FAMILY ATTACHED DWELLING

In the R-8 Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Lot area - One thousand eight hundred (1,800) square feet minimum per unit.
- b) Lot width - Eighteen (18) feet minimum per unit.
- c) Side setbacks - Fifteen (15) feet (each) minimum.
- d) Units Per Row - Not more than eight (8) dwelling units in any row.
- e) Density Requirement – The maximum number of dwelling units per gross acre of land permitted for this use is ten (10).
- f) Design Standards - All of the applicable General Provisions listed in ARTICLE III of this Ordinance shall be enforced.
- g) Consideration shall be given to traffic problems. If the nature of the development is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated by the Penn Township Comprehensive Plan, as amended.

Section 641 TRANSPORTATION (PASSENGER) TERMINAL

In the S/C and H/B Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Access shall be via an arterial or collector street as designated by the Penn Township Comprehensive Plan, as amended.

Section 642 TWO FAMILY CONVERSION, ROOMING HOUSE

Article VI - Standards for Special Exception Uses

In the R-8 and A/O Zones and subject to the requirements of that zone except as herein modified and provided:

- a) Lot area - Ten thousand (10,000) square feet minimum.
- b) Lot width - Eighty (80) feet minimum.

- c) Side setbacks - Twelve (12) feet (each) minimum.

Section 643 VEHICLE WASHING FACILITY

In the H/B Zone and subject to the requirements of that zone except as herein modified and provided:

- a) The content of sanitary waste flows and the volume of water usage shall be subject to State and Local regulations.

- b) Minimum lot area - One (1) acre.

- c) Minimum lot width - Three hundred (300) feet.

- d) Maximum lot coverage - Eighty percent (80%).