

**POCONO TOWNSHIP ZONING ORDINANCE, ZONING MAP, SALDO
AMENDMENTS**

MEETING #17 AGENDA

August 26, 2024 - 6:00pm

Pocono Township Municipal Building

- 1. Review of Draft #2 of Article V Supplementary Regulations**
- 2. Confirm Next Meeting Date – September 23, 2024**

Latest revisions are shown in yellow highlight

ARTICLE V SUPPLEMENTARY REGULATIONS

§ 470-50. ~~Churches~~ Places of worship and related uses.

A. ~~Churches~~ Places of worship standards.

- (1) The subject tract shall front on and gain access from either an arterial, collector road, or a street that conforms to the prevailing arterial or collector street design and improvement requirements.
- (2) The minimum lot area shall be two acres, and the minimum lot width shall be 200 feet
- (3) The impervious coverage, yard area, and building height requirements of the applicable zoning district shall be maintained.
- (4) ~~Church-related residences~~ Residences related to a place of worship shall be accessory to, and located upon the same parcel as, the ~~church~~ place of worship and subject to all of the underlying zoning district's standards.

B. ~~Church~~ Place of worship-related educational or day-care standards.

- (1) All ~~church~~ place of worship-related educational or day-care facilities shall be accessory to, and located upon, the same parcel as a ~~house~~ place of worship.
- (2) In addition to the standards of this § 470-50B, place of worship-related day-care facilities shall comply with the standards for a child day-care center in § 470-54
- (3) If the ~~church~~ place of worship-related educational or day-care facility is offered below the college level, an outdoor play area shall be provided. Such facility shall include appropriate screening and buffering from adjacent land uses.
- (4) Outdoor play areas shall not be located within the front yard and must be set back a minimum of 50 feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four-foot high fence and screened from adjoining property. Outdoor play areas shall only be used during normal hours of operation and not utilized between 10:00 p.m. and 8:00 a.m.; and all lighting of such areas shall not be used after 10:15 p.m.
- (5) Student and child "drop-off areas" shall be provided and designed to eliminate the need to cross traffic lanes on or adjacent to the site. Unless the applicant can demonstrate that the off-street parking associated with the ~~house~~ place of worship is sufficient for the church- related educational or day-care facility, one off-street parking space shall be provided for each employee, plus one for each eight students 16 years of age or older, plus one for each classroom, plus one for each office. "Enrollment" shall be defined as the largest number of students and/or children (or adults) under day-care supervision at any one time during a seven-day period.

C. ~~Church~~ Place of worship-related recreation standards.

- (1) All ~~church~~ place of worship-related recreational facilities shall be accessory to, and be

located upon, the same parcel as a ~~house~~place of worship.

- (2) ~~Church-Place of worship~~-related recreational facilities shall be set back 50 feet from all property lines and street rights-of-way.
- (3) Outdoor play areas for individuals shall be completely enclosed by a minimum four-foot high fence, and screened from adjoining property. Outdoor play areas shall only be used during normal hours of operation and not utilized between 10:00 p.m. and 8:00 a.m.
- (4) All lighting of outdoor facilities shall be designed and located in accordance with current Illumination Engineering Society of North America (IESNA) footcandle lighting standards so as to not produce a glare or direct illumination onto abutting properties and streets. Such lighting shall not be used after 10:15 p.m.
- (5) Unless the applicant can demonstrate that the off-street parking associated with the ~~house~~place of worship is sufficient for the church-related recreational facility, one off-street parking space shall be provided for every three estimated users of the facility.

§ 470-53 Customary accessory uses.

Includes uses customarily accessory to the principal use of a lot permitted in the district and essential services categorized as “limited facilities” provided by public utilities. Accessory uses which are customarily subordinate to the principal use of a lot or a building located on the same lot and which serve a purpose customarily incidental to the use of the principal dwelling or lot shall be permitted in each district. Such uses include home gardening, but not the keeping of livestock, poultry or fowl unless the livestock, poultry or fowl are accessory uses to a permitted or nonconforming agricultural use, private garages or parking areas, signs, off-street parking and loading, temporary tract offices, unoccupied travel trailers and buildings and other uses customarily appurtenant to other permitted, special exception or conditional uses. Domestic animals kept as pets shall be permitted when such animals are owned by the occupants of the property in which they are kept and the animals are kept in accordance with public health, safety, welfare and nuisance regulations based upon the types of animals and the manner in which they are kept.

§ 470-54 Day-care facilities.

Day Care DEFINITIONS: Day care facilities shall be defined as follows, pursuant to Pennsylvania Code Title 55, as amended:

Definitions
to be placed
in Article II,
Terminology

Family Child Care Home - Pursuant to Pa. Code Title 55, Chapter 3290, as may be amended, a home other than the child’s own home, operated for profit or not-for-profit, in which child care is provided at any one time to four, five or six children who are 15 years of age or younger and who are unrelated to the operator of the facility.

Group Child Care Home - Pursuant to Pa. Code Title 55, Chapter 3280, as may be amended, the premises in which care is provided at one time for 7-15 older school-age children (attends the 4th grade through age 15) or 7-12 children of another age level (15 years of age or younger) who are not related to the operator. The term includes a facility located in a residence or other premises.

Child Care Center - Pursuant to Pa. Code Title 55, Chapter 3270, as may be amended, the premises in which care is provided at any one time for seven or more children unrelated to the operator.

Older Adult Daily Living Center— Pursuant to Pa. Code Title 6, Chapter 11, as may be amended, a premises operated for profit or not-for-profit in which older adult daily living services are simultaneously provided for four or more clients who are not relatives of the operator for part of a 24-hour day.

Adult Training Facility — Pursuant to Pa. Code Title 55, Chapter 2380, as may be amended, a building or portion of a building in which services are provided to four or more individuals, who are 59 years of age or younger and who do not have a dementia-related disease as a primary diagnosis, for part of a 24-hour day, excluding care provided by relatives. Services include the provision of functional activities, assistance in meeting personal needs and assistance in performing basic daily activities.

- A. All day-care facilities shall comply with all specifications, standards and licenses which are required by Pocono Township, the Pennsylvania Department of Human Services or other agencies having jurisdiction.
- B. Except for a sign and the play area referenced in Subsections D and E below, there shall be no external evidence of any general activity.
- C. Any such use shall have sufficient parking to serve the anticipated numbers of users and employees as specified in § 470-34 and shall have suitable street access without causing excessive traffic on local residential streets.
- ~~D. All such buildings shall have a minimum lot size, minimum yards, maximum building heights and maximum impervious coverage regulations for the district in which they are located.~~
- ~~E. If the day care facility is offered for children below the high school level, an outdoor play area shall be provided. Such facility shall include appropriate screening and buffering from adjacent land uses.~~
- F. Outdoor play areas shall not be located within the front yard and must be set back a minimum of 50 feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four-foot high fence and screened from adjoining property. Outdoor play areas shall only be used during normal hours of operation and not utilized between 10:00 p.m. and 8:00 a.m.; and all lighting of such areas shall not be used after 10:15 p.m.
- G. Dropoff areas shall be provided and designed to eliminate the need to cross traffic lanes on or adjacent to the site.
- H. Family child-care homes shall be subject to the following requirements:

- (1) Family child-care services shall be permitted only within a single-family dwelling unit meeting the dimensional requirements established for the zoning district in which it is located and all state-mandated indoor and outdoor space and other requirements.
- (2) An outdoor play area shall be provided and have sufficient size to accommodate at least four children and up to six children at once as applicable based on the minimum and maximum number of children to be served as defined in Article II.
- (3) In addition to state requirements related to unsafe areas in outdoor space, all designated internal and external areas for the family day-care facility shall be physically separated a minimum of 100-feet from any natural or man-made hazard, including swimming pools, stormwater detention facilities, surface waters, machinery, unenclosed electric generating and transmitting equipment, streets and other areas that may be considered hazardous to children.

I. Group child-care homes shall be subject to the following requirements:

- (1) A group child-care home shall be permitted within an approved building deemed appropriate by the Board of Commissioners, meeting the dimensional requirements established for the zoning district in which it is located and all state-mandated indoor and outdoor space and other requirements.
- (2) The group child-care home shall be serviced by public sewage facilities and public water supply facilities.
- (3) An outdoor play area shall be provided and shall have sufficient size to accommodate at least 7 children and up to 12 to 15 children at once as applicable based on the minimum and maximum number of children to be served as defined in Article II.
- (4) In addition to state requirements related to unsafe area in outdoor space, all designated internal and external areas for the group child-care home shall be physically separated a minimum of 100-feet from any natural or man-made hazard, including swimming pools, stormwater detention facilities, surface waters, machinery, electric generating and transmitting equipment, streets and other areas that may be considered hazardous to children.

J. Child-care centers shall be subject to the following requirements:

- (1) Child day-care centers shall be permitted within an approved commercial facility, educational facility, church or religious facility, hospital or medical facility, municipal facility, health care facility or other institutional use deemed appropriate by the Board of Commissioners, meeting the dimensional requirements established for the zoning district in which it is located and all state-mandated indoor and outdoor space and other requirements.

- (2) The child-care center shall be serviced by public sewage facilities and public water supply facilities.
 - (3) An outdoor play area shall be provided and shall have sufficient size to accommodate all of the children to be served by the facility at once.
 - (4) In addition to the number of off-street parking spaces required for the principal and secondary use of the facility, an off-street pickup and dropoff area measuring 10 feet in width and 60 feet in length shall be designated and maintained for the discharge and collection of children. The designated pickup and dropoff area shall be marked by signs and physically removed from any required parking area, loading area, fire lane and all points for vehicular access providing ingress and egress to the facility.
- K. Older adult daily living centers and adult training facilities shall be subject to the following requirements:
- (1) Older adult daily living centers and adult training facilities shall be permitted within an approved commercial facility, educational facility, church or religious facility, hospital or medical facility, municipal facility, health care facility or other institutional use deemed appropriate by the Board of Commissioners, meeting the dimensional requirements established for the zoning district in which it is located and all state-mandated indoor and outdoor space and other requirements.
 - (2) All permitted facilities shall be licensed and/or approved by the Commonwealth of Pennsylvania.
 - (3) The facility shall be serviced by public sewage facilities and public water supply facilities.
 - (4) All outdoor facilities shall be located within the rear yard of the property and be properly secured and screened from adjoining properties.
 - (5) The facility shall not be utilized as a permanent or temporary residence by the adults requiring care and/or employees.
 - (6) The applicant shall provide sufficient evidence to the Board of Commissioners indicating that adequate security measures shall be implemented and installed at the facility to ensure the security of the adults being served, as well as the security of the residents within the neighboring properties.
 - (7) In addition to the number of off-street parking spaces required for the principal and secondary use of the facility, an off-street pickup and dropoff area measuring 10 feet in width and 60 feet in length shall be designated and maintained for the discharge and collection of adults. The designated pickup and dropoff area shall be marked by signs and physically removed from any required parking area, loading area, fire lane and all points for vehicular access providing ingress and egress to the facility.

§ 470-58. Forestry.

- A. ~~For all timber harvesting within Pocono Township when the total harvesting area is two acres or more in the aggregate, the following shall apply: Forestry activities shall comply with Chapter 400, Timber Harvesting, and all other applicable Chapters of the Pocono Township Code.~~
- ~~(1) Forestry operations shall be accomplished in such a way as to:
 - (a) Promote good forest stewardship;
 - (b) Protect the rights of adjoining property owners;
 - (c) Minimize the potential for adverse environmental impacts; and
 - (d) Avoid unreasonable and unnecessary restrictions on the right to practice forestry.~~
 - ~~(2) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for maintenance of the thoroughfare.~~
 - ~~(3) No tops or slash shall be left within 25 feet of any public thoroughfare, property line or private roadway providing access to adjoining residential property.~~
 - ~~(4) All tops and slash between 25 feet and 50 feet from a public roadway or private roadway providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped to a maximum height of four feet above the surface of the ground.~~
 - ~~(5) Logging may occur between 7:00 a.m. and 7:00 p.m. prevailing time, but not on Sundays and legal holidays.~~
 - ~~(6) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.~~
 - ~~(7) Because streams are an important natural resource which need special protection, logging within 75 feet of each side of all streams is prohibited unless all of the following conditions are met:
 - (a) The basal area of trees in that area within the seventy-five foot zone shall not be reduced below 50% of the basal area present before cutting.
 - (b) Trees to be cut within the seventy-five foot zone described shall be marked above and below stump height with tree marking paint prior to the start of logging.
 - (c) A wetland study has been performed by an individual qualified to do so.~~
- B. ~~Requirements of all applicable state and federal laws and regulations shall be addressed prior to any timber harvesting. All permits required for timber harvesting shall be obtained~~

~~as described in Article IX of this chapter.~~

- ~~C. These provisions do not apply to the cutting of trees for the personal use of the landowner or for precommercial timber stand improvement.~~

§ 470-59 Gaming and off-track betting establishments.

- ~~L. All gaming and off-track betting establishments shall comply with the minimum lot area, height, impervious coverage and yard requirements, for uses in the C Zoning District.~~

§ 470-60 Governmental, municipal and educational uses.

Governmental, municipal, and educational uses include federal, state, and county and municipal buildings and uses, schools, colleges and other educational institutions.

- A. Governmental, municipal, and educational uses are subject to the requirements of the district in which they are located. Consideration shall be given to parking and traffic problems. (See definition of and regulations for "regional impact developments.") If the nature of the building or use is such that it will generate a high volume of traffic, then the subject tract shall front on and gain access from an arterial, connector, or collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial, connector or collector street design and improvement requirements.
- B. The following items shall apply to public and private schools specifically:
- (1) All height, area, setback, and coverage standards within the applicable zoning district shall apply.
 - (2) All off-street parking facilities shall be set back at least 25 feet from adjoining property lines and screened ~~from adjoining properties~~ by means of fences and/or plantings, in accordance with the landscape requirements of Chapter 390, Subdivision and Land Development.
 - (3) All structures shall be set back at least 100 feet from the boundary line of any adjoining land ~~within a~~ residential zone.
 - (4) Any outdoor recreation areas shall be screened from adjoining residentially used or residentially zoned properties by means of fences or plantings in accordance with Chapter 390, Subdivision and Land Development.
 - (5) All property lines adjacent to existing residential land uses shall be adequately screened and buffered in accordance with Chapter 390, Subdivision and Land Development so as to protect the residential neighborhood from ~~inappropriate~~ noise, light and other disturbances as regulated by the Pocono Township Nuisance Ordinance.

- (6) Passenger dropoff and pickup areas shall be provided and designed so that there is no cross-traffic pedestrian circulation and so that they may be utilized without interfering with interior or exterior traffic circulation.
- (7) Exterior storage areas for trash, rubbish, and recyclables shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area shall be permitted within 50 feet from any lot line of a nonresidential use and 100 feet from any lot line of a residential use.

§ 470-63 Home occupations.

~~A use conducted for gain within a dwelling by the residents thereof, which use is clearly incidental and secondary to the use for dwelling purposes, does not change its character and which complies with the following:~~

- A. For the purposes of this Code, home occupations shall include the following two categories:
 - (1) No-impact home-based business. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic (whether vehicular or pedestrian), pickup, delivery or removal functions to or from the premises in excess of those normally associated with a residential use.
 - (2) Major home occupation. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to a single-family residential dwelling and which involves some customer, client or patient traffic (whether vehicular or pedestrian), pickup, delivery or removal functions to or from the premises in excess of those normally associated with a residential use. Such customer, client or patient traffic (whether vehicular or pedestrian), pickup, delivery or removal functions to or from the premises shall not exceed three visits per hour or more than 15 visits in the aggregate per twenty-four-hour period.
- B. No-impact home-based businesses shall be permitted subject to the following requirements:
 - (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - (2) The business shall employ no employees other than family members residing in the dwelling.
 - (3) There shall be no display or sale of retail goods and no stockpiling or inventory of products of a substantial nature.
 - (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area of the residential dwelling unit.
- (8) The business may not involve any illegal activity.

C. Major home occupations shall be permitted subject to the following requirements:

- (1) The use shall not exceed 25% of the combined gross floor area of the dwelling and permitted accessory structures or 500 square feet, whichever is less.
- (2) The person conducting the major home occupation must be a resident of the dwelling.
- (3) Major home occupations shall only be permitted in single-family dwellings and permitted accessory structures.
- (4) No more than one major home occupation is permitted per resident per dwelling, provided that all home occupations conducted on the premises, in the aggregate, shall not exceed the area limitations set forth in Subsection A C(1) above.
- (5) No more than two nonresident employees in the aggregate for all major home occupations conducted at the premises shall be permitted.
- (6) The major home occupation shall not require the delivery of goods or materials by trucks larger than a single-unit truck (SU) design vehicle as defined in A Policy on Geometric Design of Highways and Streets, latest revision, American Association of State of Highway and Transportation Officials (AASHTO).
- (7) The major home occupation shall not require or involve regular visitation from customers, clients, patients, salespersons, vendors, subcontractors, (whether vehicular or pedestrian), pickup or delivery services, etc. For purposes of this provision, visitation by more than three customers, clients, patients, salespersons, vendors, subcontractors, (whether vehicular or pedestrian), pickup or delivery services, etc., per hour or more than 15 customers, clients, salespersons, vendors, subcontractors, (whether vehicular or pedestrian), pickup or delivery services, etc., in the aggregate per twenty-four-hour period shall constitute regular visitation.
- (8) No equipment, materials or appurtenances related to the major home occupation shall be stored or displayed outdoors. Storage area shall constitute a part of and be included in the calculation of the permitted major home occupation aggregate area.

- (9) No materials or merchandise shall be visible at or beyond the property lines. No equipment associated with the major home occupation shall be visible from the exterior of the dwelling.
- (10) No indication of the major home occupation shall be visible other than one two-sided sign no larger than two square feet. The sign must conform to the requirements of this chapter.
- (11) The exterior appearance of the premises shall be constructed and maintained as a residential dwelling.
- (12) No discharge is permitted into a reservoir, sewer, storm drainage system, stream, open body of water or ground of any materials in such a way or of such a nature or temperature that could contaminate any water supply or damage or be detrimental to any sewer system, septic system or sewage treatment facility or otherwise cause the emission of dangerous elements.
- (13) No equipment or process shall be used in such major home occupation that creates vibration, glare, fumes, odors or electrical interference detectable off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver or cause fluctuations in line voltage off the lot.
- (14) A Pocono Township zoning permit is required for all major home occupations. Applications for a zoning permit shall be made to the Pocono Township Zoning Officer pursuant to § 470-121 of Article IX of this chapter, on forms provided by Pocono Township. If application is approved and a zoning permit issued, the applicant agrees to allow inspections, as required by the Zoning Officer, to verify that the home occupation use is in compliance with this chapter and the zoning permit issued.

§ 470-66 Keeping of wild or exotic animals.

Where permitted by this Chapter, wild or exotic animals held in captivity shall be limited to lots ~~located in the Commercial District~~, with a minimum lot area of three acres or greater, and shall be subject to the following additional requirements:

- A. The number of such animals shall not exceed the equivalent of one animal unit per acre.
- B. Said animals shall be maintained only within the rear yard area.
- C. The building or area within which such animals are kept shall be enclosed by a fence or other form of enclosure designed for containment.
- D. Such fence or other form of enclosure shall be at least 50 feet from any lot line and not closer than 100 feet to the nearest dwelling other than that of the owner.

- E. The owner of such animals shall exercise control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.
- F. All such animals shall be maintained in accordance with the regulations and/or permit requirements of the Pennsylvania Game Commission and other applicable agencies.

§ 470-67 Kennels and Animal Shelters (including nonprofit kennels and animal shelters).

- A. The minimum lot area requirement shall be two acres.
- B. Animal shelter and boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls, or runways also shall comply in all respects with the yard requirements of this chapter for the principal building, except that they shall be located no closer to the front lot line than the rear wall of the principal building, ~~and they may be located in the rear yard if located at least 10 feet from any lot line.~~
- C. Animal shelter and boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be a minimum of 100 feet from all property lines.
- D. Outdoor running areas shall be fenced in a manner that restricts access and provides for a full enclosure. All enclosures shall be a minimum of 50 feet from all property lines.
- E. A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height fully encircling all kennel areas or animal exercise areas not enclosed in a building shall be provided. The vegetative planting shall consist of two staggered rows of evergreen trees or shrubs, which shall provide an immediate buffer, and spacing in each row shall ensure closure between trees/shrubs at maturity.
- F. All animal wastes shall be regularly removed and disposed from the premises at a PA DEP-approved facility, and a detailed plan for the same shall be included with the zoning application. All animal wastes shall be stored in water-tight containers in an area meeting the setback in §470-67C until disposed of and proof of such disposal shall be provided to the Township upon request.
- G. The owner/operator of the kennel or animal shelter shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

§ 470-68. Life-care facilities.

A. ~~General.~~

- (1) ~~The life-care facility and accessory facilities shall be designed and used to serve its residents and their guests only.~~

- ~~(2) The life-care facility shall be planned, developed, and operated according to a unified plan under the direction of a single owner or agent for the owner.~~
 - ~~(3) The life-care facility may include a community center in which an auditorium, activity rooms, craft rooms, library, lounges, or similar recreational facilities for members of the life-care facility may be included. Additional facilities provided as part of the life-care facility may include:
 - ~~(a) Dining facilities;~~
 - ~~(b) Medical facilities, including treatment, nursing and convalescent facilities;~~
 - ~~(c) Office and retail service facilities designed and adequate to serve only the members of the life-care facility, including but not necessarily limited to doctor's offices, pharmacy, gift shop, coffee shop, bank, barber or beauty shop;~~
 - ~~(d) Congregate residences.~~~~
- B. Area and bulk regulations.** The following area and bulk regulations shall apply:
 - ~~(1) The minimum lot area shall be two acres, plus:
 - ~~(a) Eight hundred square feet per patient bed; and~~
 - ~~(b) Five thousand square feet per individual room or apartment unit in congregate residences; and~~
 - ~~(c) Three times the gross floor area of permitted and housed accessory uses, such as the community center and personal service shops, but not including the recreational common open areas.~~~~
 - ~~(2) The minimum front, side and rear yards shall conform to the requirements of the zoning district in which they are located. In addition, the maximum building height shall conform to the requirements of the zoning district in which they are located.~~
 - ~~(3) The maximum impervious area shall be 65%.~~
 - ~~(4) A minimum of 30% of the total tract area shall be designated as and used exclusively for common open space. Design and layout of common open space shall be in accordance with the requirements of Subsection F below.~~
- C. Density.** The maximum gross density within a life-care facility shall not exceed eight dwelling units per acre. For the purposes of this section, four beds for patient, resident and/ or staff person use provided within a medical facility within the life-care facility shall be deemed the equivalent of one dwelling unit. Two apartment units in a congregate residence shall also be deemed the equivalent of one dwelling unit.
- D. Site design requirements.**
 - ~~(1) Residential uses.
 - ~~(a) Structures shall be located and arranged so as to promote privacy for residents within the life-care facility and maintain privacy for residents adjacent to the life-~~~~

~~care facility. Structures shall be located within the development so that there will be no adverse impact such as excluding natural light or invading the privacy of adjacent structures.~~

- ~~(b) Structures shall be located and sited so as to promote pedestrian and visual access to common open space wherever possible. Routes for vehicular and pedestrian access and parking areas shall be convenient without creating nuisances or detracting from the privacy of residents.~~
- ~~(c) Structures located along the perimeter of the tract shall be designed so as to be harmonious with adjacent areas.~~

~~(2) Nonresidential uses.~~

- ~~(a) All nonresidential uses shall be located in a single area of the life-care facility site.~~
- ~~(b) All nonresidential uses shall be located with direct access to either a collector or arterial street.~~
- ~~(c) Signs for nonresidential uses are permitted, subject to the signage requirements of this chapter.~~
- ~~(d) All nonresidential uses shall have architectural compatibility with residential structures.~~
- ~~(e) Parking facilities for nonresidential uses shall be designed solely for the intended use and shall be physically separated from other parking areas in the development.~~

~~E. The following additional requirements shall apply:~~

- ~~(1) No parking area shall be located within the yard requirements.~~
- ~~(2) No structure shall be within 25 feet of the parking areas.~~
- ~~(3) No structure shall be located within 30 feet of any other structure.~~
- ~~(4) Sufficient exterior nighttime illumination of the parking area shall be required to provide convenience and safety. All such illumination shall be shielded from view of all surrounding streets and lots.~~
- ~~(5) All buildings shall be of fire-resistant construction and shall have a fire sprinkler or other fire suppression system.~~
- ~~(6) All permitted uses shall be served by public water and public sewer systems, if available.~~

~~F. Common open space.~~

- ~~(1) The location, shape, size and character of the common open space should take into consideration the natural features and physical characteristics of the site.~~
- ~~(2) Whenever possible, common open space shall be designed as a contiguous area between residential areas, with pedestrian and visual access available to all residents of the life-~~

~~care facility.~~

- ~~(3) Significant natural features such as woodland areas, steep slopes, floodplain areas, large trees, natural watercourses and bodies of water, rock outcroppings, and scenic views shall be incorporated into the common open space whenever possible; provided, however, that not less than 25% of the total common open space shall be suitable and designed for use as an active recreation area.~~
- ~~(4) Areas designated for common open space shall contain no structures other than those directly related to outdoor recreational uses and structures associated with utilities.~~
- ~~(5) The common open space shall be owned and maintained under the direction of a single owner or agent for the owner.~~

~~G. Streets, sewer and water utilities, storm drainage and soil erosion control, curbs and gutters and sidewalks. Streets, sewer and water utilities, storm drainage and soil erosion control, curbs and gutters and sidewalks shall be designed and improved in accordance with the requirements and standards set forth in Chapter 390, Subdivision and Land Development. Performance and maintenance guarantees and subsequent release of guarantees for all required improvements shall be in accordance with the requirements and procedures of Chapter 390, Subdivision and Land Development.~~

~~H. Other utilities:~~

- ~~(6) All streets, off street parking areas and areas of intensive pedestrian use shall be adequately lighted. All such lighting shall be designed and located so as to direct light away from adjacent residences.~~
- ~~(7) Telephone, electric, and cable television utilities shall be installed underground.~~

REPLACE 470-68 LIFE CARE FACILITIES WITH THE FOLLOWING:

§ 470-68. ~~Life care facilities~~Nursing home, assisted living residence, personal care home, or continuing care retirement community (CCRC)).

A. General

- (1) The proposed use shall obtain all applicable state and federal permits, licenses, and certificates of need, as applicable to the proposed use.
- (2) The proposed use shall be planned, developed, and operated according to a unified plan under the direction of a single owner or agent for the owner.
- (3) The development shall be serviced by a public water system and a public sewer system.
- (4) Residents of the development shall be at least 55 years of age, except that:
 - (a) Spouses of residents may be less than 55 years old;
 - (b) Residents of younger age may be permitted if they need such care because of

physical disabilities; and

- (c) A live-in caregiver, where needed to assist a resident, may be less than 55 years old.
- (5) The development, including any accessory facilities, shall be designed and used to serve its residents and their guests only.
- B. Uses. A building or buildings may be erected, altered or used and a lot or premises may be used or occupied for any of the following uses:
 - (1) Nursing home/skilled care facility/long-term care facility.
 - (2) Assisted care residence.
 - (3) Personal care home.
 - (4) Continuing care retirement community, which shall include independent living units and at least two of the above uses in A(1)(a) through (c).
 - (5) Accessory uses, which shall incidental to the principal use(s) and may include offices, activity areas, craft, woodworking and hobby shops, recreation facilities, pools, gift shops, adult day care, child day care, ancillary personal services facilities, dining facilities, ancillary health care facilities, maintenance facilities, bank, library, central kitchen and dining room, snack bar, village store, pharmacy, chapel, and similar uses. The total square footage of all accessory uses within the development shall not exceed 20% of the square footage of all buildings within the development. This percentage shall not be exceeded in any one phase of the development. No individual retail accessory use may exceed 2,000 square feet in size.
- C. Density. The maximum density of the development shall not exceed eight dwelling units per acre. Equivalent density shall be calculated as follows:
 - (1) Each independent living unit = one dwelling unit.
 - (2) Assisted-care facility: each bed = 1/2 dwelling unit.
 - (3) Personal-care home: each bed = 1/2 dwelling unit.
 - (4) Nursing home: each bed = 1/2 dwelling unit.
- D. Area and bulk regulations. The following area and bulk regulations shall apply:
 - (1) The minimum lot size shall be two acres, plus:
 - (a) Eight hundred square feet per assisted-care, personal-care, or nursing home bed; and
 - (b) Five thousand square feet per independent living unit; and
 - (c) Three times the gross floor area of permitted and housed accessory uses, such as the community center and personal service shops, but not including the recreational common open areas.

- (2) The maximum impervious area shall be ~~65~~60%.
- (3) Maximum building height. The maximum height of all buildings shall be as provided for in the zoning district in which the development is located.
- (4) Building length. The maximum horizontal length of a building shall be 160 feet. At its discretion, the Board may authorize an increase in length to 200 feet where the design includes architecturally attractive offsets.

E. Site design requirements.

- (1) Setbacks. The following minimum setbacks shall be observed:
 - (a) All buildings, structures and accessory uses shall be setback as follows:
 - [1] 50 feet from any perimeter property line.
 - [2] 50 feet from the right-of-way of any existing public road.
 - [3] 15 feet from any internal access road or driveway.
 - [4] 25 feet from any parking area.
 - (b) Where the perimeter property line abuts an agricultural use, the minimum setback shall be increased to 100 feet.
- (2) Building separation. The following building separation distances shall be observed:
 - (a) Three (3) times the height of the taller of two structures where any part of either structure faces or backs upon another structure, but in no case less than seventy-five (75) feet.
 - (b) The height of the taller structure, when two structures abut end to end, but in no case less than twenty-five (25) feet.
- (3) Residential uses.
 - (a) Structures shall be located and arranged so as to promote privacy for residents within the development and maintain privacy for residents adjacent to the development. Structures shall be located within the development so that there will be no adverse impact such as excluding natural light or invading the privacy of adjacent structures.
 - (b) Structures shall be located and sited so as to promote pedestrian and visual access to common open space wherever possible. Routes for vehicular and pedestrian access and parking areas shall be convenient without creating nuisances or detracting from the privacy of residents.
 - (c) Structures located along the perimeter of the tract shall be designed so as to be harmonious with adjacent areas.
 - (d) Where independent living apartment units are provided, each group of apartment

units shall be associated with at least one indoor and one outdoor common area designated for the exclusive benefit of the group.

- (4) Common open space within a CCRC. An area of not less than 30% 40% of the gross tract area shall be designated and used exclusively for common open space. Design and layout of common open space shall be in accordance with the following requirements:
 - (a) The location, shape, size and character of the common open space shall take into consideration the natural features and physical characteristics of the site.
 - (b) Whenever possible, common open space shall be designed as a contiguous area between residential areas, with pedestrian and visual access available to all residents of the development.
 - (c) Significant natural features such as woodland areas, steep slopes, floodplain areas, large trees, natural watercourses and bodies of water, rock outcroppings, and scenic views shall be incorporated into the common open space whenever possible; provided, however, that not less than 25% of the total common open space shall be suitable and designed for recreational use as an active recreation area by residents of the CCRC.
 - (d) One or more recreation spaces, each with a minimum area of 1,200 square feet, shall be provided within areas of common open space. The total area of such recreation spaces shall be not less than 100 square feet per unit. All recreation spaces shall be located in areas suitable for the type of outdoor active or passive recreation being proposed. All recreation spaces shall be at least 20 feet from any building. The types of recreation areas shall relate to the expected ages of the residents.
 - (e) Areas designated for common open space shall contain no structures other than those directly related to outdoor recreational uses and structures associated with utilities, provided, however, that structures associated with utilities shall only be located in the common open space when the applicant can demonstrate to the satisfaction of the Board that there is no feasible alternative.
 - (f) The common open space shall be owned and maintained under the direction of a single owner or agent for the owner.
- (5) For a nursing home, assisted living residence, or personal care home that is not part of a CCRC, a minimum of one outdoor sitting area per building shall be provided. The sitting area shall be landscaped and shall not be located adjacent to parking lots, detention basins, or collector or arterial roads unless adequate screening is provided. Sitting areas shall not be located on slopes of over 5% grade. An area of not less than 30% of the gross tract area shall be designated and used exclusively as common open space. Of that 30%, a reasonable area is to be devoted to a park like area for the enjoyment of the residents of the facility, connected to the main buildings with walkways. Reasonable recreational facilities, such as paved walking paths, shall be provided for the residents. A minimum of one outdoor landscaped sitting area per building shall be provided. The sitting area shall not be located on slopes of greater than one 1% nor shall it be adjacent to parking lots, detention basins, or arterial or major collector streets unless adequate screening is

provided.

- (6) Common areas and facilities. Where facilities serving the entire development, such as parking lots, pedestrian ways, driveways, alleys, lighting facilities, drainage facilities, landscape planting areas, buffer open spaces, and recreation areas are provided in common areas, provisions for their perpetual ownership, maintenance, and care shall be established by, and shall be the complete responsibility of the property owner.
- (7) Access to buildings and structures.
 - (a) Every building erected shall be on a lot adjacent to a public street or have access to an approved internal driveway network.
 - (b) All structures shall be located so as to provide safe and convenient access for servicing fire protection and off-street parking.
 - (c) Sidewalks shall be provided in locations as deemed appropriate by the Board, to assure adequate pedestrian access to buildings, parking areas, accessory uses, community services and facilities, and recreation and open space areas. Sidewalk construction shall conform to the standards in Chapter 390, Subdivision and Land Development.
 - (d) Wheelchair access to all dwelling units, accessory uses, and other community facilities in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), as amended, shall be provided in the design of structures, pedestrian walkways, and parking areas. Where practical and desirable, buildings shall be interconnected by means of covered or enclosed walkways.
- (8) All streets, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted. All such lighting shall be designed and located so as to direct light away from adjacent residences.
- (9) Telephone, electric, and cable television utilities shall be installed underground
- F. An emergency management plan shall be developed in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage or other catastrophic event. The emergency management plan shall be submitted to the Pocono Township Emergency Management Coordinator for review and consideration prior to the issuance of the use and occupancy permit.
- G. Streets, sewer and water utilities, storm drainage and soil erosion control, curbs and gutters and sidewalks. Streets, sewer and water utilities, storm drainage and soil erosion control, curbs and gutters and sidewalks shall be designed and improved in accordance with the requirements and standards set forth in Chapter 390, Subdivision and Land Development. Performance and maintenance guarantees and subsequent release of guarantees for all required improvements shall be in accordance with the requirements and procedures of Chapter 390, Subdivision and Land Development.

§ 470-69 Light manufacturing.

All the activity shall be carried on in an enclosed building, except for off-street parking and loading facilities and incidental storage. ~~Light manufacturing uses include the manufacture of food products, grain processing and milling, the fabrication, processing, assembling, repairing, testing, packing and/or storing of any type of product made from previously prepared materials such as cloth, plastic, food, paper, glass, leather, metals, stones, electronic components and other materials; provided, however, that except for the storing, milling and processing of grain, the processing of raw materials is not permitted nor is the storage of junk or the production of fish or meat products, sauerkraut, vinegar or the like or the rendering of fats and oils.~~

§ 470-70. Mineral ~~recovery~~ extraction.

Except to the extent that they have been superseded and preempted by the following Pennsylvania Laws: the Surface Mining Conservation and Reclamation Act; the Noncoal Surface Mining Conservation and Reclamation Act; the Oil and Gas Act; and/or the Bituminous Mine Subsidence and Land Conservation Act, mineral ~~recovery~~ extraction operations shall comply with the following terms and conditions:

- A. Extraction of minerals shall be undertaken only from minerals occurring naturally on the property. Spoil piles, slag, solid waste, or other materials shall not be brought to the property for the extraction of minerals, except for asphalt if an asphalt manufacturing plant is to be operated as an accessory use, or materials necessary for the manufacture of ready mix concrete if a ready mix concrete manufacturing plant is approved as a special exception.
- B. No quarry or surface mine shall generate or emit air pollutants or noise in excess of standards established by the Commonwealth of Pennsylvania.
- C. All quarries or surface mines, or other areas where minerals are extracted by the surface mining method shall comply with the requirements of the Surface Mining Conservation and Reclamation Act and its rules and regulations and/or any other applicable state or federal law, rules and regulations, as presently existing or as may be hereafter enacted or promulgated, which rules and regulations are incorporated herein by reference. Any violation of any such statute, rule or regulation shall constitute a violation of this chapter.
- D. All quarries or surface mines, or other areas where minerals are extracted by the surface mining method, excluding extraction of minerals by a landowner for his own noncommercial purposes from land owned or leased by him, but including all other extraction shall be licensed under the Surface Mining Conservation and Reclamation Act and/or any other applicable state or federal law.
- E. The Board of Commissioners may require that all or portions of the operations be enclosed with a fence not less than eight feet in height of a type adequate to ensure public health, safety, and welfare. Gates, which shall be locked except during business hours, shall be located at all entrances.
- F. All explosives shall be stored in a permanent building adequately locked in accordance with the state and federal, law, rules and regulations.
- G. All blasting operations shall conform to the latest regulations of the Pennsylvania Department of Mines and Mineral Industries Pennsylvania Department of Environmental Protection

Bureau of Mining Programs and also with all applicable federal laws, rules and regulations. Blasting shall not be permitted between 5:00 p.m. and 7:00 a.m. the following day.

- H. Minimum lot size for any quarry or mining operation shall be five acres, except for the expansion of an existing quarry or mining operation in an adjoining municipality to an area within Pocono Township.
- I. All applicable rules and regulations promulgated by the Pennsylvania Department of Environmental Protection, 25 Pa. Code Chapters 77 and 123, are incorporated herein by reference as though more fully set forth herein. Any violation of any such regulation shall constitute a violation of this chapter, and shall be subject to enforcement and penalties as set forth in Article IX of this chapter.

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- J. ~~The applicant shall file with the Township duplicate sets of applications and supporting data submitted to the Department of Environmental Protection as part of any mining application. A copy of each permit or violation issued to the applicant by the Department of Environmental Protection shall be filed with the Township within two weeks of receipt by the operator.~~

- K. Waste product containers shall be screened and set back at least 100 feet from any adjoining public road or property boundary.

- L. The applicant shall, at a minimum, provide the information required by this chapter and the information required for land developments in the Subdivision and Land Development Ordinance. In addition, the applicant shall submit all other information required to enable the Township to assess the environmental, community and other public health, safety, and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval. The applicant shall submit the following:

- (1) Duplicate sets of applications and supporting data submitted to the Department of Environmental Protection as part of any mining application.

- (2) A copy of the lease or permit from the owner or owners of the surface and underground mineral rights.

- (3) Details about ground and surface water protection and a Traffic Impact Study. In addition, the applicant shall provide a map showing the public roads in the Township proposed to be used to access the operation and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use. Dust and debris from any operation shall not be allowed to accumulate within the right-of-way of any public road, and it shall be the responsibility of the owner of any such operation to maintain the affected public roads in a clean condition satisfactory to the Township Board of Commissioners.

- (4) An Emergency Preparedness, Prevention and Control Plan in accord with state and federal requirements and generally accepted practice and submit the Plan for review and comment by the Township.

(5) A letter of intent describing the area to be quarried, mined, or excavated and the manner or method of operation, including proposed hours of work, and the proposed plan for backfilling.

(6) A map of the area to be quarried, mined, or excavated prepared by the applicant's engineer.

(7) A statement that a bond, payable to the Pocono Township Board of Commissioners will be provided in an amount equal to \$5,000.00 per acre, which will insure replacement of the overburden material and the backfilling or grading of that area to be quarried, mined, or excavated.

(8) A proposed backfilling agreement to be executed by the applicant ensuring the grading, backfilling, and leveling of the area to be quarried, mined or excavated.

M. For any mineral extraction operation approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued permits, documents, reports, and violations associated with the operation, within two weeks of the date of the permit, document or report.

§ 470-72 ~~Nursing homes.~~ Reserved

- A. ~~Minimum lot area. Two acres or 800 square feet per patient bed, whichever is greater.~~
- B. ~~The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized.~~
- C. ~~Off street parking lots and loading areas shall be screened from adjoining residentially zoned lands.~~
- D. ~~At least 5% of required parking spaces shall be designed for handicapped persons as prescribed in § 470-34 of this chapter.~~

§ 470-74 Professional offices, medical/dental clinics, banks and similar financial institutions, and retail sales.

- A. The subject tract shall front on and gain access from either an arterial, connector, collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
- B. The applicant shall demonstrate that access to and the design of the parking facilities shall not create vehicle backups onto existing abutting streets.

~~C. The maximum building coverage shall be no greater than 40%.~~

~~D. The maximum impervious coverage shall be no greater than 70%.~~

~~E. The minimum landscaped area shall be no less than 30%.~~

F. Off-street parking shall not be permitted within 10 feet of any property line and/or right-of-way.

These are set by
the zoning district
standards

§ 470-75 Recreation or cultural facilities.

All tracts with commercial recreation facilities or cultural facilities shall front on and gain access from an arterial, connector, or collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial and collector street design and improvement requirements.

Uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures in accordance with Chapter 390, Subdivision and Land Development, to prevent any reasonable harm on adjoining properties.

Required parking shall be provided based on the type or types of use proposed on the premises, in accordance with the requirements of § 470-34. Where multiple uses are proposed, the applicant shall demonstrate that the parking that has been proposed is adequate to accommodate the proposed uses.

All entrances to a commercial recreation or cultural facility shall be designed so that vehicle backup on abutting roads does not occur.

Amusement parks, as well as any other recreational or cultural use that meets the definition of a "regional impact development," shall also comply with the requirements of § 470-76 of this chapter

§ 470-80. Salvage yards or Junkyards.

A. The minimum lot area requirement shall be five acres.

B. The outdoor junk storage area shall be completely enclosed by a minimum eight-foot high sight-prohibitive fence ~~which shall be set back not less than 50 feet from all property lines.~~ All fences and gates shall be maintained in good repair and in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.

C. ~~All buildings used to store junk shall be wholly enclosed and set back at least 50 feet from all property lines.~~ The fence enclosing any junkyard and any buildings and structures associated with the junk yard shall be located not less than 50 feet from any property line, 50 feet from any public road right-of-way, and not less than 200 feet from any adjoining zoning district. The setback area between the fence and property line shall be kept free of refuse and debris.

- D. No salvage material shall be stored so as to be visible over the sight prohibitive fence from the property line and/or right-of-way line.
- E. Screening shall be required when the proposed use is located adjacent to a nonindustrial use or nonindustrial district. Natural vegetative cover shall be maintained in all required setback areas. Vegetative plantings of sufficient height and density, and/or planted berms may be used to effect the required screening to the satisfaction of the Township. All screening shall be maintained in such fashion as to continue to provide the required screening.
- F. Any junkyard located adjacent to a highway shall comply with all regulations of the Federal Highway Administration and shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania, as applicable.
- G. All additional federal and state laws shall be complied with.
- H. ~~The setback area between the fence and property line shall be kept free of refuse and debris.~~
- I. All junk shall be stored or arranged **to permit reasonable access by firefighting equipment and** to prevent the accumulation of water. Stormwater shall be drained in a manner that does not result in chemical residues being discharged from the site.
- J. Fire lanes of a minimum width of twenty (20) feet shall be maintained so that no area of junk shall span a distance of more than fifty (50) feet.
- K. No material shall be burned at any time.
- L. No ~~junkyard~~ salvage yard shall be located on lands with an average slope of greater than 5% nor within 150 feet of any body of water, stream, or wetland.
- M. A certificate of use shall be issued for a period of one year, and shall be subject to annual renewal.
- N. The area used for a junkyard shall not be used as a dump area for any solid or liquid waste.
- O. In cases where the junk yard includes 10 or more junk vehicles or where the Township deems it necessary to meet the intent of this chapter, and to further protect ground water and surface water, all batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials must be removed from all junk within two working days after arrival to the premises and shall be disposed of in a manner meeting all state and federal requirements. Such liquids and materials, while stored on the premises, shall be kept separately in leak- proof containers at a central location on the premises.
- P. In cases where the junk yard includes 10 or more junk vehicles or where the Township deems it necessary to meet the intent of this chapter, the owner of any junk yard shall be required to monitor the ground and surface water in the vicinity of the junk yard. Water testing shall be conducted every three (3) (months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage of junk if water drainage from the junk yard area is to said stream. For each testing period two (2) samples shall be collected; one (1) sample shall be taken from the stream at a point upstream of the junkyard drainage area and one (1) sample shall be taken from the stream at a point below the junk yard drainage area. In addition, the well located on the premises shall also be sampled every three (3) months. The

samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Township, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the junkyard shall cease operation until such time as the source of the contamination has been identified and corrected in accord with PA DEP requirements.

- Q. Waste shall not be stored outside and shall not be accumulated or remain on any premises except temporarily awaiting disposal in accord with this chapter. No junk yard shall be operated or maintained in violation of any state or federal regulations governing the disposal of any solid or liquid waste.
- R. Any activity associated with the operation of the junk yard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m.
- S. All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. Within two days of arrival on the premises, all glass shall be removed from any broken windshield, window or mirror, and all trunk lids, appliance doors and similar closure devices shall be removed. Grass and weeds on the premises shall be kept mowed.
- T. It shall be the ultimate responsibility of the property owner of the premises upon which any junk is situated to comply with this chapter and to provide for the removal of any junk and remediation of any environmental problems associated with any junk

§470-87 Lumberyards and coal yards; building material storage yards; contractors' equipment and storage yards.

- A. The subject tract shall front on and gain access from an arterial, collector, or connector road as identified in the Official Roadway Classification List available at the Township Building.
- B. Access to Public Roads.
 - (1) Access roads to Township and State roads shall be in accordance with a valid highway occupancy permit.
 - (2) The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.
 - (3) All operations shall comply with all posted weight limits and road bonding regulations.
 - (4) The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the operation and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use. The Applicant shall also comply with the Township road bonding requirements.

- C. ~~Contractor yards~~ The following minimum setbacks shall apply, except that if a more restrictive setback is required for the zoning district in which the use is located, the more restrictive setback shall apply.
- (1) Any principal or accessory building shall comply with the meet the minimum setback of the zoning district in which it is located.
 - (2) ~~Contractor yards~~ Any equipment, vehicle, supply, or material storage area shall not be less than three hundred (300) feet from any existing principal residential, commercial, institutional, or public building, other than such building located on the property on which the use is located.
 - (3) ~~Contractor yards~~ Any equipment, vehicle, supply, or material storage area shall not be less than 50 feet from any property line other than a property line along a public road right-of-way.
 - (4) ~~Contractor yards~~ Any equipment, vehicle, supply, or material storage area shall not be less than fifty (50) feet from any public road right-of-way.
 - (5) ~~Contractor yards~~ Any equipment, vehicle, supply, or material storage area shall not be less than 150 feet from any stream, water body or wetland.
- D. ~~Contractor yards~~ The use shall be located on slopes of less than eight (8) percent. Low spots and poorly drained areas shall be avoided.

§ 470-87.? Accessory apartment.

- A. This accessory use allows a smaller secondary dwelling unit within an existing single-family detached dwelling without substantial exterior modification to the existing building. The purpose of this use is to protect and allow efficient use of the existing housing stock, and to provide an opportunity to allow housing to meet the specific housing needs of Township families as well as allow the owners to remain residents of that dwelling and the Township.
- (1) An accessory apartment shall be permitted only in single-family detached dwellings.
 - (2) The accessory apartment shall remain accessory and secondary to the principal single-family detached dwelling.
 - (3) Neither the accessory apartment nor the principal single-family dwelling shall be utilized as a transient dwelling use unless permitted by Chapter 302, Transient Dwelling Use of a Single Family Dwellings.
 - (4) The area and bulk regulations of the zoning district shall apply to the lot on which the accessory apartment is located.
 - (5) No more than one accessory apartment shall be allowed on each lot.

- (6) The accessory apartment shall be permitted only in one of the following configurations:
- (a) Located in the existing principal dwelling and may be a conversion of an existing part of the building, such as an attached garage or upper story of the dwelling, and designed so that to the greatest extent possible, the appearance of the principal dwelling remains that of a single-family detached dwelling. Entrances to the accessory apartment shall be located to the rear or side of the building.
 - (b) Contained within an accessory building on the same lot as the principal dwelling.
 - (c) Additions of no greater than 15% of the of the gross floor area of the existing dwelling or accessory building shall be permitted in conjunction with the creation of an accessory apartment in order to facilitate more logical design or layout or as may be needed for enclosed stairwells or to meet Township and state safety codes. Additions shall comply with all applicable setback requirements in the district in which the use is located.
- (7) Either the principal single-family dwelling or the accessory apartment shall be occupied by the bona fide owner of the property on which both dwelling units are located.
- (8) The accessory apartment shall be no more than 30% of the principal dwelling's total floor area, and shall have a minimum floor area of 400 square feet.
- (9) Two off street parking spaces shall be provided for a accessory apartment in addition to the parking requirements for the principal use.

§ 470-87.2 Convenience stores and mini markets.

- A. All convenience stores or mini markets shall be designed in accordance with subsections (1) through (6) below. If the use includes vehicle fueling, then it shall also comply with § 470-84, Vehicle Fueling Stations.
- (1) The convenience store or mini market shall contain a minimum gross floor area of not less than 4,000 square feet and a maximum gross floor area of not more than 10,000 square feet, exclusive of any area of such lot being used for gasoline pump dispensers and the canopy over such dispensers. Accessory buildings shall not be permitted.
 - (2) The maximum number of fueling pumps and fueling positions (one pump serves two fueling positions only) shall be eight pumps and 16 fueling positions, subject to the power of the Board of Commissioners to reduce the designated number of pumps as part of the conditional use application if, in the Board's evaluation of the applicant's traffic study, it determines that safe and convenient vehicular circulation cannot be accommodated on the site..

- (3) Unless otherwise approved by the Board of Commissioners, the canopy covering the fuel pumps shall not exceed 20 feet from ground level at its highest point and shall be of a peak-roof design. The Board of Commissioners may permit a greater canopy height if the design of the canopy is considered an architectural enhancement.
- (4) The canopy shall not exceed in area (as measured in square feet) the gross floor area of the convenience store or mini market building. However, the canopy shall not exceed in total area 7,000 square feet.
- (5) The applicant shall present architectural renderings of the proposed facade of the convenience store building at the conditional use hearings.
- (6) The following provisions for exterior lighting shall apply to all proposed convenience stores or mini markets:
 - (a) All gasoline pump dispensers shall be covered by a canopy and shall be illuminated by overhead lighting during non-daylight hours. Canopy lighting shall be located on the undersurface (ceiling) of the canopy and shall be limited to flush lens fixtures mounted on the canopy ceiling. Drop lens fixtures are prohibited. Outdoor canopies include, but are not limited to, fuel island canopies associated with service stations and convenience stores and exterior canopies above storefronts. In no event shall any other lighting fixtures be located on or otherwise attached to or used to light a canopy or any area of the property adjacent to the canopy. Canopy lighting over fuel dispensing positions shall not exceed an average of 35.0 maintained footcandles.
 - (b) Lighting for parking areas shall provide an illumination level utilizing currently recommended standards of the Illuminating Engineering Society of North America, unless a more stringent standard is imposed as a condition of a conditional use approval granted by the Board of Commissioners under the circumstances of each application. Exterior lighting of the building is precluded, except as determined necessary by the Board for security. The Board of Commissioners may preclude any exterior lighting that in its judgment adversely affects adjoining properties.
 - (c) In no case shall illumination exceed 0.5 footcandle measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 footcandle, unless a more stringent standard is ordered by the Board under the circumstances of each application.
 - (d) All ingress and egress to and from the lot shall be designed to promote safe and convenient access, as finally approved by the Pocono Township Engineer and Zoning Officer.
 - (e) The internal vehicular circulation pattern of any lot upon which a convenience store with gasoline sales is proposed shall be designed so as to prevent vehicles waiting for such gasoline service from stacking onto public streets. In addition to the required minimum parking spaces, there shall be a minimum of one vehicular stacking space for each fueling position.
 - (f) The applicant shall submit a traffic study with the conditional use application demonstrating the adequacy of existing or proposed streets to accommodate any

increase in traffic from the proposed use and the adequacy of the proposed vehicular interior circulation on the lot.

- (g) Vehicle fuel pump dispensers for the fueling of cars and small trucks and electric vehicle charging stations shall be permitted. Designated and designed tractor trailer and truck pump islands are prohibited.
- (h) Equipment intended to be utilized for the inflation of motor vehicle tires shall be permitted. One parking space shall be provided adjacent to and for the exclusive use of the tire-inflation apparatus, which shall not interfere with ingress and egress to and from the lot.
- (i) The outdoor display of products or retail items shall be prohibited.

§ 470-87.2. Crematorium.

- A. The applicant shall secure all necessary permits from the PA DEP and any other state or federal agencies having jurisdiction, and shall provide the Township with evidence of such permit approval(s).
- B. A crematorium shall be setback a minimum of 250 feet from all residential lot lines and the boundary lines of all residential zoning districts.

§ 470-87.2. Flea Markets, Outdoor

Flea markets, outdoor shall, in addition to all other applicable standards be subject to the following standards:

- A. A minimum parcel of two acres shall be required.
- B. The minimum setbacks for all buildings, any display of goods not fully enclosed in a building and all parking areas shall be 75 feet from property lines and road rights-of-way.

§ 470-87.2. Group Home.

- A. A group home consists of a maximum of four unrelated persons occupying a dwelling unit if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family as defined in this chapter.
- B. In any case where an applicant seeking a zoning permit for a group home requests a reasonable accommodation pursuant to the provisions of the Federal Fair Housing Act, a written application shall be filed with the Zoning Officer who is hereby empowered to grant such accommodation subject to the provisions of the Federal Fair Housing Act.

§ 470-87.2. Race Track

In addition to all other applicable standards, the following additional standards shall apply to race tracks:

- A. Setbacks. All areas for the driving, testing and/or maintenance of motor vehicles shall not be less than 500 feet from any property line or public road right-of-way, and shall not be less than one (1) mile from any R-1, R-2 or R-3 District.
- B. Animal Race Tracks. In addition to the other standards in this §470-87.?, the following additional standards shall apply to animal race tracks:
 - (1) The race course for any animal race track shall not be less than five hundred (500) feet from any property line or public road right-of-way.
 - (2) Any stable building, corral, kennel or other indoor or outdoor area used for the keeping or feeding of animals, concentrated confinement of animals or manure and animal waste storage shall not be less than one hundred (100) feet from any property line or public road right-of-way.
 - (3) The Applicant shall provide a plan for manure and animal waste management satisfactory to the Board of Commissioners demonstrating that all manure and animal waste shall be managed and disposed of in accord with applicable local, state and federal regulations.
- C. Buildings. All buildings on the race track parcel shall comply with Uniform Construction Code and PA Department of Labor and Industry Standards.
- D. Time Limitations. No motor vehicle race shall be conducted between the hours of 10:00 P.M. and 9:00 A.M. However, the Township may establish more restrictive time limits as a condition of approval.
- E. Repair Activities. All service and repair activities shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.
- F. Tire and Part Storage. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening, but in no case shall such outdoor storage exceed five hundred (500) square feet in area.
- G. Storage. No vehicles, supplies, parts, or any other material shall be stored in any required setback areas normally required for the district.
- H. Fuel Documentation. Documentation shall be provided that all fuel and fuel storage areas comply with State and Federal requirements.

- I. Fencing and Barriers. Security fencing shall be provided around the facility (excluding parking areas) to prevent intrusion onto the racetrack and related areas. Safety fencing/barriers shall be provided between the racetrack and all areas where spectators, the public or any employee or other person has access.
- J. Safety Plan. A facility safety plan shall be prepared to detail the specific procedures which will be followed to ensure the safety of the public, spectators, employees and participants which shall, at a minimum, address the following:
 - (1) Design standards of all safety fencing/barriers.
 - (2) Procedures for fuel storage, handling and dispensing.
 - (3) Emergency services, including fire and ambulance, which will be available during events.
 - (4) Disaster/emergency response procedures.
 - (5) Crowd management.
- K. Bond/Insurance. Based on the type and size of the race track, the Board of Commissioners may require the Applicant to provide a bond and/or insurance to cover the cost of any environmental clean-up or enforcement action which may be required at the site. The amount of the coverage shall be determined by the Board based on the type and size of the track.

§ 470-87.?. Recycling Drop-Off Center

- A. All recyclables shall be placed in enclosed containers expressly provided and labeled for this purpose.
- B. Containers shall be setback a minimum of 50 feet from any adjoining property line or road right-of-way and shall be screened on all sides with plantings or a fence at least six feet in height.
- C. Access to containers shall be sufficient to accommodate the size and type of vehicles likely to use such collection units. To that end, an apron at least ten feet wide and 30 feet long shall be provided in front of all containers.

§ 470-87.?. Vehicle Sales Operation

- A. The subject tract shall front on and gain access from either an arterial, connector, collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
- B. The applicant shall demonstrate that access to and the design of the parking facilities shall not create vehicle backups onto existing abutting streets.
- C. The outdoor display of new and used cars, trucks, motorcycles, mobile homes, recreation vehicle and travel trailers shall meet the appropriate front, side and rear setback requirements for the district.

- D. No vehicles shall be stored in any required setback areas
- E. Activities which are normally accessory to such sales operations, such as engine repairs, body repairs, painting, undercoating and other similar activities shall be conducted in accordance with the applicable standards in §470-85.

§ 470-87.2. Multi-family dwelling

Townhouse dwellings that are part of a conservation subdivision design development shall comply with § 470-87.6. All other multi-family dwelling unit developments shall meet the following standards:

- A. The area and bulk regulations under the applicable zoning district shall be met.
- B. The maximum length of a multifamily apartment building shall be 120 feet.
- C. The number of townhouse units, attached in a common row, shall not exceed six attached townhouse units.
- D. Setbacks.
 - (1) Dwelling units shall be set back a minimum of 20 feet from common parking lots, refuse collection centers, and the shoulder of any access drive to or through the development.
 - (2) Staggered setbacks of individual dwelling units accompanied by a variation in facade design shall be required so the buildings offer visual variety and provide private yard areas. In the case of multifamily townhouse development, no more than two contiguous units shall have the same facade setback within a building. Changes in unit setback shall involve a minimum of four feet.
- E. The following building separation distances shall be met in order to provide individual dwelling units with some level of privacy:
 - (1) Facing front or rear walls: 50 feet.
 - (2) Facing end walls (short wall): 25 feet.
- F. Multifamily buildings are encouraged to be located in clusters which create common courtyards and open space areas rather than situated parallel to one another.
- G. Buildings within the development shall be designed to provide individual dwelling units with views and access to common open space areas.

- H. Entrances to dwelling units shall be provided with walkways to parking and refuse collection areas. Walkways shall meet the requirements for sidewalks as set forth in Chapter 390, Subdivision and Land Development.
- I. Exterior storage areas for trash and rubbish shall be screened from public view and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.
- J. Lighting shall be provided sufficient in number and intensity to provide for the safe movement of vehicles and pedestrians. Lighting shall not reflect toward public streets or cause any annoyance to surrounding properties.
- K. Ancillary facilities such as laundry areas, service buildings, recreational facilities and the like for the use of the residents of the development shall be permitted.
- L. Preliminary architectural renderings, models or photos for multi-family dwelling projects shall be provided at the time of submission of the application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.
- M. In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer. The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject development.