

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

MEETING #19 AGENDA

January 30, 2025 - 6:00pm

Pocono Township Municipal Building

**1. Review Full Draft #1 of Proposed Zoning Ordinance Update FOCUSING ON
THE FOLLOWING SECTIONS:**

- Article V, Supplementary Use Regulations**
- Attachment 1, Table of Uses**

(Latest revisions are shown in yellow highlight)

2. Confirm Next Meeting Date – February 24, 2025

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ARTICLE I
General Provisions

§ 470-1. Title.

This chapter shall be known and cited as the "Pocono Township Zoning Ordinance."

§ 470-2. Purpose.

This chapter is hereby adopted in accordance with the requirements of the Municipalities Planning Code, Act 247,¹ as amended, and the objectives of the municipality's Comprehensive Plan designed to regulate the location, height, bulk and size of buildings and other structures; the relation of such buildings or structures to thoroughfares and their intersections and interchanges to transportation arteries, to natural bodies of water and steep slopes, to public buildings and public grounds, to airports and heliports, to historic buildings and places and to floodplains; the percentage of lots that may be occupied; the size and use of yards, courts and other open spaces; the density and distribution of population; the uses of buildings and structures and the uses of land for trade, industry, residences, and other purposes; to conserve the value of existing buildings and uses and to encourage continued use and development of land within the municipality; to establish districts and regulations pertaining to the use of land generally as well as specifically within certain districts; to establish a Zoning Hearing Board with power to determine and vary the application of the regulations hereby established in harmony with their general purpose and intent; providing for the enforcement of provisions herein and imposing penalties for their violations; all for the purpose of promoting the health, morals, safety and general welfare of the inhabitants of the municipality.

§ 470-3. Statement of community development objectives.

This chapter is a comprehensive rezoning that replaces Pocono Township Zoning Ordinance No. 16-110 adopted on November 17, 2003 and is hereby enacted to implement the community development objectives contained in the municipality's Comprehensive Plan. Such objectives are incorporated herein by reference.

§ 470-4. Interpretation.

- A. The provisions of this chapter shall be the minimum requirements for the promotion of the health, safety, morals and general welfare. Except where specifically provided to the contrary, it is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height or bulk of a building or requires larger open spaces, the provisions of this chapter shall prevail.
- B. Interpretation standards. Any list of permitted or prohibited uses shall not be deemed to be an exhaustive list but has been included for the purposes of clarity and emphasis and to illustrate, by example, uses which are desirable (permitted, special exception, conditional uses). Whenever the Zoning Hearing Board makes an interpretation of this chapter, then, unless other standards are in this chapter, the decision shall be made so that the results will not be contrary to the spirit and purpose of this chapter or injurious to the surrounding neighborhood.

§ 470-5. Applicability.

From and after the effective date of this chapter, the use of all land and every building in Pocono Township shall be in conformity with the provisions of this chapter. Any legally existing structure or use not in conformity with the regulations herein prescribed shall be regarded as nonconforming. Such use may be continued, extended or changed, but only in conformity with the provisions of this chapter.

§ 470-6. Conformance and permit required.

Following the effective date of this chapter:

- A. No structure shall be erected, constructed, razed, moved, altered, rebuilt or enlarged; and no use of a structure or land or water area shall be established or changed for any purpose nor in any manner except in conformance with all regulations, requirements and controls and after issuance of a zoning permit as specified in this chapter, except as hereinafter provided.
- B. No structure hereafter constructed, erected, rebuilt, enlarged or altered nor any use of land or water areas established under a zoning permit shall be occupied or used in whole or in part for any use whatsoever, and no change of use of any structure or land or water area shall hereafter be made until an occupancy permit or change of use permit has been issued by the Zoning Officer, indicating that the structure or use complies with the provisions of this chapter.

§ 470-6.1. Severability. [Added 12-4-2017 by Ord. No. 2017-05]

The provisions of this chapter are severable and in the event that any provision is held invalid, void, illegal, or unconstitutional by any court, it is the intent of the Board of Commissioners that such determination by the court shall not affect or render void the remaining provisions of this chapter. It is the declared intent of the Board of Commissioners that this chapter would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

ARTICLE II Terminology

§ 470-7. Word usage.

- A. Unless otherwise expressly stated, the following words, phrases and certain terms shall be construed throughout this chapter to have the meanings indicated below.
- B. Tense, gender and number. Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular includes the plural and the plural the singular.
- C. General terms. The word "shall" or "must" is always mandatory; the word "may" or "should" is permissive. The word "used" shall include the words "arranged," "designed," "maintained," "occupied" or "intended to be used for." The word "building" includes "structure" and shall be construed as such if followed by the phrase "or part thereof." The word "person" includes "individual," "company," "incorporated association" or other similar entities. The word "abut" shall include the words "directly across from."

§ 470-8. Definitions.

The terms that are listed below, unless otherwise expressly stated, shall have the following meanings throughout this chapter:

ACADEMIC CLINICAL RESEARCH CENTER — An accredited medical school within ~~this commonwealth~~ the Commonwealth of Pennsylvania that operates or partners with an acute care hospital licensed within ~~this the Commonwealth~~ pursuant to ~~the Act~~ Act 16 of 2016, the Pennsylvania Medical Marijuana Act. [Added 7-16-2018 by Ord. No. 2018-07]

ACCESSORY APARTMENT — A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the principal building, for use as a complete, independent ~~living facility~~ dwelling unit with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the principal building, and is permitted only for occupancy of a relative of the owner-occupant of the principal dwelling, and for only as long as the relative is in residence in the unit.

ACCESSORY BUILDING — ~~A building (such as a private garage, private swimming pool and appurtenant bathhouse, private toolhouse or children's playhouse or a nonecommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes customarily incidental to those of the principal building.~~

ACCESSORY STRUCTURE — A structure serving a purpose customarily incidental to the use of the principal building and located on the same lots as the principal building.

ACCESSORY USE — A use subordinate to the principal use of land or a building on a lot and customarily incidental thereto. Accessory uses are permitted in all zoning districts unless otherwise specified by this chapter.

ACTIVE PLAY AREA — An area designed and constructed for outdoor recreational use including playground equipment such as slides, swings and climbing apparatus.

ADDITION — Any construction which increases the size of a building or adds to a building.

ADJACENT — A state of being side by side, next to, adjoining, contiguous or abutting one to another.

ADULT USE – A use of land or a structure for any of the following:

A. ADULT BOOKSTORE — A use with a significant portion of the market value of its products offered for sale or rent, or over 10% of its total retail floor area occupied by books, films, magazines, videotapes, coin- or token-operated films or videotapes, paraphernalia, novelties, or other periodicals which are distinguished or characterized by a clear emphasis on depicting, displaying or relating to uncovered male or female genitals or "specified sexual activities." These materials shall include but not be limited to those that would be illegal to sell to persons under age 18 under state law.

B. ADULT LIVE ENTERTAINMENT FACILITY — A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost-nude female breasts or engaging in simulated or actual "specified sexual activities" to three or more persons and which is related to some form of monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

C. ADULT MOTEL – A hotel, motel or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(2) Offers any sleeping room for rent three or more times in one calendar day.

D. ADULT THEATER — A use involving the on-site presentation to three or more persons at one time of motion pictures, videotapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for observation by such persons and that is related to some form of monetary compensation paid by the persons viewing such matter.

E. ESCORT AGENCY –A person or business association or establishment which furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its primary business purposes for a fee, tip, or other consideration.

(1) ESCORT – A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

F. ADULT MASSAGE PARLOR –A person or business association or establishment which furnishes, offers to furnish or advertises to furnish as one of its primary business purposes for a fee, tip or other consideration, a massage which involves the exposure of any "specified sexual areas".

G. SEXUAL ENCOUNTER CENTER – A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration activities between

male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nude. A *sexual encounter center* shall be considered an *adult business* for regulation by this ordinance.

AGE-RESTRICTED COMMUNITY/DEVELOPMENT – A community/development wherein dwelling units are restricted to occupancy for persons 55 years of age or older, except that spouses of residents may be less than 55 years old, dependents of younger age may be permitted if they need care because of physical disabilities; and a live-in caregiver, where needed to assist a resident, may be less than 55 years old. For the purposes of this chapter, such age-restricted community/development is not located in a facility where health services are provided to occupant(s) including, but not limited to, nursing homes/skilled nursing care facilities/long-term care facilities, assisted living facilities, personal care homes, and continuing care retirement communities.

AGRICULTURAL OPERATION — An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AGRICULTURE — The cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to nursery, horticulture and forestry; also including the housing, grazing or breeding of livestock, birds or fowl for commercial purposes.

AGRITOURISM — Any activity carried out on a working agricultural operation that allows members of the public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities directly related to or part of the agricultural operation, including but limited to harvest-your-own activities; hay rides; or agricultural, historical, cultural, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

ALTERATION — As applied to building, structure, or sign, means a change, rearrangement, renovation, relocation, or enlargement in the structural parts or exterior or which would change its use classification.

ALTERNATIVE TOWER STRUCTURE — Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

AMUSEMENT ARCADE — A building or part of a building in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained.

AMUSEMENT PARK — A commercially operated park or facility with various devices for entertainment primarily including, but not limited to, rides (e.g., roller coasters, water slides, fun houses, Ferris wheels), games, electronic games and similar devices, food stands and other associated facilities.

ANIMAL, DOMESTIC — Any dog, cat, equine animal, bovine animal, fowl, sheep, goat or porcine (swine) animal and other customary household pets. Domesticated animals normally kept as pets in, or in conjunction with a dwelling unit for the pleasure of the resident family (not

for consumption or utilitarian purposes) such as dogs; cats; parakeets, parrots and similar small birds; guinea pigs, hamsters and similar rodents; nonpoisonous snakes; fish; and other similar pets normally sold by retail pet stores. Equine animals, exotic animals, wild animals, and livestock shall not be considered domestic animals. The keeping of poultry or fowl for home use shall be conducted in accordance with the applicable standards of this chapter.

ANIMAL, EQUINE — An animal belonging to the family Equidae, which comprises horses, zebras, and asses.

ANIMAL, EXOTIC — Members of the family Felidae except those species commonly called "house cats" and members of the family Canidae except those licensed by the Pennsylvania Department of Agriculture. Exotic animals shall also include all nonnative animals, but excepting small animals and birds customarily kept as house pets.

ANIMAL HOSPITAL/VETERINARY CLINIC — An establishment offering veterinary services for all types of animals and which may include indoor and overnight boarding of animals.

ANIMAL SHELTER — A facility used to house or contain stray, homeless abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society (such as the Society for the Prevention of Cruelty to Animals), other nonprofit organization or person devoted to the welfare, protection and humane treatment of animals.

ANIMAL UNIT (ANIMAL EQUIVALENT UNIT) — One thousand pounds live weight of livestock or poultry animals, regardless of the actual numbers of animals comprising the unit as defined by the Pennsylvania Nutrient Management Act.

ANIMAL, WILD — All animals falling into one of the following categories as defined by Title 34 of the Pennsylvania Game and Wildlife Code:

- A. BIG GAME — Elk, deer, bear and wild turkey.
- B. FURBEARER — Badger, fisher, mink, muskrat, opossum, otter, pine marten, striped and spotted skunk, beaver, raccoon, all weasels, red and gray foxes, coyote, ground hog, and bobcat.
- C. GAME ANIMALS — Elk, deer, bear, cottontail, snowshoe hare, red, gray and fox squirrels.
- D. GAME BIRDS — Geese, brant, wild ducks, mergansers and swans, coots, gallinules, rails, snipe, woodcock, turkeys, grouse, pheasants, Hungarian partridges, bobwhite quail, and mourning doves.

ANTENNA — Any exterior device or apparatus designed for cellular, digital, telephonic, radio, pager, commercial mobile radio, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including, without limitation, omnidirectional or whip antennas and directional or panel antennas. This definition shall not include private-residence mounted satellite dishes or television antennas or amateur radio equipment, including, without limitation, ham or citizen-band radio antennas.

ANTENNA HEIGHT — The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the

highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE — Any communication tower or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

APARTMENT — Any dwelling unit which is located within a single structure along with at least one other dwelling unit or with a nonresidential use, each having a separate location within such structure.

APPLICANT — A landowner or developer, as hereinafter defined, who has filed an application for a building and zoning permit, including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT — Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a building permit, for the approval of a subdivision, plat or plan or for the approval of a development plan.⁶

ASSISTED LIVING RESIDENCE — A premises licensed by the Commonwealth of Pennsylvania in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24-hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration.

BANK/SAVINGS AND LOAN ASSOCIATION — An establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

BASEMENT — An area in a building containing space below the first or main floor, having a ceiling not more than four feet above the average outside ground level.

BED-AND-BREAKFAST INN — A dwelling occupied by the bed-and-breakfast business owner, where between one and five rooms are rented to overnight guests on a nightly basis for periods of not more than 30 days. Breakfast for overnight guests is the only meal that may be provided.

BED-AND-BREAKFAST UNIT — A room or group of rooms in a bed-and-breakfast inn forming a single habitable unit used or intended to be used for living and sleeping, but not cooking or eating purposes.

BELFRY — A tower or a room in a tower for a bell or set of bells.

BERM — An earthen mound designed to create a visual and/or sound barrier between a use and adjoining properties, streets, and adjacent uses.⁷

BOARD — The Pocono Township Zoning Hearing Board.

BOARDINGHOUSE — A dwelling in which the owner rents at least one room for residential purposes and furnishes meals to the boarders for compensation. (See also "rooming house or lodging house.")

BOARD OF COMMISSIONERS — The Board of Commissioners of Pocono Township, Monroe County, Pennsylvania.

BREW PUB — An establishment for the brewing of malt beverages of alcoholic and/or non-alcoholic content primarily intended for sale or consumption on the premises, and which may

include a restaurant or tavern.

BUFFER AREA — A landscaped area intended to be used as means of limiting the effects created by a use on adjoining properties, streets and uses.

BUILDING — Any type of structure having a roof used for the shelter, housing or enclosure of persons, animals or property.

- E. DETACHED — A structure with enclosing walls but no common or party wall.
- F. SEMIDETACHED — A structure with enclosing walls and one party wall in common with an adjacent building.
- G. ATTACHED — A structure with enclosing walls as well as two party walls in common with adjacent buildings.

BUILDING AREA — That portion of a lot, excluding required setback area and side yard, upon which a structure can be erected.

BUILDING COVERAGE, MAXIMUM — The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located (including covered porches, carports and breezeways, but excluding open patios).

BUILDING HEIGHT — The vertical distance of a building measured from the average level of the highest and lowest ground grade of the building to the highest point of the roof.

BUILDING LINE — The line parallel to the street right-of-way line at a distance therefrom equal to the depth of the front yard setback requirement for the district in which the lot is located.

BUILDING, PRINCIPAL — A building in which is conducted the main or principal use of the lot on which it is situated.

BULK FUEL STORAGE FACILITIES — Any facility where gasoline is stored in bulk for distribution by delivery truck, or fuel, including, but not limited, to kerosene, home heating oil, diesel fuel, gasoline, or propane, is stored in large volume tanks for distribution to retail or wholesale establishments; or any retail home heating fuel distributor where the storage of fuel on the site exceeds a combined total of twenty-thousand (20,000) gallons.

BUSINESS — Any enterprise, occupation, trade or profession engaged in, either continuously or temporarily, for profit, excluding retail, manufacturing and industrial. The term "business" shall include the occupancy or use of a building or lot or any portion thereof for the transaction of business or the rendering or receiving of professional service.

BUSINESS OFFICE BUILDING — A building used as offices and occupied by personnel to perform business, professional, administrative or clerical functions excluding retail, manufacturing and industrial.

BUSINESS PARK — A business park is an area organized and laid out in accordance with an overall plan for a community of businesses, including the servicing of these businesses, and designed to insure compatibility between the business operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks, and use requirements.

BUSINESS SERVICES — Includes such uses as banks, credit unions, loan and insurance agencies, utility offices, government, business and professional offices, medical or dental office

facilities.

CALIPER - The diameter of a tree trunk measured 6 inches above the ground for a tree measuring up to and including 4 inches in diameter, and measured 12 inches above the ground for a tree measuring above 4 inches in diameter.

CAMP/RETREAT - A parcel or parcels of land with lodging units used for temporary occupancy where transient clientele or members of an organized club participate in organized recreation which may include indoor recreation and learning activities or outdoor recreation activities; receive instruction or training; or are afforded peace and quiet.

CAMPGROUND — A planned development, under single ownership, for rental, license or lease only of sites for use as tent and/or recreational vehicle camping, on a temporary basis only, with recreational and service facilities, including central water and sewage.

CAREGIVER — The individual designated by a patient to deliver medical marijuana. **[Added 7-16-2018 by Ord. No. 2018-07]**

CARPORT — A roofed-over structure open on two or more sides and used for the storage of private vehicles in conjunction with a dwelling.

CARTWAY — The designated travel surface of a road, lane, street, alley or other public way. Wherever curbs are installed or designated, the curblines shall be considered the cartway line. When designated by ordinance, any street or roadway width definition shall include the cartway width along with the right-of-way width dimension.

CELL SITE — A commercial communications antenna site occupied by a cellular telephone antenna and accessory facilities.

CEMETERY — Land used for the purpose of burial of the deceased, including crematoriums and mausoleums when operated in conjunction with the cemetery and located within the boundaries of the cemetery.

CENTER FOR LOCAL GOVERNMENT SERVICES — The Governor's Center for Local Government Services located within the Department of Community and Economic Development.

CENTER LINE — The center of the surveyed street, road, lane, alley, or alley right-of-way, or, where not surveyed, the center of the traveled cartway.

CERTIFIED MEDICAL USE — The acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the commonwealth pursuant to Act 16 of 2016, the Pennsylvania Medical Marijuana Act. **[Added 7-16-2018 by Ord. No. 2018-07]**

CHANGE OF USE — A change of use theretofore existing within a building or on a lot to a new use which makes applicable other provisions of this chapter. Any change of use that involves the conversion of a vehicle service station must comply with Chapter 245 of Title 25 of the Pennsylvania Code concerning tank removal.

~~CHILD OR ADULT DAY CARE FACILITY —~~

~~H. — Any dwelling, building, or portion thereof, including any on-site outdoor play area, where regular child or adult day care services other than the following are provided: the temporary or occasional care of any number of children or adults not related to~~

~~the person giving care which takes place at the home of the person giving care; the temporary or occasional care of any number of children or adults at a dwelling unit customarily and regularly occupied by the children or adults as their residence.~~

~~I. Child and adult day care facilities shall be further differentiated by the following two classifications:~~

~~(1) DAY CARE HOME — Any premises or dwelling unit, other than the home of the child or adult being provided care, where the day care areas are being used as a family residence, operated for profit or not for profit, in which day care is provided at any one time to up to six nondependent children or adults per day.~~

~~(2) DAY CARE CENTER — A facility which provides care for:~~

~~(a) A combined total of seven or more children or adults per day, where the child or adult care areas are being used as a family residence; or~~

~~(b) Any number of children or adult per day, where the child or adult care areas are not being used as a family residence.~~

CHURCH(ES) AND RELATED USES — A nonprofit use of land or a building or buildings, structure, or group of buildings or structures, as a place of public worship, including accessory uses such as convents, church-related educational and/or day-care facilities, monastery or similar religious institution, including rectories, parsonages and parish houses in connection therewith when located on the same premises.

CLINICAL REGISTRANT — An entity that:**[Added 7-16-2018 by Ord. No. 2018-07]**

- A. Holds a permit both as a grower/processor and a dispensary pursuant to the Act;⁹ and
- B. Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

CLINIC/MEDICAL CENTER — The use of land and/or a building for examination, diagnosis, and treatment of ill or afflicted human outpatients, including office, accessory laboratories and/or dispensaries for the use of physicians, dentists, technicians and pharmacists.

COAL YARD — An area of land used for storing coal.

CO-LOCATION — Locating wireless communications equipment from more than one provider on a single site.

COMMERCIAL CAMP — A business offering dormitories, cottages, cabins or similar accommodations, eating facilities, sanitary facilities and recreational and/or education facilities to the public at large or any segment of the public on other than a transient basis. This definition does not include "trailer camp."

COMMERCIAL COMPOSTING OPERATION — A commercial use of land or improvements thereto for the purpose of processing, through organic solid waste into compost.

COMMERCIAL MULCHING AND STUMP GRINDING OPERATION — A commercial use of land or improvements thereto for the purpose of processing tree products including leaves.

bark, and wood into mulch.

COMMERCIAL USE — A use of land or improvements thereto for the purpose of engaging in retail, wholesale, or service activities for profit.

COMMISSION — The Pocono Township Planning Commission.

COMMISSIONERS — The Board of Commissioners of Pocono Township.

COMMON CARRIER — An entity licensed by the FCC or a state agency to supply local and/or long-distance telecommunications services to the general public at established and stated prices.

COMMON FACILITIES - All the real property and improvements, owned in common by residents within the development, which is served by the facilities. Common facilities include, without limitation, landscaped areas, buffers, open space not included within title lines of any privately owned lot, and street rights-of-way not dedicated to Pocono Township.

COMMON GREEN - An area of conservation open space/common openspace, surrounded by streets on at least two, three or four sides, around which dwellings are organized such that the dwellings face the greenway land either directly or across a street

~~COMMON OPEN SPACE — A parcel or parcels of land or an area of water or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the development or planned unit development or planned residential development. It does not include streets, off street parking areas, private yard space and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved by the governing body and as are appropriate for recreational use by the residents. Move to Open space, common.~~

COMMONWEALTH — The Commonwealth of Pennsylvania.[Added 7-16-2018 by Ord. No. 2018-07]

~~COMMUNICATIONS EQUIPMENT BUILDING — An unmanned building or cabinet containing communications equipment required for the operation of antennas and covering an area on the ground not greater than 250 square feet.~~

~~COMMUNICATION TOWER — A guyed, monopole or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone or other similar forms of electronic communication. The term includes, but is not limited to, radio and television transmission towers, personal communications service towers (PCS), microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like. This definition does not include any structure erected solely for a residential, noncommercial individual use, such as television antennas, satellite dishes or amateur radio antennas.~~

COMMUNITY ASSOCIATION - A non-profit organization comprised of homeowners or property owners, the function of which is to maintain and administer property owned in common by members of the association or by the association, to protect and enhance the value of the property owned individually by each of the members. Homeowners associations and condominium associations are types of community associations.

COMPREHENSIVE PLAN — The Township document setting forth policies for future growth and development of the Township prepared by the Township Planning Commission pursuant to

the Pennsylvania Municipalities Planning Code¹⁰ as adopted by the governing body.

CONDOMINIUM — A structure, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. A structure is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSERVANCY LOT - A large, privately owned and maintained lot, containing an existing dwelling, farm complex, or historic structure, comprising part of the required conservation open space in a conservation subdivision design development.

CONSERVATION — Wise use of natural resources and the planned management of a natural feature or resource to prevent its exploitation, destruction or neglect.

CONSERVATION AREA, PRIMARY (PCA). Land containing primary resources as specified in §390-45 of Chapter 390, Subdivision and Land Development. All primary conservation areas within conservation subdivision design developments are required to be located within the conservation open space.

CONSERVATION AREA, SECONDARY (SCA). Land containing secondary resources as specified in §390-45 of Chapter 390, Subdivision and Land Development. Secondary conservation areas within conservation subdivision design developments are required to be located within the conservation open space to the maximum extent possible.

CONSERVATION SUBDIVISION DESIGN — A subdivision designed at the regulated dwelling unit density where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity, in accordance with §470-87.?.

CONSISTENCY — An agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship.

CONSTRAINED LAND - Selected resources multiplied by a protection factor and totalled, in accordance with § 470-87.6.F(2)(b).

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) — A residential development designed, developed and maintained to serve the housing and personal care needs of persons aged 55 or older (provided that nothing herein shall preclude residency by any person under age 55 in accordance with §470-68). A continuing care retirement community shall consist of a combination of living and care components in accordance with §470-68.

CONTRACTOR SHOP OR YARD - Any premises used as the base of operation by any tradesman or contractor which may include the storage of building materials, equipment, and/or vehicles.

CONVENIENCE STORE OR MINI-MARKET — Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

CONVERSION — To change or adapt land or structures to a different use, occupancy or purpose.¹¹

CORRECTIONAL FACILITY - A public or private facility used to house and/or rehabilitate adults or juveniles detained, sentenced or adjudicated delinquent by the criminal justice system

including, but not limited to, jails, prisons, penitentiaries, reformatories, half-way houses, transitional living facilities, juvenile detention facilities, and similar facilities.

COUNTY COMPREHENSIVE PLAN — A land use and growth management plan prepared by the County Planning Commission and adopted by the County Commissioners which establishes broad goals and criteria for municipalities to use in preparation of their Comprehensive Plan and land use regulation.

COUNTY PLANNING COMMISSION — The Monroe County Planning Commission and its professional staff.

CREMATORIUM - A furnace or establishment for the incineration of human or animal corpses.

CROSSWALK or WALKWAY — A strip of land, including a right-of-way dedicated to public use, to facilitate pedestrian access through or into a block.

CULTURAL USE - A building open to the public which contains exhibits of a cultural interest, such as a theater, museum, or art gallery.

CUPOLA — A small structure built on top of a roof usually consisting of a rounded roof.

CURATIVE AMENDMENT — A proposed zoning amendment made to the governing body by any landowner desiring to challenge, on substantive grounds, the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which the landowner has an interest.

DATA CENTER - A facility housing networked computer servers and related equipment used for the remote storage, processing, and distribution of data.

DAY CARE FACILITY — Any place licensed by the Commonwealth of Pennsylvania ~~and~~ which is authorized to provide regular instruction and/or daytime care and which is defined as follows:

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.

DECISION — The final adjudication of the Zoning Hearing Board or the Board of Commissioners for cases under its jurisdiction as identified in this chapter. Appeals from a decision go directly to the Court of Common Pleas.

DEDICATION — The deliberate conveyance of land by its owner to the Township for any general and public, or limited public, use, reserving no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

DENSITY — A measure of the number of dwelling units which occupy, or may occupy, an area of land.

DENSITY, GROSS RESIDENTIAL — The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way, whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc. In the case of applications for planned residential development, "gross residential density" is defined as the number of dwelling units per acre, computed by dividing the number of dwelling units proposed by the number of acres in the development exclusive of areas to be devoted to commercial use.

DENSITY, NET RESIDENTIAL — The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, etc.

DEP — The Pennsylvania Department of Environmental Protection.

DESIGNATED GROWTH AREA — A region within a county or counties described in a municipal or multimunicipal plan that preferably includes and surrounds a city, borough or village, and within which residential and mixed use development is permitted or planned for at densities of one unit to the acre or more, commercial, industrial and institutional uses are permitted or planned for and public infrastructure services are provided or planned.

DETERMINATION —

- A. A final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder, except the following:
 - (1) The governing body;
 - (2) The Zoning Hearing Board; or
 - (3) The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under Chapter 390, Subdivision and Land Development, of the Code of the Township of Pocono, or planned residential development provisions.
- B. Determinations shall be appealable only to the boards designated as having jurisdiction

for such appeal.

DEVELOPER — Any landowner, equitable owner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; forestry; and the subdivision of land.

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT — Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

DEVELOPMENT PLAN — The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this chapter shall mean the written and graphic materials referred to in this definition.

DIAMETER AT BREAST HEIGHT (DBH)—The diameter of a tree trunk, measured at four and one-half (4.5) feet from the ground surface at the point of the highest elevation in contact with the trunk of such tree.

DISPENSARY — A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a current and valid permit issued by the Pennsylvania Department of Health ("DOH") of the commonwealth to dispense medical marijuana pursuant to the provisions of the Act Pennsylvania Medical Marijuana Act, Act 16 of 2016. [Added 7-16-2018 by Ord. No. 2018-07]

DISPENSARY FACILITY — ~~Any building or structure used to dispense medical marijuana by a licensed dispensary.~~ See "medical marijuana dispensary facility." [Added 7-16-2018 by Ord. No. 2018-07]

DISTILLERY PUB — An establishment for the distilling of liquor primarily intended for consumption or sale on the premises, and which may include a restaurant or tavern.

DISTURBANCE - Any activity which exposes soils, alters topography, alters vegetation and/or alters a watercourse or waterbody, except for removal of a safety hazard, diseased trees, or invasive vegetation. Disturbance also includes the depositing, storing, or stockpiling of soil, rock, or other materials.

DISTRICT (or ZONING DISTRICT) — A portion of the territory of the municipality within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DORMITORY — A structure used primarily as a residence for multiple persons not related by blood or marriage. A dormitory shall include but not be limited to housing for students, fraternities and sororities and also all other structures occupied by groups of persons unrelated by blood or marriage sharing a dwelling as their primary permanent residence. Dormitories shall not include

rooming houses, nursing/convalescent homes, group-care facilities, or any housing arrangement where a group of persons unrelated by blood or marriage live together in a manner similar to a traditional nuclear family.

DRIP LINE—A generally circular line, the circumference of which is determined by the outer reaches of a tree’s widest branching points.

DRIVE-IN BUSINESS — An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service, obtain a product, or be entertained while remaining in a motor vehicle. Accessory services provided for customers which do not require the direct assistance of personnel of the establishment outside of the confines of the building (e.g., self-service gasoline pumps, vending machines, automatic teller machines, etc.) shall not be encompassed in this definition.

DRIVE-THROUGH FACILITY — Any portion of a building or structure from which business is transacted, or capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

DRIVEWAY — A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage on the road.

DWELLING (RESIDENCE, RESIDENTIAL STRUCTURE) — Any building, vehicle or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons as further defined below. The term "dwelling" shall not be deemed to include automobile court, rooming house, tourist home, hotel, motel, hospital, nursing home, dormitory, fraternity, sorority house or other group residence, as defined herein.

- C. **DWELLING, SINGLE-FAMILY DETACHED**— A detached building designed for and occupied exclusively by one family, except for a mobile home, as defined below.
- D. **DWELLING, TWO-FAMILY** — A detached or semidetached building containing two dwelling units.
- E. **DWELLING, MULTIFAMILY** — A building containing three or more dwelling units, as follows:
 - (1) **Townhouse. A dwelling unit located in a multi-family building having yards on two sides (front and rear) except dwelling units at either end of the building have yards on three sides, and in which the dwelling units are separated by a vertical common party wall, each dwelling unit extends from ground to roof, and each dwelling unit has independent outside access.**
 - (2) **Apartment building. A multi-family building containing three or more dwelling units separated by common party walls and with common outside access(es).**
- F. **DWELLING, MANUFACTURED/MOBILE HOME** — A transportable single-family dwelling, intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.
- G. **DWELLING UNIT** — One or more rooms, including a kitchen (or kitchenette) and

sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes and containing a minimum of 700 square feet or such other minimum habitable floor area as may be set forth in any building and/or housing code in force in the Township.

EASEMENT — A right-of-way granted for limited use of private land for a public, quasi-public, or private purpose not inconsistent with a general property right of the owner, and within which the owner of the property shall not have the right to use the land in a manner that violates the right of the grantee.

EDUCATIONAL USE — The use of land or a building or buildings for the establishment and maintenance of a public or private college, secondary or elementary school or other educational institution for the academic instruction and cultivation of the mind and not including an institution or organization directed primarily to the physical training or development of physical skills.

EMERGENCY SHELTER FOR HOMELESS — A structure or part thereof operated as a temporary or transitional shelter for persons who lack fixed, regular, and adequate nighttime residences. Rules of conduct, such as curfew, may be established by the shelter operator as a condition of residency; however, residents are in no way incarcerated. Such facility shall be designed to provide shelter for homeless adults and/or children only until permanent living arrangements can be obtained.

EMERGING ENERGY SYSTEM – A system which is capable of converting a source of energy other than solar, wind, or geothermal sources, into energy.

ENGINEER, PROFESSIONAL — A person duly licensed as a professional engineer by the Commonwealth of Pennsylvania.

ENGINEER, TOWNSHIP — The Pocono Township Engineer or any consultant designated by the Board of Commissioners to review a subdivision plan and perform the duties of engineer on behalf of the Township.

EQUIPMENT AND MATERIAL STORAGE YARD — Any area where equipment, vehicles, supplies and/or other material are assembled or stored for the support of another operation or use located at a different site, which is not considered a contractor yard.

~~ESSENTIAL SERVICES — Includes the provision of gas, electrical, steam, communication, telephone, sewer, waste material, water, public safety and other similar services. The facilities required to provide such services shall consist of:~~ The erection, construction, alteration, or maintenance by Pocono Township or public utilities of underground or overhead municipal or public utility facilities for the provision of gas, electrical, steam, communication, telephone, sewer, waste material, water, public safety and other similar services which are necessary for the public health and safety. Essential service shall be categorized as follows:

- A. Limited facilities including equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment which does not require enclosure within a building.
- B. Major facilities including equipment which requires enclosure within a building or construction on its own site such as ~~gas storage areas, solid waste substations,~~ electric substations, and telephone exchanges and telephone booths.

Solar energy facilities, wind energy facilities, emerging energy facilities, power plants, utility company offices, any wireless communications facilities, and any other use specifically defined by this Chapter shall not be considered essential services.

EXPLOSIVE or EXPLOSIVES — Dynamite, gunpowder, fuse, blasting caps, electric blasting caps or detonators, electric squibs or other squibs, and other explosives. This shall not prohibit the storage of gunpowder and primers to be used for reloading of ammunition for personal use.

FAMILY — One or more persons, related by blood, adoption or marriage, living and cooking together in a dwelling unit as a single housekeeping unit or a number of persons living and cooking together in a dwelling unit as a single housekeeping unit though not related by blood, adoption or marriage, provided that they live together in a manner similar to a traditional nuclear family.

FCC — The Federal Communications Commission.

FELLING — The act of cutting a standing tree so that it falls to the ground.

FENCE — Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FIREWORKS — A combustible or explosive composition, substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation.

FIREWORKS FACTORY BUILDING — A building or structure in which the manufacture of fireworks, other than sparklers, or in which processing involving fireworks is carried on.

FIREWORKS PLANT — Lands with buildings thereon, used in connection with the manufacturing or processing of fireworks, as well as the storehouses for the storage of finished fireworks.

FIREWORKS STORAGE BUILDING — A building in a fireworks plant used exclusively for the storage of finished or unfinished fireworks of less than 100 pounds.

FLEA MARKET, INDOOR - Any sales activity conducted entirely in an enclosed building where stalls or sales areas may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals at which articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique are sold, and which may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. Considered a “retail business” for regulation by this chapter.

FLEA MARKET, OUTDOOR PERMANENT - Any sales activity conducted in the open air or under any pavilion, tent, or structure which is not fully enclosed where stalls or sales areas may be set aside and rented or otherwise provided, on a permanent basis, which are intended for use by various unrelated individuals at which articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique are sold, and which may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

FLOODPLAIN — A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation or flooding. Floodplain boundaries are frequently shown for the floods having recurrence intervals of 10, 50, 100 and 500 years according to the latest Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

FLOODWAY — The designated area of a floodplain required to carry the discharge waters of a given magnitude. For purposes of this chapter, the floodway shall be capable of a flood of one-hundred-year magnitude. The floodway must be kept free of encroachment in order that the one-hundred-year flood is carried without substantial increases in flood heights as defined and regulated by the Pennsylvania Department of Environmental Protection.

FLOODWAY FRINGE — That portion of the one-hundred-year floodplain outside the floodway.

FLOOR AREA — The total gross horizontal area on all floors as measured to the outside surfaces of the exterior walls, excluding crawl spaces, garages, carports, attics without floors, open porches, balconies and terraces.

FLOOR ELEVATION — The elevation of the principal floor of any dwelling or building, usually expressed in feet and hundredths of a foot above mean sea level.

FOREST – Any area defined as a “woodland” herein.

FOREST, INTERIOR – An area of woodland that provides specialized habitat for certain species, interior forest is a minimum of 3.75 acres and is located at least 300 feet from the outermost drip line of all trees in the larger woodland area. The larger woodland area must be a minimum of 25 contiguous acres.

FOREST, OLD GROWTH – Woodland areas that have been in existence for 100 years or more.

FORESTRY — Managing and using for human benefit forests and timberlands and natural resources that occur on and in association with forest and timberlands, including trees, other plants, animals, soil and water. It includes, but is not limited to, the planting, cultivating, harvesting, transporting, and selling of trees for commercial purposes.

FOREST TECHNICIAN — A person who has a two-year degree in forestry or demonstrates proper experience in forestry and is associated with as a member of the Society of American Foresters.

FORM OF MEDICAL MARIJUANA — The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variant and quantity or percentage of medical marijuana or particular active ingredient.¹⁴[Added 7-16-2018 by Ord. No. 2018-07]

FRONT FACADE - The plane of the facade of the building closest to the street right-of-way, excluding stoops, porticos, open colonnades, and open porches.

FUNERAL HOME — A building devoted to the care, embalming, and holding of services for the dead, including the sale of funeral equipment as an accessory activity.

FUTURE GROWTH AREA — An area of a municipal or multimunicipal plan outside of and adjacent to a designated growth area where residential, commercial industrial and institutional uses and development are permitted or planned at varying densities and public infrastructure services may or may not be provided, but future development at greater densities is planned to accompany the orderly extension and provision of public infrastructure services.

GAMING AND OFF-TRACK BETTING ESTABLISHMENTS — Includes any and all gaming uses, including, but not limited to, off-track betting establishments and other similar activities, whether or not including a restaurant, nightclub, bar or similar use, but excluding state lottery programs and betting under the Small Games of Chance provisions of Pennsylvania law. (See 10 P.S. § 311 et seq.¹⁵)

GARAGE, PRIVATE — Any accessory building adapted for the storage of motor vehicles owned and used by the owner or tenant.

GARAGE, PUBLIC — A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

GEOTHERMAL ENERGY SYSTEM — A system that uses a heat pump to extract heat from the earth in heating mode and/or eject heat into the earth in cooling mode. It is also called a geothermal heat pump system, a ground-coupled heat pump system, an earth-source heat pump system, or a geoexchange system.

GEOTHERMAL ENERGY SYSTEM, CLOSED LOOP — A type of geothermal energy system that uses a network of buried pipes to circulate fluid through the ground while keeping the fluid contained within the closed loop of pipes, never directly interacting with the surrounding soil or groundwater.

GLARE — The sensation produced by luminance within the field that is sufficiently greater than the luminance to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance and visibility.

GROUP HOME - The use of any lawful dwelling unit which meets all of the following criteria in § 470-87.2 of this Chapter.

GROWER/PROCESSOR — A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a current and valid permit from the DOH to grow and process medical marijuana in the commonwealth, pursuant to the provisions of the Act.¹⁶ [Added 7-16-2018 by Ord. No. 2018-07] See “medical marijuana grower/processor.”

GROWER/PROCESSOR FACILITY — Any building or structure used to grow medical marijuana by a licensed grower/processor that has a current and valid license from the DOH pursuant to the Act.¹⁷ [Added 7-16-2018 by Ord. No. 2018-07]

GOVERNING BODY — The Board of Commissioners in the Township of Pocono, County of Monroe, Pennsylvania.

GOVERNMENTAL — An adjective describing a type of facility or activity owned and/or operated by a county, state or federal government or government authority.

GRADE — The average level of the finished surface of the ground adjacent to a sign or adjacent to the exterior wall of the building to which a sign is affixed. The slope expressed in a percent which indicates the rate of change of elevation in feet per hundred feet.

GRADE, FINISHED — The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.¹⁸

GROUP-CARE FACILITIES — Facilities such as:

- A. Emergency shelters for the homeless;
- B. Shelters for abused persons; and
- C. Treatment centers.

GROUP RESIDENCES — All structures, except rooming houses, used primarily as a residence

for multiple persons not related by blood or marriage, shall be considered group residences. Such group residences shall include but not be limited to dormitories, fraternities and sororities and also all other structures occupied by groups of persons unrelated by blood or marriage sharing a dwelling as their primary permanent residence.

GUYED TOWER — A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

~~HEAVY COMMERCIAL USE — A commercial use with a predominantly manufacturing or industrial character due to the extent of production, repairing or storing of goods (such as, but not limited to, contractor's yards or storage tanks).~~

HELIPAD — An accessory use area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for loading, landing, and takeoff of helicopters.

~~HELIPAD FOR EMERGENCY SERVICES — A helipad for use in association with emergency services including fire stations, police stations, and emergency medical and ambulance service.~~

~~HERITAGE TREE — A tree or plant that is considered by the Township to be worthy of conservation due to its age, historical or cultural importance, size, shape, form, visual prominence, scenic qualities, or listing by the PA Natural Heritage Program as a rare, threatened, endangered, or vulnerable species.~~

HOME OCCUPATION — 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 and does not change its character. Home occupation is categorized a “major home occupation” or a “no-impact home-based business pursuant to Article 5 of this Chapter.

HOMEOWNERS' ASSOCIATION — An unincorporated association or not-for-profit corporation whose membership consists of the lot owners of a residential development. A homeowners' association shall also include a condominium unit owners' association. All such associations shall comply with the requirements for unit owners' associations contained in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq.

HOMEOWNERS' ASSOCIATION CLUB — A club owned and controlled within a development represented by the above described homeowners' association for the exclusive use of the members of said club within the area of the associated development. Membership shall be limited to those of the homeowners' association and their families and in no way shall include membership similar to those associated with private clubs defined elsewhere. Associated activities of such club shall be only those permitted within the bylaws of said homeowners' association.

HOSPITAL — An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice. Hospitals can provide both inpatient and/or outpatient services. For the purposes of this chapter, "hospitals" include medical and dental clinics performing inpatient and outpatient surgery but exclude group-care facilities.

HOTEL/MOTEL — A building or group of buildings containing four or more rooms, designed, arranged and used for overnight lodging of transients and the business conduct of which is licensed under applicable laws.

IMPERVIOUS AREA — Any portion of a lot covered by material impenetrable by precipitation, including buildings, structures, parking lots, parking areas and paved areas.

IMPERVIOUS COVERAGE, MAXIMUM — The maximum ratio obtained by dividing the impervious area on a lot by the total area of the lot.

IMPERVIOUS SURFACE — Those surfaces which do not absorb rain. All buildings, including roof overhangs, parking areas, driveways, roads, sidewalks, and such areas as those in concrete and asphalt shall be considered "impervious surfaces" within this definition. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classed as "impervious surfaces."

INDEPENDENT LIVING UNIT - A dwelling unit restricted to occupancy for persons 55 years of age or older, except that spouses of residents may be less than 55 years old, dependents of younger age may be permitted if they need care because of physical disabilities; and a live-in caregiver, where needed to assist a resident, may be less than 55 years old. For the purposes of this chapter, such dwelling unit is located in a Continuing Care Retirement Community.

INDUSTRIAL PARK — An industrial park is an industrial area:

- D. Organized and laid out in accordance with an overall plan for a community of industries, including the servicing of these industries; and
- E. Designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks, and use requirements.

INDUSTRIAL USE

A. GENERAL INDUSTRIAL USE — Manufacturing or storage uses which, because of their shipping, storage and other requirements, are not compatible in close proximity to residential areas.

B. LIGHT INDUSTRIAL USE — Manufacturing or storage uses which are characterized by uses of large sites, attractive buildings and inoffensive processes, and which are compatible with neighboring residential uses.

INDUSTRIAL USE — Any establishment engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the manufacturing or transformation of products for use by other manufacturers, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, mineral processing, dry cleaning plants, and any facility involving processes resulting in the non-incident storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes. Industrial use shall not include warehouses, concrete plants, commercial mulching, stump grinding and/or composting, or any other use specifically defined and regulated by this Chapter.

INVASIVE PLANT SPECIES - Predominantly non-native (to Pennsylvania) tree, shrub, vine, or herbaceous species that grow or reproduce aggressively, usually because they have few or no natural predators, and which can so dominate that they out-compete many native plant species.

JUNK — Any discarded material or articles, including but not limited to scrap metallic or nonmetallic items, abandoned vehicles and equipment, paper, glass, containers and structures. It

shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNKYARD OR SALVAGE YARD — Any lot where junk is stored, accumulated, disassembled or disposed of and is consistent with ~~Pocono Township Ordinance No. 18~~ **Chapter 235**.

KENNEL — Any establishment for the boarding, raising, breeding and training for a fee of dogs or for any other usual and customary household pet excluding businesses for the retail sale of pets within a completely enclosed building.

LABORATORY — A facility for investigation into the natural, physical or social sciences, which may include engineering, testing and product development.

LAND DEVELOPMENT — Includes any of the following activities:

- F. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- G. A subdivision of land.
- H. Development in accordance with Section 503(1.1) of the Municipalities Planning Code.²⁰

LANDING — A place where logs, pulpwood or firewood are assembled for transportation to processing facilities.

LANDOWNER — The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land. In situations concerning timber harvesting, the individual, partnership, company, firm, association, corporation or other entity that is in actual control of forestland, whether such control is based on a legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer timber harvesting.

LANDOWNER, NON-PARTICIPATING - Any landowner except those on whose property all or a portion of a principal solar or wind energy facility is located pursuant to an agreement with the facility owner or operator.

LANDOWNER, PARTICIPATING - A landowner upon whose property all or a portion of a principal solar or wind energy facility is located pursuant to an agreement with the facility owner or operator. In the case of a lease agreement, the participating landowner is the lessor and the facility owner or operator is the lessee.

LANDSCAPING — The planting of turf, trees, shrubs, and other appropriate vegetative materials and ground cover within the open areas of a lot other than for agricultural purposes, and including the maintenance and replacement thereof, for the purposes of erosion control, retention of precipitation, protection against the elements, screening and promotion of human comfort and welfare.

LATTICE TOWER — A guyed or self-supporting three- or four-sided, open, steel frame structure used to support communications equipment.

LIFE-CARE FACILITY — A planned development designed for the elderly and/or disabled persons, which may include congregate residences, and/or full health and continuing care nursing home facilities. A life-care facility may also include accessory uses such as a community center, personal service shops, recreation areas and common open areas. Life-care facilities do not include group-care facilities as defined herein.

LIGHT MANUFACTURING - Facilities involving generally unobtrusive processes carried on entirely within a fully enclosed building and not resulting in the non-incident storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes. Light manufacturing includes, but is not limited to:

- A. Fabrication, processing, assembly, repair, testing, packing and/or storage of products made from previously prepared materials, products, components and parts such as cloth, plastic, food, paper, glass, leather, stones, and electronic components.
- B. Textile and clothing manufacturing.
- C. Furniture or other wood products production.
- D. Printing, publishing and binding plants

Light manufacturing shall not include:

- A. Industrial processing or operations as defined by “industrial use.”
- B. Processing of raw materials, except for milling and processing of grain.
- C. Rendering of fats and oils.
- D. Warehouses.

LINE, PROPERTY — A recorded boundary of a plot or deed.

LITTER — Discarded items not naturally occurring on the site, such as tires, oil cans, garbage, equipment parts and other rubbish.

LIVESTOCK - Animals kept or raised for agricultural purposes on a lot where the principal use is an agricultural operation. This includes, but is not limited to cattle, sheep, hogs, goats, horses, poultry, fowl, furbearers, and fish.

LOP — To cut treetops and slash into smaller pieces to allow the material to settle close to the ground.

LOT — A unit into which land is divided or other parcel of land intended as a unit for transfer of ownership, lease, rent, improvement or development.

LOT AREA — The computed area contained within the lot lines, excluding space within all road rights-of-way and within all permanent drainage easements, but including the areas of all other

easements, as required by Chapter 390, Subdivision and Land Development.

LOT, CORNER — A lot situated at and abutting the intersection of two streets.

LOT DEPTH — The mean average horizontal distance between the front and the rear lot lines.

LOT, INTERIOR — A lot other than a corner lot, the side property lines of which do not abut a street.

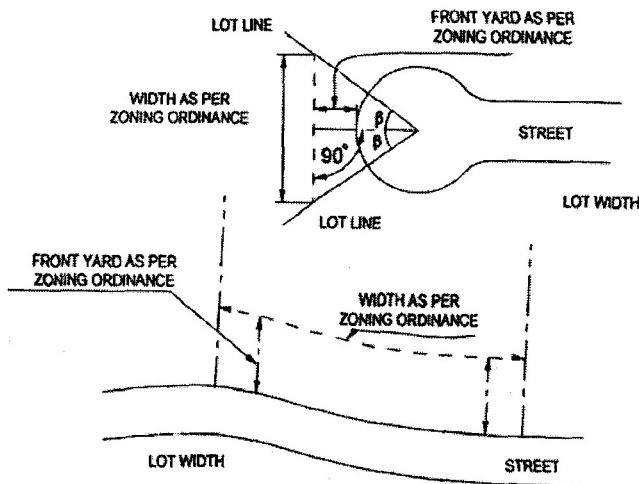
LOT LINES — The property lines bounding the lot.

- A. LOT LINE, FRONT — The line separating the lot from an existing or proposed street right-of-way.
 - (1) In the case of corner lots, the front lot line shall be that line separating the lot from the street right-of-way which has the greater width; the line separating the lot from the other street right-of-way is called the "side street lot line."
 - (2) In the case of corner lots, the yard adjacent to the side street lot line shall be the same as the yard adjacent to the front lot line.
- B. LOT LINE, REAR — The lot line opposite and most distant from the front lot line.
- C. LOT LINE, SIDE — Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "side street lot line."
- D. LOT LINE, STREET OR ALLEY — A lot line separating the lot from a street or alley.

LOT, REVERSE FRONTAGE — A lot with front and rear street frontage, where vehicular access is prohibited to and from the higher intensity street.

LOT, THROUGH — A lot extending between and having frontage on two streets.

LOT WIDTH — The horizontal distance between the side lot lines measured parallel to the front lot line. In the case of lots fronting on a cul-de-sac, along a chord perpendicular to a radial line located equidistant between the side lot lines; said chord shall intersect the radial line at a point located at a distance from the street right-of-way line equal to the prescribed front yard distance.



LUMBERYARD - An area of land with or without structures used for the storage, distribution or sale of finished or rough-cut lumber and lumber products.

MANUFACTURED HOME/MOBILE HOME PARK — A parcel of land under single ownership which has been planned and improved for more than two mobile home lots and the rental or lease only of sites for the placement of mobile homes for nontransient use (as described in Chapter 390, Subdivision and Land Development).

MASSAGE – Pressing, squeezing, stretching, or stimulating the face, scalp, neck, limbs, or other parts of the human body with or without cosmetic preparation, either by hand, or with mechanical or electrical appliances.

MASSAGE PARLOR — Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the commonwealth. This definition does not include and adult massage parlor as defined herein. or an athletic club, health club, school, gymnasium, reduction salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

MEDICAL MARIJUANA — Marijuana for certified medical use as legally permitted by the commonwealth and the provisions of the Act. [Added 7-16-2018 by Ord. No. 2018-07]

MEDICAL MARIJUANA DELIVERY VEHICLE OFFICE — Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more grower/processor facilities and/or dispensary facilities.[Added 7-16-2018 by Ord. No. 2018-07]

MEDICAL MARIJUANA DISPENSARY FACILITY — Any building or structure used to dispense medical marijuana by a licensed dispensary.

MEDICAL MARIJUANA FACILITY — A medical marijuana dispensary facility or a medical marijuana grower/processor facility.[Added 7-16-2018 by Ord. No. 2018-07]

MEDICAL MARIJUANA GROWER/PROCESSOR FACILITY — Any building or structure used to grow medical marijuana by a licensed grower/processor that has a current and valid license from the DOH pursuant to the Act.

MINERALS — Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MINERAL EXTRACTION - The mining, removal, or recovery by any means whatsoever (including, but not limited to, open excavations and quarries, subsurface mining and drilling) of minerals as defined in this section and including the incidental screening, washing, crushing and grading of materials originating on the site. Mineral extraction shall not include:

H. The salvage removal of already quarried stone from existing quarries where no additional blasting, ripping or other mechanical operations are required.

I. The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.

J. The on-site extraction of sand, gravel, rock, stone, earth or fill from borrow pits for public road construction undertaken by a public entity or the on-site extraction of minerals associated with a public construction contract.

K. The extraction, handling, processing, or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals. The minerals removed are incidental if the excavator demonstrates that:

(1) Extraction, handling, processing, or storing are conducted concurrently with construction.

(2) The area mined is limited to the area necessary to construction.

(3) The construction is reasonably related to the use proposed for the site.

MINERAL PROCESSING OPERATION — The refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means, to specifications for sale or use, and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products. It also includes the collection, processing, reprocessing, and/or storage of stone; rock; soil; sand; post-construction concrete, masonry, or asphalt; or similar materials.

MOBILE HOME — See "dwelling, mobile home."

MOBILE HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connection and other appurtenances necessary for the placement thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home placed on the lot.

~~MOBILE HOME PARK — A parcel of land under single ownership which has been planned and improved for more than two mobile home lots and the rental or lease only of sites for the placement of mobile homes for nontransient use (as described in Chapter 390, Subdivision and Land Development)~~ See "Manufactured home/mobilehome park."

MONOPOLE TOWER — A communication tower consisting of a single pole, constructed without guy wires and ground anchors.²²

MOTEL — See "hotel/motel."

MULTIMUNICIPAL PLAN — A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by this chapter.

MULTIMUNICIPAL PLANNING AGENCY — A planning agency comprised of representatives of more than one municipality and constituted as a joint municipal planning commission in accordance with Article XI, or its successor section, of the Pennsylvania Municipalities Planning Code,²³ or otherwise by resolution of the participating municipalities, to address, on behalf of the participating municipalities, multimunicipal issues, including, but not limited to, agricultural and open space preservation, natural and historic resources, transportation, housing and economic development.

MUNICIPAL — An adjective describing a type of facility or activity owned and/or operated by a municipality or municipal authority.

MUNICIPAL USE — Any building, structure, facility, complex, area, or use, provided.

constructed, or maintained by the municipal government of Pocono Township, Monroe County, Pennsylvania. A Pocono Township park or recreation area shall be considered a public recreational use for regulation by this Chapter.

MUNICIPALITIES PLANNING CODE — For the purposes of this chapter, the code, enacted as Act 247 of 1968, as amended. This definition is intended to include the current code and any future amendments and shall be referred to hereafter as "MPC."²⁴

MUNICIPALITY — Pocono Township, Monroe County, Pennsylvania.

NIGHTCLUB — A bar, restaurant, coffee house, or similar establishment where a dance floor or entertainment is provided.

NONCONFORMING DIMENSION — Any dimension legally existing on the effective date of this chapter, or any amendments hereinafter enacted, that does not conform to the district regulations for front, side or rear yards, maximum impervious coverage or setbacks.

NONCONFORMING LOT — Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated when such lot is legally in existence at the time of passage of this chapter.²⁵

NONCONFORMING STRUCTURE(S) — A building, group of buildings, structure or sign which does not conform to all the applicable provisions of this chapter and which was legally in existence at the time of passage of this chapter, or was planned and construction started in compliance with applicable ordinances and regulations prior to the effective date of this chapter and completed within a one-year period after the effective date of this chapter.

NONCONFORMING USE — A use of land or building which is not a use permitted by the provisions of this chapter for the district in which such land or building is situated and which was legally in existence at the time of passage of this chapter, or was planned and construction started in compliance with applicable ordinances and regulations prior to the effective date of this chapter and completed within a one-year period after the effective date of this chapter.

NURSERY (HORTICULTURE) — Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and any other plants including the buildings, structures, and equipment customarily incidental and accessory to the principal use.

NURSERY AND GARDEN RETAIL — The retail handling and sale to the consumer of nursery and garden plants and articles and materials related to the planting, maintenance, or harvesting of nursery and garden plants, including packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities.

NURSING HOME — An institution that:

- A. Is primarily engaged in providing to inpatients:
 - (1) Skilled nursing care and related services for patients who require medical or nursing care; or
 - (2) Rehabilitation services for the rehabilitation of injured, disabled or sick persons.
- B. Is licensed as a nursing home pursuant to the laws of the Commonwealth of Pennsylvania or is approved by the agency of the Commonwealth of Pennsylvania or locality covering Pocono Township responsible for licensing institutions of this nature

as meeting the standards established for such licensing.

A nursing home may also be referred to as a “skilled nursing facility.” “long-term care facility” or “convalescent home.”

OCCUPANCY PERMIT — See "permit" or "occupancy permit" under the definition of "permit."

OFFICE PARK — A tract of land designed and developed for business office buildings from a single, unified plan involving the layout of lots, buildings and improvements together with a landscaping and open space plan in order to achieve a campus theme and efficient use of shared utilities and roads.

OFFICIAL MAP — The Official Map established by the Township governing body pursuant to the Pennsylvania Municipalities Planning Code²⁶ showing the characteristics of streets, watercourses and public grounds.

OFFICIAL ZONING MAP — The map established by the Township governing body designating the location and boundaries of the zoning districts established.

OLDFIELD—An area undergoing natural succession characterized by the presence of herbs, shrubs, and small trees (seedlings) whose branches do not form a complete or nearly complete aerial canopy.

ON-LOT UTILITIES —

- A. SEWAGE DISPOSAL SYSTEM — Any septic system or structure designed to biochemically treat sewage within the boundaries of an individual lot which is approved by PA DEP.
- B. WATER DISTRIBUTION SYSTEM — A system for supplying and distributing potable water to a single dwelling or other building from a source located on the same lot.

~~OPEN SPACE — The ground space, not occupied by any structure, open to the sky, on the same lot as the principal building.~~ An area that is intended to provide light and air, and is designed for environmental, scenic, recreational, resource protection, amenity and/or buffer purposes and which contains no development improvements, except as may be specifically permitted within the open space by this Chapter or Chapter 390, Subdivision and Land Development.

OPEN SPACE, COMMON— A parcel or parcels of land or an area of water or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the development or planned unit development or planned residential development. It does not include streets, off-street parking areas, private yard space and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved by the governing body and as are appropriate for recreational use by the residents.

OPEN SPACE, CONSERVATION - That part of a particular conservation subdivision design development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas and which meets the conservation open space requirements of this Chapter and Chapter 390, Subdivision and Land Development. Conservation open space may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland or forest land which are not accessible to project

residents or the public.

OPERATOR — An individual, partnership, company, firm, association, corporation or other entity engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

PARKING FACILITIES — Outdoor areas used for the temporary parking of vehicles or specially designed buildings or garages used for the same purposes. Private parking facilities shall be restricted to use by persons residing on the premises or by their guests. Public parking facilities shall be open to the public as an accommodation for customers, clients or visitors.

PARKING SPACE — Any area not less than nine feet in width and 18 feet in length, practical and accessible for the parking of motor vehicles.

PARK, PLAYGROUND or RECREATION AREA — An open-air, active or combination of active and passive, recreational facility which is not accessory to any other use on the same or any other lot, but excluding amusement parks, and further defined below:

- C. PARK, PLAYGROUND, OR RECREATION AREA, COMMERCIAL — Recreational facilities operated as a business and open to the general public for a fee.
- D. PARK, PLAYGROUND OR RECREATION AREA, RESTRICTED — Recreational facilities operated for restricted use in conjunction with:
 - (1) A particular nonprofit organization, and open only to its members and guests; or
 - (2) A particular housing development or private residences, and open only to the residents and guests of said developments or private residences.
- E. PARK, PLAYGROUND OR RECREATION AREA, PUBLIC — Recreational facilities operated as a nonprofit enterprise by a governmental or nonprofit organization, and open to the general public.²⁷

PERFORMANCE GUARANTY — Any security which may be accepted by the Township in lieu of a requirement that certain improvements be made by the developer before the plan is approved, including corporate bonds, escrow or trust agreements and other similar collateral or surety agreements.²⁸

PERMIT — A document issued by Pocono Township authorizing an applicant to undertake certain activities.

- A. BUILDING PERMIT — A permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the construction provisions of any building code which may be adopted by the Township and authorizing an applicant to commence with said construction, alteration or reconstruction. Such a permit shall not be confused with a zoning permit or with an occupancy permit as required under the terms of this chapter.
- B. ZONING PERMIT — A permit issued indicating that proposed use, building or structure is in accordance with the provisions of this chapter and authorizing an applicant to proceed with said use, building or structures.
- C. OCCUPANCY PERMIT — A permit issued upon completion of the construction of a structure or change in use of structure or parcel of land indicating that the premises

comply with the provisions of this chapter and may be used for the purposes set forth in the occupancy permit.

- D. **TIMBER HARVESTING PERMIT** — A permit indicating that proposed timber harvesting is in accordance with the provisions of this chapter and authorizing an applicant to proceed with said timber harvesting operations.

PERSONAL CARE HOME — A premise licensed by the Commonwealth of Pennsylvania in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living.

PERSONAL SERVICE ESTABLISHMENT — An establishment engaged in providing services involving the care of a person or a person's goods or apparel such as ~~Includes such uses as~~ barbershops, beauty salons, photographic studios, day spas, laundromats, tailor, dress-making, millinery shops and dry-cleaning/laundry dropoff points.

PLACE OF WORSHIP — A nonprofit use of land or a building or buildings, structure, or group of buildings or structures, as a place of public worship, including accessory uses such as convents, church-related educational and/or day-care facilities, monastery or similar religious institution, including rectories, parsonages and parish houses for an organization solely or primarily used as a religious institution when located on the same premises.

PLANNED RESIDENTIAL DEVELOPMENT (PRD) — An area of land not less than 20 acres in size controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk, use, density, intensity, type of dwelling, lot coverage and required open space to the regulations established in any one zoning district under the provisions of this chapter. A planned residential development shall not include mobile home parks.²⁹

PLANNING COMMISSION — See "Commission."

PLAT — The map or plan of a subdivision or land development, whether sketch, preliminary or final.

PORCH — A roofed or unroofed structure projecting from the front, side or rear wall of the building which shall have no wall more than 30 inches high and which shall be open on all sides except the side adjoining the building.

POULTRY OR FOWL — chickens, turkeys, ducks, geese, pigeons, pheasants, peafowl, guinea fowl, or other type of fowl.

POWER PLANT — Any facility, including structures, machinery and associated equipment, which generates electric energy from another source of energy, such as nuclear reactions, hydroelectric dams, or natural gas or coal fired plants, the primary purpose of which is the commercial sale of the energy which is generated. A power plant shall not include a principal solar or wind energy facility, as specifically regulated by this chapter.

PRECOMMERCIAL TIMBER STAND IMPROVEMENT — A forest practice, such as thinning or pruning, which results in better growth, structure, species composition or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

PREEXISTING TOWER OR ANTENNA — Any tower or antenna on or for which a permit has been issued prior to the effective date of this chapter.

PREFABRICATED HOME or MODULAR HOME — A single-family dwelling exceeding 19 feet in width designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or trailer and arriving at a site where it is to be occupied as a dwelling except for assembly operations and location on a permanent foundation and connection to utilities.

PRESERVATION or PROTECTION — When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PRIME AGRICULTURAL LAND — Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services county soil survey.

PRINCIPAL SOLAR ENERGY FACILITY OPERATOR - The entity responsible for the day-to-day operation and maintenance of a principal solar energy facility.

PRINCIPAL SOLAR ENERGY FACILITY OWNER - The person or entity having an equity interest in the principal solar energy facility, including such person's heirs, successors and assigns.

PRINCIPAL WIND ENERGY FACILITY OPERATOR - The entity responsible for the day-to-day operation and maintenance of a principal wind energy facility.

PRINCIPAL WIND ENERGY FACILITY OWNER - The person or entity having an equity interest in the principal wind energy facility, including such person's heirs, successors and assigns.

PRIVATE CLUB — A building to house a club or social organization not conducted for profit and which is not an adjunct to or operated by or in connection with a public tavern, cafe or other commercial enterprise open to the public (e.g., American Legion, VFW, Moose, Elks, etc.).

PRIVATE GARAGE — See "garage, private."

PROFESSIONAL FORESTER — A person who has a B.S. or higher degree in forestry from a four-year school of forestry associated with or accredited by the Society of American Foresters.

PROFESSIONAL OFFICE — Includes the office of a physician, dentist, optometrist, minister, architect, landscape architect, community planner, engineer, insurance agent, realtor, accountant, lawyer, author or other member of a recognized profession.

PUBLIC BUILDING — A building owned, operated or controlled by a governmental agency (federal, state or local) including an entity created by law for the performance of certain specialized governmental functions, and the Board of Education.

PUBLIC GROUNDS — Includes parks, playgrounds and public areas, sites for schools, sewage treatment, solid waste disposal and other municipally owned or operated facilities.

PUBLIC HEARING — A formal meeting held pursuant to public notice by the Board of Commissioners, Zoning Hearing Board or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

PUBLIC INFRASTRUCTURE AREA — A designated growth area and all or any portion of

a future growth area described in a county or multimunicipal comprehensive plan where public infrastructure services will be provided and outside of which such public infrastructure services will not be required to be publicly financed.

PUBLIC INFRASTRUCTURE SERVICES — Services that are provided to areas with densities of one or more units to the acre, which may include sanitary sewers and facilities for the collection and treatment of sewage, water lines and facilitates for the pumping and treating of water, parks and open space, streets and sidewalks, public transportation and other services that may be appropriate within a growth area, but shall exclude fire protection and emergency medical services and any other service required to protect the health and safety of residents.

PUBLIC MEETING — A forum held pursuant to notice under 65 Pa.C.S.A. § 701 et seq. (October 15, 1998, P.L. 729, No. 93) (relating to open meetings), known as the "Sunshine Act."³⁰

PUBLIC NOTICE — Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

RACE TRACK — A road course, either oval, circuitous or straight, or any exterior area, where motor vehicles including, but not limited to, automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies and the like, and remote-control vehicles are driven for recreation, testing or competition; or, any course where animals are raced for competition.

RECREATION, ACTIVE — Leisure-time activities, usually of a more formal nature and performed with other individuals, often requiring equipment and taking place at prescribed places, sites or fields. Such areas usually require physical alteration to the area before they can occur and are intensively used, such as playgrounds, ball courts and swimming pools.

RECREATION, PASSIVE — Leisure-time activities, usually of an informal nature, such as hiking and picnicking.

RECREATIONAL USE — An active or passive recreational use designed to accommodate physical, leisure, or sporting activities on land or water. Recreational use shall not include any golf course, shooting range, or other use which is specifically regulated by this Chapter.

RECREATIONAL USE, COMMERCIAL — A recreational use which is operated as a business and is open to the public for the purpose of recreation, including but not limited to, bowling alleys, swimming pools, miniature golf courses, skating rinks, and other similar commercial recreational uses as determined by the Zoning Officer.

RECREATIONAL USE, PUBLIC/NON-PROFIT/NON-COMMERCIAL — A recreational use which is operated by a municipal, governmental, or non-profit organization and is open to the public for the purpose of recreation, including but not limited to, municipal, state, or federal parks; state gamelands; open space, nature preserves, wildlife preserves, and other similar recreational uses as determined by the Zoning Officer.

RECREATIONAL VEHICLE — A vehicle which is designed for recreational use, regardless of size, which is not designed to be used as a permanent dwelling and which is self-propelled or is designed to be towed by a light-duty vehicle; includes campers, pickup coaches, travel trailers, motor homes and vehicles of like nature.

RECYCLING DROP-OFF CENTER - A facility intended for the collection of recyclable materials, including clothing. The term does not include municipal, residual, or hazardous waste transfer stations.

RECYCLABLE MATERIALS - Those designated waste products which are collected at approved recycling drop-off centers in Pocono Township for transformation into new and/or different products at another location.

REGIONAL IMPACT DEVELOPMENT — A development project which, due to the size of the development, the types of uses involved, the significant amount of vehicular and pedestrian traffic generated by the development, the impact of the development on the infrastructure of the area, or the potential adverse effects of such development on adjacent lands and municipalities, should be regulated by the Township in a manner so as to effectively mitigate such impacts of the development on the entire region surrounding the development. A regional impact development may be comprised other than residential subdivision of one or more of the following:

- A. Retail stores and shops with more than 100,000 gross square feet of floor area, individually or in the aggregate.
- B. Shopping centers with more than 100,000 gross square feet of floor area.
- C. Business offices, professional offices and office parks, with more than 100,000 gross square feet of floor area, individually or in the aggregate.
- D. Entertainment or recreational complexes, including but not limited to the following:
 - (1) Multi-screen theaters, opera or symphony halls, theaters or centers for the performing arts, and stadiums for competitive sports, all with more than 2,500 seats;
 - (2) Amusement parks; and
 - (3) Horse or dog racing tracks, motor vehicle raceways or drag strips, and related or similar facilities.
- E. Any use that will generate at least 500 vehicle trips during the site peak traffic hour.³¹

REGIONAL PLANNING AGENCY — A planning agency that is comprised of representatives of more than one county. Regional planning responsibilities shall include providing technical assistance to counties and municipalities, mediating conflicts across county lines and reviewing county comprehensive plans for consistency with one another.

REGISTRY — The registry established by the DOH for all medical marijuana organizations and practitioners in the commonwealth pursuant to the provisions of the Act.³²**[Added 7-16-2018 by Ord. No. 2018-07]**

REPAIR SERVICES — Includes such uses as radio, television and appliance repair shops, plumbing shops, carpenter shops, and shoe repair shops.

REPORT — Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and

shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESORT — A commercial building or group of buildings combining lodging for members and guests, food service, retail sales of commodities and services and facilities for educational activities, entertainment and recreation for lodgers and/or nonlodgers.

RESTAURANT — A business establishment where food and drink are prepared, served, and consumed primarily within the principal building.

RESTAURANT, FAST FOOD — An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars on the premises, or off the premises.

RESTAURANT, TAKE-OUT — An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

RETAIL BUSINESS — A commercial establishment engaged in the selling of products and services to the general public. Retail business includes such uses as variety stores, apparel stores, drugstores, grocery stores, eating establishments, antique shops, music shops, sporting good stores, and book, stationery, magazine, candy and tobacco shops.

RETREAT — See “Camp/Retreat.”

RIDING CLUB — An establishment where horses are kept, bred, trained and/or exercised and where equestrian instruction and equestrian competition may be offered, including but not limited to polo clubs, public show rings and rodeos.

RIDING STABLE — An establishment where horses are kept, bred, trained and/or exercised and where equestrian instruction may be offered, but excluding riding clubs.

RIGHT-OF-WAY — Land reserved for the public or the abutting owners for use as a street, alley, interior walk or for other public purposes.

RIPARIAN BUFFER - An area of trees and other vegetation adjacent to a watercourse that forms a transition area between the aquatic and terrestrial environment. The riparian buffer is designed to separate more intensive human land uses from water resources and especially to intercept runoff from upland sources for the purpose of mitigating the effects of nutrients, sediment, organic matter, pesticides or other pollutants prior to entry into surface waters.

ROOMING HOUSE or LODGING HOUSE — A building in which an owner of a dwelling rents at least one room for residential purposes, but does not furnish meals (See also "boardinghouse.")

RURAL RESOURCE AREA — An area described in a municipal or multimunicipal plan within which rural resource uses including, but not limited to, agriculture, timbering, mining, quarrying and other extractive industries, forest and game lands and recreation and tourism are encouraged and enhanced, development that is compatible with or supportive of such uses is permitted, and public infrastructure services are not provided except in villages.

SALVAGE YARD — See Junkyard.

SCHOOL, COMMERCIAL — A school conducted for profit for such instruction as business, art, music, trades, handicraft, dancing.

SCHOOL, ELEMENTARY — Any school licensed by the Commonwealth of Pennsylvania and which meets the requirements for elementary education.

SCHOOL, NONPUBLIC — A private place of instruction other than a commercial school.

SCHOOL, NURSERY — Any place licensed by the Commonwealth of Pennsylvania and which is authorized to provide regular instruction and daytime care for children under the age for elementary school.

SCHOOL, SECONDARY — Any school licensed by the Commonwealth of Pennsylvania and which is authorized to award diplomas for secondary education.

SCREENING — The use of plant or landscaping materials, fencing, walls and/or earthen berms to aid in the concealment of one element of a development from other elements or from adjacent or contiguous development.

SEASONAL SALES — A temporary retail use carried on for only a part of the year, such as the sale of Easter flowers, fireworks, Christmas trees, etc.³³

SELF-SERVICE STORAGE FACILITY — A building or group of buildings that contains individual, compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares.

SELF-SUPPORT TOWER — A communication tower that is constructed without guy wires and ground anchors.

SEPTIC SYSTEM — All components of an on-lot sewage disposal system.

SETBACK — The minimum distance measured horizontally and at 90° (perpendicular) from the edge of the right-of-way of the road to the outermost projection of a building or appurtenance to a structure permanently fixed on a building lot or real estate property. With respect to roads, highways or other public or private ways with undeterminable right-of-way, such setback shall be measured coincident with the line marking the outer portion of the traveled way or the outer portion of the berm, whichever shall provide the maximum width for street purposes.

SEWAGE DISPOSAL SYSTEM, CENTRALIZED — A public utility system or other multidwelling sewage disposal treatment system designed to collect, centrally treat and dispose of sewage from users in compliance with regulations of the appropriate governmental agency, local, state or federal, whichever may be more stringent. A permit shall be obtained from the appropriate state governmental agency for a centralized sewage disposal system prior to the start of its construction.

SEWER CONNECTION — The connection consisting of all pipes, fittings and appurtenances, from the drain outlet of a dwelling or building to the inlet of the street or main collector sewer pipe of the sewerage system serving the subdivision or development.

SHELTER FOR ABUSED PERSONS — A temporary group residence operated by a public agency or private corporation which provides a safe and supportive environment for persons who because of actual or threatened physical domestic violence or mental abuse are forced to leave their previous residence. Such facility shall be designed to provide shelter for at-risk adults and/or

children only until a safe, permanent living arrangement can be obtained.

SHOOTING RANGE, INDOOR - Any fully enclosed building used for the discharge of any firearm for recreational or training purposes which is a commercial operation, or which is operated by any government entity, private non-profit entity, or any sportsman's, recreation or fraternal club or association.

SHOOTING RANGE, OUTDOOR - Any area not within a fully enclosed building used for the discharge of any firearm for recreational or training purposes which is a commercial operation, or which is operated by any government entity, private non-profit entity, or any sportsman's, recreation or fraternal club or association.

SHOPPING CENTER — A group of retail stores, offices, and/or service businesses planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit.

SHOPPING MALL — A shopping center with stores, offices, and/or service businesses on both sides of an enclosed or open pedestrian walkway.³⁴

SITE ALTERATION — Includes regrading the existing topography, such as filling lakes, ponds, marshes or floodplains; clearing vegetation or altering watercourses.

SITE PLAN — A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Board of Commissioners, Planning Commission or Zoning Hearing Board in unusual or special cases.

SKIDDING — Dragging trees on the ground from the stump to the landing by any means.

SLASH — Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

SLOPE - The ratio of the change in elevation over the horizontal distance as measured between consecutive contour lines, expressed as a percent. Slope shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. Slope shall be measured over 3 consecutive 2- foot contour intervals (6 cumulative vertical feet of slope). All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania.

SLOPES, STEEP - Areas of land, 3,000 square feet or greater, where the grade is 15 percent or greater. Steep slopes are divided into 2 categories:

A. Moderately steep slopes are those areas of land where the grade is 15 to 25 percent.

B. Very steep slopes are those areas of land where the grade is greater than 25 percent.

SOLAR ENERGY FACILITY, ACCESSORY (ASEF) - An area of land or other area used for a solar collection system that is used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy facility consists of one or more free-standing ground or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

SOLAR ENERGY FACILITY, PRINCIPAL (PSEF) - An area of land or other area used for a solar collection system that is used to capture solar energy, convert it to electrical energy or

thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy facilities consist of one or more free-standing ground or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

SOLID WASTE — Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semisolid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste including solid, liquid, semisolid or containing gaseous materials resulting from industrial, mining, agricultural operations, local facilities or any other by-product or effluent from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility or any other material defined by the PA DEP as solid, liquid, municipal, medical, industrial, toxic or hazardous waste.

SOLID WASTE DISPOSAL AND REDUCTION FACILITIES — Any facility or operation governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous and medical waste; and including, but not limited to, transfer stations, solid waste landfills, incinerators, medical waste disposal facilities, hazardous waste disposal facilities, radioactive waste disposal facilities, recycling facilities, and resource recovery facilities.

SOLID WASTE LANDFILL - A facility using land for disposing of solid waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a facility for the land application of sewage sludge.

SOLID WASTE TRANSFER FACILITY - A facility which receives and processes or temporarily stores solid waste at a location other than the generation site, and which facilitates the transportation or transfer of the waste to a disposal or reduction facility. The term does not include a drop-off point or collection center for recycling as specifically defined and regulated by this Chapter.

SPECIAL EXCEPTION — A use which, because of its unique characteristics, requires individual consideration in each case by the Zoning Hearing Board and by the Commission before a zoning permit may be issued.

SPECIFIC PLAN — A detailed plan for nonresidential development of an area covered by a municipal or multimunicipal comprehensive plan, which when approved and adopted by the participating municipalities through ordinances and agreements supersedes all other applications.

SPECIFIED ANATOMICAL AREAS – Any of the following:

- A. Less than completely and opaquely covered human genitals, pubic region, anus, or female breasts below a point immediately above the top of the areola.
- B. Human male genitals in a discernible turgid state, even if completely and opaquely

covered.

SPECIFIED SEXUAL ACTIVITIES — This term shall include any of the following:

- F. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
- G. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
- H. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
- I. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
- J. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; or
- K. Erotic or lewd touching, fondling or other contact with an animal by a human being; or
- L. Human excretion, urination, menstruation, vaginal or anal irrigation.³⁵

SPECIMEN TREE — Any tree considered to be of specimen quality as determined by a registered landscape architect, registered arborist, or horticulturist, or which generally falls within the parameters included in the table below. The examples of specimen trees in the table below are intended to provide general guidelines and examples of what constitutes a specimen tree and are not considered all-inclusive for the purpose of defining specimen vegetation.

Species	Min. Size	Species	Min. Size	Species	Min. Size
Apple	24" DBH	Locust	30" DBH	Spruce	30" DBH
Ash	32" DBH	Maple	32" DBH	Sycamore	36" DBH
Beech	32" DBH	Oak	32" DBH	Tulip Poplar	36" DBH
Cherry	24" DBH	Osage Orange	20" DBH	Walnut	30" DBH
Elm	30" DBH	Pine	30" DBH	Hickory	32" DBH
Hemlock	30" DBH	Sassafras	20" DBH		

Source: Brandywine Conservancy, Environmental Management Center

SPIRE — A pointed roof especially of a tower.

STAND — Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

STATE LAND USE AND GROWTH MANAGEMENT REPORT — A comprehensive land use and growth management report to be prepared by the Center for Local Government Services and which shall contain information, data and conclusions regarding growth and development patterns in this commonwealth and which will offer recommendations to commonwealth agencies for coordination of executive action, regulation and programs.

STEEPLE — A tall structure having a small spire at the top and built on top of a church tower.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it or if there is no floor above it, then the space between any floor and the ceiling next above it. A basement, but not a cellar, shall be deemed to be a story.

STREAM — Any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and banks.

STREET — A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley (for vehicular and pedestrian circulation use).

- M. ARTERIAL STREET — Arterial streets are designed primarily to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions. They are designated as "limited," "controlled," or "partial" access streets. Arterial streets serve an unlimited number of dwelling units and unlimited average daily traffic.
- N. CONNECTOR STREET — Connector streets collect traffic from minor, local access and collector streets and also provide a connection to arterial streets and expressways and between villages. Connector streets do not normally provide direct access to individual uses. Connector streets serve an unlimited number of dwelling units and unlimited average daily traffic.³⁶
- O. COLLECTOR STREET — Collector streets gather traffic from minor and local access streets and they feed this traffic to connector and arterial streets and expressways. Collector streets carry heavier traffic volumes than local streets although they also provide direct access to individual uses located along them. Collector streets serve up to an ultimate 500 dwelling units or up to an ultimate average daily traffic count of 4,000 vehicles.
- P. MINOR STREET — Minor streets provide direct access to individual uses or gather traffic from local access streets and feed this traffic to collector streets. Minor streets serve up to ultimate 150 dwelling units or up to an average daily traffic count of 1,250 vehicles.
- Q. LOCAL ACCESS STREET — Local access streets primarily provide direct access to individual uses. They serve to provide the connecting link between the beginning or end point of a trip and the higher categories of streets. Local access streets are further classified as:
 - (1) CUL-DE-SAC STREET — A cul-de-sac street is permanently terminated at one end by a vehicular turnaround and intersects another street at the other end. Cul-de-sac streets shall not furnish access to more than 18 dwelling units.
 - (2) LOOP STREET — A loop street intersects other streets on each end and may intersect a cul-de-sac street at some point between each end. A loop street shall not ultimately furnish access to more than 75 dwelling units or ultimately have an average daily traffic count in excess of 600 vehicles.
- F. MARGINAL ACCESS STREET — Marginal access streets are minor streets parallel

and adjacent to major traffic streets. They provide access to abutting properties and control of intersections with major traffic streets.

- G. PRIVATE ACCESS STREET** — A private access street provides access to residential lots, from a public or approved street where the residential lot does not have frontage on a public or approved street. The private access street shall have a minimum right-of-way of 25 feet, shall not exceed 750 feet in length and may serve a maximum of three dwelling units. Construction and maintenance of private access streets shall be the sole responsibility of owners benefiting by the use thereof and shall never be offered or accepted by the municipality for public maintenance. **[Amended 7-18-2022 by Ord. No. 2022-04]**

STREET LINE — The line of contact between lot and street right-of-way. With respect to roads, highways or other public or private ways with undeterminable right-of-way, such line shall be coincident with the line marking the outer portion of the traveled way or the outer portion of the berm, whichever shall provide the maximum width for street purposes.

STRUCTURAL ALTERATION — Any change in the structural members of a building, such as supporting walls, columns, beams, girders, any additions to any structure or the moving of a structure from one location to another.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

STRUCTURE, TEMPORARY — A structure which was not designed to last or to be used for a long time for a specific use.

STUDIO — An establishment or workspace for the creation, manufacture, and/or preparation of individually crafted artwork, jewelry, sculpture, pottery, art photography, hand-woven articles, and related items; it may also include the sale or display of such items.

SUBDIVIDER — See "developer."

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SWIMMING POOL — Any body of water or receptacle for water having a depth at any point greater than three feet, used or intended to be used for swimming or bathing and constructed, installed or maintained in or above the ground.

TAVERN (COCKTAIL LOUNGE) — An establishment whose primary function is to dispense alcoholic beverages incidental to the fact that food is available for sale. This definition shall include those establishments which do not meet the criteria set forth by the Pennsylvania Liquor Control Board regarding eligibility for a Sunday sales permit (that is, where alcoholic beverage sales exceed 40% of the establishment's income).

TEMPORARY SHELTER — A structure or part thereof operated on a nonprofit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment-related

relocation activities, or who have bona fide emergency housing needs.³⁷

TEMPORARY WIRELESS COMMUNICATION FACILITY — Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction or for a special event or conference where a majority of people attending are wireless users.

TERMINAL VISTA - The scene terminating the view down a road or street, as at an intersection or on the outside of a curve.

THEATER — A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis, **but not including any theater defined as an “adult use.”**

TIMBER HARVESTING, TREE HARVESTING, or LOGGING — The process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

TOP — The upper portion of a felled tree that is nonmerchantable because of small size, taper or defect.

TOWNSHIP — The Township of Pocono, Monroe County, Pennsylvania.

TRACT AREA, ADJUSTED - The gross tract area minus the constrained land. (See definition of “constrained land”).

TRACT AREA, GROSS - The total amount of land contained within the limits of the legally described property lines bounding the development tract.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT — An area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and is appropriately designed to serve the needs of pedestrians and vehicles equally.

TRANSIENT DWELLING USE OF SINGLE-FAMILY DWELLINGS – See Chapter 302 of the Pocono Township Code.

TRAVEL PLAZA OR TRUCK STOP - Any building, premises, or land in which or upon which a business or service involving the maintenance, servicing, storage, or repair of automobiles, trucks, recreational and other vehicles is conducted or rendered as a service to travelers, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles, and which may include overnight accommodations and restaurant facilities.

TRAVEL TRAILER — See "recreational vehicle."

TRAVEL TRAILER PARK OR CAMP — See "campground."

TREATMENT CENTER — A use (other than a prison or hospital) providing housing for three or

more unrelated persons who need specialized housing, treatment and/or counseling because of:

- A. Criminal rehabilitation, such as a criminal halfway house;
- B. Current addiction to a controlled substance that was used in an illegal manner or to alcohol; and/or
- C. A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

TREE DEBRIS — Tree leaves, tree branches and tree trimmings thereof and similar material. The term does not include grass clippings.

TREE DISPOSAL — The dumping, spilling, stockpiling or placing of tree stumps or tree debris into or on the land or water in such a manner that the tree stumps or tree debris enter the environment.

TREE RECYCLING — The systematic collection, sorting and mulching or composting of tree stumps or tree debris for use as commodities.

TREE STUMP — The main trunk portion of a tree with or without the tree roots.

TRUCK TERMINAL/DISTRIBUTION **CENTER** — An area or structure where trucks load and unload goods, products, cargo, materials and/or freight and where the same may be broken down or aggregated into smaller or larger loads for transfer to other motor vehicles or modes of transportation or to other points or junctions. A truck terminal includes value-added services between a supplier and its customers, such as breaking down of large orders from a single source into smaller orders, product mixing, packaging, cross-docking, order fulfillment, or order returns, and the consolidation of several orders into one large order for distribution to several recipients and/or vice versa. **[Added 2-6-2023 by Ord. No. 2023-01]**

URBAN WINERY — A restaurant that includes the making of wine beverages of alcoholic and/or non-alcoholic content primarily intended for sale or consumption on the premises, in accordance with local and state laws.

USE — The purpose for which land or a building is arranged or intended or for which either land or a building may be occupied or maintained.

- A. **CONDITIONAL USE** — Certain specified uses which are allowed or denied by the governing body after recommendation by the Planning Commission pursuant to express standards and criteria set forth in this chapter.
- B. **PERMITTED USE** — Any use which does not require special action by the Zoning Hearing Board or by the Board of Commissioners before a zoning permit is granted by the Zoning Officer.
- C. **SPECIAL EXCEPTION** — An approval granted to use land in a zoning district for a purpose other than that generally permitted outright in that district. The permission or special exception is granted by the Zoning Hearing Board in accordance with standards and criteria set forth in this chapter, provided generally that the specific application of the use would not prove injurious to the public interest.

USE, TEMPORARY — A use established for a limited duration to be discontinued upon the expiration of the time period. Temporary uses usually do not involve the construction or alteration

of any permanent building or structure.

VARIANCE — Relief from any provisions of this chapter which is granted by the Zoning Hearing Board pursuant to the provisions of Articles VI and IX of the Municipalities Planning Code³⁸ and the provisions of this chapter.

VEHICLE - Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to, automobiles, trucks, vans, buses, utility trailers, tractors, truck tractors, recreational vehicles, travel trailers, motorcycles, snowmobiles, machinery, trailers, farm machinery and implements, and other wheeled equipment.

VEHICLE AND EQUIPMENT RENTAL OPERATION - An establishment which rents vehicles and/or equipment to the public, and which may or may not include the repair of the vehicles and equipment which is for rent. Equipment rental operations conducted entirely within an enclosed building shall be considered a "retail business" for regulation by this Chapter.

VEHICLE FUELING STATION — A building or lot or part thereof selling gasoline or other equivalent fuel for motor vehicles at retail dispensed directly into vehicles from pumps, where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories, and safety and emissions inspection, and sale of prepackaged propane. ~~These may include a "convenience store."~~ A business that maintains an accessory use providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be a "vehicle fueling station."

VEHICLE PARKING LOT OR GARAGE — A lot or building or portion thereof, other than an automobile sales lot used for the storage or parking of six or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lot or garage shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

VEHICLE SALES OPERATION - The use of any building, land area or other premise for the display and sale of new and used vehicles of operable condition, including any warranty repair work and other repair service as an accessory use.

VEHICLE SERVICE AND REPAIR FACILITY — A building or lot or part thereof where repairs, improvements and installation of parts and accessories for motor vehicles are conducted that involves work that is more intense in character than work permitted under the definition of "vehicle fueling station." "Vehicle service and repair facility" shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding, or rebuilding of transmissions. Any use permitted as part of a vehicle fueling station is also permitted as part of a vehicle service and repair facility.

VEHICLE WASH — A building on a lot, designed and used primarily for the washing and polishing of motor vehicles and which may provide accessory services as set forth herein for vehicle fueling stations.

VETERINARY CLINIC — A place where animals or pets are given medical or surgical treatment and the keeping of animals is limited to short-term care incidental to the clinic use and no outdoor kennels, pens or paddocks are on the premises.

VILLAGE — An unincorporated settlement that is part of a Township where residential and

mixed use densities of one unit to the acre or more exist or are permitted and commercial, industrial or institutional uses exist or are permitted.³⁹

WAREHOUSE — A building or group of buildings primarily used for the unloading and indoor storage, transfer, and distribution of products and materials with a use of the processing of materials so as to sort out which finished goods are to be transported to different locations, and the loading and unloading of such goods. A warehouse shall not include value-added services between a supplier and its customers, such as breaking down of large orders from a single source into smaller orders, product mixing, packaging, cross-docking, order fulfillment, or order returns, and shall not include the consolidation of several orders into one large order for distribution to several recipients and/or vice versa, or any manufacturing or processing. A warehouse shall only consist of indoor storage of products and materials. **[Added 2-6-2023 by Ord. No. 2023-01]**

WATER CONNECTION — The connection consisting of all pipes, fittings and appurtenances from the water pipe to the inlet pipe of the distribution system within the dwelling or nonresidential unit.

WATERBODY—An area of surface water such as a pond, lake, or reservoir.

WATERCOURSE — A discernible, definable natural course or channel along which water is conveyed ultimately to streams, and/or rivers at lower elevations. A watercourse may originate from a lake or underground spring(s) and be permanent in nature or it may originate from a temporary source such as runoff from rain or melting snow. A channel or conveyance of surface water having a defined bed and banks, such as a stream, river, brook, or creek, whether natural or artificial, with perennial, intermittent, or seasonal flow. This shall not include any channel or ditch designed and constructed solely to carry stormwater.

WATER SUPPLY SYSTEM, CENTRALIZED — A public utility system or other centralized water supply system designed to transmit water from a common source to users, in compliance with the requirements of the appropriate governmental agency or regulation of the Township, whichever may be more stringent. A permit shall be obtained from the appropriate governmental agency for a centralized water supply system prior to the start of construction.

WETLANDS — Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. ~~Wetlands generally include, but are not limited to, swamps, marshes, bogs, and similar areas, as are regulated as such by the DEP and/or the United States Army Corps of Engineers. Any area meeting the official wetland definition of the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, as amended, shall be considered a wetland for the purposes of this Chapter. In the event the definition of wetland accepted by the U.S. Army Corps of Engineers conflicts with the definition of a wetland accepted by the Pennsylvania Department of Environmental Protection, the more restrictive definition shall apply.~~

WETLAND MARGIN—The transitional area extending a specified distance from the outer limit of the wetland which serves as a buffer to protect the wetland from more intensive land uses.

WIND ENERGY FACILITY, ACCESSORY (AWEF) - An area of land or other area used for an electric generating facility consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmissions lines and other appurtenant structures and facilities. An accessory wind energy

facility is designed as a secondary use on a lot, wherein the power generated is used primarily for on-site consumption.

WIND ENERGY FACILITY, PRINCIPAL (PWEF) - An area of land or other area used for an electric generating facility consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmissions lines and other appurtenant structures and facilities. A principal wind energy facility is designed as the primary use on a lot, wherein the power generated is used primarily for off-site consumption.

WIRELESS COMMUNICATION FACILITY — Any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals or any other spectrum-based transmissions/receptions. See §470-52 for definitions related to wireless communication facilities.

WOODLAND - A tree mass or plant community in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Any area, grove, or stand of mature or largely mature trees (larger than 12 inches dbh) covering an area of 1/4 acre or more, or consisting of 10 individual trees larger than 6 inches dbh, shall be considered a woodland. The extent of any woodland plant community or any part thereof shall be measured from the outer-most drip line of all the trees in the plant community. Woodlands shall include any area where timber has been harvested within the previous three (3) years and/or woodland disturbance has occurred within the previous three (3) years that would have met the definition of woodland prior to timbering or disturbance. Woodlands do not include orchards or oldfields. A woodland may also be termed a “forest.”

WOODLAND, CRITICAL – Interior forest areas, old growth forests, woodlands within a riparian buffer area, woodlands within a wetland margin area, or woodlands within a Core Habitat Area delineated by the Pennsylvania Natural Heritage Program or other habitat area determined to support rare, threatened, or endangered species.

WOODLAND DISTURBANCE - Any activity that 1) alters the existing structure of a woodland or hedgerow, including the cutting or removal of canopy trees, sub-canopy trees, understory shrubs and vines, and herbaceous woodland floor species; 2) constitutes a disturbance, as defined herein, within a woodland or hedgerow. Woodland disturbance does not include the selective cutting or removal of invasive plant species.

YARD — An open space as may be required by this chapter, on the same lot with a building or group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as permitted by this chapter.

- R. YARD, FRONT — An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.
- S. YARD, REAR — An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.
- T. YARD, SIDE — An open space extending from the front yard to the rear yard between

a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

ZONING HEARING BOARD — The Zoning Hearing Board of Pocono Township.

ZONING OFFICER — The administrative officer charged with the duty of enforcing the provisions of this chapter.

ARTICLE III
Zoning Map and Zoning Districts

§ 470-9. Adoption of Official Zoning Map.

Pocono Township is hereby divided into zones or districts, as shown on the Official Zoning Map, which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be part of this chapter, together with all future notations, references and amendments.¹

§ 470-10. Identification of map.

The Official Zoning Map shall be identified by the signature of the Board of Commissioners and attested to by the Township Secretary, together with the date of the adoption of this chapter.

§ 470-11. Amendments.

- A. If, in accordance with the provisions of this chapter and the Pennsylvania Municipalities Planning Code,² as amended, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township Commissioners.
- B. No change of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. All changes shall be noted by date with a brief description of the nature of the change.

§ 470-12. Location and authority of map.

The Official Zoning Map shall be located in the Township building and shall be the final authority as to the current zoning status of land and water areas in the Township, regardless of unofficial copies which may have been made or published from time to time.

§ 470-13. Replacement of map.

- A. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Township Commissioners may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signatures of the Township Commissioners, attested by the Township Secretary and bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaced the Official Zoning Map adopted April 13, 1989 as part of Ordinance No. 16 of Pocono Township, Monroe County, Pennsylvania, as amended."
- B. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior

1. Editor's Note: The map is on file in the Township offices.

2. Editor's Note: See 53 P.S. § 10101 et seq.

map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

§ 470-14. List of districts.

For the purpose of this chapter, the Township is hereby divided into districts, which shall be designated as follows:

- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- RD Recreation District
- C-1 Commercial-1 District
- C-2 Commercial-2 District
- C-3 Commercial-3 District
- I Industrial District
- CD Conservation District
- EP Enterprise Park Overlay District (See Attachment 4, EP Overlay District Map)³
- RRO Resort Re-Use Overlay District
- PSEF Principal Solar Energy Facility Overlay District (See Attachment 5, PSEF Overlay District Map)
- PWEF Principal Wind Energy Facility Overlay District (See Attachment 6, PWEF Overlay District Map)
- DC Data Center Overlay District (See Attachment 7, DC Overlay District Map)

§ 470-15. Interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map or on any Overlay District Map, the following rules shall apply:

- A. Designation of district boundaries. Boundaries indicated as approximately following the center line of streets, highways, alleys, abandoned railroad rights-of-way, streams, rivers, existing lot lines or Township boundary lines shall be construed to follow such features indicated. Where a district boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated and running parallel to said line.
- B. Determination of location of boundaries. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or if uncertainty exists as to the true location of a distance boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto.

ARTICLE IV Basic District Regulations

§ 470-16. Applicability of district regulations.

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class of uses or structures within each district, except as hereinafter provided:

- A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, structurally altered, razed, demolished or enlarged except in conformity with all the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered to exceed the height or bulk; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this chapter.
- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
- E. Lot size adjustments. The minimum lot area required in this chapter shall be increased as required to meet DEP requirements for on-lot water supply and sewage disposal. Such determinations will be made by the PA DEP through its sewage module review process.
- F. Interpretation and uses not regulated. **[Added 2-6-2023 by Ord. No. 2023-01]**
 - (1) Minimum requirements. Where more than one provision of this section controls a particular matter, the provision that is more restrictive upon uses and structures shall apply.
 - (2) Uses not specifically regulated. This section addresses by special exception a proposed use which is neither specifically permitted nor specifically denied in any Zoning or Overlay district established under this section.
 - (a) Jurisdiction. An application shall be made to the Zoning Hearing Board which shall have the authority to permit the use or deny the use as a special exception.
 - (b) Findings. The use may be permitted only if the Zoning Hearing Board makes all of the following findings; and, the burden on proof shall be upon the applicant:
 - [1] The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Use Regulations.
 - [2] The use in no way conflicts with the intent of the zoning district or overlay district and the general purpose and intent of this Zoning Ordinance.

- [3] The use is not permitted in any other zoning district in the Planning Area.
- [4] The use where proposed would be consistent with the Pocono Township Comprehensive Plan.
- (3) Planning Commission. At the time the application is submitted to the Zoning Hearing Board, the Zoning Officer shall also provide a copy to the Township Planning Commission for review and recommendation. The Zoning Hearing Board shall not conduct a public hearing on the application until 30 days have passed from the time the application was referred to the Township Planning Commission.
- (4) Conditions. The Zoning Hearing Board may attach reasonable conditions and safeguards to any special exception approval granted for a use not specified in the Schedule of Uses, incorporating standards in this Zoning Ordinance for similar uses in the district and such other conditions as the Zoning Hearing Board may deem necessary to protect and promote the public health, safety, morals and welfare and to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code.
- G. Conflict. In the case of conflict between the requirements of this Article V and the other requirements of this chapter or chapter 390, Subdivision and Land Development, the more restrictive requirement shall apply.

§ 470-17. R-1 Low Density Residential District.

- A. Intended purpose. The regulations for this district are intended to provide suburban residential areas in the Township with limited public utility services where low-density single-family residential development may occur. ~~Higher densities at a future date would be contingent upon the provision of public water and sewer service.~~
- B. Uses and structures. Use regulations are provided in the Use Schedule, which is included as an attachment to this chapter (See attachment "Use Schedule.")
- ~~(1) Permitted uses by right.~~
- ~~(a) Single family detached dwellings.~~
- ~~(b) Essential services buildings and structures. (See § 470-57.)~~
- ~~(c) Customary accessory uses and buildings incidental to the above permitted uses. (See § 470-53.)~~
- ~~(d) Accessory buildings and uses customarily incidental to conditional uses approved under Subsection B(2) below.~~
- ~~(e) Home occupations. (See § 470-63.)~~
- ~~(f) Antennas and communication equipment buildings. (See § 470-44.)~~
- ~~(g) Churches and related uses. (See § 470-50.)~~
- ~~(h) Clubhouses for use by homeowners' associations. (See § 470-73.)~~
- ~~(i) Open space.~~

- ~~(j) Forestry. (See § 470-58.)~~
- ~~(k) Keeping of equine animals. (See § 470-65.)~~
- ~~(2) Conditional uses. The following uses are permitted subject to the review and approval by the Board of Commissioners (See § 470-38.):~~
 - ~~(a) Agricultural operations (farms). (See § 470-41.)¹~~
 - ~~(3) Special exception uses. The following uses are permitted subject to the review and approval by the Zoning Hearing Board (See § 470-37.): **[Added 1-17-2006 by Ord. No. 120]**~~
 - ~~(a) Communication towers. (See § 470-52.)~~
- C. Lot, yard, and height requirements.
 - (1) Basic dimensions, as follows. (See attachment "R-1 District Lot, Yard and Height Requirements.")
 - (2) Building height.
 - (a) Principal building: 35 feet.
 - (b) Accessory building: 25 feet.
- D. Parking and loading requirements. Off-street parking and loading requirements shall be provided in accordance with § 470-34 of this chapter.
- E. Signs. All proposed signs shall conform to the requirements of Article VII of this chapter.
- F. Natural resource protection standards shall conform to the requirements of Article XI of this chapter.

§ 470-18. R-2 Medium Density Residential District.

- A. Intended purpose. The regulations for this district are intended to provide suburban residential areas in the Township with limited public utility services where medium-density residential development may occur. ~~Higher densities at a future date would be contingent upon the provision of public water and sewer service.~~
- B. Uses and structures. Use regulations are provided in the Use Schedule, which is included as an attachment to this chapter (See attachment "Use Schedule.")
 - ~~(1) Permitted uses by right.~~
 - ~~(a) Single family detached dwellings.~~
 - ~~(b) Two family dwellings.~~
 - ~~(c) Multifamily dwellings.~~
 - ~~(d) Churches and related uses. (See § 470-50.)~~
 - ~~(e) Clubhouses for use by homeowners' associations. (See § 470-73.)~~
 - ~~(f) Open space.~~

- ~~(g) Essential services buildings and structures. (See § 470-57.)~~
 - ~~(h) Customary accessory uses and buildings incidental to the above permitted uses. (See § 470-53.)~~
 - ~~(i) Accessory buildings and uses customarily incidental to uses approved under Subsection B(2) and (3) below.~~
 - ~~(j) Home occupations. (See § 470-63.)~~
 - ~~(k) Mobile home parks. (See § 470-71.)~~
 - ~~(l) Antennas and communication equipment buildings. (See § 470-44.)~~
 - ~~(m) Forestry. (See § 470-58.)~~
 - ~~(n) Keeping of equine animals. (See § 470-65.)~~
 - ~~(2) Special exception uses. The following uses are permitted subject to the review and approval by the Zoning Hearing Board (See § 470-37.):~~
 - ~~(a) Communications towers. (See § 470-52.)~~
 - ~~(3) Conditional uses. The following uses are permitted subject to the review and approval by the Board of Commissioners (See § 470-38.):~~
 - ~~(a) Planned residential development. (See Article VI.)~~
 - ~~(b) Boardinghouses. (See § 470-47.)~~
 - ~~(c) Agricultural operations (farms). (See § 470-41.)~~
 - ~~(d) Bed and breakfast establishments. (See § 470-46.)~~
 - ~~(e) Educational uses. (See § 470-60.)~~
 - ~~(f) Day care facilities. (See § 470-54.)~~
 - ~~(g) Nursery schools. (See §§ 470-60 and 470-54.)²~~
- C. Lot, yard, and height requirements.
- (1) Basic dimensions as follows. (See attachment "R-2 District Lot, Yard and Height Requirements.")
 - (2) Building height.
 - (a) Principal building: 35 feet.
 - (b) Accessory building: 25 feet.
- D. Parking and loading requirements. Off-street parking and loading requirements shall be provided in accordance with § 470-34 of this chapter.
- E. Signs. All proposed signs shall conform to the requirements of Article VII of this chapter.
- F. Natural resource protection standards shall conform to the requirements of Article XI of this

chapter.

§ 470-19. RD Recreation District.

- A. Intended purpose. The regulations of this district are intended to maximize open space while allowing for recreational activities that generate employment, retail trade, retail services, tourism, and related dining/lodging and entertainment uses.
- B. Uses and structures. Use regulations are provided in the Use Schedule, which is included as an attachment to this chapter (See attachment "Use Schedule.")

~~(1) Permitted uses by right:~~

~~(a) Transient dwelling accommodations including hotels, motels, resorts and lodges. (Excludes bed and breakfast establishments and boardinghouses, see conditional uses below.)~~

~~(b) Commercial indoor and outdoor recreational and entertainment uses (See § 470-75.), including:~~

~~[1] Amusement parks.~~

~~[2] Boating and canoeing.~~

~~[3] Carnivals and fairs of temporary nature.~~

~~[4] Golf courses.~~

~~[5] Horseback riding. (See § 470-79.)~~

~~[6] Ice skating rink(s).~~

~~[7] Indoor shooting ranges.~~

~~[8] Nightclubs. (See § 470-77.)~~

~~[9] Restaurants. (See § 470-77.)~~

~~[10] Paintball playground.~~

~~[11] Ski resorts.~~

~~[12] Ski trails and slopes.~~

~~[13] Social halls.~~

~~[14] Swimming pools.~~

~~[15] Taverns. (See § 470-77.)~~

~~[16] Tennis courts.~~

~~[17] Water parks.~~

~~[18] Water slides.~~

~~[19] Campgrounds. (See § 470-48.)~~

- ~~(e) Retail establishments specifically related to the service of tourists, vacationers and visiting public and including the following (See § 470-74.):~~
 - ~~[1] Archery shops.~~
 - ~~[2] Bait and tackle shops.~~
 - ~~[3] Camper/recreational vehicles—sales and service.~~
 - ~~[4] Fishing equipment.~~
 - ~~[5] Gift shops.~~
 - ~~[6] Golf shops.~~
 - ~~[7] Gun shops.~~
 - ~~[8] Hunting equipment.~~
 - ~~[9] Marinas—sales and service.~~
 - ~~[10] Motorcycle shops/retail.~~
 - ~~[11] Ski shops.~~
 - ~~[12] Snowmobile/retail.~~
 - ~~[13] Sport related clothing shop.~~
 - ~~[14] Sporting goods shops.~~
 - ~~[15] Water ski shops.~~
- ~~(d) Essential services buildings and structures. (See § 470-57.)~~
- ~~(e) Churches and related uses. (See § 470-50.)~~
- ~~(f) Single family dwellings.~~
- ~~(g) Two family dwellings.~~
- ~~(h) Multifamily dwellings.~~
- ~~(i) Private clubs. (See § 470-73.)~~
- ~~(j) Drive through businesses (excluding vehicle washes). (See § 470-56.)~~
- ~~(k) Riding clubs or riding stables. (See § 470-79.)~~
- ~~(l) Open space.~~
- ~~(m) Customary accessory uses incidental to the above permitted uses. (See § 470-53.)~~
- ~~(n) Home occupations. (See § 470-63.)~~
- ~~(o) Dormitories. (See § 470-55.)~~
- ~~(p) Forestry. (See § 470-58.)~~

- ~~(e) Keeping of equine animals. (See § 470-65.)~~
 - ~~(f) Educational uses. (See § 470-60.)~~
 - ~~(s) Antennas and communication equipment buildings. (See § 470-44.)~~
 - ~~(t) Helipads for emergency services. (See § 470-62.)~~
 - ~~(2) Special exception uses. The following uses are permitted subject to the review and approval by the Zoning Hearing Board. (See § 470-37.)~~
 - ~~(a) Communications towers. (See § 470-52.)~~
 - ~~(3) Conditional uses. The following uses are permitted subject to the review and approval by the Board of Commissioners. (See § 470-38.)~~
 - ~~(a) Planned residential development. (See Article VI.)~~
 - ~~(b) Boardinghouses. (See § 470-47.)~~
 - ~~(c) Bed and breakfast establishments. (See § 470-46.)~~
 - ~~(d) Governmental uses. (See § 470-60.)~~
 - ~~(e) Agricultural operations (farms). (See § 470-41.)~~
 - ~~(f) Sign plazas. (See Article VII.)~~
- C. Lot, yard, and height requirements.
- (1) Lot requirements.
 - (a) Minimum lot area: two acres.
 - (b) Minimum lot width: 200 feet.
 - (c) Maximum impervious coverage: 35% for residential uses; ~~80~~70% for other uses. **[Amended 7-18-2022 by Ord. No. 2022-04]**
 - (2) Yard requirements.
 - (a) Front yard depth: 50 feet.
 - (b) Side yard width: 25 feet; except when adjacent to the R-1 and R-2 Residential Districts or any existing residential dwelling, a minimum side yard of 40 feet is required.
 - (c) Rear yard depth: 40 feet.
 - (d) Well: 15 feet.
 - (e) Septic: 10 feet.
 - (3) Building height.
 - (a) Principal building: 50 feet.
 - (b) Accessory building: equal in height to principal building but in no event higher

than 50 feet.

- D. Parking and loading requirements. Off-street parking and loading requirements shall be provided in accordance with § 470-34 of this chapter.
- E. Signs. All proposed signs shall conform to the requirements of Article VII of this chapter.
- F. Natural resource protection standards shall conform to the requirements of Article XI of this chapter.

§ 470-20. C-1 Commercial-1 District.

- A. Intended purpose. ~~This district is designed for commercial uses that are dependent on highway traffic or need open areas for display of merchandise.~~ This district is designed to:
 - (1) Accommodate small-scale to medium-scale commercial uses at locations along the PA 715 corridor and generally in the northern and southern ends of the PA 611 corridor, forming a transition zone approaching the C-2 Commercial zoning district.
 - (2) Provide for various residential dwelling types to accommodate a range of age and income groups, and residential preferences.
- B. Uses and structures. Use regulations are provided in the Use Schedule, which is included as an attachment to this chapter (See attachment "Use Schedule.")
 - (1) ~~Permitted uses by right:~~
 - (a) ~~Single family dwellings.~~
 - (b) ~~Two family dwellings.~~
 - (c) ~~Multifamily dwellings.~~
 - (d) ~~Open space.~~
 - (e) ~~Home occupations. (See § 470-63.)~~
 - (f) ~~Bed and breakfast establishments. (See § 470-46.)~~
 - (g) ~~Boardinghouses. (See § 470-47.)~~
 - (h) ~~Business or professional office or studio. (See § 470-74.)~~
 - (i) ~~Banks, savings and loan associations, finance companies and similar types of businesses. (See § 470-74.)~~
 - (j) ~~Personal and household service establishments such as, but not limited to, barbershops, beauty shops, laundromats, laundry and dry cleaning shops, restaurants (See § 470-77.), tailor and seamstress shops, taverns (See § 470-77.), hotels, motels, and other places of lodging.~~
 - (k) ~~Offices of plumbers, masons, carpenters, heating contractors and similar trades. (See § 470-74.)~~
 - (l) ~~Offices or laboratories for scientific, agricultural, or industrial research and development.~~

- ~~(m) Retail business establishments for the sale of goods such as, but not limited to, antiques, appliances, audio/video, beverages, bicycles, books, clothing, confections, drugs, dry goods, flowers, food, furniture, gifts, hardware, jewelry, liquor, machinery, motorcycles, newspapers, notions, office equipment, paint, personal and household supplies, photographic supplies, sporting goods, stationery and tobacco. (See § 470-74.)~~
- ~~(n) Shops for the repair of goods permitted to be sold by retail business establishments above. All activities shall be performed and all parts stored within the building or screened from view so as not to be visible from public streets or adjacent properties.~~
- ~~(o) Retail establishments specifically related to the service of tourists, vacationers and visiting public. [See §§ 470-19B(1)(c) and 470-74.]~~
- ~~(p) Nursery and garden retail. (See § 470-78.)~~
- ~~(q) Wholesale produce and meat markets, mechanical equipment repair establishments, dry-cleaning and dyeing plants, carpet and rug cleaning establishments, laundries, sign painting, blueprinting and graphic reproduction shops, printing and publishing establishments, radio and television studios. [Amended 2-6-2023 by Ord. No. 2023-01]~~
- ~~(r) Private clubs. (See § 470-73.)~~
- ~~(s) Drive-through businesses (excluding vehicle washes). (See § 470-56.)~~
- ~~(t) Automatic and self-serve vehicle washes. (See § 470-86.)~~
- ~~(u) Vehicle and mobile home/modular dwelling sales agency. (See § 470-74.)~~
- ~~(v) Wholesaling businesses. (See § 470-87.)~~
- ~~(w) Vehicle service and repair facilities. (See § 470-85.)~~
- ~~(x) Vehicle fueling stations. (See § 470-84.)~~
- ~~(y) Essential services buildings and structures. (See § 470-57.)~~
- ~~(z) Farm equipment sales (See § 470-74.) and service. (See § 470-85.)~~
- ~~(aa) Entertainment and recreational uses, including theaters, night clubs (See § 470-77.), art galleries, cultural establishments, skating rinks, billiard parlors, social halls and swimming pools.~~
- ~~(bb) Churches and related uses. (See § 470-50.)~~
- ~~(cc) Cemeteries. (See § 470-49.)~~
- ~~(dd) Antennas and communication equipment buildings. (See § 470-44.)~~
- ~~(ee) Light manufacturing. (See § 470-69.)~~
- ~~(ff) Mobile home parks. (See § 470-71.)~~
- ~~(gg) Customary accessory uses incidental to the above permitted uses. (See § 470-53.)~~

- ~~(hh) Forestry. (See § 470-58.)~~
- ~~(ii) Transient dwelling accommodations including hotels, motels, and lodges.~~
- ~~(jj) Keeping of equine animals. (See § 470-65.)~~
- ~~(kk) Governmental and educational uses. (See § 470-60.)~~
- ~~(ll) Nursery schools. (See §§ 470-60 and 470-54.)~~
- ~~(mm) Riding clubs or riding stables. (See § 470-79.)~~
- ~~(nn) Dormitories. (See § 470-55.)~~
- ~~(oo) Hospitals. (See § 470-64.)~~
- ~~(pp) Vehicle parking lot or garage.~~
- ~~(qq) Helipads for emergency services. (See § 470-62.)~~
- ~~(2) Special exception uses. The following uses are permitted subject to the review and approval by the Zoning Hearing Board. (See § 470-37.)~~
 - ~~(a) Communications towers. (See § 470-52.)~~
 - ~~(b) Life care facilities. (See § 470-68.)~~
 - ~~(c) Kennels. (See § 470-67.)~~
 - ~~(d) Veterinary offices or animal hospitals. (See § 470-43.)~~
 - ~~(e) Amusement arcades. (See § 470-42.)~~
 - ~~(f) Gaming and off track betting establishments. (See § 470-59.)~~
 - ~~(g) Recreation facilities including bowling alleys, miniature golf courses, driving ranges and similar uses. (See § 470-75.)~~
 - ~~(h) Keeping of wild or exotic animals. (See § 470-66.)~~
 - ~~(i) Adult uses. (See § 470-40.)~~
- ~~(3) Conditional uses. The following uses are permitted subject to the review and approval by the Board of Commissioners. (See § 470-38.)~~
 - ~~(a) Shopping centers. (See § 470-82.)~~
 - ~~(b) Day care facilities. (See § 470-60.)~~
 - ~~(c) Self-service storage facilities. (See § 470-81.)~~
 - ~~(d) Planned residential development. (See Article VI.)~~
 - ~~(e) Regional impact developments. (See § 470-76.)~~
 - ~~(f) Agricultural operations (farms). (See § 470-41.)~~
 - ~~(g) Sign plazas. (See Article VII.)~~

- ~~(h) Billboards. (See Article VII.)~~
- ~~(i) (Reserved)³~~
- ~~(j) Dispensary facility. [Added 7-16-2018 by Ord. No. 2018-07⁴]~~
- ~~(k) Medical marijuana delivery vehicle office. [Added 7-16-2018 by Ord. No. 2018-07]~~
- ~~(l) Warehouses. [Amended 2-6-2023 by Ord. No. 2023-01]~~

C. Lot, yard, and height requirements.

(1) Lot requirements.

- (a) Minimum lot area: one acre.
- (b) Minimum lot width: 100 feet.
- (c) Maximum impervious coverage: 35% for residential uses; ~~80~~60% for other uses.

(2) Yard requirements.

- (a) Front yard depth: ~~maximum 75~~25 feet.
- (b) Side yard width: minimum 20 feet.
- (c) Rear yard depth: minimum 25 feet.
- (d) Well: minimum 15 feet.
- (e) Septic: minimum 10 feet.

(3) Building height.

- (a) Principal building: ~~maximum 50~~35 feet.
- (b) Accessory building: maximum 25 feet.

(4) ~~Building separation~~Residential setback and screening. New nonresidential buildings shall be located not closer than 75 feet from existing residential dwellings and shall be screened from view of such dwellings in accordance with Subdivision and Land Development Ordinance § 390-55.F.

D. Parking and loading requirements. Off-street parking and loading requirements shall be provided in accordance with § 470-34 of this chapter. Parking lot areas for commercial and multi-family uses shall be located in the side and/or rear yard of buildings and shall be landscaped and screened in compliance with Subdivision and Land Development Ordinance § 390-59. Where parking lot areas for commercial and multi-family uses are located in the side yard, and where such parking areas must be located in the front yard, as determined by the Township, they shall be screened from the street with appropriate landscaping, walls, or fencing, or a combination thereof, in compliance with Subdivision and Land Development Ordinance § 390-55.F.

E. Signs. All proposed signs shall conform to the requirements of Article VII of this chapter.

- F. Natural resource protection standards shall conform to the requirements of Article XI of this chapter.

§ 470-20.1. C-2 Commercial-2 District.

- A. Intended purpose. This district is designed to:

- (1) Accommodate large-scale commercial uses along the PA 611 corridor in the vicinity of the I-80 interchange that serve the region, as well as small- and medium-scale commercial uses that serve the local area.
- (2) Provide for various residential dwelling types to accommodate a range of age and income groups, and residential preferences.

- B. Uses and structures. Use regulations are provided in the Use Schedule, which is included as an attachment to this chapter (See attachment "Use Schedule.")

- C. Lot, yard, and height requirements.

- (1) Lot requirements.

- (a) Minimum lot area: one acre.
- (b) Minimum lot width: 100 feet.
- (c) Maximum impervious coverage: 35% for residential uses; ~~80~~65% for other uses.

- (2) Yard requirements.

- (a) Front yard depth: ~~maximum~~ 75~~25~~ feet.
- (b) Side yard width: minimum 20 feet.
- (c) Rear yard depth: minimum 25 feet.
- (d) Well: minimum 15 feet.
- (e) Septic: minimum 10 feet.

- (3) Building height.

- (a) Principal building: maximum 50 feet.
- (b) Accessory building: maximum 25 feet.

- (4) ~~Building separation~~Residential setback and screening. New nonresidential buildings shall be located not closer than 75 feet from existing residential dwellings and shall be screened from view of such dwellings in accordance with Subdivision and Land Development Ordinance § 390-55.F.

- D. Parking and loading requirements. Off-street parking and loading requirements shall be provided in accordance with § 470-34 of this chapter. Parking lots for commercial and multi-family uses shall be located in the side and/or rear yard of buildings and shall be landscaped and screened in compliance with Subdivision and Land Development Ordinance § 390-59. Where parking lots for commercial and multi-family uses are located in the side yard, and where such parking lots must be located in the front yard, as determined by the

Township, they shall be screened from the street with appropriate landscaping, walls, or fencing, or a combination thereof, in compliance with Subdivision and Land Development Ordinance § 390-55.F.

- E. Signs. All proposed signs shall conform to the requirements of Article VII of this chapter.
- F. Natural resource protection standards shall conform to the requirements of Article XI of this chapter.

§ 470-20.2. C-3 Commercial-3 District.

- A. Intended purpose. This district is designed to provide for small-scale, medium-scale, and large-scale commercial uses to serve the local and regional area, including commercial uses, the nature of which is not always compatible or desirable in residential neighborhoods. New residential development is excluded from this district, both to eliminate potential conflict and to ensure the reservation of adequate areas for such commercial uses.
- B. Uses and structures. Use regulations are provided in the Use Schedule, which is included as an attachment to this chapter (See attachment "Use Schedule.")
- C. Lot, yard, and height requirements.
 - (1) Lot requirements.
 - (a) Minimum lot area: one acre.
 - (b) Minimum lot width: 100 feet.
 - (c) Maximum impervious coverage: 65% of lot area.
 - (2) Yard requirements.
 - (a) Front yard depth: minimum 75 feet.
 - (b) Side yard width: minimum 20 feet.
 - (c) Rear yard depth: minimum 25 feet.
 - (d) Well: minimum 15 feet.
 - (e) Septic: minimum 10 feet.
 - (3) Building height.
 - (a) Principal building: maximum 50 feet.
 - (b) Accessory building: maximum 25 feet.
 - (4) ~~Building separation~~Residential setback and screening. New nonresidential buildings shall be located not closer than 75 feet from existing residential dwellings and shall be screened from view of such dwellings in accordance with Subdivision and Land Development Ordinance § 390-55.F.
- D. Parking and loading requirements. Off-street parking and loading requirements shall be provided in accordance with § 470-34 of this chapter. Parking lots for commercial uses shall

be located in the side and/or rear yard of buildings and shall be landscaped and screened in compliance with Subdivision and Land Development Ordinance § 390-59. Where parking lots for commercial uses are located in the side yard, and where parking lots must be located in the front yard, as determined by the Township, such parking lots shall be screened from the street with appropriate landscaping, walls, or fencing, or a combination thereof, in compliance with Subdivision and Land Development Ordinance § 390-55.F.

- E. Signs. All proposed signs shall conform to the requirements of Article VII of this chapter.
- F. Natural resource protection standards shall conform to the requirements of Article XI of this chapter.

§ 470-21. I Industrial District.

- A. Intended purpose. The regulations of this district are intended to maximize industrial potential while ensuring compatibility with the surrounding districts. The nature of such uses is not always compatible or desirable in residential neighborhoods, and they are often better located in areas which provide greater visibility and vehicular access. New residential development is excluded from this district, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development.
- B. Uses and structures. Use regulations are provided in the Use Schedule, which is included as an attachment to this chapter (See attachment "Use Schedule.")

~~(1) Permitted uses by right.~~

- ~~(a) Heavy commercial uses, which shall be carried on in a completely enclosed building, except for off-street parking and loading facilities, including wholesale businesses and warehouses, except bulk storage of chemicals, petroleum products and other flammable explosives, or noxious materials.~~
- ~~(b) Heavy commercial uses, which shall be carried on in a completely enclosed building, except for off-street parking and loading facilities, mechanical and vehicle equipment repair establishments and dry-cleaning and dyeing plants.~~
- ~~(c) Heavy commercial uses which do not require complete enclosure in a building include building materials, new and used machinery storage and sales, vehicle and trailer sales and storage, farm equipment and construction machinery establishments.~~
- ~~(d) Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, food products, beverages, confections, ceramics, clothing, plastics, electrical goods, furniture, hardware, tools, dies, patterns, professional and scientific instruments, handcraft products, electronics and small parts assembly and/or manufacture.~~
- ~~(e) Offices or laboratories for scientific, agricultural, or industrial research and development.~~
- ~~(f) Churches and related uses. (See § 470-50.)~~

- ~~(g) Essential services. (See § 470-57.)~~
- ~~(h) Self-service storage facilities. (See § 470-81.)~~
- ~~(i) Vehicle washes. (See § 470-86.)~~
- ~~(j) Home occupations. (See § 470-63.)~~
- ~~(k) Customary accessory uses incidental to the above permitted uses. (See § 470-53.)~~
- ~~(l) General industrial uses, which include the storage, manufacture, assembly, fabrication, packing, testing or other handling of products from raw materials and from other previously prepared materials, not including retail activity.~~
- ~~(m) Mineral recovery. (See § 470-70.)~~
- ~~(n) Accessory uses, including such uses as the following: stockpiling; storage, maintenance and repair of construction and mining vehicles and equipment used for mineral recovery; sales of quarry or mining products; administrative offices; helipads (See § 470-62.); and asphalt manufacturing plants.~~
- ~~(o) Truck and motor freight terminal, delivery and distribution centers. (See §§ 470-83 and 470-87.)~~
- ~~(p) Communication towers. (See § 470-52.)~~
- ~~(q) Forestry. (See § 470-58.)~~
- ~~(r) Open space.~~
- ~~(s) Antennas and communication equipment buildings. (See § 470-44.)~~
- ~~(t) Governmental uses. (See § 470-60.)~~
- ~~(u) Helipads for emergency services. (See § 470-62.)~~
- ~~(v) Keeping of equine animals. (See § 470-65.)~~
- ~~(2) Special exception uses. The following uses are permitted subject to the review and approval by the Zoning Hearing Board. (See § 470-37.)~~
 - ~~(a) Commercial mulching, stump grinding and/or composting. (See § 470-51.)~~
 - ~~(b) Salvage yards. (See § 470-80.)~~
 - ~~(c) Ready mix concrete manufacturing plants.~~
 - ~~(d) Adult uses. (See § 470-40.)~~
- ~~(3) Conditional uses. The following uses are permitted subject to the issuance of a conditional use permit by the Board of Commissioners. (See § 470-38.):~~
 - ~~(a) Sign plazas. (See Article VII.)~~
 - ~~(b) Billboards. (See Article VII.)~~
 - ~~(c) Grower/processor facility. [Added 7-16-2018 by Ord. No. 2018-07⁵]~~

~~(d) Medical marijuana delivery vehicle office. [Added 7-16-2018 by Ord. No. 2018-07]~~

~~(e) Academic clinical research center. [Added 7-16-2018 by Ord. No. 2018-07]~~

~~(f) Dispensary facility.⁶ [Added 7-16-2018 by Ord. No. 2018-07]~~

C. Lot, yard, and height requirements.

(1) Lot requirements.

- (a) Minimum lot area: five acres.
- (b) Minimum lot width: 300 feet.
- (c) Maximum impervious coverage: 90%.

(2) Yard requirements.

- (a) Front yard depth: minimum 75 feet.
- (b) Side yard width: minimum 35 feet, except when adjacent to any residential district or any existing residential dwelling, a minimum side yard of 50 feet is required.
- (c) Rear yard depth: minimum 50 feet.
- (d) Well: minimum 15 feet.
- (e) Septic: minimum 10 feet.

(3) Building height.

- (a) Principal building: maximum 50 feet.
- (b) Accessory building. Equal to principal building but in no event higher than 50 feet.

D. Parking and loading requirements. Off-street parking and loading requirements shall be provided in accordance with § 470-34 of this chapter.

E. Signs. All proposed signs shall conform to the requirements of Article VII of this chapter.

~~F. General performance standards.~~

~~(1) All uses within the I Industrial District shall comply with the following general performance standards.~~

- ~~(a) Odor. No emission of unpleasant gases or other odorous matter shall be permitted in such quantity as to be offensive outside the lot lines of the tract.~~
- ~~(b) Toxic gases. The emission of noxious, toxic or corrosive gases or fumes injurious to persons, animals, property or vegetation is prohibited.~~
- ~~(c) Glare and heat. No use shall produce glare which is visible, or heat which is detectable, beyond the property line of the lot on which the operation is located. Direct glare from any lights shall not exceed 0.1 horizontal footcandle measured at~~

F. Moved to 470-35.1 so applies to all uses and all districts

~~the property line. At designated vehicular entrances/exits, a maximum illumination level of 0.5 horizontal footcandle shall be allowed, provided said area of illumination is limited to said property and adjoining pavement and right(s) of way of public streets. The area of illumination shall not extend beyond 50 feet from the center line of the designated entrance/exit in any direction along the property line(s) of said property.~~

- ~~(d) Liquid wastes or sewage. No discharge is permitted except in accordance with all applicable local, county, state and federal, ordinances, laws, rules and regulations.~~
- ~~(e) Vibration. Vibration shall not be perceptible except for not more than two minutes per hour from 7:00 a.m. to 5:00 p.m. beyond the lot line.~~
- ~~(f) Noise. No noise shall exceed the decibel levels in the designated octave band shown below, except for emergency alarms or signals.~~

Octave Band Cycles per Second	Maximum Sound Level in Decibels Along Residential District Boundary	Maximum Sound Level in Decibels Along Property Line Other Than Residential District Boundary
10 to 600	50	55
600 to 2,400	38	40
2,400 to 4,800	35	38
Above 4,800	32	38

- ~~(g) Emissions. All emissions shall be in compliance with all applicable local, county, state and federal ordinances, laws, rules, and regulations.~~

G. Natural resource protection standards shall conform to the requirements of Article XI of this chapter.

§ 470-22. CD Conservation District.

- A. Intended purpose. The regulations for this district are intended to provide open space areas in the Township.
- B. Uses and structures. Use regulations are provided in the Use Schedule, which is included as an attachment to this chapter (See attachment "Use Schedule.")

~~(1) Permitted uses by right.~~

- ~~(a) State game lands.~~
- ~~(b) State park areas.~~
- ~~(c) Game preserves.~~
- ~~(d) Game refuges.~~

- ~~(e) Wildlife sanctuaries.~~
- ~~(f) Bird and/or waterfowl sanctuaries.~~
- ~~(g) Noncommercial public parking areas for the above permitted uses.~~
- ~~(h) Nondwelling structures or buildings used for office space, display, lecture auditoriums, and other customary uses provided such are clearly incidental to the above permitted uses.~~
- ~~(i) Open space.~~
- ~~(j) Essential services. (See § 470-57.)~~
- ~~(k) Customary accessory uses incidental to the above permitted uses. (See § 470-53.)~~
- ~~(l) Conservation.~~
- ~~(m) Agricultural operations (farms). (See § 470-41.)~~
- ~~(n) Forestry. (See § 470-58.)~~
- ~~(o) Antennas and communication equipment buildings. (See § 470-44.)~~
- ~~(2) Special exception uses. The following uses are permitted subject to the review and approval by the Zoning Hearing Board (See § 470-37.):~~
 - ~~(a) Communication towers. (See § 470-52.)~~

C. Lot, yard, and height requirements.

- (1) Lot requirements.
 - (a) Minimum lot area: five acres.
 - (b) Minimum lot width: 300 feet.
 - (c) Maximum impervious coverage: 15%.
- (2) Yard requirements.
 - (a) Front yard depth: minimum 100 feet.
 - (b) Side yard width: minimum 50 feet.
 - (c) Rear yard depth: minimum 50 feet.
 - (d) Well: minimum 15 feet.
 - (e) Septic: minimum 10 feet.
- (3) Building height.
 - (a) Principal building: maximum 35 feet.
 - (b) Accessory building: maximum 25 feet.
- (4) Building separation. New nonresidential buildings shall be located not closer than 75

feet from existing residential dwellings on adjacent properties.

- D. Parking and loading requirements. Off-street parking and loading requirements shall be provided in accordance with § 470-34 of this chapter.
- E. Signs. All proposed signs shall conform to the requirements of Article VII of this chapter.
- F. Natural resource protection standards shall conform to the requirements of Article XI of this chapter.

§ 470-22.1. EP Enterprise Park Overlay District. [Added 2-6-2023 by Ord. No. 2023-01]

- A. Intent. To provide for warehousing and distribution in a manner that is compatible with any nearby homes. To carefully control these type of operations to avoid nuisances (such as excessive noise) and hazards. To encourage coordinated development, particularly in regard to traffic access. (See Attachment 4, EP Overlay District Map.⁷)
- B. Uses and structures. Use regulations are provided in the Use Schedule, which is included as an attachment to this chapter (See attachment "Use Schedule.")
 - ~~(1) Conditional uses. The following uses are permitted subject to the issuance of a conditional use permit by the Board of Commissioner. (See § 470-38.):~~
 - ~~(a) Truck terminals/distribution (See § 470-83).~~
 - ~~(b) Warehouses (See § 470-87.5).~~
- C. Lot, yard, and height requirements.
 - (1) All lot, yard, and height requirements shall be the same as those within the underlying zoning district.
- D. Parking and loading requirements. Off-street parking and loading requirements shall be provided in accordance with § 470-34 of this chapter.
- E. Signs. All proposed signs shall conform to the requirements of Article VII of this chapter.
- F. Natural resource protection standards shall conform to the requirements of Article XI of this chapter.

§ 470-22.2. PSEF Principal Solar Energy Facility Overlay District.

- A. Intent. To provide for the construction, installation, operation and decommissioning of principal solar energy facilities (PSEF) in Pocono Township, subject to reasonable conditions that will protect the public health, safety, and welfare.
- B. Applicability.
 - (1) The area and boundary of the PSEF Principal Solar Energy Facility Overlay District are designated on the PSEF Principal Solar Energy Facility Overlay District map (See Attachment 5).
 - (2) This §470-22.2 applies to any PSEF proposed to be constructed, installed, operated, or decommissioned after the effective date of this chapter.

- (3) Any upgrade, modification, or structural change that materially alters the size or placement of an existing PSEF or its related equipment shall comply with the provisions of this §470-22.2.
- (4) In the case of a PSEF use, for any lot or property, or portion thereof, within the PSEF Overlay District, the regulations of said overlay district shall supersede any regulations of the underlying district which are in conflict with those of this §470-22.2.

C. Use Regulations.

- (1) A principal solar energy facility shall only be located in the Principal Solar Energy Facility Overlay District and shall only be permitted in said overlay district as a conditional use in accordance with §470-130 of this chapter, as may be amended. A PSEF shall also meet the requirements of the Pocono Township Subdivision and Land Development Ordinance, as may be amended, including, but not limited to, land development requirements. In addition to the requirements set forth in §470-130, the PSEF owner and/or applicant shall provide the following as part of their conditional use application:
 - (a) A narrative describing the proposed PSEF, including an overview of the project; the project location; the approximate generating capacity of the PSEF; the approximate number, representative types and height/extent or range of heights/extent of solar panels to be constructed, including their generating capacity, dimensions, and respective manufacturers; and a description of ancillary facilities.
 - (b) Identification of the properties on which the proposed PSEF will be located and the properties adjacent to where the PSEF will be located.
 - (c) A descriptive site plan including, but not limited to, dimensioned setbacks, locations of property lines, roadways and driveways, location and size of solar panels, modules and/ or arrays, electrical lines and cabling from the PSEF to substations, elevations and heights of buildings and structures, location and detail of perimeter fencing, and buffer and landscaping requirements. The site plan shall incorporate a fire protection plan, including, but not limited to, location of hydrants and other on-site and off-site firefighting equipment, and a narrative of same shall be provided to the Township and Pocono Township Fire Chief for their review and comment.
 - (d) Evidence that the electric utility company has been informed of the owner's and/or operator's intent to install such facility and its intended connection to the utility grid. A copy of the electric utility company's approval to connect to the utility grid shall be provided to the Township if secured at time of conditional use application, but not later than at time of application for zoning permit.
 - (e) An affidavit or evidence of agreement between the property owner and PSEF owner and/or operator confirming the PSEF owner and/or operator has permission to apply for the conditional use. Copies of all necessary permits for the construction, installation, operation and decommissioning of the PSEF and its solar energy system(s) shall be provided if secured at time of conditional use application, but not later than at time of application for zoning permit.
 - (f) Copies of all studies, analyses, reports, certificates and approvals required by all agencies shall be provided to the Township if secured at time of conditional use

application, but not later than at time of application for zoning permit. At time of conditional use application, the Township shall be provided with: (1) three copies of a Resource Impact and Conservation Analysis conforming to the requirements of §390-25.E of the Subdivision and Land Development Ordinance which shall also include, but not be limited to, impacts, if any, of the project's electromagnetic field(s) [EMF], hazardous materials, wired and wireless communications interference, and "heat island effect" (as described by the U.S. EPA) on adjacent properties; (2) three copies of a Phase I Environmental Assessment of the PSEF site dated not more than one year before the Township's receipt of the conditional use application, and (3) three copies of existing Phase 1, 2 and 3 Environmental Assessments pertaining to the PSEF site, as applicable. Pending and future environmental assessments upon completion shall be provided to the Township. The Township and/or any of its consultants shall be provided with copies of other studies, analyses, and/or reports, as may be reasonably requested, including but, not limited to, the PSEF and its solar energy system design by the PSEF owner's and/or applicant's engineer and traffic impact analysis during construction and decommissioning of the PSEF.

- (g) Documents related to decommissioning in accordance with §470-22.2.(2)(t).
 - (h) Traffic routes in the Township, traffic volumes and delivery times, and truck weights and sizes relative to PSEF construction and solar energy system(s) installation and decommissioning shall be provided as part of the conditional use application. Off-street parking and staging areas for construction-related and delivery vehicles shall be depicted on the conditional use site plan. Township streets shall not be used for parking or staging of construction-related or delivery vehicles during installation and/or decommissioning of the PSEF.
 - (i) Payment in full of applicable conditional use hearing fees. The PSEF owner and/or applicant shall be responsible for payment of fees in excess of hearing fees submitted with the conditional use application prior to issuance of a zoning permit for Township Engineer and/or Solar Energy Consultant fees.
- (2) The following standards, requirements and criteria, without limitation, shall apply to a principal solar energy facility:
- (a) The owner or operator of a PSEF which will be connected to a utility grid shall provide a copy of a current and valid written authorization from the utility company to the Township acknowledging and approving such connection not later than application of a zoning permit.
 - (b) The PSEF and its solar energy system(s), solar related equipment, principal and accessory buildings and structures, and parking facilities shall be enclosed by perimeter chain-link fencing, and/or other fencing required by state or federal agency, and an access gate(s) at a height between eight and nine feet for the purpose of restricting unauthorized access. Such fencing shall be green poly-coated and shall not include barbed wire or similar product unless otherwise required by a state or federal agency.
 - (c) Within 10 feet outside the perimeter fencing stated above, the initial row of two staggered rows of eight-foot tall deer-resistant evergreen trees at initial planting shall

- be planted with trees in each row spaced at a maximum of 20 feet on center. The staggered rows of evergreens shall provide an immediate visual screen of the PSEF and evergreen tree spacing in each row shall ensure closure between trees at maturity, except at the access gate(s).
- (d) A compacted stone and/or paved perimeter road to serve as a firebreak, of material, depth and width satisfactory to the Township Engineer and Fire Chief, and approved by the Board of Commissioners, shall be located between the perimeter fencing stated above and the solar related equipment, within the applicable front, side and rear yard setbacks for solar related equipment.. An alternative method of providing PSEF perimeter fire protection may be proposed by the PSEF owner and/or operator and may be approved by the Board of Commissioners after recommendations by the Township Engineer and Fire Chief.
- (e) Access roads and parking areas within the PSEF shall be compacted stone and/or of a paved material, of depth and width satisfactory to the Township Engineer and approved by the Board of Commissioners.
- (f) The PSEF shall be designed and constructed so that ground leveling is limited to those areas needed for installation of PSEF land development improvements and solar related equipment so that the natural ground contour is preserved to the greatest extent practical. Any earth disturbance shall, at a minimum, require an erosion and sedimentation control plan approved by the Monroe County Conservation District. Such earth disturbances in conjunction with a site alteration or land development shall meet the applicable sections of this chapter, the Subdivision and Land Development Ordinance, and Stormwater Management Ordinance, as may be amended.
- (g) Woodlands and other vegetation shall be preserved to the maximum extent possible. Woodland and vegetation protection and replacement shall be in accordance with Article XI, Natural Resource Protection.
- (h) The manufacturer's or installer's identification and appropriate warning signage not greater than three square feet each, or the minimum square footage signage allowed by applicable code, state or federal agency, shall be posted on the access gate(s) and/or perimeter fencing as required by applicable regulations. Except as provided herein, a PSEF shall not display signage of any kind, including, but not limited to, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials.
- (i) All on-site utility lines shall be placed underground unless otherwise approved by the Board of Commissioners. The conditional use site plan and land development plan shall clearly depict where all underground and above-ground utility lines are proposed.
- (j) A PSEF shall comply with the following bulk and coverage controls:

<u>Minimum Front, Side and Rear Yard Setback From Nearest Overlay District Boundary Line For Perimeter Fence</u>	<u>50 feet</u>
<u>Minimum Front, Side and Rear Yard Setback From Nearest Overlay District Boundary Line For Solar Panels And Their Mounting Equipment except as provided below</u>	<u>75 feet</u>
<u>Minimum Front, Side and Rear Yard Setback From Nearest Overlay District Boundary Line For Principal and Accessory Buildings and/or Structures (including parking facilities and other structures containing or attached with equipment which cause sound, vibration, and/or emission, including, but not limited to, odor, smoke, vapor, gas, heat, dust, dirt, air pollution of any kind, EMF, wired and wireless communications interference, light or glare¹) except as otherwise provided herein</u>	<u>150 feet</u>
<u>Maximum Solar Panel Height</u>	<u>15 feet</u>
<u>Maximum Building, Structure and/or Appurtenance Height</u>	<u>15 feet</u>
<u>Maximum Ground Coverage²</u>	<u>60%</u>
<u>Minimum Lot Area</u>	<u>5 acres</u>

¹In no case shall any sound, vibration, and/or emission of any kind from a PSEF occur beyond the PSEF property lines.

²Maximum ground coverage for the purpose of this Section is defined as the maximum percentage obtained by dividing the total impervious surface area, including the ground floor area of all principal and accessory buildings, the area of any paved road or other surface, and the cumulative surface area of solar panels on the lot, properties or tract by the total area of the lot, properties or tract upon which the buildings and solar panels are located.

- (k) The cumulative surface area of solar panels, regardless of the mounted angle, shall be calculated as part of the overall impervious coverage. Native grasses and/or other native vegetation satisfactory to the Township Engineer, consultant, or licensed landscape architect shall be planted and maintained below and between ground-mounted solar panels, modules and/or arrays, except where access roads are provided, unless other ground cover is required by a state or federal agency or recommended by the Township Engineer, consultant, or licensed landscape architect and approved by the Board of Commissioners. A note on the PSEF land development plan shall detail the type of grass and/or other suitable vegetation below and between ground-mounted solar panels and its maintenance to ensure continuous ground cover, soil stabilization, stormwater infiltration, and minimized risk of a fire hazard.
- (l) Solar panels shall be placed such that concentrated solar radiation (e.g., light, heat, EMF and/or communications interference) or glare shall not be directed onto other properties, roadways or other areas accessible to the public. The PSEF owner and/or operator has the burden of proving that any solar radiation (described above) or glare produced does not adversely impact upon other properties, aircraft, flying species, and/or adjacent uses either through siting or mitigation. The PSEF owner and/or operator shall be responsible to mitigate any adverse solar radiation (described above) or glare impacts, as determined by the Township Engineer or consultant, prior to issuance of a certificate of occupancy and/or after issuance of a certificate of

occupancy.

- (m) Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. Acknowledgement of same from the Federal Aviation Administration, or other agency or entity, may be necessary at the discretion of the Board of Commissioners.
- (n) The layout, design, construction, installation and operation of the PSEF and its solar energy system(s) shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, or more stringent standards required by state and/or federal agencies. All applicable building permits shall be obtained for the PSEF and its solar energy system(s) per the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, 35 P.S. § 7210.101 et seq., as amended, and applicable regulations adopted by the Department of Labor and Industry. All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies; the Township shall be provided with copies of utility provider approvals and compliance with those same policies and any future change in status. The applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an engineer licensed in the Commonwealth of Pennsylvania. The manufacturer specifications for the key components of the solar energy system(s) shall be submitted as part of the application.
- (o) The PSEF and its solar energy system(s) shall be designed and operated to protect public safety including development and implementation of a plan of operating procedures to prevent public access inside the PSEF, including, but not limited to, security cameras and security lighting shielded to prevent glare and spillover onto adjacent properties. A PSEF Emergency Operations Plan (EOP) shall be provided to the Township, Fire Chief and Township Emergency Management Coordinator prior to issuance of a certificate of occupancy. The EOP shall provide specific instructions for fire protection and handling and disposing of hazardous materials contained in and/or released from solar related equipment. No solar related equipment and/or hazardous materials shall be buried on site or disposed of in violation of local, state or federal regulations.
- (p) A PSEF and its solar energy system(s) shall not be constructed until all applicable building and zoning permits have been issued, all approvals have been secured and security has been provided for the installation of PSEF land development improvements and decommissioning. Before any construction can commence on any PSEF and its solar energy system(s), the property owner shall acknowledge that they are the responsible party for owning and maintaining the facility and its solar energy system(s). Prior to issuance of a certificate of occupancy and operation of the PSEF, the PSEF owner and/or operator shall provide the Township with copies all applicable regulatory permits and approvals to operate the PSEF.
- (q) The Township shall be notified in writing within 30 days of a change in: (1) PSEF

ownership, (2) PSEF operator and/or (3) owner of land upon which the PSEF is located, and the Township shall be provided with contact name(s), address(es), phone number(s), email addresses(es), and emergency contact information. The PSEF owner and/or operator shall maintain a phone number and email address, and shall identify a person responsible for the Township to contact with inquiries and complaints throughout the life of the project and shall provide this number and name to the Township.

- (r) If a PSEF or any of its solar energy system(s) or components are deemed to be a public safety hazard by a Code Enforcement Officer, Building Code Official, Township Engineer or consultant, or state or federal agency, the PSEF owner and/or operator, after written notice by any of the entities stated above, shall be responsible for making immediate repairs or removal of the condition causing such hazard. If the PSEF owner or operator fails to make immediate repairs or remove said conditions, Pocono Township shall have the option to pursue reasonable hazard mitigation measures at the PSEF owner's expense without further notice to the PSEF owner or operator.
- (s) An annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be submitted to the Township not later than 30 days following each anniversary of the date on which the PSEF commenced operation. The inspection report shall certify the structure soundness, proper operation of the facility, consistency with the conditional use decision conditions, and consistency with the approved land development plan. The requirement to submit the annual report shall be such that it shall be required even if not specifically included in or as part of a conditional use decision.
- (t) Decommissioning of a PSEF or any of its solar energy system(s) shall include the following, without limitation:
 - (1) The PSEF owner and/or operator shall execute a Decommissioning Agreement, to be approved by the Township pending the review of the Township Solicitor, before the final plan is released by the Board of Supervisors and filed on record. Said agreement shall contain all terms and conditions for decommissioning requirements.
 - (2) If a PSEF or any of its solar energy system(s) have not been in operation for a period of six consecutive months, the PSEF owner or operator shall notify the Township in writing with the reason(s) for inoperability and their intentions to re-establish operations or plans for decommissioning. The PSEF owner or operator shall notify the Township immediately upon discontinuation or abandonment of the operation. The PSEF or one or more of its solar energy systems shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of 12 continuous months.
 - (3) The PSEF owner and/or operator shall, at its expense, have six months from discontinuation or abandonment in which to dismantle and remove the PSEF including all solar related equipment or appurtenances related thereto, including, but not limited to, buildings, cabling, electrical components, roads, foundations and other associated facilities from the property, and shall re-vegetate disturbed earth back to its predevelopment condition in accordance

with subsection (8), below.

- (4) Engineer Decommissioning Costs. An independent and certified Pennsylvania professional engineer shall be retained by the PSEF owner or operator to estimate the total cost of decommissioning without regard to salvage value of the PSEF solar related equipment. Said estimates shall be submitted to the Township after the first year of issuance of a certificate of occupancy and every 5th year thereafter.
- (5) Decommissioning Financial Security. The PSEF owner or operator, prior to the issuance of a zoning permit, shall provide financial security with the Township as payee in an amount approved by the Board of Commissioners, from a company and in a form and content acceptable to the Board of Commissioners, to insure decommissioning and re-vegetation as set forth herein. The security shall remain in place for as long as the PSEF or its solar energy system(s) exist at the site and until restoration of the site is satisfactorily completed. The PSEF owner or operator shall be responsible to have the financial security certificate holder describe the status of the bond or letter of credit in an annual report submitted to the Township. The financial security shall not be subject to revocation, reduction or termination unless and until approved by the Board of Commissioners based upon the Township Engineer's and Solicitor's recommendation that decommissioning and re-vegetation have been satisfactorily completed.
- (6) Landowner Responsibility. If the PSEF owner or operator fails to complete decommissioning and re-vegetation within the time period stated herein, then decommissioning and re-vegetation in accordance with this chapter shall become the responsibility of the landowner, and such landowner shall have six months to complete decommissioning and re-vegetation.
- (7) Township Intervention. If neither the PSEF owner or operator, nor the landowner completes decommissioning and re-vegetation within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning and re-vegetation. The submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning and re-vegetation plan.
- (8) Decommissioning conditions of the zoning permit shall include, but not be limited to:
 - [a] If the PSEF owner or operator ceases operation of the facility or any of its solar energy system(s), or begins, but does not complete, construction of the project, the PSEF owner and/or operator shall restore the site to its condition prior to any disturbance related to the PSEF facility. The site shall be restored to a useful, non-hazardous condition without significant delay, including but not limited to the following:
 - [1] Removal of aboveground and underground equipment, structures and foundations to a depth of at least three feet below grade. Underground

- equipment, structures and foundations need not be removed if they are at least three feet below grade and do not constitute a hazard or interfere with agricultural use or other resource uses of the land.
- [2] Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 - [3] Removal of graveled areas and access roads.
 - [4] Revegetation of restored soil areas with native seed mixes and native plant species suitable to the area.
 - [5] For any part of the PSEF project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or buildings in place or regarding restoration of agricultural crops or forest resource land.
 - [6] The plan shall provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration.
 - [7] The plan shall include a schedule for completion of site restoration work.
- t. Prior to the issuance of a zoning permit, the PSEF owner or applicant shall acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (1) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (2) the right to prohibit the development on or growth of any trees or vegetation on such.
- u. Solar Easements.
- (1) Where a subdivision or land development proposes a PSEF, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.
 - (2) Any such easements shall be appurtenant; shall run with the land benefitted and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include, but not be limited to:
 - (a) A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed.
 - (b) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement.
 - (c) Enumeration of the terms and conditions, if any, under which the

- easement may be revised or terminated.
- (d) Explanation of the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefitting from the solar easement in the event of interference with the easement.
- (3) A PSEF owner and/or operator is responsible to obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s), if determined necessary by said owners and/or operators.
- v. The PSEF owner and/or operator shall repair, maintain and replace the facility and related solar equipment during the term of the facility's use in a manner consistent with industry standards as needed to keep the facility safe and in good repair and operating condition. Maintenance and cleaning of photovoltaic panels or heliostats shall include chemicals or solvents low in volatile organic compounds and the facility operator shall use recyclable or biodegradable products to the extent possible.
- w. The following conditions, which may be amended by the Board of Commissioners, shall apply to a PSEF conditional use approval in addition to any other conditions imposed by the Board of Commissioners in their conditional use decision:
- (1) The PSEF applicant, owner and/or operator shall resolve any outstanding comments of the Township Engineer's conditional use and/or land development review letters to the satisfaction of the Board of Commissioners prior to issuance of a certificate of occupancy and operation of the PSEF.
- (2) The PSEF owner and/or operator shall be responsible for repairs to improvements within Township rights-of-way caused by vehicular traffic generated to construct or decommission the PSEF and shall provide adequate security as determined by the Board of Commissioners for such improvement repairs.
- (3) The PSEF applicant, owner and/or operator shall install a Knox-type box on all access gates for emergency access by the Pocono Township Volunteer Fire Department and other emergency responders.
- (4) The PSEF applicant, owner and/or operator shall prepare a "schedule of maintenance" for review and recommendation by the Township Engineer and/or Township Solar Energy Consultant and approval by the Board of Commissioners prior to issuance of a certificate of occupancy and operation of the PSEF. The "schedule of maintenance" shall include, but not be limited to, a detailed description of daily, weekly, monthly, annual and seasonal inspection and maintenance applicable to vegetation, stormwater facilities, solar related equipment and other improvements on the PSEF site.
- (5) Delivery of solar related equipment to the PSEF site and construction activities on the PSEF site shall be limited to 7:00 a.m. through 7:00 p.m. on Mondays through Saturdays, except for emergency repairs which may occur as needed. There shall be no deliveries of solar related equipment and

construction activities on the PSEF site on Sundays and holidays, except for emergency repairs which may occur as needed. Deliveries and removal of solar related equipment and truck traffic to and from the PSEF site during construction, operation and/or decommissioning shall be limited to the route(s), days and times approved by the Board of Commissioners.

- (6) Solar related equipment and parts thereto not in active operation on the PSEF site shall be stored in an enclosed building and/or concealed within solid fencing no closer than the one-hundred-fifty-foot setback for principal and accessory buildings and/or structures under Subsection 2(i) above.
- (7) A failure to comply with any condition or requirement herein set forth shall constitute a violation of the said condition or requirement. Each day's continuation of a violation shall constitute a separate violation. All such violations shall be subject to the penalties set forth in §470-127.

§ 470-22.3. PWEF Principal Wind Energy Facility Overlay District.

- A. Intent. To provide for the construction, installation, operation and decommissioning of principal wind energy facilities (PWEF) in Pocono Township, subject to reasonable conditions that will protect the public health, safety, and welfare.
- B. Applicability.
 - (1) The area and boundary of the PWEF Principal Wind Energy Facility Overlay District are designated on the Principal Wind Energy Facility Overlay District map (See Attachment 6).
 - (2) This §470-22.3 applies to any PWEF proposed to be constructed, installed, operated, or decommissioned after the effective date of this chapter.
 - (3) Any upgrade, modification, or structural change that materially alters the size or placement of an existing PWEF or its related equipment shall comply with the provisions of this §470-22.3.
 - (4) In the case of a PWEF use, for any lot or property, or portion thereof, within the PWEF Overlay District, the regulations of said overlay district shall supersede any regulations of the underlying district which are in conflict with those of this §470-22.3.
- C. Use Regulations.
 - (1) A principal wind energy facility shall only be located in the Principal Wind Energy Facility Overlay District and shall only be permitted in said overlay district as a conditional use in accordance with §470-130 of this chapter, as may be amended. A PWEF shall also meet the requirements of the Pocono Township Subdivision and Land Development Ordinance, as may be amended, including, but not limited to, land development requirements. In addition to the requirements set forth in §470-130, the PWEF owner and/or applicant shall provide the following as part of their conditional use application:
 - (a) A narrative describing the proposed PWEF, including an overview of the project; the project location; the approximate generating capacity of the PWEF; the approximate number, representative types, and height or range of heights of wind turbines to be

- constructed, including their generating capacity, dimensions, and respective manufacturers; and a description of ancillary facilities.
- (b) Identification of the properties on which the proposed PWEF will be located and the properties adjacent to where the PWEF will be located.
 - (c) A descriptive site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the PWEF to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback. The site plan shall incorporate a fire protection plan, including, but not limited to, location of hydrants and other on-site and off-site firefighting equipment, and a narrative of same shall be provided to the Township and Pocono Township Fire Chief for their review and comment.
 - (d) Evidence that the electric utility company has been informed of the owner's and/or operator's intent to install such facility and its intended connection to the utility grid. A copy of the electric utility company's approval to connect to the utility grid shall be provided to the Township if secured at time of conditional use application, but not later than at time of application for zoning permit.
 - (e) An affidavit or evidence of agreement between the property owner and PWEF owner and/or operator confirming the PWEF owner and/or operator has permission to apply for the conditional use. Copies of all necessary permits for the construction, installation, operation and decommissioning of the PWEF shall be provided if secured at time of conditional use application, but not later than at time of application for zoning permit.
 - (f) Documentation showing that the PWEF will comply with all applicable requirements of the Federal Aviation Administration (FAA) and the Commonwealth of Pennsylvania Bureau of Aviation (BOA).
 - (g) A wind resource study documenting wind resources at the site. The study shall include but is not limited to data showing average wind speeds capable of generating electricity and the available capacity to transmit the electricity into the power grid.
 - (h) A noise study demonstrating compliance with §470-22.3C(2)(i) below.
 - (i) A shadow flicker study demonstrating compliance with §470-22.3C(2)(j) below.
 - (j) Copies of all studies, analyses, reports, certificates and approvals required by all agencies shall be provided to the Township if secured at time of conditional use application, but not later than at time of application for zoning permit. The Township and/or any of its consultants shall be provided with copies of other studies, analyses, and/or reports, as may be reasonably requested, including but, not limited to, the PWEF system design by the PWEF owner's and/or applicant's engineer and traffic impact analysis during construction and decommissioning of the PWEF.
 - (k) Traffic routes in the Township, traffic volumes and delivery times, and truck weights and sizes relative to PWEF construction and decommissioning shall be provided as part of the conditional use application. Off-street parking and staging areas for construction-related and delivery vehicles shall be depicted on the conditional use

site plan. Township streets shall not be used for parking or staging of construction-related or delivery vehicles during installation and/or decommissioning of the PWEF.

- (l) Documents related to decommissioning in accordance with §470-22.3(2)(u).
 - (m) Payment in full of applicable conditional use hearing fees. The PWEF owner and/or applicant shall be responsible for payment of fees in excess of hearing fees submitted with the conditional use application prior to issuance of a zoning permit for Township Engineer and/or consultant fees.
- (2) The following standards, requirements and criteria, without limitation, shall apply to a principal wind energy facility:
- (a) The layout, design, and installation of PWEF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with all applicable building and electrical codes of Pocono Township. The manufacturer specifications shall be submitted as part of the application.
 - (b) All PWEF shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including but not limited to variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
 - (c) Visual appearance.
 - [1] PWEF shall be painted a non-reflective, flat color such as white, off-white, or gray unless required to be colored differently by FAA or BOA regulations.
 - [2] PWEF shall not be artificially lighted, except to the extent required by the FAA, BOA or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall seek to minimize the disturbance to the surrounding views.
 - [3] Wind turbines shall not display advertising, except for identification of the manufacturer of the system, facility owner and operator.
 - [4] All on-site utility, transmission lines, and cables shall be placed underground unless otherwise approved by the Board of Commissioners. The conditional use site plan and land development plan shall clearly depict where all underground and above-ground utility lines are proposed.
 - [5] No PWEF shall be installed at any location that would substantially detract from or block the view of the major portion of a recognized scenic vista, as viewed from any public road right-of-way or publicly-accessible parkland or open space within Pocono Township.
 - [6] Accessory structures and equipment associated with PWEF shall be screened

from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a permanent visual screen.

(d) Warnings and safety measures.

- [1] A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
- [2] All access doors to wind turbines, electrical equipment, outbuildings and appurtenances shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- [3] Wind turbines shall not be climbable up to 15 feet above ground surface or the climbing apparatus shall be fully contained and locked within the tower structure.
- [4] Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
- [5] The potential ice throw or ice shedding for a PWEF shall not cross the property line of the lot on which the PWEF is located nor impinge on any right-of-way or overhead utility line.
- [6] The applicant shall provide a copy of the project narrative and site plan to local emergency services, including the Pocono Township Fire Department.
- [7] The facility owner and/or operator shall abide by all applicable local, state and federal fire code and emergency guidelines. Upon request the applicant, facility owner and/or operator shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the PWEF.

(e) Height

- [1] The maximum height of a PWEF wind turbine tower and structure shall be in accordance with FAA or BOA regulations, whichever is more restrictive. The height shall be measured from the average finished grade at the perimeter of the base of the wind turbine tower to the highest vertical point of the rotor blade in its highest vertical position.
- [2] The maximum height of accessory buildings, structures and related equipment to the PWEF shall comply with accessory height limit of the underlying zoning district in which the PWEF is located.

(f) Setbacks.

- [1] Wind turbines shall be set back from the nearest property line a distance of not less than 1,000 feet. The setback distance shall be measured to the center of the wind turbine base.
- [2] Wind Turbines shall be set back from the nearest occupied building on a non-participating landowner's property not less than five times its hub height.

Setbacks are for: noise, ice throw, blade throw, falling objects, view, wind clearance

Noise: Min 1,000 ft to mitigate noise.

Ice Throw formula:
 $1.5 \times (\text{hub ht} + \text{rotor diameter})$

Avg hub ht = 322ft
Avg rotor diam = 430ft

$1.5 \times (322 +$

measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.

- [3] Wind Turbines shall be set back from the nearest occupied building on a participating landowner's property not less than 1.1 times its total turbine height measured from the center of the wind turbine base to the nearest point of foundation of the occupied building. Any operator/occupied building used in connection with the development are exempt from this distance limit.

or 1.5 times the
hub height plus
the rotor diameter
(1.5 x (hub ht. +
rotor diameter)),
(for ice throw)

- [4] All wind turbines shall be set back from the nearest public road right-of-way a distance of not less than 1.5 times the hub height plus the rotor diameter [1.5 x (hub ht. + rotor diameter)], as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.

- [5] Wind turbines shall be set back from above-ground electric power lines, public telephone lines and television cable lines a distance of no less than 2.0 times its total turbine height. The setback distance shall be measured from the center of the wind turbine base to the nearest point of such lines.

- [6] Wind turbines shall be set back at least 2,000 feet from Important Bird Areas as identified by Audubon Pennsylvania/Mid-Atlantic.

- [7] Accessory buildings, structures, and related equipment to the PWEF shall comply with the accessory building setback requirements of the underlying zoning district in which the PWEF is located.

(g) Use of public roads.

- [1] The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation, or maintenance of the PWEF.

- [2] The Township Engineer or a qualified third-party engineer hired by the Township and paid for by the applicant shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as soon thereafter as weather permits.

- [3] The Township may bond the road in compliance with state regulations.

- [4] Any road damage caused by the Applicant or its contractors shall be promptly repaired to the Township's satisfaction at the Applicant's expense.

- [5] The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

- [6] Every effort shall be made to use existing roads and logging roads. New deforestation and forest fragmentation shall be kept to a minimum.

- (h) Access roads and parking areas within the PWEF shall be compacted stone and/or of a paved material, of depth and width satisfactory to the Township Engineer and approved by the Board of Commissioners.

- (i) Noise.

- [1] Equipment selected for use as a PWEF shall incorporate the latest technology for producing low ambient noise levels. Audible sound from a PWEF shall not exceed 45 dBA, as measured at the participating landowner's property line, except that the noise limit may be exceeded during short-term events such as utility outages and/or storms.
- [2] Methods for measuring and reporting acoustic emissions from PWEF shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association (A WEA) Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier, as amended.
- (j) Shadow flicker.
 - [1] A PWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property.
 - [2] A PWEF shall be designed in such a manner as to minimize shadow flicker on any roadway.
 - [3] The facility owner and/or operator shall conduct, at the applicant's expense, a modeling study demonstrating that shadow flicker shall not occur on any occupied building on a non-participating landowner's property.
- (k) A wind turbine shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
- (l) The facility owner and/or operator shall ensure that the design and operation of any PWEF avoids disruption or loss of radio, telephone, television, cell, Internet or similar signals, and shall mitigate any harm caused thereby.
- (m) The applicant shall provide a proposed foundation design and analysis of soil conditions by a professional engineer.
- (n) A PWEF owner shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. A certificate of insurance shall be made available to the Township upon request.
- (o) The Township shall be notified in writing within 30 days of a change in: (1) PWEF ownership, (2) PWEF operator and/or (3) owner of land upon which the PWEF is located, and the Township shall be provided with contact name(s), address(es), phone number(s), email addresses(es), and emergency contact information. The PWEF owner and/or operator shall maintain a phone number and email address, and shall identify a person responsible for the Township to contact with inquiries and complaints throughout the life of the project and shall provide this number and name to the Township.
- (p) The PWEF shall be designed and constructed so that ground leveling is limited to those areas needed for installation of PWEF land development improvements and related equipment so that the natural ground contour is preserved to the greatest extent practical. Such earth disturbances in conjunction with a site alteration or land

development shall meet the applicable sections of this chapter, the Subdivision and Land Development Ordinance, and Stormwater Management Ordinance, as may be amended.

- (q) Woodlands and other vegetation shall be preserved to the maximum extent possible. Woodland and vegetation protection and replacement shall be in accordance with Article XI, Natural Resource Protection.
- (r) A PWEF shall not be constructed until all applicable building and zoning permits have been issued, all approvals have been secured and security has been provided for the installation of PWEF land development improvements and decommissioning. Before any construction can commence on any PWEF, the property owner must acknowledge that they are the responsible party for owning and maintaining the facility. Prior to issuance of a certificate of occupancy and operation of the PWEF, the PWEF owner and/or operator shall provide the Township with copies all applicable regulatory permits and approvals to operate the PWEF.
- (s) If a PWEF or any of its components are deemed to be a public safety hazard by a Code Enforcement Officer, Building Code Official, Township Engineer or consultant, or state or federal agency, the PWEF owner and/or operator, after written notice by any of the entities stated above, shall be responsible for making immediate repairs or removal of the condition causing such hazard. If the PWEF owner or operator fails to make immediate repairs or remove said conditions, Pocono Township shall have the option to pursue reasonable hazard mitigation measures at the PWEF owner's expense without further notice to the PWEF owner or operator.
- (t) An annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be submitted to the Township not later than 30 days following each anniversary of the date on which the PWEF commenced operation. The inspection report shall certify the structure soundness, proper operation of the facility, consistency with the conditional use decision conditions, and consistency with the approved land development plan. The requirement to submit the annual report shall be such that it shall be required even if not specifically included in or as part of a conditional use decision.
- (u) Decommissioning of a PWEF or any of its individual wind turbines shall include the following, without limitation:
 - [1] The PWEF owner and/or operator shall execute a Decommissioning Agreement, to be approved by the Township pending the review of the Township Solicitor, before the final plan is released by the Board of Commissioners and filed on record. Said agreement shall contain all terms and conditions for decommissioning requirements.
 - [2] If a PWEF or any of its individual wind turbines have not been in operation for a period of six consecutive months, the PWEF owner or operator shall notify the Township in writing with the reason(s) for inoperability and their intentions to re-establish operations or plans for decommissioning. The PWEF owner or operator shall notify the Township immediately upon discontinuation or abandonment of the operation. The PWEF or one or more of its individual wind turbines shall be presumed to be discontinued or abandoned if no electricity is

generated by such system for a period of 12 continuous months.

- [3] The PWEF owner and/or operator shall, at its expense, have twelve months from discontinuation or abandonment in which to dismantle and remove the PWEF and individual wind turbines, including all related equipment or appurtenances related thereto, including, but not limited to, buildings, cabling, electrical components, roads, foundations and other associated facilities from the property, and shall re-vegetate disturbed earth back to its predevelopment condition in accordance with subsection (7), below.
- [4] Engineer Decommissioning Costs. An independent and certified Pennsylvania professional engineer shall be retained by the PWEF owner or operator to estimate the total cost of decommissioning without regard to salvage value of the equipment. Said estimates shall be submitted to the Township after the first year of issuance of a certificate of occupancy and every 5th year thereafter.
- [5] Decommissioning Financial Security. The PWEF owner or operator, prior to the issuance of a zoning permit, shall provide financial security with the Township as payee in an amount approved by the Board of Commissioners, from a company and in a form and content acceptable to the Board of Commissioners, to insure decommissioning and re-vegetation as set forth herein. The security shall remain in place for as long as the PWEF exist at the site and until restoration of the site is satisfactorily completed. The PWEF owner or operator shall be responsible to have the financial security certificate holder describe the status of the bond or letter of credit in an annual report submitted to the Township. The financial security shall not be subject to revocation, reduction or termination unless and until approved by the Board of Commissioners based upon the Township Engineer's and Solicitor's recommendation that decommissioning and re-vegetation have been satisfactorily completed.
- [6] Landowner Responsibility. If the PWEF owner or operator fails to complete decommissioning and re-vegetation within the time period stated herein, then decommissioning and re-vegetation in accordance with this chapter shall become the responsibility of the landowner, and such landowner shall have twelve months to complete decommissioning and re-vegetation.
- [7] Township Intervention. If neither the PWEF owner or operator, nor the landowner completes decommissioning and re-vegetation within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning and re-vegetation. The submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning and re-vegetation plan.
- [8] Decommissioning conditions of the zoning permit shall include, but not be limited to:
 - [a] If the PWEF owner or operator ceases operation of the facility or any of its individual wind turbines, or begins, but does not complete, construction of the project or any of its individual wind turbines, the PWEF owner and/or

operator shall restore the site to its condition prior to any disturbance related to the PWEF facility or individual wind turbines. The site shall be restored to a useful, non-hazardous condition without significant delay, including but not limited to the following:

- [i] Removal of aboveground and underground equipment, structures and foundations to a depth of at least three feet below grade. Underground equipment, structures and foundations need not be removed if they are at least three feet below grade and do not constitute a hazard or interfere with agricultural use or other resource uses of the land.
 - [ii] Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 - [iii] Removal of graveled areas and access roads.
 - [iv] Revegetation of restored soil areas with native seed mixes and native plant species suitable to the area.
 - [v] For any part of the PWEF project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or buildings in place or regarding restoration of agricultural crops or forest resource land.
 - [vi] The plan shall provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration.
 - [vii] The plan shall include a schedule for completion of site restoration work.
- v. The PWEF owner and/or operator shall repair, maintain and replace the facility and related equipment during the term of the facility's use in a manner consistent with industry standards as needed to keep the facility safe and in good repair and operating condition.
- w. The following conditions, which may be amended by the Board of Commissioners, shall apply to a PWEF conditional use approval in addition to any other conditions imposed by the Board of Commissioners in their conditional use decision:
- [1] The PWEF applicant, owner and/or operator shall resolve any outstanding comments of the Township Engineer's conditional use and/or land development review letters to the satisfaction of the Board of Commissioners prior to issuance of a certificate of occupancy and operation of the PWEF.
 - [2] The PWEF owner and/or operator shall be responsible for repairs to improvements within Township rights-of-way caused by vehicular traffic generated to construct or decommission the PWEF and shall provide adequate security as determined by the Board of Commissioners for such improvement repairs.
 - [3] The PWEF applicant, owner and/or operator shall install a Knox-type box on all access gates for emergency access by the Pocono Township Volunteer Fire

Department and other emergency responders.

- [4] The PWEF applicant, owner and/or operator shall prepare a "schedule of maintenance" for review and recommendation by the Township Engineer and approval by the Board of Commissioners prior to issuance of a certificate of occupancy and operation of the PWEF. The "schedule of maintenance" shall include, but not be limited to, a detailed description of daily, weekly, monthly, annual and seasonal inspection and maintenance applicable to vegetation, stormwater facilities, PWEF related equipment and other improvements on the PWEF site.
- [5] Delivery of equipment to the PWEF site and construction activities on the PWEF site shall be limited to 7:00 a.m. through 7:00 p.m. on Mondays through Saturdays, except for emergency repairs which may occur as needed. There shall be no deliveries of equipment and construction activities on the PWEF site on Sundays and holidays, except for emergency repairs which may occur as needed. Deliveries and removal of equipment and truck traffic to and from the PWEF site during construction, operation and/or decommissioning shall be limited to the route(s), days and times approved by the Board of Commissioners.
- [6] PWEF related equipment and parts thereto not in active operation on the PWEF site shall be stored in an enclosed building and/or concealed within solid fencing no closer than the applicable setback for accessory buildings and/or structures in the underlying zoning district.
- [7] A failure to comply with any condition or requirement herein set forth shall constitute a violation of the said condition or requirement. Each day's continuation of a violation shall constitute a separate violation. All such violations shall be subject to the penalties set forth in §470-127.

§ 470-22.4. Data Center Overlay District.

- A. Intent. To provide for data centers in Pocono Township, subject to reasonable conditions that will protect the public health, safety, and welfare.
- B. Applicability.
 - (1) The area and boundary of the DC Data Center Overlay District are designated on the DC Data Center Overlay District map (See Attachment 5).
 - (2) This §470-22.4 applies to any data center proposed after the effective date of this chapter.
 - (3) Any upgrade, modification, or structural change that materially alters the size or placement of an existing data center shall comply with the shall comply with the provisions of this §470-22.4.
 - (4) In the case of a data center use, for any lot or property, or portion thereof, within the DC Overlay District, the regulations of said overlay district shall supersede any regulations of the underlying district which are in conflict with those of this §470-22.4.

- C. Use regulations are provided in the Use Schedule, which is included as an attachment to this chapter (See attachment "Use Schedule.")
- D. Lot, yard, and height requirements. All lot, yard, and height requirements shall be the same as those within the underlying zoning district, except that where a conflict exists, the requirements of this section §470-22.4 shall apply.
- E. Design standards. Data centers shall meet the following standards:
- (1) Setbacks. The data center and associated equipment and structures shall be setback a minimum of 200 feet from the property line of any adjacent residential use or residential zoning district boundary as follows:
 - (a) In accordance with the minimum setback requirements of the zoning district in which the data center and associated equipment and structures are located.
 - (b) A minimum of 200 feet from the property line of any adjacent residential use or residential zoning district boundary; educational use; public park; nature preserve; or nursing home/skilled nursing facility/long-term care facility, assisted living residence, personal care home, or CCRC. Where this setback conflicts with any minimum setback or building separation requirement of the zoning district in which the data center and associated equipment and structures are located, the larger setback shall apply.
 - (2) Principal building façades. Principal building façades shall include all building façades that face adjacent public roads, adjacent residential use, or adjacent residentially zoned land. When a building has more than one principal façade, such principal building façades shall be consistent in terms of design, materials, details, and treatment. Principal building façades shall avoid the use of undifferentiated surfaces by including the following design elements:
 - (a) Fenestration (windows) on a minimum of 30% of the principal façade surface area located in separated individual placements or clustered bays and distributed horizontally and vertically across the principal façade; and
 - (b) A change in building material, pattern, texture, color, or accent materials.
 - (3) Main entrance feature. At least one main entrance feature shall be provided. Such main entrance features shall either project or recess from the main building plane, and/or be differentiated from the remainder of the building façade by a change in building material. Landscaping of the main entrance feature is encouraged.
 - (4) Building step-back. The building envelope shall provide a step-back of no less than 15 feet from the building wall at a height point that begins at the top of the second story of the building or 40 feet, whichever of the two is lower.
 - (5) Screening of mechanical equipment. Ground level and roof top mechanical equipment shall be screened from view on all sides with a visually solid screen. Such screen shall may be provided by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. Such screen may incorporate perforated surfaces on as necessary to permit ventilation of the equipment. Mechanical

equipment located in a manner found to have no adverse impact on adjacent roads and adjacent industrial or commercial properties, as determined by the Board of Commissioners, shall not be required to be screened.

- ~~(6) Fencing. Fencing of the property may be permitted, provided that fencing is not chain-link, with or without slatted inserts, and does not include barbed wire or other similarly visibly intrusive deterrence device. Fencing visibility shall be reduced through the use of landscaping and other methods to reduce visibility approved by the Township.~~
- (7) Noise. Noise emanating from a data center shall not exceed the levels specified in §470-. Performance Standards. Any mechanical equipment which requires noise reduction to meet Township standards shall be equipped with soundproofing adequate to comply with the noise standards established by this Chapter or as otherwise established as a condition of approval. Upon issuance of a certificate of occupancy, the data center operator shall conduct a noise study performed by a third-party acoustical engineer to document noise levels emanating from the Data Center measured at the nearest property line of the nearest residential property or residential district boundary, or other noise sensitive use as reasonably determined by the Zoning Officer, during peak operation of the Data Center mechanical equipment. The Data Center operator shall also conduct an additional noise study performed by a third-party acoustical engineer, as measured at the property line of the nearest residential property or residential district boundary, or other noise sensitive use as reasonably determined by the Zoning Officer, during peak operation of the Data Center mechanical equipment annually for five years after completion of the initial noise study. The Data Center operator shall provide the results of the noise study to the Township within thirty days of the anniversary of the date on which the certificate of occupancy was issued. Additional testing may be required by the Township.
- (8) If the Data Center operator intends to use backup power generators, the operator shall maintain a public website announcing the times when the generators will be in operation. Any routine operation of the backup generators, including for testing purposes, shall be announced on the website at least 24 hours in advance. The operator shall also notify the Township at least 24 hours in advance of a test. Unless the generators are supplying backup electrical supply during a power outage, backup generators may operate between the hours of 9:00 am and 5:00 pm, Monday through Friday, excluding holidays. Upon request by the Township, the Data Center operator shall provide the address of the website where the notices required by this section are published.
- (9) The data center owner and/or operator shall maintain a phone number and email address, and shall identify a person responsible for the Township to contact with inquiries and complaints throughout the life of the data center operation, and shall provide this contact information to the Township.

ARTICLE V
Supplementary Regulations

§ 470-23. Exceptions to minimum requirements.

The minimum lot, yard, impervious coverage, and height requirements of Article IV shall prevail in all cases, except as follows specified in this Article V.

§ 470-24. Nonconforming lots of record.

- A. Single lots. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot that is duly recorded at the effective date of adoption or amendment of this chapter, provided there is compliance with all water and sewage requirements and other limitations imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements, other than those applying to area or width or both, shall conform to the regulations for the district in which such lot is located.
- B. Developments and subdivisions. Existing developments and/or subdivisions with lots failing to meet the requirements for area or width or both, that are generally applicable to the district in which they are located, are permitted, if at the effective date of adoption of this chapter there is a record plan approved and recorded as by law provided. Any buildings erected on approved lots shall conform to the remaining provisions of this chapter.
- C. Existing single or subdivision lots containing 3/4 acre or less in R-1, R-2 and RD Zones. Notwithstanding the provisions of Subsection B hereinabove, for any existing development and/or subdivision with lots containing 3/4 acre or less, the setbacks applicable thereto shall be as follows:
- (1) Front yard: minimum 40 feet.
 - (2) Side yards: minimum 15 feet.
 - (3) Rear yard: minimum 25 feet.
 - (4) Well: minimum 15 feet.
 - (5) Septic system: minimum 10 feet.
- D. Merger of nonconforming lots. If a lot owner owns two or more contiguous nonconforming lots and wishes to construct an improvement encompassing more than one of the nonconforming lots, the nonconforming lots ~~must~~ shall be merged by recorded deed, a copy of which ~~must~~ shall be supplied to the Township.

§ 470-25. Visibility at intersections in all districts.

On a corner lot in all districts, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of 2 1/2 feet and 10 feet above the center-line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a

line joining points along said street lines 50 feet from the point of intersection.

§ 470-26. Exceptions to height regulations.

- A. The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators or chimneys usually required to be placed above the roof level and not intended for human occupancy.
- B. **Permitted industrial, general commercial and manufacturing uses**, both principal and accessory, may exceed the maximum building height limitations of this chapter, provided that:
 - (1) The subject property is located along a railroad and will utilize an existing or proposed railroad siding as part of the subject use;
 - (2) The maximum structure height, including both principal and accessory structures, shall not exceed 160 feet;
 - (3) The portion of the structure that exceeds the maximum building height requirements of the district which would otherwise be applicable but for this section shall be designed to house railroad loading, unloading, receiving, shipping and storage facilities, processes that require unusual heights, including but not limited to grain storage elevators, product load out and distribution towers and grain processing and milling facilities, as well as processes that require unusual heights to accommodate craneways and special machinery and equipment; and
 - (4) The portion of the principal structure that exceeds the height requirements of the district which would otherwise be applicable but for this section shall be of Type 1B construction as defined by the BOCA Basic Building Code or Type IF.R. as defined by the ICBO Uniform Building Code and shall be served with an approved sprinkler system as may be required.
- C. (Reserved)¹
- D. **Hotels/motels. The maximum height of hotels/motels may be increased up to 96 feet, provided the side and rear setbacks for the building are not less than 50% of the height of the building or the setback required for the district, whichever is greater. [Added 8-5-2013 by Ord. No. 2013-07]**

§ 470-27. Structures to have access.

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with legal access to a private street.

§ 470-28. Corner lot restriction.

On every corner lot there shall be provided on the side street a side yard equal in depth to the required front yard depth on said street by the prevailing zoning district.

§ 470-29. Dimensions for lots without public water or sewers.

Where a lot is not served by a public water supply and/or sanitary sewerage system and the

Township subdivision regulations² or other state or local ordinance in force require a higher standard for lot area or lot width than this chapter, the more restrictive regulations of such other ordinance or regulation shall apply.

§ 470-30. Projections into yards.

The following projections shall be permitted into required yards:

- A. Terraces, patios or other ground-level structures, provided that such structures are not roofed or otherwise enclosed.
- B. Open balconies or fire escapes, provided that such balconies or fire escapes are not supported on the ground and do not project more than five feet into any yard. No fire escape shall be permitted in any front yard, except as required by applicable building and/or fire codes.

§ 470-31. Accessory uses or structures.

- A. All accessory ~~buildings~~ uses or structures shall be required to adhere to the minimum yard dimensions established for the district in which the ~~buildings~~ use or structure is located, except as specified elsewhere in this Article V.
- B. Every pool ~~must~~ shall have means of providing a safe, secure, nonentry means of safeguard ~~usually~~ comprised of locked gates and fencing. All pools shall be entirely enclosed with a permanent, continuous fence not less than four feet in height unless the pool is an aboveground pool, all sides of which are at least four feet above the lowest ground level comply with the Pocono Township Building Code. All pools shall be required to adhere to the minimum yard dimensions established for the district in which the pool is located.
- C. Private tennis, pickleball, and basketball courts, and similar courts ~~must~~ shall adhere to the minimum yard dimensions established for the district in which the courts are located.

§ 470-32. Nonconforming uses.

- A. A nonconforming use is any use, whether of a building or lot or both, legally existing on the effective date of this chapter, or any amendments hereinafter enacted, which does not conform to the use regulations of the district in which it is located.
- B. The following provisions shall apply to all uses legally existing on the effective date of this chapter which do not conform to the requirements set forth in this chapter and to all legally existing uses that become nonconforming by reason of any subsequent amendment to this chapter.
- C. Any nonconforming use may be continued indefinitely, provided that any such use:
 - (1) Shall not be enlarged, altered, extended, reestablished, restored, or placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this chapter, without a special exception from the Zoning Hearing Board.
 - (a) Any modification of the nonconforming use shall take place only on the same lot as that existing at the time the use became nonconforming.
 - (b) Any modification of the nonconforming use shall conform with the area, building

- height, parking, sign and other requirements of the district in which said modification is located.
- (c) The proposed alteration shall not exceed 50% of the floor area and/or ground area devoted to the nonconforming use at the time of the enactment of this chapter.
 - (d) The proposed alteration will not cause an increased detrimental effect on the surrounding neighborhood.
- (2) Shall not be moved to another location where such use would be nonconforming.
 - (3) Shall not be changed to another nonconforming use without approval by the Zoning Hearing Board and then only to a use which, in the opinion of the Zoning Hearing Board, is of the same or of a more restricted nature.
 - (4) Shall not be reestablished if such use has been abandoned for any reason. A nonconforming use shall be deemed as abandoned when there occurs a cessation or discontinuance of any such use or activity by an apparent act or failure to act on the part of the tenant or owner and a failure to reinstate such use within a period of one year from the date of cessation or discontinuance. Vacation of land or structures or the nonoperative status of the use normally carried on shall be evidence of discontinuance. No abandoned use may be reestablished.
 - (5) No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.
 - (6) A building or structure with respect to which a nonconforming use is being made or conducted shall not be restored for other than a conforming use after damage from any cause, unless the nonconforming use is reinstated within one year of such damage; if the restoration of such building or structure is not completed within the said one-year period, the nonconforming use of such building or structure shall be deemed to have been discontinued, unless such nonconforming use is carried on without interruption in the undamaged portion of such building or structure.
- D. The Board of Commissioners may require the removal of any abandoned nonconforming use upon written notice to the owner of the property on which an abandoned nonconforming use exists. If the owner has not completely removed the abandoned use within a reasonable amount of time, not to exceed nine months, the Board of Commissioners shall have the authority to itself cause the removal to be accomplished, the costs of such removal to be paid by the property owner.

§ 470-33. Nonconforming structures and dimensions.

- A. A nonconforming structure, legally existing **on the effective date of this chapter**, or any amendments hereinafter enacted, is any structure that does not conform to the District regulations for: maximum height, building or impervious coverage, minimum livable floor area per dwelling unit, or maximum size.
- B. Nothing in this article shall be deemed to prevent normal maintenance and repair, structural alteration in, moving, reconstruction, or enlargement of a nonconforming structure provided that such action does not increase the degree of or create any new nonconformity with regards to the regulations pertaining to such structures or dimensions applicable to the same on the

lot on which they are located.

- C. A nonconforming structure that has been destroyed by reason of fire, explosion, windstorm, or other active causes deemed to be no fault of the owner may be reconstructed provided that the reconstructed structure does not exceed the height, area or volume of the destroyed structure. An application for a zoning permit ~~must~~shall be submitted within one year from the date of destruction or the nonconforming structure shall not be restored except in conformity with this chapter.
- D. The Board of Commissioners may require the removal of any abandoned nonconforming ~~use~~or structure upon written notice to the owner of the property on which an abandoned nonconforming ~~use~~or structure exists. If the owner has not completely removed the abandoned ~~use~~or structure within a reasonable amount of time, not to exceed nine months, the Board of Commissioners shall have the authority to itself cause the removal to be accomplished, the costs of such removal to be paid by the property owner.
- E. Nonconforming dimensions shall not be enlarged or extended so as to increase the degree of, or create any new, nonconformity.

§ 470-34. Parking and truck loading requirements.

- A. Minimum parking requirements. Any building or other structure erected, enlarged, altered or used and any lot used or occupied for any of the following purposes shall be provided with the minimum off-street parking spaces as set forth herewith. **[Amended 8-5-2013 by Ord. No. 2013-07; 2-6-2023 by Ord. No. 2023-01]**

Purpose	Number of Spaces
Residential	
Single-family detached	2 for each dwelling unit
Two-family and multifamily	2.25 for each dwelling unit
Rooming homes	2, plus 1 for each guest room
Group residences	1 for each occupant, plus 1 for each 500 square feet of habitable floor space
Mobile home parks	2.25 for each rental space
Home occupations	2 for each dwelling unit, plus 1 for each nonresident employee, plus 2 customer spaces for those home occupations involving customer visits
Commercial and Services	
Banks and credit unions	1 for each 100 square feet of customer area, plus 1 for each employee
Beauty shops/parlors and barbershops	3 for each chair to be utilized in the business, plus 1 for each employee on the peak shift

Bed-and-breakfast establishments and boardinghouses	1 for each room available for rent, in addition to the required spaces for the existing dwelling
Flea markets	3 for each vendor, plus 1 for each employee (A vendor is considered an employee.)
Funeral homes	1 for the greater of each 4 patron seats or 50 square feet of gross floor area, plus 1 for each nonresident employee
Furniture or appliance sales	1 for each 300 square feet of gross floor area, plus 1 for each employee on the peak shift
Medical/dental offices and clinics	4 for each practitioner, plus 1 for each employee on the peak shift (Each practitioner is considered an employee.)
Motels and hotels (restaurants and other accessory uses viewed separately)	1 for each rental unit, plus 1 for each employee on the peak shift
Professional offices other than medical/dental offices and clinics	1 for each 200 square feet of total floor area
Restaurants and taverns	1 for each 2 customer seats, plus 1 for each employee on the peak shift
Retail stores and personal services business not otherwise provided for	1 for each 150 square of gross floor area, plus 1 for each employee on the peak shift
Self-serve laundromats	1 for each 1.5 washing machines plus 1 for each employee on the peak shift
Vehicle servicing and repair (including body shops)	3 for each bay, plus 1 for each employee on the peak shift
Wholesale store	1 for each 200 square feet of office and customer area, plus 1 for each employee on the peak shift
Government, Institutional and Educational	
Churches or other places of worship	1 for each 4 seats, plus 1 for each 100 square feet of gross floor area, plus 1 for each employee
Conservation (offices and educational)	1 for each 100 square feet of gross floor area, plus 1 for each employee
Day-care homes or nursery schools	1 for each 8 students, 1 for each office and 1 for each employee

Educational institutions (kindergarten through high school)	1 for each employee, plus 1 for each 8 students 16 years of age or older
Educational institutions (colleges, universities, technical schools and trade schools)	1 for each employee, plus 1 for every 4 seats provided
Fraternal or civic meeting halls	1 for each 100 square feet of gross floor area, plus 1 for each employee
Hospitals	1 for each 2 beds, plus 1 for each employee and visiting doctor on the peak shift
Life-care facilities	1 visitor parking space for each 3 beds for patients, plus 1 for each employee on largest shift; in addition, at least 1 parking space for each 2 beds or 1 apartment unit in congregate residences shall be provided
Nursing or convalescent homes	1 for each 3 beds, plus 1 for each employee and visiting doctor on the peak shift

Industrial and Manufacturing

Manufacturing and industrial	1 for each employee on the peak shift, plus 1 for each company based vehicle
Warehouses, distribution centers, fulfillment centers, truck terminals, and similar uses	1.1 per employee on the largest shift, plus one tractor-trailer space located at each loading dock/bay, plus additional stacking/storage spaces (minimum 14 feet by ‘74’) for tractor-trailers in an amount greater or equal to 10% of the number of loading docks/bays (with a minimum of 10 spaces) for the stacking/storage of tractor-trailers, all directly accessible by adequate aisles or drives. The parking and stacking design shall provide adequate area/spaces for the parking and stacking of tractor-trailers that are awaiting entry to the loading/unloading area to prevent the backup of tractor-trailer and/or other vehicles onto a public street

Recreational

Amusement arcades	1 for each employee plus 1 for each 80 square feet of gross floor area
Bowling alleys (restaurants and other accessory uses shall be viewed separately)	4 for each lane, plus 1 for each employee

Commercial swimming pools	4 for each 100 square feet of swimming area, plus 1 for each employee
Driving ranges	1 per golf tee, plus 1 for each employee
Gaming and off-track betting establishments	1 for each 10 square feet of floor area open to public access or use, including related dining, restaurant, bar and snack bar areas, plus 1 for each employee on the largest shift
Golf courses	6 for each golf tee, plus 1 for each employee
Horse-riding school or horse-boarding stable	1 for each 2 horses, plus 1 for each employee
Miniature golf	2 per golf hole, plus 1 for each employee
Private clubs	1 for each 2 customer seats, plus 1 for each employee on the peak shift
Theaters, auditoriums, libraries, skating rinks, stadiums	1 for each 3 seats (bench capacity computed at 20 inches = 1 seat), plus 1 for each employee

B. Handicapped parking. Handicapped accessible parking shall be provided in accordance with the Americans with Disabilities Act, as it may be amended from time to time.

C. Surface.

- (1) All parking areas and all access drives for commercial or industrial uses shall have an all-weather surface constructed as specified in Chapter 390, Subdivision and Land Development.
- (2) Should pavement work be desired, it shall conform to the latest edition of the Pennsylvania Department of Transportation, Form 408, Specifications, and as per Chapter 390, Subdivision and Land Development.
- (3) Parking uses requiring a greater pavement capacity shall be constructed as specified in Chapter 390, Subdivision and Land Development.

NOTE: All specifications for proposed road uses shall be subject to approval by the Township Engineer at the developer's expense in accordance with Chapter 390, Subdivision and Land Development.

D. Off-street truck loading.

- (1) Required loading spaces. Every building or structure, lot or land hereafter put to a commercial or industrial use or an existing building or structure enlarged shall provide one off-street truck loading and unloading space for the first 5,000 square feet or less of gross floor area, plus a minimum of one additional off-street truck loading area for each additional 10,000 square feet of gross floor area.
- (2) Size of truck loading spaces. An off-street truck loading space shall be a minimum of 12 feet in width and a minimum of 35 feet in length.

§ 470-35. Storage of explosives.

The manufacture, sale or storage of explosives shall only be permitted in the Industrial District provided it is in compliance with all state and federal standards. This shall not prohibit the storage of gunpowder and primers to be used for reloading of ammunition for personal use.

§ 470-35.1. General performance standards.

The following standards regulate the impact of uses upon other and adjacent uses in the Township and Township residents, and shall apply to applicable uses in all zoning districts.

- A. Odor. No emission of unpleasant odorous gases or other odorous matter shall be permitted in such quantity as to be offensive beyond the lot lines of the tract creating the odor.
- B. ~~Toxic gases. No emission of noxious, toxic or corrosive gases or fumes injurious to persons, animals, property or vegetation shall be permitted.~~ Air quality.
 - (1) No emission of fly ash, dust, dirt, fumes, vapors, gases, or other forms of air pollution shall be permitted except in full compliance with all applicable local, county, state and federal ordinances, laws, rules, and regulations.
 - (2) The emission of fly ash, dust, dirt, fumes, vapors, gases, or other forms of air pollution which can cause damage to human health, animals, or vegetation or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot lines of the use creating the emission is prohibited.
- C. Glare and heat. No use shall produce glare which is visible, or heat which is detectable, beyond the property line of the lot on which the operation is located. Direct glare from any lights shall not exceed 0.1 horizontal footcandle measured at the property line. At designated vehicular entrances/exits, a maximum illumination level of 0.5 horizontal footcandle shall be allowed, provided said area of illumination is limited to said property and adjoining pavement and right(s)-of-way of public streets. The area of illumination shall not extend beyond 50 feet from the center line of the designated entrance/exit in any direction along the property line(s) of said property.
- D. Liquid wastes or sewage. No discharge is permitted except in accordance with all applicable local, county, state and federal, ordinances, laws, rules and regulations.
- E. Vibration. Vibration shall not be perceptible except for not more than two minutes per hour from 7:00 a.m. to 5:00 p.m. beyond the lot line of the use creating the vibration.
- F. Noise.
 - (1) No noise shall exceed the decibel levels in the designated octave band shown below, except for emergency alarms or signals, when measured by a sound level meter, which conforms to the specifications published by the American Standards Association, at the adjacent lot line of the receiving land use.

Octave Band Cycles per Second	Maximum Sound Level in Decibels Along Residential District Boundary	Maximum Sound Level in Decibels Along Property Line Other Than Residential District Boundary
10 to 600	50	55

600 to 2,400	38	40
2,400 to 4,800	35	38
Above 4,800	32	38

(2) The maximum permissible sound levels as named above, shall not apply to the following noise sources:

(a) Emergency alarms or signals.

(b) Work to provide, repair, or replace electricity, water or other public utilities involving public health or safety.

(c) Temporary activities involving construction and demolition activities.

(d) Public celebrations or activities authorized by the Township.

G. Fire and explosion hazards. All activities involving any manufacturing, production, storage transfer or disposal of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, and with adequate fire-fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the applicant to the Township and local fire company(s) for review. Larger setbacks, additional buffer areas or fencing may be required by the Township if the nature of the proposed use as determined by the Township so requires.

H. Electrical, radio, and electromagnetic disturbance.

(1) There shall be no radio or electrical disturbance that adversely affects the operation of any equipment at any point other than equipment belonging to the creator of such disturbance. No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception from off the lot on which the activity is conducted.

(2) No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception from off the lot on which the activity is conducted.

I. Radioactivity. There shall be no activities that emit dangerous levels of radioactivity at any point. No operation involving radiation hazards shall be conducted which violates state or federal statutes, rules, regulations, and standards. In addition, any proposed use which incorporates the use of radioactive material, equipment or supplies, shall be in strict conformity with PA DEP rules and regulations, and rules, regulations, and standards of the U.S. Nuclear Regulatory Commission.

J. Surface and ground water contamination. All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. No materials shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a wetland, waterbody or watercourse or otherwise render such wetland, waterbody or watercourse undesirable as a source of water supply or recreation, or which will

destroy aquatic life, be allowed to enter any wetland, waterbody or watercourse.

- K. Waste materials. No liquid, solid, toxic or hazardous waste shall be stored or disposed in any commercial, residential or other area, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable local, state and federal regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. In addition, no waste discharge is permitted into any reservoir, sewage or stormwater disposal system, stream, open body of water or onto the ground. All waste materials shall be disposed of only in accord with all applicable state and federal regulations and applications for any use which results in waste materials regulated by the state or federal government shall include a list of all such wastes and the method of temporary storage, handling and disposal.
- L. General public health and safety. No use shall create any other objectionable condition in an adjoining area which will endanger public health and safety, or be detrimental to the proper use of the surrounding area.

§ 470-36. Roadway classifications.

For the purposes of this chapter, the Township's roads shall be classified according to the Official Roadway Classification List available at the Township Building.

§ 470-37. Special exceptions.

M. Approval procedure.

- (1) The granting of a special exception shall be subject to the following conditions and guiding principles:
 - (a) Such use shall be one which is specifically authorized as a special exception use in said district.
 - (b) Such use shall only be authorized subject to any applicable conditions and safeguards as required by this chapter.
 - (c) Such use may be authorized subject to additional reasonable conditions and safeguards as may be deemed necessary by the Board to implement the purpose of this chapter.
 - (d) Such use shall be found by the Board to be in harmony with the general purposes and intent of this chapter.
 - (e) Such use shall not adversely affect the character of the district, nor the conservation of property values nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
 - (f) Such use shall be of appropriate size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.

- (g) The application complies with all criteria established for the respective land use proposal addressed elsewhere in this chapter.
 - (h) The proposed use does not substantially impair the integrity of the Township's Comprehensive Plan.
 - (i) All required front yard, side yards, open space areas, and height limitations for the applicable zoning district have been met.
 - (j) The off-street parking and truck loading provisions are in conformance with those specified in § 470-34 of this chapter.
 - (k) Points of vehicular access to the lot are provided at a distance from intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement of traffic. All traffic studies and analyses shall be in accordance with current Institute of Transportation Engineers (ITE) guidelines.
 - (l) The location of the site with respect to the existing roads giving access to it is such that the safe capacity of those roads is not exceeded by the estimated traffic generated or attracted and is not out of character with the normal traffic using said public road.
 - (m) The pedestrian access from the off-street parking facilities is separated from vehicular access and sufficient to meet the anticipated demand.
 - (n) The proposed use is not incompatible with the existing traffic conditions and adjacent uses and will not substantially change the character of the immediate neighborhood.
 - (o) Facilities are available to adequately service the proposed use (e.g., fire, police, and ambulance protection, sewer, water, and other utilities, etc.).
 - (p) Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other.
 - (q) The use of the site complies with the requirements of all other public agencies having jurisdiction over the proposed use.
 - (r) Operations in connection with a special exception use will not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, or smoke than would be the operations of any permitted use.
- (2) All applications for special exceptions and any exhibits that are submitted with the application shall be submitted to the Planning Commission for its review and recommendations.
- (3) In addition to any plan informational requirements for a specific land use identified in this chapter, the special exception application shall be accompanied by a scaled drawing of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this chapter and shall include the following:
- (a) The location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and other pertinent information.

- (b) The names and addresses of adjoining property owners, including properties directly across a street right-of-way.
- (c) Ground floor plans and building elevations of proposed structures.
- (d) A written narrative of the proposed use in sufficient detail to determine that all applicable standards are adequately addressed.

§ 470-38. Conditional uses.

- A. Uses listed as conditional uses in each zoning district and on the Use Schedule³ shall require individual consideration in each case because of their unique characteristics. Such conditional uses shall be referred to the Planning Commission by the Township Commissioners for review and recommendation and may be permitted only after a hearing and determination by the Commissioners that such uses meet the standards in this chapter.
- B. Applicants for conditional uses shall submit plot plans in sufficient detail to provide the Commissioners and the Planning Commission with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this chapter and shall include the following:
 - (1) The location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and other pertinent information.
 - (2) The names and addresses of adjoining property owners, including properties directly across a street right-of-way.
 - (3) Ground floor plans and building elevations of proposed structures.
 - (4) A written narrative of the proposed use in sufficient detail to determine that all applicable standards are adequately addressed.
- C. Such conditional uses which are authorized by the Commissioners may be subject to any additional conditions and safeguards established by the Commissioners in each case which may be warranted by the character of the areas in which such uses are proposed or by other special factors and which are necessary to implement the purposes of this chapter.
 - (1) The granting of a conditional use shall be subject to the following conditions and guiding principles:
 - (a) A conditional use shall not cause substantial injury to the value of other property where it is to be located; shall conform with regulations applicable to the district where located; shall be compatible with adjoining development; shall provide adequate landscaping and screening to protect adjoining areas; shall provide off-street parking and loading in keeping with § 470-34 of this chapter so as to minimize interference with traffic on the local streets and shall not jeopardize the public health, safety, welfare and convenience.
 - (b) Such use shall be one that is specifically authorized as a conditional use in said district.
 - (c) Such use shall only be authorized subject to any applicable conditions and safeguards as required by this chapter.

- (d) Such use may be allowed subject to such reasonable conditions and safeguards (other than those related to off-site transportation or off-site road improvements) in addition to those expressed in this chapter, as may be deemed necessary by the Board of Commissioners to implement the purposes of this chapter and the MPC.
- (e) Such use shall be found by the Board of Commissioners to be in harmony with the general purposes and intent of this chapter.
- (f) Such use shall not adversely affect the character of the district, nor the conservation of property values nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- (g) Such use shall be of appropriate size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
- (h) Such use shall not conflict with the direction of building development in accordance with any Comprehensive Plan or portion thereof which has been adopted by the Township.
- (i) The application complies with all criteria established for the respective land use proposal addressed elsewhere in this chapter.
- (j) The proposed use does not substantially impair the integrity of the Township's Comprehensive Plan.
- (k) All required front yard, side yards, open space areas, and height limitations for the applicable zoning district have been met.
- (l) The off-street parking and truck loading provisions are in conformance with those specified in § 470-34 of this chapter.
- (m) Points of vehicular access to the lot are provided at a distance from intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement traffic. All traffic studies and analyses shall be in accordance with current Institute of Transportation Engineers (ITE) guidelines.
- (n) The location of the site with respect to the existing roads giving access to it is such that the safe capacity of those roads is not exceeded by the estimated traffic generated or attracted and is not out of character with the normal traffic using said public road.
- (o) The pedestrian access from the off-street parking facilities is separated from vehicular access and sufficient to meet the anticipated demand.
- (p) The proposed use is not incompatible with the existing traffic conditions and adjacent uses and will not substantially change the character of the immediate neighborhood.
- (q) Facilities are available to adequately service the proposed use (e.g., fire, police, and ambulance protection, sewer, water, and other utilities, etc.).
- (r) Screening of the proposed use from adjacent uses is sufficient to prevent the

deleterious impact of the uses upon each other.

- (s) The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.
- (t) Operations in connection with a conditional use will not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, or smoke than would be the operations of any permitted use.

D. Hearing procedures. The Board of Commissioners shall conduct hearings in accordance with the requirements of the MPC.

§ 470-39. Criteria for specific land uses.

The following land use criteria, which shall be addressed by the applicant and reviewed by the Zoning Officer when permitted by right, or by the Zoning Hearing Board when permitted by special exception, or by the Board of Commissioners when permitted by conditional use (in addition to those items required by §§ 470-37 and 470-38). Where the regulations contained within the following land use criteria differ from those regulations contained within the district regulations in Article IV, the regulations contained herein shall apply.

§ 470-40. Adult uses.

This § 470-40 is limited to the following: adult bookstore, adult theater, massage parlor or adult live entertainment facility applies to all uses defined as an adult use per Article II of this Chapter.

A. Purposes. The regulations on adult uses are intended to serve the following purposes, in addition to the overall objectives of this chapter:

- (1) To recognize the adverse secondary impacts of adult uses that affect health, safety and general welfare concerns of the municipality. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to, increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable disease, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that adult uses typically involve insufficient self-regulation to control these secondary effects.
- (2) To limit adult uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
- (3) To not attempt to suppress any activities protected by the "free speech" protections of the United States Constitution, but instead to control secondary effects.

B. No adult use nor its parking area shall be located within:

- (1) Five hundred lineal feet of the lot line of any residential zoning district or existing dwelling; or
- (2) One thousand lineal feet of the lot line of any primary or secondary school, place of

worship, library, public park, day-care center or child nursery.

- C. No adult use shall be located within 1,000 lineal feet of any existing "adult use."
- D. A fifty-foot buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines, with plantings of an initial minimum height of five feet that create a visual barrier from the adjoining properties.
- E. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
- F. No adult use shall be used for any purpose that violates any federal, state or municipal law.
- G. The adult use shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable court decisions.
- H. For public health reasons, private or semiprivate viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
- I. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor between employees or entertainers and customers. At an adult live entertainment use, employees or entertainers shall maintain a minimum distance of three feet from customers.
- J. All persons within any adult use shall wear nontransparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment facility."
- K. Any application for such use shall state the names and home addresses of a) all individuals intended to have more than a five-percent ownership in such use or in a corporation or other entity owning such use; and b) an on-site manager responsible to ensure compliance with this chapter on a daily basis. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.
- L. The use shall not operate between the hours of 2:00 a.m. and 7:00 a.m.
- M. As a specific condition of approval under this chapter, the applicant shall prove compliance with the following state laws, as amended (if applicable): the Pennsylvania Liquor Code, Act 219 of 1990;⁴ Act 207 of 1990 (which pertains to obscenity);⁵ and Act 120 of 1996 (which pertains to adult-oriented establishments and which limits enclosed viewing booths among other matters).

§ 470-41. Agricultural operations (farms).

- A. It is the intent of these requirements that new or existing farms be regulated for the purpose of protecting the public health, safety and welfare. The following restrictions shall apply on all lots of 10 or more acres in the R-1, R-2, RD, C-1, C-2, and C-3 Districts.
 - (1) No structure other than a dwelling or residential accessory use shall be constructed closer than 50 feet to any property line.
 - (2) Except as provided for below, no new building in which livestock are housed shall be

located closer than 200 feet to any adjoining lot line, except that the distance shall be 400 feet from any adjoining residence or commercial building in which people are employed or work and all building exhaust fans shall be directed away from the closest residences or said commercial buildings. The location of manure storage and processing facilities shall conform to the requirements of the Pennsylvania Nutrient Management Act.⁷

- (3) The spreading of manure is permitted, provided that when such procedure is employed within 200 feet of a property line of any adjoining residence or commercial building in which people are employed or work, the manure shall be incorporated with the soil within 48 hours of spreading, weather permitting, and within a reasonable time after spreading in all other areas.
 - (4) All grazing or pasture areas utilized for this purpose shall be fenced.
 - (5) No manure storage shall be established closer than 100 feet to any property line.
 - (6) Notwithstanding anything contained in this chapter to the contrary, all manure shall be managed in a manner to comply with the Clean Streams Law and the practices prescribed by the Manure Management Manual.
- B. To the extent that any of these provisions are in conflict with the Nutrient Management Act, Agricultural Area Security Law or the Act Protecting Agricultural Operations From Nuisance Suits And Ordinances Under Certain Circumstances, the provisions of those acts shall control.

§ 470-42. Amusement arcades.

- A. 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. All activities shall be located within wholly enclosed buildings.
- C. The applicant shall produce evidence that the proposed land use will not create a nuisance due to noise or loitering on the premises.
- D. The site shall be kept free of litter at all times in accordance with a plan for the cleanup of litter to be provided by the applicant.

§ 470-43. Animal hospitals and veterinary clinics.

- A. The subject tract shall front on and gain access from either 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. Boarding areas shall be within wholly enclosed buildings, 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. All pasture and outdoor recreation areas shall be fenced to prevent the escape of animals, with such fencing having a setback of at least 25 feet from all property lines.
- D. Suitable control shall be exercised over the animals so that a nuisance condition is not created in terms of excessive noise, dirt, or odor.

§ 470-44. Antennas and communication equipment buildings.

- A. Building-mounted antennas shall not be located on any single-family dwelling or two-family dwelling.
- B. Building-mounted antennas shall be permitted to exceed the height limitations of the applicable zoning district by no more than 20 feet.
- C. Omni-directional or whip communications antennas shall not exceed 20 feet in height and seven inches in diameter.
- D. Directional or panel antennas shall not exceed five feet in height and three feet in width.
- E. Any applicant proposing an antenna to be mounted on a building or other structure shall submit evidence from a Pennsylvania-registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
- F. Any applicant proposing an antenna to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antenna will be mounted on the structure for review by the Township Engineer.
- G. Any applicant proposing an antenna to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antenna is to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
- H. Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- I. Antennas shall not cause radio frequency interference with other communications facilities located in Pocono Township.
- J. A communications equipment building shall comply with the height and setback requirements of the applicable zoning district for an accessory structure. Said equipment building shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects the architectural character of the neighborhood.
- K. The owner or operator of an antenna shall be licensed by the Federal Communications Commission to operate such antenna.

§ 470-45. Attached and semidetached buildings in Industrial or Commercial Districts.

The Zoning Hearing Board may allow the elimination of adjacent side or rear yards on two or more adjacent lots, provided the following conditions and standards are adhered to:

- A. The owners of the adjacent lots jointly request the elimination.
- B. The buildings to be constructed will be built at the same time and will be physically connected to each other and have uniform facades and rooflines.

§ 470-46. Bed-and-breakfast establishments ~~inn~~.

- A. No external modifications that would alter the residential character of the dwelling, with the exception of fire escapes, are permitted.
- B. All floors above the ground level shall have an emergency escape access to ground level.
- C. Breakfast, if offered, shall be available only for registered overnight guests.
- D. The structure shall contain a minimum of 2,000 square feet of gross floor area.
- E. There shall be no more than one bed-and-breakfast unit per 400 square feet of gross floor area in the principal structure.
- F. All bed-and-breakfast units shall be contained within the principal structure.
- G. The applicant shall furnish proof of approval from the Pennsylvania Department of Labor and Industry.

§ 470-47. Boardinghouses.

- A. The subject tract shall front on and gain access from either an arterial 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 or collector street design and improvement requirements.
- B. The minimum lot area shall be two acres in all districts.
- C. The applicant shall furnish evidence that systems for sanitary sewage disposal and water supply have been approved by the appropriate agencies.
- D. No external modifications that would alter the residential character of the dwelling, with the exception of fire escapes, are permitted.
- E. All floors above the ground level shall have a direct means of emergency escape to ground level.
- F. All parking areas shall be at least 10 feet from all property lines.
- G. Meals shall be offered only to registered tenants.

§ 470-48. Campgrounds.

- A. The minimum lot area for a campground shall be 20 acres.
- B. No individual campsite may be located closer than 100 feet to any exterior property line of the campground. The land between the campsites and exterior property line of the

campground shall have sufficient existing or planted trees and/or shrubbery to screen the campground from the adjacent lands and to serve as a buffer.

- C. The maximum number of campsites within each campground shall not exceed 10 per acre.
- D. All campsites designed for recreational vehicles shall have off-street parking spaces for the recreational vehicle and for one passenger vehicle. The parking spaces shall be level in a longitudinal direction and shall be uniformly crowned in a transverse direction and shall be well drained. The parking spaces need not be paved, but shall have a minimum depth of six inches of compacted crushed stone, bank run gravel or shale.
- E. All campsites designed for tenting may be provided with on-site parking spaces in accordance with Article VIII of Chapter 390, Subdivision and Land Development, or may have a common parking area not over 300 feet from the most distant campsite. Common parking areas shall provide at least 1.5 spaces per campsite. The minimum area of each parking space shall be at least 200 square feet, exclusive of any aisle.¹⁰
- F. Streets within the campground shall conform to the following:
 - (1) All campground streets shall conform to the requirements for private access streets as set forth in Chapter 390, Subdivision and Land Development, including double surface treatment.
 - (2) One-way streets shall have a minimum right-of-way width of 20 feet and shall be improved with a travel way not less than 15 feet in width.
 - (3) Two-way streets shall have a minimum right-of-way width of 30 feet and shall be improved with a travel way not less than 20 feet in width.
 - (4) The minimum center-line radius of any interior campground street shall not be less than 50 feet.
 - (5) The maximum grade of any campground street shall not exceed 12%.
 - (6) Drainage facilities shall be designed and constructed in accordance with the requirements of Chapter 365, Stormwater Management, of the Code of the Township of Pocono.
 - (7) No campground street may be offered for dedication to Pocono Township. Construction and maintenance of campground streets shall be the sole responsibility of the developer or operator of the campground.
- G. All playground and recreation areas shall be at least 100 feet from adjoining residential properties with the usage of these areas being limited to registered campers and their guests.
- H. All campgrounds shall furnish centralized sanitary and garbage collection systems that shall be located at least 100 feet from adjoining residential properties and be appropriately screened. Campsites that are provided with a connection to a centralized sewage system shall be located within 750 feet of the sanitary facilities serviced by the same. There shall be at least one showerhead for each sex for each 20 campsites.
- I. Any accessory commercial and/or service facilities shall be located at least 100 feet from adjoining residential properties and shall be limited to serve only the needs of the registered

campers and their guests. Direct access to these facilities from the public street is prohibited. Appropriate screening shall be provided for these facilities when they adjoin adjacent residential properties.

- J. Campground identification signs shall be as per Article VII of this chapter.
- K. Active or passive recreation areas shall comprise at least 20% of the gross area of the campground.
- L. All sanitary sewer and water supply facilities shall be subject to the approval of the appropriate authorities.
- M. All exterior lighting 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.
- N. General standards and requirements.
 - (1) All campgrounds shall be located on well-drained land; the average natural slope of the area to be improved for campsites shall not exceed 10%.
 - (2) The location and layout of the proposed campground shall be consistent with the Township Comprehensive Plan.
 - (3) No permanent campground structures or buildings or sewage collection or disposal facilities shall be located within any defined one-hundred-year floodplain area.
 - (4) The proposed campground shall gain access from an arterial, connector or collector street, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial, connector or collector street design and improvement requirements. Any public street which provides direct access to the proposed campground shall be free of traffic hazards and shall meet the geometric, grade and sight requirements for arterial, connector or collector streets as set forth in Chapter 390, Subdivision and Land Development.
 - (5) The area improved for camping sites shall not exceed 50% of the total gross area of the tract being developed as a campground.
 - (6) No camping site may be occupied on a permanent basis.
- O. Each camping site shall have a minimum area of 2,500 square feet exclusive of street rights-of-way and walkways.
- P. Electric service shall be provided to at least 75% of the campsites. Such electric service shall be installed underground.

§ 470-49. Cemeteries.

- A. A minimum lot area of one acre shall be provided for a cemetery.
- B. All burial plots and facilities shall be in accordance with the appropriate setbacks of the governing zoning district.
- C. In no case shall any use relating to a cemetery be located within the one-hundred-year

floodplain of an adjacent watercourse.

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

A. ~~Churches~~ Places of worship and related uses 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~~ shall 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.

§ 470-51. Commercial mulching, stump grinding and/or composting.

A. General requirements.

- (1) Material to be shredded may only be obtained from logging mills or trees and may not be generated from scrap lumber. Tree stumps shall be processed immediately if brought on site. The storing of tree stumps is prohibited.
- (2) One identification sign may be erected. The sign ~~must~~shall comply with the requirements of Article VII.
- (3) All of the product ~~must~~shall be sold at wholesale.

B. Site design requirements.

- (1) All "processing operations," which term includes processing facilities, storage facilities and combined processing and storage facilities, including any buildings related thereto, shall be set back a minimum of 100 feet from any property line or street right-of-way line.
- (2) All processing operations ~~must~~shall be set back at least 100 feet from any well.
- (3) All processing operations ~~must~~shall be set back at least 700 feet from any residential district.
- (4) All processing operations ~~must~~shall be set back at least 250 feet from any residential dwelling.
- (5) Stockpiled materials storage sites shall be limited to 20 feet in height with a maximum perimeter of 250 feet long and 50 feet wide. The edges of any stockpile shall be at least 60 feet from the perimeter fence, and that area shall be clear of debris or vegetation. All interior fire breaks shall be at least 65 feet wide.
- (6) Tree debris may not be stored on wetlands, floodplains, ravines, canyons or on steeply graded surfaces.

C. Processing operations site safety requirements.

- (1) No open-air burning shall occur within 500 feet of any processing operations site.
- (2) Smoking and the lighting of flames in or around the piles shall be prohibited at the processing operations site. Lightning rods conforming to state and local codes shall be placed on the site, but away from the piles.
- (3) The owner of a processing operations site shall coordinate with local fire and police departments so they can respond quickly to an emergency.
- (4) If there is a stream, lake or other body of water located in the vicinity of the site, Fire Department drafting connection shall be provided in accordance with the Fire Department's response plan.
- (5) All water supply systems shall be approved by the responsible local authority.
- (6) Each fuel-fired vehicle operating at the processing operations site shall be equipped with at least one 2A, 10B c-rated or higher portable fire extinguisher.
- (7) Stormwater collection basins shall be installed at appropriate locations on the processing operations site in accordance with Chapter 365, Stormwater Management, and applicable state and federal laws and regulations, recognizing that individual sites shall require special considerations.

D. Site security and Fire Department access.

- (1) The perimeter of a processing facility shall have a chain-link fence at least 10 feet high.
- (2) Each processing facility shall be provided with emergency vehicle access routes, such that no portion of any material stockpile is more than 450 feet from an access road or fire break. Access routes, or fire breaks, through the piles shall have a clear width of at least 65 feet.
- (3) There shall be gates protecting each access point that can be locked when a processing facility is closed. All gates shall have a twenty-foot open width and remain unobstructed at all times. The gates shall have rapid entry design compatible with Fire Department requirements. Electric gates shall have default capabilities to the unlocked position.
- (4) All roads and accesses shall be designed to support loads imposed by firefighting equipment. All bridges and structures, including drainage structures on access roads, shall be capable of carrying a minimum design load of HS-20 consistent with AASHTO to "Standard Specifications for Highway Bridges." Access routes shall be surfaced with material designed to permit accessibility under all climatic conditions.
- (5) All emergency vehicle accesses shall have unobstructed vertical clearance of 14 feet or as needed for passage of large firefighting apparatus. A minimum turning radius of 45 feet shall be provided for emergency vehicles' access. All dead-end access in excess of 150 feet long shall be provided with a turnaround area.
- (6) Accesses shall be well maintained and remain accessible to the Fire Department at all times.

E. Written management plan. A processing facility that accepts tree stumps and tree debris shall prepare and implement a written plan to the Township that addresses the management of tree

stumps and tree debris. The plan shall, at a minimum, consist of the following:

- (1) A description of the manner in which the processing facility owner will meet the provisions of this section.
- (2) The projected size of any materials storage site shall be described in the number or projected piles based on the design requirements for piles as stated in this section.

§ 470-52. ~~Communication towers~~ Wireless communication facilities.

~~A. In addition to the information required elsewhere in this chapter and Chapter 390, Subdivision and Land Development, applications for communication towers shall include the following information and documentation:~~

- ~~(1) A report from a qualified and licensed professional engineer which:
 - ~~(a) Describes the communication tower height and design, including a cross section and elevation;~~
 - ~~(b) Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;~~
 - ~~(c) Describes the communication tower's capacity, including the number and type of antennas that it can accommodate;~~
 - ~~(d) Documents what steps the applicant will take to avoid interference with established public safety telecommunications; and~~
 - ~~(e) Includes an engineer's license/registration number and seal.~~~~
- ~~(2) A letter of intent committing the communication tower owner and his, her or its successors to allow the shared use of the communication tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.~~
- ~~(3) Before the issuance of a zoning/building permit, the following supplemental information shall be submitted:
 - ~~(a) A copy of the FAA's response to the submitted Notice of Proposed Construction or Alteration (FAA Form 7460-1) shall be submitted to the Pocono Township Zoning Officer; and~~
 - ~~(b) Proof of compliance with applicable Federal Communications Commission regulations.~~~~
- ~~(4) One copy of typical specifications for the proposed structures and antenna, including description of design characteristics and material.~~
- ~~(5) A site plan drawn to scale showing property boundaries, power location, communication tower height, guy wires and anchors, existing structures, elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan and existing land uses on adjacent property.~~
- ~~(6) Name and address of the owners of all antenna and equipment to be located at the site as of the date of the application.~~

- ~~(7) Written authorization from the site owner for the application, as well as a copy of any written agreement or other documentation pursuant to which the applicant has obtained the right to use the proposed site.~~
 - ~~(8) Copy of valid FCC license for the proposed activity or proof that the applicant is the winning bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.~~
 - ~~(9) A written agreement to remove the communication tower within 180 days of cessation of use. The applicant, prior to the issuance of a zoning permit, shall provide a financial security bond with the Township as payee in an amount approved by the Board of Commissioners, but not less than \$50,000, from a company and in a form and content acceptable to the Board of Commissioners, to insure the removal of the proposed communications tower and related cabinets, facilities and improvements within 180 days of the expiration of the license or lease and/or cessation of use. The bond shall remain in place for as long as the communications facilities exist at the site.~~
 - ~~(10) The applicant must establish that the proposed antenna and equipment could not be placed on a preexisting facility under the control of the applicant and function under applicable regulatory and design requirements without unreasonable modification.~~
 - ~~(11) A letter of intent committing the communication tower owner and the commoncarrier(s) utilizing the communication tower and their respective heirs, personal representatives, successors and assigns to allow Pocono Township and any other governmental agency to utilize the communication tower in the case of an emergency, upon reasonable terms and conditions.~~
- ~~B. Co location requirements. All communication towers erected, constructed or located within Pocono Township shall comply with the following requirements:~~
- ~~(1) A proposal for a new communication tower shall not be approved unless the Board of Commissioners finds that the communications equipment planned for the proposed communication tower cannot be accommodated on an existing or approved communication tower or building within Pocono Township and within a one mile search radius of the proposed tower if such one mile search radius would include other municipalities, due to one or more of the following reasons:~~
 - ~~(a) The planned equipment would exceed the structural capacity of the existing or approved communication tower or building, as documented by a qualified and licensed professional engineer and the existing or approved communication tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.~~
 - ~~(b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the communication tower or building as documented by a qualified and licensed professional engineer, and the interference cannot be prevented at a reasonable cost.~~
 - ~~(c) Existing or approved communication towers and buildings within Pocono Township (or within the one mile search radius if applicable) cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.~~

~~(d) Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing or approved communication tower or building.~~

~~(2) Any proposed communication tower shall be designed, structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the communication tower is over 100 feet in height or for at least one additional user if the communication tower is over 60 feet in height. Communication towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.~~

~~C. Design requirements.~~

~~(1) Communication towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.~~

~~(2) Communication towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower.~~

~~(3) All utility buildings and structures accessory to a communication tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects the architectural character of the neighborhood.~~

~~(4) The use of any portion of a communication tower for signs other than warning or equipment signs is prohibited.~~

~~D. Interference with public safety telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new antennas and/or communication towers shall be accompanied by a study, performed and certified to by a radio frequency engineer or other qualified individual, which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify Pocono Township at least 10 calendar days in advance of such changes and allow Pocono Township to monitor interference levels during the testing process.~~

~~E. Abandoned or unused communication towers or portions of communication towers. Abandoned or unused communication towers or portions of communication towers shall be removed as follows:~~

~~(1) All abandoned or unused communication towers and associated facilities shall be removed within 180 days of the cessation of operations. A copy of the relevant portions of any signed lease, license or other agreement which requires the applicant to remove the communication tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a communication tower is not removed within 180 days of the cessation of operations at a site, the~~

~~communication tower and associated facilities may be removed by Pocono Township and the cost of removal assessed against both the applicant and the owner of the property on which the communication tower and associated facilities exist.~~

~~(2) Unused portions of communication towers above the manufactured connection shall be removed within 180 days of the time of antenna relocations. The replacement of portions of a communication tower previously removed requires the issuance of a new zoning permit.~~

~~F. Setbacks. The setback of the base of a communication tower from all adjacent properties and/or lot lines shall be a distance equal to 100% of the antenna height or the building setback requirements for the underlying zoning district, whichever is greater.~~

~~G. The minimum lot area requirement for a communication tower use in an R-1 Low Density Residential District shall be the greater of 5.0 acres or the minimum area necessary to comply with the setback requirements of Subsection F above; provided, however, that other uses may be made of such a lot within an R-1 Low Density Residential District as long as no such other use is located within a distance equal to 100% of the antenna height measured from the base~~

~~of the communication tower, and such other use is in compliance with all other Pocono Township ordinances. The minimum lot area requirement for a communication tower use in any other zoning district where the same is allowed shall be in accordance with the minimum lot area requirements set forth in this chapter for the applicable zoning district where the communication tower use is proposed or the minimum area necessary to comply with the setback requirements of Subsection F above, whichever is greater. [Amended 1-17-2006 by Ord. No. 120]~~

~~H. Antenna height. The maximum antenna height shall not exceed 150 feet in any zoning district.~~

~~I. Fencing. A security fence and gate, of approved design, of not less than eight feet in height, shall completely enclose the communications tower and anchor locations of guy wire (if used). This fencing shall be designed to be compatible with surrounding land uses.~~

A. Purpose.

(1) The purpose of this §470-52 is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities in the Township. While the Township recognizes the importance of wireless communications facilities in providing high quality communications service to its residents, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse effects of such facilities through the standards set forth in the following provisions.

(2) By enacting these provisions, the Township intends to:

(a) Accommodate the need for wireless communications facilities while regulating their location and number so as to ensure the provision of necessary services;

(b) Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of

both Township residents and wireless carriers in accordance with federal and state laws and regulations;

- (c) Establish procedures for the design, siting, construction, installation, maintenance, and removal of both tower-based and non-tower based wireless communications facilities in the Township, including facilities both inside and outside the public rights-of-way;
 - (d) Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, small wireless communications facilities, cable Wi-Fi and other wireless communications facilities;
 - (e) Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color, and finish and by requiring that competing providers of wireless communications services collocate their commercial communications antennas and related facilities on existing towers;
 - (f) Promote the health, safety, and welfare of the Township's residents.
- B. Definitions. Words and phrases used in this §470-52 shall have the meanings set forth below. Words and phrases not defined in this §470-52 but defined in Article II shall be given the meanings set forth in that Article. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.
- (1) *Accessory Equipment* - any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term “Accessory Equipment” includes but is not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.
 - (2) *Antenna* — an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.
 - (3) *Collocation*—the placement or installation of new wireless communications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the Township. The term includes the placement, replacement or modification of accessory equipment within a previously approved equipment compound.
 - (4) *Emergency*—a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.
 - (5) *Equipment Compound*—an area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located.
 - (6) *FCC*—Federal Communications Commission.

- (7) Height of a Tower-Based WCF - the vertical distance measured from the ground level, including any base pad, to the highest point on a tower-based WCF, including antennae mounted on the tower and any other appurtenances.
- (8) Micro Wireless Facility - a small cell that is no larger than 24 inches long, 15 inches in width, 12 inches in height, and that has an exterior antenna, if any, no longer than 11 inches.
- (9) Modification or Modify—the improvement, upgrade or expansion of existing wireless communications facilities or base stations on an existing wireless support structure or the improvement, upgrade, or expansion of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion, or replacement does not substantially change the physical dimensions of the wireless support structure.
- (10) Non-Tower Wireless Communications Facility (Non-Tower WCF)—Wireless communications facilities collocated on existing structures, such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower.
- (11) Person—individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania, provided that “Person” does not include or apply to the Township, or to any department or agency of the Township.
- (12) Replacement -- the replacement of existing wireless communications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless communications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.
- (13) Small Wireless Communications Facility -- A wireless communications facility that meets the following criteria:
 - (a) The structure on which antenna facilities are mounted:
 - [1] is 50 feet or less in height, or
 - [2] is no more than 10 percent taller than other adjacent structures, or
 - [3] is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
 - (b) Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and
 - (c) All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume;
 - (d) The facilities do not require antenna structure registration under 47 CFR Part 17;

- (e) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
 - (f) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).
- (14) *Stealth Technology*—camouflaging methods applied to wireless communications facilities and accessory equipment which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.
- (15) *Substantially Change or Substantial Change* - A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
- (a) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater.
 - [1] Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
 - (b) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
 - (c) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
 - (d) It entails any excavation or deployment outside the current site;
 - (e) It would defeat the concealment elements of the eligible support structure; or

- (f) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified by FCC rules and regulations.
- (16) Tower—Any structure, other than a building, that is designed and constructed primarily for the purpose of supporting one or more antennas and includes self-supporting lattice towers, guyed towers, monopole towers and alternative tower structures, including the base pad and any support thereto.
- (17) Tower-Based Wireless Communications Facility (Tower-Based WCF)—any structure that is used for the primary purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, and the accompanying Antenna and Accessory Equipment.
- (18) WBCA - Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.)
- (19) Wireless — transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.
- (20) Wireless Communications Facility (WCF)— The set of equipment and network components, including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunications services. The term shall not include the wireless support structure.
- (21) Wireless Communications Facility Applicant (WCF Applicant)—any person that applies for a wireless communications facility building permit, zoning approval and/or permission to use the public right-of-way or other Township owned land or property.
- (22) Wireless Support Structure (WSS)—a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service (whether on its own or comingled with other types of services).
- C. General and Specific Requirements for Non-Tower Wireless Communications Facilities that do not meet the definition of a Small WCF.

(1) The following regulations shall apply to all Non-Tower WCF:

- (a) Permitted in All Zoning Districts Subject to Regulations. Non-Tower WCF are permitted by right in all zoning districts subject to the restrictions and conditions prescribed by this §470-52C and generally applicable permitting by the Township.
- (b) Permit Requirements.

[1] No Substantial Change.

- [a] WCF Applicants proposing the Collocation, or Modification of a Non-Tower WCF that does not Substantially Change the physical dimensions of the Wireless Support Structure to which it is attached shall be required only to obtain a building permit from the Township Building Code Official.

- [b] WCF Applicants proposing the Replacement, Collocation, or Modification of a Wireless Support Structure that does not constitute a Substantial Change to the preexisting Wireless Support Structure shall be required only to obtain a building permit from the Township Building Code Official.
- [c] Replacement of WCFs on existing wireless support structures or within existing equipment compounds may be performed by the WCF Applicant without obtaining building or zoning permits from the Township.
- [2] Substantial Change. WCF Applicants proposing the Replacement, Collocation, or Modification of a Non-Tower WCF or Wireless Support Structure that Substantially Changes the physical dimensions of the Wireless Support Structure shall be required to obtain a zoning permit from the Township Zoning Officer.
- (c) Nonconforming Wireless Support Structures. Non-Tower WCF shall be permitted to Collocate upon non-conforming Tower-Based WCF and other non-conforming structures. Collocation of WCF upon existing Tower-Based WCF is encouraged even if the Tower-Based WCF is non-conforming as to use within a zoning district.
- (d) Standard of Care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, or to the industry standard applicable to the structure. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any Person or any property in the Township.
- (e) Wind and Ice. All Non-Tower WCF shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.
- (f) Aviation Safety. Non-Tower WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- (g) Public Safety Communications. Non-Tower WCF shall not interfere with public safety communications, or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- (h) Radio Frequency Emissions. A Non-Tower WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (i) Removal. In the event that use of a Non-Tower WCF is to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date

when use shall be discontinued. Unused or abandoned WCF, or portions of WCF, shall be removed as follows:

- [1] All abandoned or unused WCFs and Accessory Equipment shall be removed within 60 days of the cessation of operations at the site unless a time extension is approved by the Township.
 - [2] If the WCF or Accessory Equipment is not removed within 60 days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
- (j) Financial security. Prior to receipt of a permit for the construction or placement of a Non-Tower WCF, the WCF Applicant shall provide to the Township financial security sufficient to guarantee the removal of the Non-Tower WCF. Said financial security shall remain in place until the Non-Tower WCF is removed.
- (k) Insurance. Each Person that owns or operates a Non-Tower WCF shall annually provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Non-Tower WCF.
- (l) Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
- [1] The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or Emergency repair.
 - [2] Such maintenance shall be performed to ensure compliance with applicable structural safety standards and radio frequency emissions regulations.
 - [3] All maintenance activities shall conform to industry maintenance standards.
- (m) Timing of Approval.
- [1] Non-Tower WCF on a preexisting Wireless Support Structure that Substantially Changes the Wireless Support Structure to which it is attached: Within 30 calendar days of the date that an application for the Non-Tower WCF is filed with the Township, the Township shall notify the WCF applicant, in writing, of any information that may be required to complete such application. Within 90 days of receipt of a complete application, the zoning officer shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.
 - [2] Non-Tower WCF on a preexisting Wireless Support Structure that Does Not Substantially Change the Wireless Support Structure to which it is attached: All applications for such WCF shall demonstrate that the proposed WCF does not Substantially Change the Wireless Support Structure to which it is attached. Within 30 calendar days of the date that an application for the Non-Tower WCF is filed with

the Township, the Township shall notify the WCF applicant, in writing, of any information that may be required to complete such application. Within 60 days of receipt of a complete application the Township Building Code Official shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision. In the case of an application which demonstrates that the Non-Tower WCF complies with the requirements of the Township Building Code and does not Substantially Change the Wireless Support Structure to which it is attached, the Township Building Code Official shall, within the 60 day time frame, issue the required building permits authorizing construction of the WCF.

[3] Replacement, Collocation, or Modification of a Wireless Support Structure that does not constitute a Substantial Change to the preexisting Wireless Support Structure: The timing of approval specified in subsection m[2] above shall apply.

- (n) Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as any related inspection, monitoring, and related costs. Such permit fees shall be established by the Township Fee Schedule and shall comply with the applicable requirements of the FCC and the Commonwealth of Pennsylvania.
- (o) Contact Person. The wireless facility owner and/or operator shall maintain a phone number and email address, and shall identify a person responsible for the Township to contact with inquiries and complaints throughout the life of the wireless facility and shall provide this number and name to the Township.
- (2) In addition to the requirements in §470-52C(1) above, the following regulations shall apply to all Non-Tower WCF that Substantially Change the Wireless Support Structure to which they are attached, or that otherwise do not fall under the Pennsylvania Wireless Broadband Collocation Act:
 - (a) Non-commercial usage exemption. Township residents utilizing satellite dishes, citizen and/or band radios, and Antennae for the purpose of maintaining television, phone, and/or internet connections at their residences shall be exempt from the regulations enumerated in this §470-52.
 - (b) Prohibited on Certain Structures. No Non-Tower WCF shall be located on single-family detached dwellings, two-family dwellings, townhouse dwellings, or any residential accessory structure.
 - (c) Historic Resources. No Non-Tower WCF may be located within one hundred (100) feet of any property, or on a building or structure, that is listed on either the National or Pennsylvania Register of Historic Places, or eligible to be so listed, located within a historic district, or is included in the official historic resource list maintained by the Township.

- (d) Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring, and related costs. Such permit fees shall be established by the Township Fee Schedule and shall comply with the applicable requirements of the FCC and the Commonwealth of Pennsylvania.
- (a) Development Regulations.
- [1] The total height of any Wireless Support Structure and mounted WCF shall not exceed 20 feet above the maximum height permitted in the underlying zoning district.
- [2] All Non-Tower WCF Applicants shall submit documentation to the Township justifying the total height of the WCF.
- [3] If the WCF Applicant proposes to locate the Accessory Equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
- [4] A security fence not to exceed eight (8) feet in height shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
- (b) Design. Non-Tower WCF shall employ Stealth Technology and be treated to match the Wireless Support Structure in order to minimize aesthetic impact. The application of the Stealth Technology utilized by the WCF Applicant shall be subject to the approval of the Township.
- (c) Removal, Replacement and Substantial Change.
- [1] The removal and Replacement of Non-Tower WCF and/or Accessory Equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or increase the number of Antennae.
- [2] Any Substantial Change to a WCF shall require notice to be provided to the zoning officer, and possible supplemental permit approval as determined by the zoning officer.
- (d) The Township reserves the right to inspect any WCF to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within this ordinance or state or federal law. The Township and/or its agents shall have the authority to enter

the area of any property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

(3) Regulations Applicable to all Non-Tower WCF located in the Public Rights-of-Way. In addition to the applicable Non-Tower WCF provisions listed in this §470-52C, the following regulations shall apply to Non-Tower WCF located in the public Rights-of-Way:

(a) Location. Non-Tower WCF in the ROW shall be Collocated on existing Wireless Support Structures. If the existing WSS is not able to properly support such co-location, then the existing WSS may be removed and replaced with a replacement WSS that is consistent with the style and design of the existing WSS and of equal proportions and of equal height or such other height that would not constitute a substantial change in order to support the WCF or to accommodate co-location. The replacement WSS shall be placed in the identical position or near identical position as the existing WSS.

(b) Design Requirements.

[1] WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

[2] Antenna and Accessory Equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

(c) Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.

(d) Equipment Location. Non-tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township Board of Commissioners. In addition:

[1] In no case shall ground-mounted Accessory Equipment, walls, or landscaping be located within 18 inches of the face of the curb, within four feet of the edge of the cartway, or within an easement extending onto a privately-owned lot:

[2] Ground-mounted equipment shall be located underground. Ground-mounted Accessory Equipment that cannot be placed underground shall be screened from surrounding views to the fullest extent possible through the use of landscaping or other features to the satisfaction of the Township. Screening shall not cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards

to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township Board of Commissioners.

- [3] Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township. The WCF owner shall be solely responsible for this requirement.
 - [4] Any graffiti on any Accessory Equipment shall be removed within thirty (30) days upon notification by the Township at the sole expense of the owner.
 - [5] Any proposed underground vault related to Non-Tower WCF shall be reviewed and approved by the Township.
 - [6] Accessory equipment attached to the Wireless Support Structure shall have a minimum of eight feet of vertical clearance above finished grade.
- (e) Relocation or Removal of Facilities. Within 90 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- [1] The construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;
 - [2] The operations of the Township or other governmental entity in the Right-of-Way;
 - [3] Vacation of a street or road or the release of a utility easement; or
 - [4] An Emergency as determined by the Township.
- (f) Reimbursement for ROW Use. In addition to permit fees as described in this section, every Non-Tower WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Non-Tower WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above.

D. General and Specific Requirements for Tower-Based Wireless Communications Facilities.

- (1) The following regulations shall apply to all Tower-Based Wireless Communications Facilities that do not meet the definition of a Small WCF.

- (a) Special Exception Required. Tower-Based WCF are permitted by right in the I Industrial district and by special exception in all other zoning districts, and at a height necessary to satisfy their function in the WCF Applicant's wireless communications system, subject to the requirements of this §470-52D.
- [1] Upon submission of an application for a Tower-Based WCF and the scheduling of the public hearing upon the application, the WCF Applicant shall send via First Class Mail notice to all owners of every property within 500 feet of the proposed facility, advising of the subject matter and date of such hearing. Such notice shall be sent at least 10 days in advance of any such hearing. The WCF Applicant shall provide proof of the notification to the Board of Supervisors along with the list of return receipts received.
 - [2] Prior to Zoning Hearing Board approval of a special exception authorizing the construction and installation of a Tower-Based WCF, it shall be incumbent upon the WCF Applicant for such special exception approval to prove to the reasonable satisfaction of the Zoning Hearing Board that the WCF Applicant cannot adequately extend or infill its communications system by the use of equipment such as repeaters, Antenna(s) and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available structures. The WCF Applicant shall further demonstrate that the proposed Tower-Based WCF must be located where it is proposed in order to serve the WCF Applicant's service area and that no other viable, less-intrusive alternative location exists. This test is also met when the WCF Applicant demonstrates that the WCF is being proposed to densify an existing wireless network, introduce new services, or otherwise improve service capabilities.
 - [3] The special exception application shall include a site plan, drawn to scale, showing property boundaries, power location, total height of the Tower-Based WCF, guy wires and anchors, existing structures, elevation drawings, typical design of proposed structures, parking, fences, landscaping, and existing uses on adjacent properties.
 - [4] The special exception application shall be accompanied by a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF Applicant transmits, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.
 - [5] The special exception application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all state and federal laws and regulations concerning aviation safety.
 - [6] Where the Tower-Based WCF is located on a property that is not owned by the WCF Applicant, the WCF Applicant shall present documentation to Township Board of Supervisors that the owner of the property has granted an easement or other property right, if necessary, for the proposed WCF and that vehicular access will be provided to the facility.

- [7] Prior to the issuance of a zoning permit authorizing construction and erection of a Tower-Based WCF, a structural engineer licensed in the Commonwealth of Pennsylvania shall issue to the Township a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the special exception hearing or at a minimum be made a condition attached to any special exception approval given such that the certification shall be provided prior to issuance of any zoning or building permits.
- [8] An application for a new Tower-Based WCF shall demonstrate that the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building. Township Board of Supervisors may deny an application to construct a new Tower-Based WCF if the WCF Applicant has not made a good faith effort to mount the Antenna(s) on an existing structure. The WCF Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one mile radius of the site proposed, sought permission to install an Antenna on those structures, buildings, and towers and was denied for one of the following reasons:
- [a] The proposed Antenna and Accessory Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
- [b] The proposed Antenna and Accessory Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
- [c] Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
- [d] A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.

The Board of Supervisors may require that an applicant reimburse the Township a maximum amount of \$1,000.00 to conduct an independent professional review of the WCF Applicant's evidence.

- [9] The special exception application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all applicable provisions of this ordinance.

(b) Development Regulations.

- [1] Underground Utilities. Tower-Based WCF shall not be located in, or within 50 feet of an area in which all utilities are located underground, unless the WCF Applicant

proves to the satisfaction of the Township that installing its facility in such a location is necessary to provide Wireless service and that no other feasible alternative exists.

- [2] Zoning Districts. Tower-Based WCF are permitted outside the public Right-of-Way only in the zoning districts identified by the Schedule of Uses.
- [3] Sole Use on a Lot. A Tower-Based WCF shall be permitted as a sole use on a lot, provided that the underlying lot meets the minimum requirements of the underlying zoning district.
- [4] Combined with Another Use. A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential use, subject to the following conditions:
 - [a] The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the WCF.
 - [b] Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security fence, and buffer planting.

(c) Design Regulations.

- [1] Height. Tower-Based WCFs shall be designed and kept at the minimum functional height. The maximum total height of a Tower-Based WCF shall not exceed 150 feet as measured vertically from the ground level to the highest point on the structure, including Antennae and subsequent alterations. No WCF Applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The WCF Applicant shall demonstrate that the Tower-Based WCF is the minimum height necessary for the service area.
- [2] Visual Appearance and Land Use Compatibility. Tower-Based WCF shall employ Stealth Technology which may include the tower portion to be painted brown or another color approved by the Zoning Hearing Board or shall have a galvanized finish. All Tower-Based WCF and Accessory Equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. The Zoning Hearing Board shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; prevent a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.

- [3] Design. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's Antennae and comparable Antennae for future users.
- [4] Anti-Climbing Device. Any Tower-Based WCF over 40 feet in height shall be equipped with an anti-climbing device, as anti-climbing device approved by the manufacturer.
- [5] Minimum Setbacks. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street Right-of-Way line shall equal 110% percent of the proposed WCF structure's height or the applicable principal building setback, whichever is greater, unless the Applicant shows to the satisfaction of the Zoning Hearing Board that the proposed Tower-Based WCF has been designed in such a manner that a lesser setback will have no negative effects on public safety.

(d) Surrounding Environs.

- [1] The WCF Applicant shall ensure that the existing vegetation, trees, and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
- [2] The WCF Applicant shall submit a soil report to the Zoning Hearing Board complying with the standards of Appendix I: Geotechnical Investigations, ANSI/TIA-222, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

(e) Fence/Screen.

- [1] A security fence having a height not to exceed eight feet shall completely surround the Tower-Based WCF, as well as guy wires, or any building housing WCF equipment.
- [2] A screen consisting of a evergreen hedge at least four feet in height and planted three feet on center maximum or consisting of evergreen trees each at least four feet in height and planted 8 feet on center maximum, shall surround the security fence. Existing vegetation shall be preserved to the maximum extent possible.

(f) Accessory Equipment.

- [1] Accessory Equipment associated, or connected, with a Tower-Based WCF shall be placed underground or screened from public view using Stealth Technology. All ground-mounted Accessory Equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district, except that ground-mounted Accessory Equipment associated or connected

with a Tower-Based WCF shall not be located within 50 feet of a lot in residential use.

- [2] Either one single-story wireless communications equipment building not exceeding 500 square feet in area or its equivalent may be permitted for each unrelated company sharing commercial communications Antenna(e) space on the Tower-Based WCF outside of the public ROW.
- [3] A dry chemical fire suppression system shall be required for any Accessory Equipment building or cabinet containing electrical components.
- (g) Access road. An access road, turnaround space and parking shall be provided to ensure adequate Emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize earth disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF Applicant shall present documentation to the Township that the property owner has granted an easement or other property right for the proposed facility. If necessary, the WCF Applicant shall obtain a Driveway/Local Road Permit from PennDOT.
- (h) Parking. For each Tower-Based WCF, there shall be one off-street parking space.
- (i) Standard of Care. Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, the Pennsylvania Uniform Construction Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any Person or any property in the Township.
- (j) Additional Antennae. As a condition of approval for all Tower-Based WCF, the WCF Applicant shall provide the Township with a written commitment that it will allow other service providers to collocate Antennae on Tower-Based WCF where technically and economically feasible. To the extent permissible under state and federal law, the owner of a Tower-Based WCF shall not install any additional Antennae without complying with the applicable requirements of this §470-52.
- (k) FCC License. Each Person that owns or operates a Tower-Based WCF shall submit a copy of its current FCC license, including the name, address, and Emergency telephone number for the operator of the facility.
- (l) Inspection. The Township reserves the right to inspect any Tower-Based WCF to ensure compliance with the Zoning Ordinance and any other provisions found within this ordinance or state or federal law. The Township and/or its agents shall have the authority

to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

- (m) Wind and Ice. Any Tower-Based WCF shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering department of the Telecommunications Industry Association (ANSI/TIA-222, as amended).
- (n) Public Safety Communications. No Tower-Based WCF shall interfere with public safety communications, or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (o) Maintenance. The following maintenance requirements shall apply:
 - [1] Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance, repair, or replacement.
 - [2] Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the Township's residents and utilize industry standard technology for preventing failures and accidents.
- (p) Radio Frequency Emissions. A Tower-Based WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (q) Historic Resources. No Tower-Based WCF may be located within 100 feet of any property, or on a building or structure, that is listed on, or determined eligible for, either the National or Pennsylvania Registers of Historic Places, or is included in the official historic resource list maintained by the Township.
- (r) Signs. All Tower-Based WCFs shall have a sign posted in a readily visible location identifying the name and phone number of a party to contact in the event of an Emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
- (s) Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township Secretary.
- (t) Noise. Tower-Based WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and this ordinance, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

- (u) Storage. The storage of unused equipment, materials or supplies is prohibited on any Tower-Based WCF site.
- (v) Timing of Approval. Within 30 calendar days of the date that an application for a Tower-Based WCF is filed with the zoning officer, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCFs shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Zoning Hearing Board shall advise the WCF Applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the 150 day review period.
- (w) Nonconforming Uses. Any Non-conforming Tower-Based WCF which is hereafter damaged or destroyed due to any reason or cause may be repaired and restored at its former location but shall otherwise comply with the terms and conditions of this section. The Collocation of Antennae is permitted on non-conforming structures.
- (x) Removal. Tower-Based WCF shall be removed in compliance with the following, without limitation:
 - [1] Notification of Township. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when use shall be discontinued. If a Tower-Based WCF or any of its facilities have not been in operation for a period of six consecutive months, the owner or operator shall notify the Township in writing with the reason(s) for inoperability and their intentions to reestablish operations or plans for removal. The owner or operator is required to notify the Township immediately upon discontinuation or abandonment of the operation. The Tower-Based WCF or any of its facilities shall be presumed to be discontinued or abandoned if it is out of service for a period of 12 continuous months.
 - [2] Six Months Removal. The Tower-Based WCF owner and/or operator shall have six months from discontinuation or abandonment in which to dismantle and remove the facility including all related equipment or appurtenances, including, but not limited to, buildings, cabling, electrical components, roads, foundations, and other associated facilities from the property. The site shall be restored to a useful, nonhazardous condition, including but not limited to the following:
 - [a] Removal of aboveground and underground equipment, structures, and foundations.
 - [b] Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 - [c] Removal of graveled areas and access roads.

- [d] Revegetation of restored soil areas with native seed mixes and plant species.
- [e] For any part of the facility on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates, or buildings in place or regarding restoration of agricultural crops or forest resource land.
- [3] Landowner Responsibility. If the facility owner or operator fails to complete removal and re-vegetation within the required time period, then removal and re-vegetation in accordance with this ordinance shall become the responsibility of the landowner. Such landowner shall have six months to complete removal and re-vegetation. The responsibility for decommissioning by facility heirs, successors and assigns shall be established by a recorded document acceptable to the Board of Supervisors.
- (y) Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring, and related costs. Such permit fees shall be established by the Township fee schedule and shall comply with the applicable requirements of the FCC.
- (z) Insurance. Each Person that owns or operates a Tower-Based WCF shall provide the Zoning Officer with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF.
- (aa) Engineer Signature. All plans and drawings for a Tower-Based WCF shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
- (bb) The Tower-Based WCF owner and/or operator shall maintain a phone number and email address, and shall identify a person responsible for the Township to contact with inquiries and complaints throughout the life of the facility, and shall provide this contact information to the Township.
- E. Regulations Applicable to all Small Wireless Communications Facilities. Small Wireless Communications Facilities shall comply with this §470-52E, all applicable standards of PA Act 50, the Small Wireless Facilities Deployment Act, and all other applicable state and federal regulations:
- (1) Location and Development Standards.
- (a) Small WCF are permitted by-right in all Township zoning districts, subject to the requirements of this §470-52E and all other Township, building, fire and other applicable codes.
- [1] A permit shall be obtained to perform the following:

- [a] Collocate small WCF.
 - [b] Modify small WCF, except as provided for in Subsection E(1)(a)[2], below.
 - [c] Replace existing utility poles or other wireless support structures for collocation of small WCF.
 - [d] Install new utility poles or other wireless support structures with attached small WCF.
- [2] Applicants proposing a Modification to an existing small WCF that does not Substantially Change the dimensions of the underlying support structure shall be required only to obtain a building permit from the Township Building Code Official. All such applications shall demonstrate that the proposed Small WCF does not Substantially Change the Wireless Support Structure to which it is attached.
- [3] A permit shall not be required for routine maintenance or repair; the replacement of small WCF with small WCF that are substantially similar or the same size or smaller and still qualify as small WCF; or the installation, placement, maintenance, operation or replacement of micro wireless facilities that are strung on cables between existing utility poles by or for a communications service provider authorized to occupy the ROW, in compliance with the National Electric Safety Code; unless such activity involves excavation, closure of a sidewalk, or closure of a vehicular lane.
- (b) A consolidated application may be submitted for collocation of multiple Small WCF in ROWs within Pocono Township in accordance with PA Act 50, the Small Wireless Facilities Deployment Act.
 - (c) Application fees for small WCF within the ROW shall be in accordance with PA Act 50, the Small Wireless Facilities Deployment Act.
 - (d) Small WCF installed in the ROW shall be installed on an existing utility pole or new utility pole subject to the applicable size limits in Subsection E(3), below. Access to municipal poles within the ROW shall be in accordance with PA Act 50, the Small Wireless Facilities Deployment Act.
 - (e) All Small WCF shall comply with the applicable requirements of the Americans with Disabilities Act and all Township Code requirements applicable to streets and sidewalks.
 - (f) Small WCF, including accessory equipment, and wireless support structures shall be located so as not obstruct, endanger, or hinder vehicular or pedestrian travel or sight lines; interfere with other utilities; create safety hazards; or otherwise inconvenience public use of the ROW as determined by the Township. Small WCF, accessory equipment, and wireless support structures shall also meet the location requirements specified in subsection (13), below.
- (2) Small WCF application submission. All applications for a Small WCF shall be submitted to the Township Zoning Officer and shall include the following information:

- (a) A narrative description of the location of the proposed Small WCF, the type and size of the Small WCF and accessory equipment, and the Wireless Support Structure to which the Small WCF will be attached.
- (b) Construction drawings signed and sealed by an engineer licensed in the Commonwealth of Pennsylvania which shall include the following:
 - [1] The type and dimensions of all equipment associated with the Small WCF.
 - [2] The location of the proposed Small WCF, including both longitude and latitude and street address.
 - [3] Before and after drawings or simulations of the Wireless Support Structure showing the proposed equipment locations and dimensional change.
 - [4] ROW lines.
 - [5] The location of the nearest ingress and egress points of any nearby structures, if applicable.
 - [6] The location of nearby traffic control signals and pedestrian and bicycle accessways, if applicable.
 - [7] The location of any ground-mounted Accessory equipment.
- (c) If the Small WCF is proposed for attachment to a Wireless Support Structure that is owned by a party other than the WCF Applicant, proof that the WCF Applicant has obtained permission from such party to attach the Small WCF to the Wireless Support Structure.
- (d) If installation of a new utility pole is proposed, the applicant shall demonstrate that it cannot meet the service reliability and functional objectives of the application by collocating on an existing utility pole or municipal pole. The Applicant shall self-certify that it has made this determination in good faith and shall provide a documented summary of the basis for the determination.
- (e) Certificates of insurance pursuant to the requirements of this §470-52.
- (f) Agreement to indemnify the Township pursuant to this §470-52.
- (g) The name, address, and telephone number of the person preparing the application.
- (h) Pedestrian and worker safety and traffic control plans.
- (i) Statement prepared and signed by an engineer licensed in the Commonwealth of Pennsylvania certifying that the proposed Small WCF is structurally sound and that it is in compliance with applicable safety codes and FCC regulations.

- (3) Size Limits. Small WCF size limits shall be in accordance with the definition of Small WCF in §470-52B, except that:
 - (a) The installation of Small WCF on an existing utility pole in the ROW shall not extend more than five feet above the existing utility pole, pursuant to PA Act 50, the Small Wireless Facilities Deployment Act.
 - (b) When installation of Small WCF is permitted on a new or replacement utility pole in the ROW, the maximum permitted height, which shall include the utility pole and Small WCF, shall not be taller than 50 feet above ground level, pursuant to PA Act 50, the Small Wireless Facilities Deployment Act.
- (4) Nonconforming Wireless Support Structures. Small WCF shall be permitted to collocate upon nonconforming Tower-Based WCF and other nonconforming structures. Collocation of WCF upon existing Tower-Based WCF is encouraged even if the Tower-Based WCF is nonconforming as to use within a zoning district.
- (5) Standard of Care. Any Small WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, or to the industry standard applicable to the structure. A Small WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any Person or any property in the Township.
- (6) Notice required. If the WCF Applicant is proposing a Small WCF requiring the installation of a new Wireless Support Structure, the WCF Applicant shall post notice of its submitted permit application at the site of the proposed new Wireless Support Structure in accordance with the requirements of the Township Code. Such notice shall be posted within 10 days of submission of an application for a Small WCF and shall remain in place until the beginning of construction of the Small WCF.
- (7) Aviation Safety. Small WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- (8) Public Safety Communications. Small WCF shall not interfere with public safety communications, or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- (9) Radio Frequency Emissions. A Small WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

- (10) Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Small WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.
- (11) Graffiti. Any graffiti on the Small Wireless Support Structure or on any Accessory Equipment shall be removed at the sole expense of the owner within 30 days of notification by the Township.
- (12) Design Standards. All Small WCF in the Township shall comply with the following design standards:
- (a) All Small WCFs shall be designed and constructed in a manner that minimizes the aesthetic impact of the SWF To the extent technically feasible.
 - (b) All Small WCFs shall comply with Americans with Disabilities Act guidelines and all applicable requirements relating to streets and sidewalks as established by Chapter 390 of the Township Code of Ordinances.
 - (c) All Small WCFs shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.
 - (d) Placement of SWF including antennas, wireless support structures, and/or accessory equipment shall not impair light, air, or views from adjacent windows.
 - (e) No lighting, including flashing lights, or unnecessary, distracting, or nonessential signage or stickers shall be installed or attached on any SWF, accessory equipment, or wireless support structure unless required by applicable codes.
 - (f) Advertisements shall be prohibited on a wireless support structure, accessory equipment, or SWF.
 - (g) Antenna standards.
 - [1] All pole-top Antennas shall be flush-mounted as closely to the top of the utility pole as technically feasible.
 - [2] All Antennas shall be of a design, style, and color that reasonably matches the support structure upon which they are attached.

- [3] Any necessary pole-top extension shall be of the minimum height necessary to achieve separation from the existing pole attachments and shall comply with the height limits specified in in the definition of SWF in §470-52B and applicable limits in §470-52B(3).
- [4] Any Antenna mounted on a lateral standoff bracket shall protrude no more than necessary to meet clearances.
- [5] If mounted on an existing structure, no Antenna shall impair the function of said structure.
- [6] Antenna placement shall not impair light, air, or views from adjacent windows.

(h) Accessory equipment standards.

- [1] Accessory Equipment shall not exceed 28 cubic feet in volume in accordance with the definition of SWF in §470-52B. Camouflaging shall not be included in the Accessory Equipment volume calculation.
- [2] Accessory Equipment shall be mounted flush to the side of a utility pole, or as near flush to the side of a utility pole as technically feasible.
- [3] Accessory Equipment shall be mounted so as to provide a minimum of eight feet vertical clearance from ground level.
- [4] Accessory Equipment shall be of a color that reasonably matches the Wireless Support Structure upon which such Accessory Equipment is mounted.
- [5] All Accessory Equipment shall be contained within a single equipment shroud or cabinet which has the smallest physical dimensions possible.

(i) Wiring standards.

- [1] No SWF or accessory equipment shall have any exposed cables or wiring. All cables and wiring shall be contained within a wireless support structure unless doing so is not technically feasible. If the cables and wiring cannot be contained within the wireless support structure, then all cables and wires shall be contained within a conduit or U-guard that is flush mounted to the wireless support structure. All conduits and U-guards shall be of a color that matches the wireless support structure to which the SWF is attached.

[2] Spools, loops, and/or coils of excess wires or cables shall not be stored on any wireless support structure.

[3] All cables and wiring shall be installed tautly and without excessive slack or extra cable and/or wire storage on the Wireless Support Structure.

(j) Replacement wireless support structure standards.

[1] The maximum height of any proposed replacement wireless support structure shall conform to the height standards specified in the definition of SWF in §470-52B and applicable limits in §470-52B(3).

[2] Any replacement wireless support structure shall be placed as close as possible to the existing wireless support structure that is being replaced.

[3] Any replacement wireless support structure shall substantially conform to the material and design of the existing wireless support structure.

[4] Any replacement wireless support structure shall be designed to accommodate all uses that existed on the existing utility pole prior to replacement. As part of an application for a Small WCF, the applicant shall provide documentation from a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the replacement utility pole, Small WCF, and prior existing uses shall be structurally sound.

(k) New wireless support structure standards.

[1] The maximum height of any proposed new wireless support structure shall conform to the height standards specified in the definition of SWF in §470-52B and applicable limits in §470-52B(3).

[2] Any wireless support structure shall be installed in accordance with the predominant pattern of existing adjacent structures.

[3] To the extent technically feasible, no new wireless support structure shall be installed:

[a] In the front facade area of any commercial or residential building.

[b] Within 10 feet of the edge of any driveway.

[c] In the public rights-of-way directly opposite any driveway.

- (l) Any requests for relief from any of the design standards established in this § 470-52E(13), shall be considered on a case-by-case basis by the Township Zoning Officer and shall be approved upon a determination by the Township Zoning Officer that such relief is necessary to prevent the effective prohibition of wireless service pursuant to state and federal regulations.

(13) Timing of Approval.

- (a) Within 10 days of the date that an application for a Small WCF is filed with the zoning officer, the Township shall notify the Applicant of any information that may be required to complete such application. The notice shall specifically identify the missing information and the specific regulation requiring the information. The shot clock date (processing deadline) shall restart at zero on the date the applicant submits the missing information to render the application complete.
- (b) Within 60 days of receipt of an application for Collocation of a Small WCF on a preexisting Wireless Support Structure, the zoning officer shall make a final decision on whether to approve the application and shall notify the Applicant in writing of such decision.
- (c) Within 90 days of receipt of an application for a Small WCF requiring the installation of a new Wireless Support Structure, including installation a new or replacement of an existing utility pole, the zoning officer shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.
- (d) The Township may deny an application for Small WCF within the ROW in accordance with PA Act 50, the Small Wireless Facilities Deployment Act.
- (e) Approval of an application for Small WCF in the ROW shall, subject to the permit requirements and the applicant's right to terminate at any time, authorize the Applicant to operate and maintain Small WCF and any associated equipment on a utility pole covered by the permit for a period of not less than five years, which shall be renewed for two additional five year periods if the applicant is in compliance with all applicable codes and has obtained consent from the utility pole owner.

(14) Relocation or Removal of Facilities.

- (a) Within 90 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Small WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Small WCF when the Township, consistent with its police powers and applicable Public Utility Commission

regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- [1] The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
 - [2] The operations of the Township or other governmental entity in the Right-of-Way;
 - [3] Vacation of a street or road or the release of a utility easement; or
 - [4] An emergency as determined by the Township.
- (b) The owner of a Small WCF in the ROW shall, at its own expense, remove such Small WCF and associated equipment, including the utility pole and any support structures if the Applicant's wireless facilities and equipment are the only facilities on the utility pole or support structure, as follows:
- [1] Within 60 days of suspension or revocation of a permit due to noncompliance with this Chapter, PA Act 50, or other applicable codes, following written notice from the Township and failure to cure any noncompliance.
 - [2] Within 90 days of the end of the permit term or an extension of the permit term.
- (15) Damage and Repair. A wireless provider shall repair all damage to the ROW or any other land so disturbed in accordance with PA Act 50, the Small Wireless Facilities Deployment Act.
- (16) Insurance. Each Person that owns or operates a Small WCF shall provide the Township Building Code Official with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Small WCF.
- (17) Indemnification. Each Person that owns or operates a Small WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Small WCF. Each Person that owns or operates a Small WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of Small WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, settlements, losses, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
- (18) Reimbursement for ROW Use. In addition to permit fees as described in this section, every Small WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable

fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township’s actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Small WCF shall pay an annual fee to the Township to compensate the Township for the Township’s costs incurred in connection with the activities described above. Such fees shall comply with the applicable requirements of the Federal Communications Commission and Pennsylvania Small Wireless Facilities Deployment Act, as may be amended.

- (19) The Small WCF owner and/or operator shall maintain a phone number and email address, and shall identify a person responsible for the Township to contact with inquiries and complaints throughout the life of the Small WCF, and shall provide this number and name to the Township.

§ 470-53. Customary–Accessory uses; agritourism; accessory solar, wind and geothermal energy systems.

A. Accessory uses. Accessory uses ~~is~~ 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. Limited facility essential services are further regulated by § 470-57. 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 in accordance with the applicable specific use standards in this Article V and all other applicable standards of chapter 240, Zoning.~~ 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 noneconforming agricultural use~~ the keeping of poultry or fowl, 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.

- (1) The keeping of poultry or fowl is further regulated by § 470-87.?
- (2) The keeping of livestock/farm animals as an accessory use shall be permitted only where it is an accessory use to a permitted or non-conforming agricultural use.
- (3) 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.

B. Agritourism.

- (1) Agritourism shall be permitted by conditional use only on an existing and operating working farm and shall be incidental and subordinate to the principal agricultural use of the property.
- (2) Owners and operators of the agritourism enterprise shall be limited to the farm owner and his/her immediate family.

- (3) The applicant shall submit a site plan identifying the location and dimensions of all existing and proposed structures, parking areas, driveways, parking and vehicular turning areas, sanitary facilities, areas where visitors will be permitted and restricted, and landscaping if required to buffer adjacent properties.
- (4) If a permanent structure is proposed as part of the agritourism enterprise, such structure shall comply the size and height limits of the zoning district in which it is located
- (5) A buffer planting is required where an agritourism facility adjoins a residential use or district, pursuant to Chapter 390, Subdivision and Land Development.
- (6) Sanitary facilities shall be provided in accordance with PA DEP requirements.
- (7) Adequate off-street parking shall be provided and parking areas shall be screened from adjacent residential uses. No parking shall be permitted on adjacent road shoulders.
- (8) Agritourism enterprises shall not be operated earlier than **AM** nor later than **PM**
- (9) Food and/or beverages provided for sale and/or consumption shall meet all federal, state, and local regulations. Food and/or beverages should be limited to only those value-added products that are produced from or grown on the farm, unless they are secondary and incidental to the primary agritourism enterprise.
- (10) The applicant shall submit evidence that all applicable state and federal requirements have been met prior to the issuance of a final occupancy permit. Applicants must consult with the Township's building code officer to determine if a building permit is required for any structure proposed as part of the agritourism enterprise.

C. Accessory solar energy facilities (ASEF).

- (1) A solar energy system shall be permitted as an accessory use in all zoning districts, subject to the provisions set forth herein, as well as all other applicable state or federal regulations. A system is considered an accessory solar energy facility only if it supplies electrical or thermal power primarily for on-site use. ~~The system design capacity shall be no greater than 125% of normal peak on-site energy demand.~~ The energy generated in excess of the requirements of the principal and/or accessory use of the property may be purchased or acquired by a public utility in accordance with all applicable laws and government regulations.
- (2) An accessory solar energy facility (ASEF) may be roof-mounted or ground-mounted subject to the applicable criteria in § 470-31D(10), § 470-31D(11) or § 470-31D(12), as applicable.
- (3) An ASEF installed prior to enactment of this Section is not required to comply with the terms of this Section. However, any physical modification that materially alters the size, type and number of solar panels or other equipment shall require approval under this Ordinance and meet the requirements of the applicable building, electrical, and fire code(s).
- (4) Design and permitting. The design and installation of the ASEF shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the

- Township Building Code and with all other applicable fire and life safety requirements. Township permits shall be required. Applicable manufacturer specifications shall be submitted as part of the application for any permit.
- ~~(5) Grid connection. The applicant for an ASEF connected to the utility grid shall provide to the Township written authorization from the local utility company acknowledging and approving such connection. Covered by building code~~
- (5) Radiation and glare. Solar collectors shall be placed such that concentrated solar radiation and reflective glare shall not be directed onto nearby properties or streets, or interfere with aviation or airport flight patterns. Acknowledgement of same from the Federal Aviation Administration, Pennsylvania Bureau of Aviation, or other agency or entity, may be necessary at the discretion of the Board of Commissioners.
- (6) Solar access easements. The Township does not guarantee and will not protect any individual property rights with respect to solar access. The ASEF shall be located to ensure solar access without reliance on adjacent properties, and the ASEF owner is encouraged to obtain solar access easements from neighboring landowners to ensure solar access. Where necessary to ensure that solar access to an ASEF shall not be obstructed over time by permissible uses or activities on any adjacent property (e.g., by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the ASEF to obtain appropriate solar access easement(s) from neighboring property owner(s) and to notify the Township upon the recording of any such easement(s). All solar access easements shall be recorded in the office of the Monroe County Recorder of Deeds.
- (7) Upon completion of installation, the ASEF shall be maintained in good working order in accordance with standards of the Township codes under which it was constructed. Failure of the property owner to maintain the ASEF in good working order is grounds for appropriate enforcement actions by the Township in accordance with applicable ordinances.
- (8) An ASEF, including associated equipment, shall be removed at the owner's sole expense within 12 months of the date when the use has been discontinued or abandoned by the system owner and/or operator, or upon termination of the useful life of the system. The ASEF shall be presumed to be discontinued or abandoned if no electricity is generated by the system for a period of 12 continuous months. The ASEF owner shall, at the request of the Township, provide information concerning the amount of energy generated by the ASEF in the last 12 months.
- (9) Roof-mounted ASEF shall comply with the following standards:
- (a) The roof-mounted ASEF may be installed on a principal or accessory building.
- (b) The solar panels shall not exceed the building height or accessory building height limitation of the applicable zoning district by more than three feet above the roof areas to which they are mounted.
- ~~(c) No portion of an ASEF shall extend beyond the edges of the roof.~~
- ~~(d) No portion of an ASEF attached to a pitched roof shall extend above the ridgeline of the pitched roof.~~

- (e) For an ASEF attached to a flat roof, the highest point of the system shall be permitted to exceed the height limit of the zoning district in which it is located by up to 3 feet above the rooftop to which it is attached in a residential district, and by up to 6 feet above the rooftop to which it is attached in a non-residential district.
 - (f) No equipment associated with the roof-mounted ASEF shall be permitted in the front yard; however, equipment affixed to the roof of the principal or accessory structure and visible from the front yard shall be permitted.
 - (g) An effort shall be made to make the wiring and hardware blend in with the roof and building façade.
- (10) Ground-mounted ASEF shall comply with the following standards:
- (a) Ground-mounted ASEF and all associated mechanical equipment shall meet the setback requirements for an accessory use building for the zoning district in which they are located, and shall not be located within any required front yard setback, along any street frontage, or within any required easement, right-of-way, or stormwater conveyance system.
 - (b) Ground-mounted ASEF shall not exceed a height of 15 feet, except that a ground-mounted ASEF may exceed a height of 15 feet if it will cover an impervious surface parking area and the applicant can demonstrate to the Township that greater height is needed to allow clearance for emergency service and service vehicles.
 - ~~(c) All exterior electrical and/or plumbing lines from the solar energy system to any building or other structure shall be located underground.~~
 - ~~(d) Ground-mounted ASEF shall be screened from view from adjacent properties and from adjacent street(s) upon which the property has frontage. Such screening shall and shall screen the supporting infrastructure for the panels and control equipment; the screening shall not be required to screen the solar panels, as reception of sunlight is essential for proper operation thereof.~~
 - (e) For the purposes of this Section, the ground-mounted ASEF, including all at-grade and above-grade solar panels and associated equipment, buildings, or structures shall be considered impervious surface and subject to the maximum impervious coverage requirements of the zoning district in which it is located, unless the applicant can demonstrate to the Township Engineer, by evidence, that stormwater will infiltrate into the ground beneath the solar collection system at a rate equal to that of the infiltration prior to placement of the system. The area of a ground-mounted ASEF shall be calculated as the dimension of the footprint of the cumulative solar panels plus the area of any associated buildings, equipment, or structures. For a tracking array or other moveable system the footprint of the solar panels shall be calculated at a 33 degree tilt angle.
 - (f) To the extent possible, all ground-mounted ASEF shall be located so that tree removal is not required.
- (11) Ground-mounted ASEF exceeding 500 square-feet in surface area shall be subject to conditional use approval and shall comply with the following conditions, in addition to the standards set forth in § 470-31D above:

Screening is covered by National Electric Code

- (a) The ground-mounted ASEF shall be setback a minimum of 100 feet from property lines and road rights-of-way unless the Board of Commissioners determines that the existing topography and/or landscaping provide an adequate barrier.
- (b) Native grasses and/or other native vegetation satisfactory to the Township shall be planted and maintained below and between ground-mounted solar panels, modules and/or arrays, unless other ground cover is required by a state or federal agency or recommended by the Township Engineer, consultant, or licensed landscape architect and approved by the Board of Commissioners.

D. Accessory wind energy facilities (AWEF).

- (1) A wind energy facility shall be permitted as an accessory use in all zoning districts, subject to the provisions set forth herein, as well as all other applicable State or Federal regulations. A system is considered an accessory wind energy facility only if it supplies electrical or thermal power primarily for on-site use. The energy generated in excess of the requirements of the principal and/or accessory use of the property may be purchased or acquired by a public utility in accordance with all applicable laws and government regulations.
- (2) An accessory wind energy facility (AWEF) may be roof-mounted or ground-mounted subject to the applicable criteria in this § 470-31E.
- (3) An AWEF installed prior to enactment of this Section is not required to comply with the terms of this Section. However, any physical modification that materially alters the size, type and number of wind turbines or other equipment shall require approval under this Ordinance and meet the requirements of the applicable building code(s).
- (4) The layout, design, and installation of AWEF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with the PA Uniform Construction Code and all applicable building code and fire and safety requirements. The applicant shall submit manufacturer's specifications as part of an application.
- (5) The applicant for an AWEF connected to the utility grid shall provide to the Township written authorization from the local utility company acknowledging and approving such connection.
- (6) Noise.
 - (a) Equipment selected for use as an AWEF shall incorporate the latest technology for producing low ambient noise levels.
 - (b) The sound produced by the AWEF shall not exceed 45dBA as measured at the property line at ground level.
 - (c) Noise limits may be exceeded during short-term events such as utility outages and/or severe windstorms.
- (7) When an accessory building is necessary for storage cells or related mechanical

- equipment, the accessory building shall comply with the accessory building requirements of the underlying zoning district.
- (8) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - (9) Clearly visible warning signs concerning falling objects shall be placed within the principal structure yard setbacks and spaced not more than 100 feet apart, to the extent possible, to warn against ice and rotor throws. Signs are to be placed a minimum of three (3) feet from the ground and be a minimum of one (1) square foot, but not exceeding two (2) square feet, in surface area.
 - (10) The owner shall post electrical hazard warning signs on or near the AWEF.
 - (11) All on-site utility, transmission lines, and cables shall be placed underground.
 - (12) The display of advertising is prohibited except for identification of the manufacturer of the system.
 - (13) AWEF shall not be lighted except for any lighting required to comply with Federal Aviation Administration (FAA) or Pennsylvania Department of Transportation Bureau of Aviation (BOA) regulations.
 - (14) AWEF shall be painted a non-reflective, flat color such as white, off-white, or gray unless required to be colored differently from FAA or BOA regulations.
 - (15) AWEF shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the tower structure, rotor blades and turbine components.
 - (16) AWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property.
 - (17) No part of any AWEF shall be located within or above the required setbacks of any lot, extend over parking areas, access drives, driveways or sidewalks.
 - (18) The owner of the AWEF shall provide evidence that the owner's insurance policy has been endorsed to cover an appropriate level of damage or injury that might result from the installation and operation of the wind energy system.
 - (19) The potential ice throw or ice shedding for an AWEF shall not cross the property line of the lot on which the AWEF is located nor impinge on any right-of-way or overhead utility line.
 - (20) The owner of the AWEF shall ensure that the design and operation of the AWEF avoid disruption or loss of radio, telephone, television, cell, Internet or similar signals, and shall mitigate any harm caused thereby.
 - (21) Permit requirements.
 - (a) Zoning/building permit applications for AWEF shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Permits

shall show the location of the AWEF on the lot, lot lines, rights of way, adjoining occupied buildings, and above ground utility lines located on the lot. Permits must be kept on the premises where the AWEF is constructed, a site plan which includes the following:

- [1] Property lines and physical dimensions of the property;
 - [2] Location, dimensions, and types of existing structures on the property;
 - [3] The right-of-way of any adjacent public road(s);
 - [4] Location of any above-ground utility lines on the property or adjoining lots;
 - [5] Location of the proposed AWEF on the property;
 - [6] AWEF system specifications, including manufacturer and model, rotor diameter, tower height, and tower type (freestanding or guyed); and
 - [7] Standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer.
- (b) Permits shall be kept on the premises where the AWEF is constructed
- (c) The zoning/building permit shall be revoked if the AWEF, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the AWEF not to be in conformity with this Ordinance.
- (d) For standard soil conditions (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for AWEF installations of 20kW or less and will not require project-specific soils studies. Applicants proposing projects involving substandard soil conditions or installations of AWEF greater than 20kW may be required by the Zoning Officer to submit detailed soil studies.
- (e) The A WEF must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the AWEF to conform or to remove the AWEF.
- (22) An AWEF, including associated equipment, shall be removed and properly disposed of at the owner's sole expense within 12 months of the date when the use has been discontinued or abandoned by the system owner and/or operator, or upon termination of the useful life of the system. The system shall be presumed to be discontinued or abandoned if no electricity is generated by the system for a period of 12 continuous months. The AWEF owner shall, at the request of the Township, provide information concerning the amount of energy generated by the AWEF in the last 12 months.
- (23) Roof-mounted AWEF shall comply with the following:
- (a) Power generated by roof-mounted AWEF shall not exceed 1,000 watts (1 kilowatt)

of maximum output capacity. There shall be no commercial use of a roof-mounted AWEF for generation of energy.

- (b) The applicant shall provide certification from a Pennsylvania registered professional engineer that the building is structurally sufficient to withstand the weight of the wind turbine being installed as well as the projected wind load to be placed upon the wind turbine.
- (c) The roof-mounted wind turbine shall be mounted in accordance with the manufacturer's installation requirements with mounting bracket materials being a minimum thickness of ¼ inch steel. The mounting equipment shall be certified by the wind turbine's manufacturer a Pennsylvania licensed professional engineer that the mounting equipment is sufficient to withstand the weight of the wind turbine being installed as well as the projected wind load to be placed upon the wind turbine.
- (d) Roof-mounted AWEF shall not exceed a height of 8 feet measured from the center of the wind turbine's nose cone to the roofline on which it is mounted.
- (e) Roof-mounted wind turbine blades shall have a minimum clearance of three (3) feet between the tip of the blades and roofline as well as other obstructions including but not limited to antennae, satellite dishes, vent stacks, and chimneys. Spacing between wind turbines shall be in accordance with manufacturer specifications.
- (f) Roof-mounted wind turbines shall be set back from any adjacent occupied building a distance of not less than 30 feet.
- (g) All exterior wiring and hardware shall blend in with the roof and building façade.

(24) Ground-mounted AWEF shall be comply with the following:

- (a) Power generated by ground mounted AWEF equipment shall not exceed 50 20 kilowatts of maximum output capacity for residential use and 50 (100?) kilowatts for farm use. There shall be no commercial use of a ground-mounted AWEF for generation of energy.
- (b) No ground-mounted AWEF shall be located in a front yard.
- (c) Ground-mounted AWEF shall not exceed a height of 50 (65? 80? 120?) 80 feet. The height of a ground-mounted AWEF shall be measured from the average approved finished grade at the perimeter of the base of the ground-mounted AWEF to the highest vertical point of the rotor at its maximum vertical position.
- (d) For a ground-mounted AWEF, only a single pole or monopole structure shall be permitted. The pole shall be self-supporting upon its foundation without the use of guy wires or other supports and shall be certified by the wind turbine's manufacturer that the pole is sufficient to withstand the weight of the wind turbine being installed as well as the projected wind load to be placed upon the wind turbine.
- (e) The minimum height of the lowest position of the ground-mounted wind turbine rotor shall be 15 feet above the surface of the ground.

(c) 50 ft height is very restrictive and inefficient for energy production. Heights up to 160 ft. Or no height limit as long as meet setback, noise, and FAA regs

- (f) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (g) To prevent climbing, a ladder or steps affixed to a ground-mounted wind turbine shall not be provided any lower than 15 feet above its base.
- (h) Setbacks for ground-mounted AWEF:
 - [1] AWEF shall be set back from property lines, occupied buildings, above-ground utility lines, road and/or railroad rights-of-way by a distance equal to no less than ~~2~~ ~~(1.1?)~~ 1.1 times the total turbine height.
 - ~~[2] AWEF shall be allowed closer to a property line than the prescribed setbacks if the abutting property owner(s) grants written permission in the form of a signed easement and the installation poses no interference with public utility lines, public roads and rail right-of ways.~~
- (h) The number of ground mounted AWEF permitted on a lot shall be based upon lot size and follow the schedule below:

Lot Size	Maximum Number of Ground-Mounted AWEF
<1 acre to 4.99 acres	1
5+ acres to <10 acres	2
10+ acres	3

E. Accessory geothermal energy systems.

- (1) A closed-loop geothermal energy system shall be permitted in all zoning districts as an accessory use, where the energy supplied is solely for the use of principal and/or accessory uses permitted on the subject property.
- (2) Open-loop geothermal energy systems are prohibited.
- (3) It shall be unlawful to install a new geothermal well or modify an existing geothermal well without a valid permit. Prior to constructing a new geothermal well or modifying an existing geothermal well, the property owner shall file all appropriate applications with the Township, County, or other regulating agency and pay all applicable fees.
- (4) All geothermal well applications shall be completed and include the following information:
 - (a) Applicant name and signature, address, and telephone number.
 - (b) Site address, subdivision name, and lot number.
 - (c) Driller name, (State licensing agency) number, and telephone number.
 - (d) Tax parcel number.
 - (e) Description of construction.
 - (f) Manufacturer's specifications.

- (g) A site plan, prepared, signed, and sealed by a qualified professional licensed in the Commonwealth of Pennsylvania, which identifies property lines, lot dimensions, adjacent streets, slopes, location of existing natural and manmade features, location of the proposed closed-loop geothermal system, bore holes, ownership information for adjoining properties, and setback measurements from property lines, street lines, and occupied buildings, water supplies, and any other feature that requires a setback as specified in subsection (8) below.
- (5) Any relocation of the proposed geothermal well site from the permitted location must be submitted in writing and approved by the Township.
- (6) The geothermal system shall be installed, maintained, and decommissioned in standards conforming to International Ground Source Heat Pump Association (IGSHPA) Closed-Loop/Geothermal Heat Pump Systems Design and Installation Standards, as same may be amended and updated from time to time, and as per all applicable manufacturer’s specifications, as well as all zoning, building code, and utility requirements.
- (7) Only a Pennsylvania Department of Environmental Protection licensed well driller, or an IGSHPA-accredited geothermal system installer, shall conduct the drilling of a geothermal well. In all cases, the well drilling rig must also be approved by Pennsylvania Department of Environmental Protection.
- (8) Geothermal energy systems may be located on a lot with a permitted use provided that all structural components comply with the accessory setback requirements and lot coverage requirements of the zoning district on which it is located.
- (9) Minimum isolation (setback) distance. Wells and boreholes regulated by this ordinance shall be located using the minimum isolation (setback) distances to existing or potential sources of pollution listed in the table below. For closed-loop geothermal wells and boreholes, which due to infeasibility, cannot conform to the requirements in said table (on the following page), an appeal to the Township can be made detailing the infeasibility and the proposed location. Upon review, the Township may reduce the required setback distances.

Setback From	Borehole Minimum Distance (feet)
Delineated floodplains, wetlands, streams, lakes, ponds, or other surface waters	25 feet or in accordance with accordance with applicable setback, buffer, or disturbance limitations of Chapter 205 Floodplain Management and Article XI Natural Resource Protection, whichever is more restrictive
Property line, easement or public right-of-way	10 feet
Building foundations (except for buildings enclosing water wells and/or water well pumps and any other source of pollution as approved).	10 feet
Farm silos, barnyards, privies, and fuel tanks	25 feet

Storm drains, detention/retention basins, stabilization ponds, or stormwater management facilities	10 feet
Individual water supply or water supply system suction line	50 feet
Existing water and forced sewer buried utilities and/or utility trenches	15 feet or outside easement
Gravity sewer lines and drains carrying domestic sewage or industrial waste	15 feet or according to easement
Septic tanks, aerobic tanks, pump tanks or holding tanks	25 feet
Subsurface sewage disposal systems, absorption areas, elevated sand mounds, or other sewage disposal fields	50 feet
Spray irrigation sites, sewage sludge, and septage disposal sites	50 feet
Sewage seepage pits and cesspools	50 feet
Sewer drains, public sewer laterals	5 feet
Identified NPL Site (Superfund) plume area	as per US EPA
Preparation area or storage area of hazardous spray materials, fertilizers, chemicals, or salt piles	300 feet
Surface or subsurface containers or tanks of greater than 1,000 gallons used for storage of materials that cannot be properly renovated by passage through soil. This includes, but is not limited to, gasoline and all other petroleum products	300 feet
Surface or subsurface containers or tanks of 1,000 gallons or less used for storage of materials which cannot be properly renovated by passage through soil. This includes, but is not limited to, gasoline and all other petroleum products. For example, the type of tanks frequently used in homes using oil for heating purposes	30 feet
Any other source or potential source of pollution	300 feet

- (10) Closed-loop geothermal boreholes shall be located, drilled, and finished in a manner that will protect the borehole structure from damage from surface activities or other natural occurrences so that the quality of the local groundwater cannot be affected.
- (11) If the geothermal energy system is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner, through a Pennsylvania Department of Environmental Protection licensed well contractor, or an IGSHPA-accredited well contractor to remove, permanently seal, or properly maintain the geothermal energy system, in accordance with IGSHPA standards, within 12 months from the date the system enters such a state. Any earth disturbance as a result of the removal or permanent sealing of the geothermal energy system shall be graded, reseeded and revegetated with native species to its pre-disturbance condition.

F. Emerging energy systems (accessory use).

- (1) Emerging energy systems, other than those specifically defined in this Chapter, shall be permitted by special exception as an accessory use provided that such systems are located on a lot with a permitted use in accordance with the applicable provisions of this Chapter.
- (2) Emerging energy systems may be located on or attached to an occupied building provided that the structural components of the emerging energy systems do not exceed the permitted building height requirements of the zoning district in which it is located.
- (3) All components of the emerging energy systems shall comply with the building setback requirements and lot coverage requirements of the zoning district in which it is located.
- (4) A site plan, prepared, signed, and sealed by a qualified professional licensed in the Commonwealth of Pennsylvania, shall be submitted, which identifies property lines, lot area, location of existing natural and manmade features, location of the proposed emerging energy system, ownership information for adjoining properties, and setback measurements from property lines, street lines, and occupied buildings.
- (5) Emerging energy systems may be located on a lot provided that it is located, designed, and installed considering the health, safety, and general welfare of the adjacent property owners. The emerging energy system and associated building, structures, and equipment shall be secured and clearly visible warning signs concerning voltage and other potential hazards shall be placed as needed. As part of the special exception application, the Zoning Hearing Board may attach reasonable conditions and safeguards.

§ 470-54. Day-care facilities.

- 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-F~~ 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~~ shall 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 additional 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 additional 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 additional 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.

§ 470-55. Dormitories.

- A. Except for a sign, there shall be no external evidence of any general activity.
- B. 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.

- C. All such buildings shall have a minimum lot size, minimum yards, maximum building heights and maximum impervious coverage regulations specified in the Use Schedule¹¹ for the district in which they are located.

§ 470-56. Drive-in businesses (excluding vehicle washes).

- A. 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 and collector street design and improvement requirements.
- B. Drive-through lanes shall be designed for stacking of a minimum of six vehicles and shall be separated from the internal circulation system for the parking facilities.
- C. The applicant shall demonstrate that any external-internal microphone system shall not operate in a manner that produces sound at a level in excess of 55 db at any abutting property line.
- D. Exterior seating and/or play areas shall be completely enclosed by a four-foot-high fence.
- E. No part of any structure on the subject property shall be located within 200 feet of an existing residential structure within residential zone.
- F. 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.
- G. The site shall be kept free of litter at all times in accordance with a plan for the cleanup of litter to be provided by the applicant.

§ 470-57. Essential services.

Essential services ~~buildings and structures~~ shall be permitted by right in all zoning districts, except that major facility essential services shall not be permitted in the Conservation District (CD). ~~Such buildings and structures~~ Essential services shall be permitted without regard to the use, lot area, setbacks and impervious area regulations; provided, however, that buildings erected for these services shall be subject to the following regulations:

- A. Front, side and rear yards shall be provided in accordance with the regulations of the district in which the building is located.
- B. Height of building or structure shall be as required by the district regulations.
- C. Housed equipment. When the equipment is totally enclosed within a building or cabinet, no fence ~~or screen planting~~ shall be required and the yard shall be maintained in conformity with the district in which the facility is located.
- D. Unhoused equipment shall be enclosed with a chain-link fence six feet in height.
- E. Screen planting. The required building or equipment shall be screened in accordance with

the requirements of this chapter and of Chapter 390, Subdivision and Land Development.

- F. The external design of the building shall be in conformity with the buildings in the district.
- G. Storage of vehicles. In residential districts, newly permitted essential services facilities shall not include the exterior storage of vehicles or equipment used in the maintenance of any utility.
- H. No equipment causing excess noise, vibration, smoke, odor or hazardous effect shall be installed.

§ 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: All forestry and timber harvesting activities shall comply with chapter 400, Timber Harvesting.~~

~~(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.~~

~~(e) 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.

A. The lot or property line of any gaming or off-track betting establishments shall not be located within 500 feet of any residential district; and no gaming or off-track betting establishment shall be located within 500 feet of any building the use of which is principally residential.

B. No gaming or off-track betting establishment shall be located within 500 feet of any building which contains, is used for or is associated with, any one or more of the following specified land uses:

- (1) Adult entertainment facilities.
- (2) Amusement park.
- (3) Camp (for minor's activity).
- (4) Child-care facility.
- (5) Church, synagogue, mosque or other similar religious facility.
- (6) Community center.
- (7) Library.
- (8) Museum.
- (9) Park.
- (10) Playground.
- (11) School or educational facility.
- (12) Other lands where minors congregate.

C. The lot or property line of any gaming or off-track betting establishment shall not be located within 5,000 feet of the lot or property line of another gaming or off-track betting establishment.

D. The distance between any two gaming or off-track betting establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any gaming or off-track betting establishments and any building which contains, is used for or is associated with any land use specified above shall be measured in a straight line, without regard to intervening

structures, from the closest point on the exterior of the building of such establishment to the closest point on the exterior of the building which contains, is used for or is associated with any said land uses.

- E. The proposed use shall not be detrimental to the use and enjoyment of adjoining properties due to hours of operation, light, traffic, noise and/or litter, and the applicant shall furnish expert evidence to establish this.
- F. The gaming or off-track betting establishment will be controlled so as not to constitute a nuisance due to noise or loitering outside the building; the applicant shall furnish expert evidence as to how this will be accomplished. In no event shall loitering be permitted outside any such establishment.
- G. A litter control plan shall be established, maintained and paid for by the applicant and/or property owner to ensure that neither the property where the use is being conducted, nor adjoining properties, will be littered. The proposed plan shall be furnished as part of the application.
- H. No more than one gaming or off-track betting establishment may be located within one building or shopping center.
- I. The applicant shall submit a land development application and plan in accordance with the requirements of Chapter 390, Subdivision and Land Development.
- J. The gaming or off-track betting establishment shall not create an atmosphere of enticement for minors.
- K. All off-track betting establishments shall comply with the rules and regulations of the Pennsylvania Horse and/or Harness Racing Commission pertaining to nonprimary locations, as defined therein; and all gaming and off-track betting establishments shall comply with all laws, rules and regulations of the United States of America, the Commonwealth of Pennsylvania, and the Township of Pocono.
- ~~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 §470-35.1 General Performance Standards
- (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

§ 470-61. Group-care facilities.

Group-care facilities include emergency shelters for the homeless, shelters for abused persons and treatment centers.

A. Emergency shelter for homeless.

- (1) The emergency shelter for homeless shall be sponsored and supervised by a government agency or a nonprofit organization;
- (2) The applicant shall provide a letter from the Township Building Code Official stating that the structure has been inspected within the past two months and that it meets minimum code requirements for the intended use;¹²
- (3) The maximum number of residents shall be indicated at the time of application, and that number, not including employees, shall not exceed any applicable minimum space requirements.

B. Shelter for abused persons.

- (1) The shelter for abused persons shall be sponsored and supervised by a government agency or a state-registered or certified organization;

- (2) The applicant shall provide a letter from the Township Building Code Official stating that the structure has been inspected within the past two months and that it meets minimum code requirements for the intended use;
- (3) The maximum number of residents shall be indicated at the time of application, and that number, not including employees, shall not exceed any applicable minimum space requirements;
- (4) The applicant shall provide sufficient evidence to the Zoning Hearing Board that the security measures to be provided will provide adequate protection to the residents of the facility.

C. Treatment center.

- (1) The applicant shall indicate the nature of the residents to be served and the type of treatment/care to be provided, including whether or not any counseling or other services will be provided for nonresidents;
- (2) The applicant shall provide evidence that the treatment center is sponsored and operated by an agency licensed, registered or certified by an applicable county, state, or federal program. The operators of the facility shall notify the Township in writing within 14 days if there is a change in the type of residents, the sponsoring agency, or maximum number of residents or if the license/registration/certification expires, is suspended or withdrawn;
- (3) If the facility is a temporary residence for the clients, the maximum number of clients shall be indicated at the time of application, and that number, not including employees, shall not exceed any applicable minimum space requirements;
- (4) The facility shall have twenty-four-hour-on-site supervision by professionals trained to supervise the types of clients to be served by the facility;
- (5) If a facility will house persons presenting a potential physical threat to the safety of nonresidents, the facility operator shall provide evidence that sufficient staffing and other security measures will be provided;
- (6) The facility shall be located a minimum of 1,000 linear feet from any other such existing/approved facility.

§ 470-62. Helipad accessory to a permitted principal use or for emergency services.

- A. All facilities shall be designed and operated in strict compliance with all applicable state and federal laws and regulations.
- B. The applicant shall furnish evidence of obtaining a license from the Pennsylvania Department of Transportation Bureau of Aviation prior to the issuance of a zoning permit.
- C. Additionally, no pad for any helipad shall be within 300 feet of any property line.

§ 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. 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 more than one 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 above~~ C and D, as applicable.
- C. 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 person conducting the home occupation shall be a resident of the dwelling.
 - (3) The business shall employ no employees other than family members residing in the dwelling.
 - (4) There shall be no display or sale of retail goods and no stockpiling or inventory of products of a substantial nature.
 - (5) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - (6) 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.
 - (7) 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.
 - (8) 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.
 - (9) The business may not involve any illegal activity.
- D. 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~~shall 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 two nonresident employees in the aggregate for all major home occupations conducted at the premises shall be permitted.
- (5) The 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).
- (6) The home occupation shall not require or involve regular visitation from customers, clients, 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.
- (7) No equipment, materials or appurtenances related to the home occupation shall be stored or displayed outdoors. Storage area shall constitute a part of and be included in the calculation of the permitted home occupation aggregate area.
- (8) No materials or merchandise shall be visible at or beyond the property lines. No equipment associated with the home occupation shall be visible from the exterior of the dwelling.
- (9) No indication of the home occupation shall be visible other than one two-sided sign no larger than two square feet. The sign ~~must~~shall conform to the requirements of this chapter.
- (10) The exterior appearance of the premises shall be constructed and maintained as a residential dwelling.
- (11) 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.
- (12) No equipment or process shall be used in such 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.
- (13) 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.

§ 470-64. Hospitals.

- A. Minimum lot area: five acres.
- B. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized.
- C. The subject tract shall front on and gain access from a 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.
- D. All buildings and structures shall be set back at least 50 feet from all side and rear property lines.
- E. Emergency entrances shall be located on a building wall facing away from adjoining residentially zoned properties or residential uses.
- F. The applicant shall demonstrate proof of an approved means of disposal of all solid, medical and hazardous wastes.

§ 470-65. Keeping of equine animals.

The keeping of equine animals shall meet the following conditions:

- A. The minimum lot area required for the keeping of one equine animal shall be three acres. This minimum lot area shall be increased by 1 1/2 additional acres for each additional equine animal kept.
- B. Maintaining equine animals shall be on a noncommercial basis and be strictly as an incidental use.
- C. The area within which equine animals are kept shall be enclosed by a fence designed for containment.
- D. No building, corral, fence, or stable shall be closer than 100 feet to the nearest dwelling other than that of the owner, nor within 50 feet of any property line.
- E. The owner of the equine animal(s) shall exercise such control as is necessary to prevent the equine animal(s) from leaving the property when not being ridden or transported. The owner shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor.

§ 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. Nursing home, assisted living residence, personal care home, continuing care retirement community (CCRC) or other ~~life~~ care facility.

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.~~

- ~~(1) 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.~~
- ~~(2) Telephone, electric, and cable television utilities shall be installed underground.~~

A. General

- (1) The standards in this §470-68 shall apply to a nursing home, assisted living residence, personal care home, or continuing care retirement community (CCRC) in all districts in which such use is permitted, except that in the case of any such use located in the RRO district, where the standards herein conflict with those of the RRO district, the standards of the RRO shall apply.
- (2) The proposed use shall obtain all applicable state and federal permits, licenses, and certificates of need, as applicable to the proposed use.
- (3) 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.
- (4) The development shall be serviced by a public water system and a public sewer system.
- (5) 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.
 - (6) 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, 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 Act¹⁸ 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.
- 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.

§ 470-71. Manufactured home/Mobile home parks.

Manufactured home/Mobile home parks shall be subject to the requirements of Chapter 390, Subdivision and Land Development.

§ 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.~~

§ 470-73. Private clubs and clubhouses; homeowners' association club.

A. Off-street parking shall be provided at least 25 feet from all street rights-of-way, and parking compounds shall be at least 30 feet from any adjoining residential property.

B. Any outdoor recreational facilities shall be located at least 50 feet from any property line.

C. Screening shall be provided adjacent to any residential land use.

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

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.

§ 470-75. Recreational facilities use, cultural use, and amusement parks.

- A. All tracts with a commercial recreational facilities use, a cultural use, or an amusement park 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.
- B. 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.
- C. 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.
- D. All entrances to the commercial recreation facilities use, cultural use, or amusement park shall be designed so that vehicle backup on abutting roads does not occur.
- E. Amusement parks, as well as any other recreational or cultural use that meets the definition of a "regional impact development," as defined in Article II, shall also comply with the requirements of § 470-76 of this chapter.

§ 470-76. Regional impact developments.

- A. The regional impact development and the individual uses within the development shall comply with the following height, bulk, coverage and area regulations:
- (1) The minimum lot area of the regional impact development, excluding existing street rights-of-way, shall be five contiguous acres.
 - (2) The minimum lot width of the regional impact development shall be 300 feet measured at both the street right-of-way line and the building setback line.
 - (3) The minimum lot depth of the regional impact development shall be 500 feet measured at the narrowest part of the development between any existing street right-of-way and the opposite rear property line, or in the case of a corner lot, from the opposite side property line.
 - (4) Yards within regional impact developments. Part of the required yard area may be used for the purpose of meeting off-street parking requirements subject to, however, the requirements of § 470-34. Yards of the following minimum size shall be provided:
 - (a) Front yard minimum depth. The minimum building line from all streets shall be twice the requirement of the underlying zoning district.
 - (b) Side yard. The minimum side yard shall be 50 feet. In the case of a shopping center, there will be no side yard requirement between buildings which form a continuous

structure when located within the shopping center; provided, however, that no building shall be located closer than 50 feet from any side property line.

- (c) Rear yard. The minimum rear yard shall be 50 feet. In the case of a shopping center, there will be no rear yard requirement between buildings which form a continuous structure when located within the shopping center; provided, however, that no building shall be located closer than 50 feet from the rear property line.
 - (5) Maximum impervious coverage. Not more than 70% of the area of the lot shall be covered with impervious surface. However, this maximum impervious coverage shall be increased to 75% of the area of the lot where more than 1/2 of all parking spaces within the lot are located behind the front building line.
 - (6) Maximum building coverage. Not more than 60% of the area of the lot shall be covered by buildings.
 - (7) Minimum landscape area. Not less than 30% of the area of the lot shall be covered by vegetation materials. However, this minimum landscape area shall be reduced to 25% of the area of the lot where more than 1/2 of all parking spaces within the lot are located behind the front building line.
- B. The regional impact development shall front and have all of its primary points of access onto arterial, connector or collector streets as identified in the Official Roadway Classification List available at the Township Building. Internal vehicular circulation shall be designed in accordance with any requirements of Chapter 390, Subdivision and Land Development. Ingress and egress to the development shall be provided through two or more controlled access points that are designed to handle the traffic generated by the site in a safe and efficient manner.
 - C. The applicant shall provide a traffic evaluation study, prepared in accordance with any requirements of Chapter 390, Subdivision and Land Development, indicating that adverse traffic conditions are minimized.
 - D. Sufficient off-street parking shall be provided for each use; however, where it can be shown to the satisfaction of the Township Board of Commissioners that various uses within a regional impact development will be generating parking needs at different times of the day or week, or that various uses when combined in a regional impact development will generate reduced parking needs than if the uses were not combined, the amount of parking may be reduced accordingly. Parking compounds and internal vehicular circulation patterns shall be designed to prevent traffic that is utilizing any facility within the development from backing onto public streets.
 - E. Where a regional mass transit system provides service along a street adjacent to the development or where such a system is proposed as part of an adopted municipal or regional transportation plan to serve the area of the development, appropriate drop-off and shelter facilities shall be located along such street, or within such development, or at some alternate location, as may be required by the Board of Commissioners, mass transit company, or other applicable municipal agency.
 - F. Clearly defined internal pedestrian circulation patterns shall be provided within the regional impact development. Pedestrian crossing of vehicular traffic areas should be eliminated wherever possible. Sidewalks shall be provided in accordance with any requirements of

Chapter 390, Subdivision and Land Development. The internal pedestrian circulation system shall be coordinated with the pedestrian circulation system along the existing streets and on abutting properties.

- G. Exterior lighting shall be required, in accordance with Chapter 390, Subdivision and Land Development, to provide convenience and safety for people utilizing the facilities within the development; however, all such lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.
- H. No use shall emit any obnoxious noise, glare, dust, odor, vibration, electrical disturbance, smoke, toxic gas, radiation, heat or any other objectionable impact beyond the lot line of the facility.
- I. All outdoor storage, parking, loading/unloading areas, refuse areas, sewage treatment facilities, water treatment facilities, aboveground fuel storage facilities (propane tanks, etc.) shall be screened from adjoining properties that are within a residential zoning district. Said screening shall be provided in accordance with any design requirements of Chapter 390, Subdivision and Land Development.
- J. In addition to the screening requirements of this chapter and Chapter 390, Subdivision and Land Development, the developer shall be responsible for providing landscaping throughout the entire regional impact development in accordance with a landscape plan designed by a registered landscape architect. Said plan shall provide a uniform, cohesive and visually attractive landscape for the development that also de-emphasizes that size and bulk of the development so that it is visually compatible with the surrounding neighborhood.
- K. As part of any application for a conditional use, the applicant shall also be required to show that any individual use within a regional impact development also complies with all other regulations specifically set forth in Article V of this chapter for that individual use.
- L. Where a proposed development is 1) an extension, expansion or revision of a development existing prior to the adoption of this chapter; and 2) where the combination of the existing use(s) and the proposed extension(s), expansion(s) or revision(s) would qualify as a regional impact development, the requirements of this section shall be considered only if the proposed extension(s), expansion(s) or revision(s) exceed 10% of the existing use(s) or 10,000 square feet, whichever is greater.
- M. Where a multi-phase regional impact development is proposed, the application for a conditional use shall include the entire development; however, the applicant may provide a phasing schedule, subject to the approval of the Board of Commissioners, for all site improvements and for all transportation and traffic improvements which shall coincide with the phasing of the development.

§ 470-77. Restaurants, taverns, and nightclubs.

- A. 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. No part of the subject property shall be located within 200 feet of any residential district.

- C. 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.
- D. The applicant shall furnish evidence identifying how the use will be controlled and will not constitute a nuisance due to noise, light, or loitering outside the building.
- E. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

§ 470-78. Retail sales of nursery and garden materials.

- A. All driveways, parking areas, and loading zones shall be surfaced and maintained in a manner prescribed as per § 470-34 of this chapter. Adequate parking and loading areas shall be provided and shall not be permitted on or along any public road.
- B. The display, sale, or repair of motorized nursery or garden equipment shall not be permitted.
- C. All outdoor display areas shall be set back at least 25 feet from the street right-of-way line.
- D. All structures and parking and loading facilities shall be screened from residentially zoned properties.
- E. Storage and application of pesticides and fertilizers shall be in accordance with applicable state and federal laws.
- F. 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.

§ 470-79. Riding club or riding stable.

- A. Minimum lot area: 10 acres. The number of horses permitted shall be based on a minimum of one acre per 1 1/2 animals maintained or each stall provided, whichever is greater.
- B. All animals except while exercising or pasturing shall be kept within a completely enclosed building which was erected or maintained for that purpose.
- C. All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four-foot-high fence, which is located at least 25 feet from all property lines.
- D. Any structure used for the boarding of horses shall be set back at least 200 feet from any property line.
- E. All stables shall be maintained so to minimize odors perceptible at the property line.
- F. All parking compounds and unimproved overflow parking areas shall be set back at least 20 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.
- G. No manure storage facility or area shall be established closer than 150 feet to any property line.

§ 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 salvage yard or junkyard and any buildings and structures associated with the salvage yard or junkyard 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~~ junk 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~~ in accordance with the standards for an industrial use specified in §390-55 of the Subdivision and Land Development Ordinance. 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 salvage yard or 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. All additional federal and state laws shall be complied with.
- ~~G. The setback area between the fence and property line shall be kept free of refuse and debris.~~
- H. All junk shall be stored or arranged to permit reasonable access by firefighting equipment and to prevent the accumulation of water. 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. Stormwater shall be drained in a manner that does not result in chemical residues being discharged from the site.
- I. No material shall be burned at any time.
- J. No salvage yard or junkyard 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.
- K. A certificate of use shall be issued for a period of one year, and shall be subject to annual renewal.
- L. The area used for a salvage yard or junkyard shall not be used as a dump area for any solid or liquid waste.
- M. In cases where the salvage yard or junkyard 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 shall 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.

- N. In cases where the salvage yard or junkyard includes 10 or more junk vehicles or where the Township deems it necessary to meet the intent of this chapter, the owner of any salvage yard or junkyard shall be required to monitor the ground and surface water in the vicinity of the salvage yard or junkyard. 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 salvage yard or junkyard 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 salvage yard or junkyard drainage area and one (1) sample shall be taken from the stream at a point below the salvage yard or junkyard 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 salvage yard or junkyard shall cease operation until such time as the source of the contamination has been identified and corrected in accord with PA DEP requirements.
- O. 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 salvage yard or junkyard shall be operated or maintained in violation of any state or federal regulations governing the disposal of any solid or liquid waste.
- P. Any activity associated with the operation of the salvage yard or junkyard 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.
- Q. 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.
- R. 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.

§ 470-81. Self-service storage facilities.

The following shall specifically apply to self-service storage facilities:

- 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. Off-street parking shall be provided in accordance with the requirements of this chapter for warehousing (nonretail).
- C. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least 26 feet wide when cubicles open onto one side of the lane only, and at least 30 feet wide where cubicles open onto both sides of the lane.
- D. Required parking may not be rented as, or used for, vehicular storage. However, additional external storage may be provided for the storage of operable and properly licensed/registered 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.
- E. All storage other than that provided for under Subsection D shall be kept within an enclosed building, except that storage of flammable, highly combustible, explosive or hazardous chemicals or materials 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.
- F. Because of the danger from fire or explosion caused by the accumulation of vapors from flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.
- G. No door openings for any self-service storage unit shall be constructed facing any adjacent residentially zoned property.
- H. Prohibited uses.
 - (1) Self-service storage facilities shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited on the site:
 - (a) The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - (b) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - (c) Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 - (2) The applicant shall adequately demonstrate that all self-service storage facilities' rental and/or use contracts shall specially prohibit these uses.

§ 470-82. Shopping centers.

- A. The subject tract shall front on and gain access from either an arterial, connector or collector road as identified in the Official Roadway Classification List available at the Township Building.
- B. The following types of commercial and commercial-related establishments shall be permitted:

- (1) Grocery store.
 - (2) Banks and similar financial institutions.
 - (3) Drugstore.
 - (4) Retail sale of goods, provided the total floor area is less than 100,000 square feet.
 - (5) Retail services, including barber/beauty salons, music, dance, art, or photographic studios, repair of small appliances, and laundromat and dry-cleaning collection stations.
 - (6) Professional offices.
 - (7) Restaurants and taverns.
 - (8) Any other establishment that in the opinion of the Board is of the same general character as any of the above-identified uses.
- C. The minimum lot area shall be three acres.
- D. The minimum lot width shall be 300 feet.
- E. The applicant shall demonstrate that access to and the design of the parking facilities shall not create vehicle backups onto existing abutting streets.
- F. The maximum building coverage shall be no greater than 25%.
- G. The maximum impervious coverage shall be no greater than 70%.
- H. The minimum landscaped area shall be no less than 30%.
- I. No building shall be placed closer than 30 feet to any property line. Where there exists a more stringent requirement, such requirement shall apply. Off-street parking shall not be permitted within side and rear yard setback areas.
- J. Fire lanes will be required in accordance with Township ordinances.

§ 470-83. Truck terminal/distribution. [Amended 2-6-2023 by Ord. No. 2023-01]

- A. Minimum lot area: 10 acres.
- B. Any entrance for trucks, loading/unloading area, principal structures, outdoor storage or truck parking area shall be a minimum of 150 feet from any residential lot line.
- C. The use shall have its main access point(s) within two miles of at least one ramp of a limited access highway.
- D. All tractor-trailer truck parking, principal structures, outdoor storage and/or loading/unloading areas that are visible from beyond the exterior lot lines of the use shall be screened by a fifty-foot wide buffer yard. A fifty-foot buffer is required along the frontage of all streets. This buffer yard shall meet the following conditions:
- (1) The buffer yard shall include a vegetated screening buffer. The screen buffer plantings are intended to form an impenetrable visual screen and shall include a variety of

- evergreen tree species to prevent monocultural planting. Trees used for screen buffers shall be comprised of 100% evergreen species.
- (2) Evergreen trees used in the screen planting shall be at least six feet high when planted and shall be of such species as will produce a dense visual screen at least 10 feet high within four years. Where the screen buffer planting requires more than 50 trees, no more than 1/3 of those trees will be of a single variety. Deciduous canopy trees and/or flowering trees and evergreen shrubs are encouraged to provide complete screening and visual appeal, in addition to the required evergreen trees. Shrubs shall have a minimum height of 36 inches when planted.
 - (3) Plant materials shall be permanently maintained and any plant material which dies shall be replaced by the land owner.
 - (4) Where such screening is required, it shall be assured by a performance guarantee posted with the governing body in an amount equal to the estimated cost of trees and shrubs and plantings. Such guarantee shall be released only after passage of the second growing season following planting.
 - (5) The buffer yard may overlap the required side of rear yards, and in case of conflict, the larger yard requirements shall apply.
 - (6) All plantings shall conform to the standards of the Township's list of acceptable plant species (Subdivision and Land Development Ordinance Appendix A.)²⁰
- E. Any tractor-trailer truck parking, outdoor storage and/or loading/unloading areas that are visible from and are within 150 feet of the exterior lot lines of the use shall be separated from such lot lines by an earthen berm. Such berm shall meet the following conditions:
- (1) Average a minimum of five feet in height above the adjacent average ground level (disregarding any drainage channel) on the outside of the berm.
 - (2) Not have a single continuous height, but instead shall vary in height by one foot or two feet in places.
 - (3) The top of the berm shall not have a width less than five feet.
 - (4) Have a maximum side slope of three horizontal to one vertical.
 - (5) Be covered by a properly maintained all-season natural ground cover, such as an appropriate grass.
 - (6) Shall be located behind any required buffer screening.
- F. The maximum height for such use shall be 50 feet.
- G. The use shall include an appropriate system to contain and properly dispose of any fuel, grease, oils or similar pollutants that may spill or leak.
- H. All facilities with gated entrances shall provide for an on-site queuing area for the stacking of a minimum of two tractor-trailers.
- I. No parking or loading/unloading shall be permitted on or along any public road.

- J. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.
- K. External building materials shall be of colors that are low-reflective, subtle, or earth tone. Fluorescent and metallic colors shall be prohibited as exterior wall colors.
- L. LEED Certification is strongly encouraged as well as roof-mounted accessory solar energy systems.
- M. The applicant shall coordinate with the Monroe County Control Center to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the Monroe County Control Center Public Safety Radio Communications System at the exterior of the building, and shall install enhancement systems if needed to meet compliance.
- N. The use shall provide related facilities and amenities to provide for the comfort, convenience and safety of those engaged in the trucking distribution industry. Suitable examples rest lounges and areas, locker rooms and shower facilities, and similar uses.
- O. Mechanical scraper systems shall be installed at each truck exit drive for the purpose of removing snow, slush and ice from trailer and truck rooftops. During winter months, all trucks ~~must~~ shall pass under these mechanical scrapers prior to exiting the warehouse facility.
- P. A traffic study shall be prepared by a professional traffic engineer, according to § 390- 60. The traffic impact study shall also include a truck routing map identifying anticipated routes to and from the proposed facility to the Township boundary. The truck routing map shall be consistent with existing truck routing signage and trip distribution data presented in the traffic study and shall identify any new proposed truck routes and necessary truck routing signage.
- Q. A community impact study shall be prepared, according to § 390-29K.
- R. An environmental impact assessment shall be performed. The assessment shall be prepared by a professional environmental engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use, including location relationship to other projects or proposals, with adequate data and detail for the Township to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and the probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include detailed examination of public resources most likely impacted by the development plan and include the following focus areas:
 - (1) Air pollution impacts emissions from vehicle operations, including from truck engines during idle time. The applicant shall identify all stationary and mobile sources of fine particulate matter (PM2.5), volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air polluting emissions at the site. The owner or operator of the facility

- shall have anti-idling signs prominently posted in areas where 15 or more trucks may park or congregate.
- (2) The potential for public nuisance to local residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles.
 - (3) A stormwater management plan.
 - (4) Consistency with the municipal and county comprehensive plan. The applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective plans. Where the proposed use conflicts with the comprehensive plan, the assessment report shall identify mitigation measures which may be undertaken to offset any degradation, diminution, or depletion of public natural resources.
 - (5) Additional considerations. The following shall also be addressed:
 - (a) Alternatives analysis. A description of alternatives to the impacts.
 - (b) Adverse impacts. A statement of any adverse impacts which cannot be avoided.
 - (c) Impact minimization. Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction, including design considerations.
 - (d) Mitigation steps. Listing of steps structural controls proposed to minimize damage to site before and after construction.
 - (6) Critical impact areas. In addition to the above, plans should include any area, condition, or feature which is environmentally sensitive or which if disturbed during construction would adversely affect the environment.
 - (a) Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high water table, and mature stands of native vegetation and aquifer recharge and discharge areas.
 - (b) A statement of impact upon critical areas and of adverse impacts which cannot be avoided.
 - (c) Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.
- S. Evaluation. The procedures for evaluating the assessment shall be as follows:
- (1) Consultation. Upon receipt of the application the Township may forward the assessment to the Township Engineer.
 - (2) Review and action. The Planning Commission shall evaluate the Environmental and Community Assessment(s) and make a recommendation to the Board.

§ 470-84. Vehicle fueling stations.

- A. The subject tract shall front on and gain access from either 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 subject property shall have a minimum lot width of 125 feet.
 - C. The subject property shall be at least 300 feet from the property line of any parcel containing a school, day-care facility, playground, library, or nursing, ~~rest~~ assisted living residence, retirement personal care home, or CCRC.
 - D. Any vehicle not receiving repair work within the preceding seven days shall be removed.
 - E. Gasoline pump islands shall be at least 30 feet from the street right-of-way line.
 - F. Entrances and exits shall be a minimum of 30 feet in width.
 - G. All ventilation equipment associated with fuel storage tanks shall be at least 100 feet from any adjoining residential property or residentially zoned property.
 - H. All uses involving drive-through service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.
 - I. In the event of discontinuance or abandonment of the use of the property as a vehicle fueling station, all underground fuel storage tanks ~~must~~ shall be removed in accordance with all applicable regulations within six months.

§ 470-85. Vehicle service and repair facilities.

- A. The subject tract shall front on and gain access from either 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. All service and/or repair activities shall be conducted within a single, wholly enclosed building.
- C. All uses involving drive-through service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.
- D. No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded, as part of the service operation shall be permitted. Materials discarded as part of the service operation shall be contained within wholly enclosed dumpster equipment.
- E. All exterior vehicle storage areas shall be screened from view from adjoining residential and residentially zoned property.
- F. The storage of unlicensed vehicles on the property is prohibited.
- G. All ventilation equipment associated with fuel storage tanks shall be at least 100 feet and oriented away from any adjoining residential property or residentially zoned property.
- H. All vehicles shall be repaired and removed from the premises as promptly as possible. Any vehicle not receiving repair work within the preceding 30 days shall be removed.
- I. The demolition or storage of junked or abandoned vehicles or parts thereof is prohibited.

§ 470-86. Vehicle washes.

- A. The subject tract shall front on and gain access from either 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. On-lot wash water recycling systems are required.
- C. Each vehicle wash bay in an automatic/conveyorized facility shall allow for a stacking of at least five vehicles. Each vehicle wash bay in a self-serve facility shall allow for a stacking of at least three vehicles.
- D. All structures shall have a minimum setback of 100 feet from any street right-of-way line, 50 feet from any rear property line, and 25 feet from any side lot line.
- E. The site shall be kept debris and trash free with the owner or manager of the vehicle wash responsible for site maintenance.
- F. All entrances to the vehicle wash facility shall be designed so that vehicle backup on abutting roads does not occur.
- G. 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.

§ 470-86.1 Vehicle sales operation, manufactured/mobile home or modular dwelling sales, vehicle and equipment rental 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, manufactured (mobile) homes or modular dwellings, recreation vehicles, and travel trailers shall meet the appropriate front, side and rear setback requirements for the district in which the vehicle sales operation is located.
- D. No vehicles, manufactured (mobile) homes or modular dwellings or travel trailers 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. Lumberyards and coal yards; contractor shop or yard; building material storage yards; equipment storage yards; wholesaling business. [Amended 2-6-2023 by Ord. No. 2023-

01]

- 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. 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 minimum setback of the zoning district in which it is located.
 - (2) 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) Any equipment, vehicle, supply, or material storage area shall not be less than 50100 feet from any residential zoning district boundary and any property line other than a property line along a public road right-of-way.
 - (4) Any equipment, vehicle, supply, or material storage area shall not be less than fifty (50) feet from any public road right-of-way.
 - (5) Any equipment, vehicle, supply, or material storage area shall not be less than 150 feet from any stream, water body or wetland.
- D. The use shall be located on slopes of less than eight (8) percent. Low spots and poorly drained areas shall be avoided.

§ 470-87.1. Academic clinical research centers. [Added 7-16-2018 by Ord. No. 2018-07]

- A. Parking requirements ~~will~~ shall follow the parking regulations found in § 470-34 of the Township of Pocono Zoning Ordinance. Off-street parking regulations shall utilize those listed for educational institutions (colleges, universities, technical schools, and trade

schools), as appropriate.

- B. An academic clinical research center may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the ~~DOH~~ Pennsylvania Department of Health. The portions of the academic clinical research center where the medical marijuana is grown or processed shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- C. All external lighting serving an academic clinical research center ~~must~~ shall be shielded in such a manner not to allow light to be emitted skyward or onto adjoining properties.
- D. A buffer planting is required where an academic clinical research center adjoins a residential use or district, pursuant to the Township of Pocono Subdivision and Land Development Ordinance.²¹
- E. Any and all other provisions contained in ~~the Act~~²² Act 16 of 2016, the Pennsylvania Medical Marijuana Act affecting the construction, use and operation of an academic clinical research center shall apply.
- F. The academic clinical research center shall require a site plan review and approval if it is utilizing an existing facility and land development review and approval if a new facility is being built and utilized.

§ 470-87.2. Medical marijuana grower/processor facility. [Added 7-16-2018 by Ord. No. 2018-07]

- A. ~~A G~~ A grower/processor facility which grows medical marijuana ~~must~~ shall be owned or leased and operated by a grower/processor legally registered with the ~~e~~ Commonwealth of Pennsylvania and possess a current and valid medical marijuana permit from ~~DOH~~ Pennsylvania Department of Health pursuant to ~~the Act~~²³ Act 16 of 2016, the Pennsylvania Medical Marijuana Act. ~~A G~~ A grower/processor facility which grows medical marijuana can only do so in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the ~~DOH~~ Pennsylvania Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- B. The maximum floor area of a grower/processor facility shall be limited to 20,000 square feet, of which sufficient space ~~must~~ shall be set aside for secure storage of marijuana seeds, related finished product, and marijuana related materials used in production or for required laboratory testing.
- C. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any grower/processor facility where medical marijuana growing, processing or testing occurs.
- D. Marijuana remnants and by-products shall be secured and properly disposed of in accordance with ~~the DOH~~ Pennsylvania Department of Health policy or policies and shall not be placed within any unsecure exterior refuse containers.
- E. The grower/processor facility shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is

specifically prohibited at a grower/processor facility.

- F. ~~A~~ grower/processor facility may not be located within 1,000 feet of the property line of a public, private, or parochial school or day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located.
- G. All external lighting serving a grower/processor facility ~~must~~ shall be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- H. Parking requirements ~~will~~ shall follow the parking regulations found in § 470-34 of the Township of Pocono Zoning Ordinance.
- I. A buffer planting ~~is required~~ shall be provided where a grower/processor facility adjoins a residential use or district in accordance with the Township of Pocono Subdivision and Land Development Ordinance.²⁴
- J. Entrances and driveways to a grower/processor facility ~~must~~ shall be designed to accommodate the anticipated vehicles used to service the facility.
- K. The grower/processor facility shall require a site plan review and approval if it is utilizing an existing facility and land development review and approval if a new facility is being built and utilized pursuant to the provisions of the Township of Pocono ordinances.
- L. Any and all other provisions contained in ~~the Act~~²⁵ Act 16 of 2016, the Pennsylvania Medical Marijuana Act affecting the construction, use and operation of a grower/processor facility shall apply.
- M. Any medical marijuana facility lawfully operating pursuant to ~~the Act~~²⁶ Act 16 of 2016, the Pennsylvania Medical Marijuana Act shall not be considered in violation of these provisions by the subsequent location of a public, private or parochial school or day-care center.

§ 470-87.3. Medical marijuana delivery vehicle office. [Added 7-16-2018 by Ord. No. 2018-07]

- A. A traffic impact study is required where the office is to be located and operated.
- B. Parking requirements ~~will~~ shall follow the parking schedule found in § 470-34 of the Township of Pocono Zoning Ordinance.
- C. All external lighting serving a medical marijuana delivery vehicle office ~~must~~ shall be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- D. A buffer planting ~~is required~~ shall be provided where medical marijuana delivery vehicle office adjoins a residential use or district pursuant to the Township of Pocono Subdivision and Land Development Ordinance.
- E. Entrances and driveways to a medical marijuana delivery vehicle office ~~must~~ shall be designed to accommodate the anticipated vehicles used to enter and exit the premises.
- F. The medical marijuana delivery vehicle office shall require a site plan review and approval

if it is utilizing an existing facility and land development review and approval if a new facility is being built and utilized pursuant to the Township of Pocono ordinances.

- G. If for some reason a medical marijuana product is to be temporarily stored at a medical marijuana delivery vehicle office, the office ~~must~~shall be secured to the same level as a grower/ processor facility and dispensary facility.
- H. Any and all other provisions contained in ~~the Act²⁸~~ Act 16 of 2016, the Pennsylvania Medical Marijuana Act affecting the construction, use and operation of a medical marijuana delivery vehicle office shall apply.

§ 470-87.4. Medical marijuana dispensary facility. [Added 7-16-2018 by Ord. No. 2018-07]

- A. A dispensary facility ~~must~~shall be owned or leased and operated by a legally registered dispensary in the ~~e~~Commonwealth of Pennsylvania and possess a current and valid medical marijuana permit from the ~~DOH~~Pennsylvania Department of Health pursuant to ~~the Act²⁸~~ Act 16 of 2016, the Pennsylvania Medical Marijuana Act.
- B. A dispensary facility may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- C. ~~A~~ D dispensary facility may not operate on the same site that a grower/processor facility is located.
- D. ~~A~~ D dispensary facility shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of medical marijuana and unauthorized entrance into areas containing medical marijuana, all of which shall be in accordance with ~~the Act²⁸~~ Act 16 of 2016, the Pennsylvania Medical Marijuana Act.
- E. Permitted hours of operation of a dispensary facility shall be 8:00 a.m. to 8:00 p.m. (of the same calendar day).
- F. A dispensary facility shall be a maximum of 5,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of medical marijuana, and shall have an interior customer waiting area equal to a minimum of 25% of the gross floor area of the dispensary facility.
- G. ~~A~~ D dispensary facility shall:
 - (1) Not have a drive-through service;
 - (2) Not have outdoor seating areas;
 - (3) Not have outdoor vending machines;
 - (4) Prohibit the administering of, or the consumption of medical marijuana on the premises; and
 - (5) Not offer direct or home delivery service.
- H. A dispensary facility may dispense only medical marijuana to certified patients and caregivers as set forth in ~~the Act²⁸~~ Act 16 of 2016, the Pennsylvania Medical Marijuana Act and shall comply with all lawful, applicable health regulations, including those of ~~DOH~~the

Pennsylvania Department of Health.

- I. A dispensary facility ~~may~~shall not be located within 1,000 feet of a property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located.
- J. A ~~D~~ dispensary facility shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility. This ~~does~~shall not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of the municipality in which it is located. This separation distance does not apply to the distance between the grower/processor facility or academic clinical research centers and the specific dispensary facility they serve, or with which they partner.
- K. Any medical marijuana facility lawfully operating pursuant to ~~the Act²⁸~~ Act 16 of 2016, the Pennsylvania Medical Marijuana Act shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or day-care center.
- L. All external lighting serving a dispensary facility ~~must~~shall be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- M. Parking requirements ~~will~~shall follow the parking schedule found in § 470-34 of the Township of Pocono Zoning Ordinance. Off-street parking regulations shall utilize those listed for medical and dental offices including outpatient clinics.
- N. A buffer planting ~~is required~~ shall be provided where a dispensary facility adjoins a residential use or district pursuant to the Township of Pocono Subdivision and Land Development Ordinance.³³
- O. Entrances and driveways to a dispensary facility ~~must~~shall be designed to accommodate the anticipated vehicles used to service the facility.
- P. The dispensary facility shall require a site plan review and approval if it is utilizing an existing facility and a land development review and approval if a new facility is being built and utilized pursuant to the Township of Pocono ordinances.
- Q. Any and all other provisions contained in ~~the Act²⁸~~ Act 16 of 2016, the Pennsylvania Medical Marijuana Act affecting the construction, use and operation of a dispensary facility shall apply.

§ 470-87.5. Warehouse. [Added 2-6-2023 by Ord. No. 2023-01]

- A. See off-street loading requirements in § 470-34A.
- B. No storage of garbage (other than is routinely produced on site and awaiting regular collection) shall be permitted. The bulk storage of materials that are inflammable, explosive, hazardous, or commonly recognized as offensive shall not be permitted.
- C. Uses that would involve the entrance to the use of an average of more than 50 tractor-trailer

trips in any twenty-four-hour period shall be required to meet the additional site development standards in § 470-83 for a truck terminal/distribution. A "trip" shall be defined as one arrival at or one departure from the facility.

- D. When permitted as a conditional use, the applicant shall provide a detailed description of the proposed use in each of the following topics:
- (1) The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
 - (2) The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, anticipated truck traffic, and an overall needed site size.
 - (3) Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including, but not limited to, those listed in Part 5 of this chapter.
 - (4) The applicant shall present credible evidence that the number of oversized off-street parking spaces provided for trucks will be adequate to accommodate the expected demand generated by the warehouse activities.
- E. Maximum building height for such use shall be 50 feet.
- F. A traffic study prepared by a professional traffic engineer shall be provided, according to § 390-60.

§ 470-87.? Accessory apartment.

- A. This accessory use allows a smaller secondary dwelling unit ~~within~~ on the same lot as 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~~ on the same lot as an existing single-family detached dwelling, subject to adequate ~~septic~~ sewerage capacity.
 - (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) A recreational vehicle or shipping container shall not be permitted for use as an accessory apartment.
- (8) The accessory apartment, whether in the principal dwelling or in an accessory building, shall be no more than 30% of the total floor area of the principal dwelling ~~or accessory building~~, 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.
- (10) 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. The other dwelling shall only be occupied by a relative of the property owner.
- (11) The applicant shall establish a legally binding mechanism in a form acceptable to the Township that will prohibit the use of the accessory apartment as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.

§ 470-87.?. Bulk Fuel Storage Facilities.

- A. Setbacks. Storage tanks shall be located not less than one hundred fifty (150) feet from any property line or any road right-of-way line. Cylinder filling rooms, pumps, compressors and truck filling stations shall be located not less than two hundred (200) feet from any property line and not less than one hundred fifty (150) feet from any road right-of-way line.

- B. The total tank storage area shall be entirely fenced with an eight (8) foot high industrial type security fence or have an equivalent protection barrier approved by the Township.
- C. The Board may establish, as part of the conditional use process, such other conditions such as increased setbacks and construction of dikes as necessary to protect the public health safety and welfare

§ 470-87.2. Camp/Retreat

- A. Parcel Size. The minimum parcel size shall be twenty (20) acres.
- B. Density. The maximum number camp/retreat lodging units, including any owner/operator and caretaker units, shall not exceed one unit per one and one-half (1.5) acres.
- C. Occupancy. Camp/retreat lodging units shall be used only for temporary occupancy. However, one dwelling unit may be provided for a permanent residence for the owner/operator of the facility and one dwelling unit may be provided for a permanent residence for a caretaker.
- D. Subdivision of Lots. All camp/retreat lodging units and any owner/operator or caretaker dwelling unit shall be located on the overall camp/retreat parcel. The subdivision or any lease constituting a subdivision of any lot or area containing any lodging or dwelling unit associated with the facility shall be subject to Chapter 390, Subdivision and Land Development, and all other applicable regulations.
- E. Camp/Retreat Lodging Units. Camp/retreat lodging units may be located in single-unit detached or multi-unit structures.
- F. Recreational Vehicles. The use of recreational vehicles as camp/retreat lodging units shall not be permitted.
- G. Setbacks and Building Separation.
 - (1) No lodging unit or principal or accessory building or structure shall be less than two hundred (200) feet from any public road and not less than one hundred (100) feet from an adjoining property line.
 - (2) The following standards shall apply:
 - (a) Building spacing:
 - [1] Between lodging units and/or principal structures: not less than thirty (30) feet.
 - [2] Between accessory structures and lodging units and other accessory structures: not less than twelve (12) feet.
 - (b) Setback of all buildings and accessory structures from internal roads: not less than

thirty-five (35) feet.

H. Facilities.

- (1) Facilities for indoor recreation and learning and for outdoor activities shall be permitted. Use of recreational facilities shall be limited to the users of the camp/retreat lodging units.
- (2) Any use which is listed as a separate use by the Table of Uses (Attachment 1) shall require separate zoning approval.

I. Land Development Plan.

- (1) A land development plan meeting the requirements of Chapter 390, Subdivision and Land Development, shall be required.
- (2) The plan shall show the location all existing structures and the location of proposed lodging units and other structures.
- (3) The plan shall include all proposed access roads, stormwater facilities, sewage disposal and other improvements required to service the proposed units.

J. Internal Roads. Roads serving the camp/retreat and all lodging and dwelling units shall be constructed to the requirements applicable to private access streets in Chapter 22 (Subdivision and Land Development) however paving shall not be required and the base course of PennDOT No. 2A Aggregate shall be increased to eight (8) inches.

§ 470-87.?. Conservation Subdivision Design.

- A. Purpose. In addition to the general purpose and community development objectives in Article I, and the purposes for the R-1 Low Density Residential District, R-2 Medium Density Residential District, and RD Recreation District, it is the purpose of Conservation Subdivision Design to:
- (1) Conserve undeveloped land for the purpose of protecting primary and secondary conservation areas in contiguous, un-fragmented, commonly managed landscapes to:
 - (a) Protect large, intact wildlife habitat areas and connect patches of wildlife habitat to support greater biodiversity, maintain ecosystem processes and allow larger, healthier populations to persist; and
 - (b) Minimize edge conditions and associated colonization by invasive plant species.
 - (2) Contribute to the creation of a community wide open space system for the benefit of present and future residents.
 - (3) Protect productive agricultural soils for continued or future agricultural use by conserving blocks of land large enough to allow for efficient agricultural operations.

- (4) Conserve existing landscape character by minimizing views of new development from existing roads, thereby reducing perceived density.
 - (5) Encourage innovation and promote flexibility, economy and ingenuity in development.
 - (6) Provide multiple development options for landowners to reflect their varying circumstances and the individual characteristics of their properties.
 - (7) Provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences.
 - (8) Provide homes with direct views of open space, organized around common greens.
 - (9) Provide for the conservation and maintenance of open space for active or passive recreational use by residents.
 - (10) Provide greater efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the impervious cover required for residential development.
 - (11) Provide a wider range of feasible locations for stormwater and wastewater facilities in order to comply with prevailing state-of-the-art designs and best management practices.
 - (12) Protect water quality and reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes.
 - (13) Implement natural resource conservation policies set forth in the Official Recreation Plan adopted by Pocono Township.
 - (14) Implement land use, open space, and community policies set forth in the Township's Comprehensive Plan.
- B. Development Options. In order to achieve the purposes in Subsection A above, the following development options are permitted:
- (1) By right:
 - (a) Option 1: Basic Conservation with Neutral Density, providing for residential uses at the density permitted by conventional development, with a minimum of 50 percent conservation open space.
 - (b) Option 2: Age-restricted Communities, providing for residential uses in age-restricted communities at a density higher than Option 1, with at least 60 percent conservation open space.
 - (c) Option 3: Estate Lots, providing for residential uses in conventional layouts, at half the density of Option 1, with conservation open space permitted but not required.
 - (d) Option 4: Country Properties, providing for residential uses at very low densities, with

conservation open space permitted but not required.

C. Applicability.

- (1) The Conservation Subdivision Design standards contained in this §470-87.6 shall apply to all residential uses on tracts with 12 acres of Adjusted Tract Area (ATA) or greater in the R-1, R-2, and RD districts, except that for Minor Subdivisions, the following shall apply:
 - (a) Where a Minor Subdivision results in a lot that is less than 12 acres of ATA, any further subdivision of such lot is encouraged but not required to comply with the Conservation Subdivision Design standards contained in this §470-87.6. Any further subdivision of such lot that does not utilize Conservation Subdivision Design shall comply with the lot, area and bulk, and other standards of the zoning district in which the lot is located.
 - (b) Where a minor subdivision results in a lot that is 12 acres of ATA or greater, any further subdivision of such lot shall comply with the Conservation Subdivision Design standards contained in this §470-87.6.
- (2) Two-family dwellings and multi-family dwellings shall be permitted in the R-2 and RD districts only, and shall be served by a central water system and a central sewage disposal system.

D. General Regulations. The design of all Conservation Subdivision Design developments shall be governed by the following minimum standards:

- (1) Ownership. The development tract shall be held in single ownership
- (2) Combining the Development Options. The development options permitted in §470-87.6.B may be combined at the discretion of the Board of Commissioners, based upon demonstration by the applicant that such a combination would better fulfill the purposes set forth in §470-87.6.A, as compared with applying a single option to the property. When more than one option is applied to a development tract, the applicant shall clearly indicate the boundaries of each option.
- (3) Protection of Primary and Secondary Conservation Areas. The proposed design shall protect all primary conservation areas. Demonstration by the applicant that these features are protected by the proposed application shall be prerequisite to approval of conditional use applications and all preliminary and final plan approvals. The protection of secondary conservation areas shall be addressed through the Four-Step Design Process described in the Subdivision and Land Development Ordinance.

E. Use Regulations. The following uses shall be permitted in Conservation Subdivision Design developments:

- (1) R-1 District: Single-family detached dwellings.
- (2) R-2 District: Single-family detached dwellings, two-family dwelling, and multi-family dwellings.

- (3) RD District: Single-family detached dwellings, two-family dwelling, and multi-family dwellings.
- (4) R-1, R-2 and RD Districts:
 - (a) Conservation open space in compliance with §470-87.6.M.
 - (b) Home occupations in compliance with §470-63.
 - (c) Accessory uses on the same lot in compliance with applicable standards.

F. Maximum Number of Dwelling Units.

- (1) Calculation of the maximum number of dwelling units shall be determined by using the density factor set forth in Table 470-87.6.F(1) and the and the Adjusted Tract Area Approach in §470-87.6.F(2).
- (2) Adjusted Tract Area Approach - Determination of the maximum number of dwelling units shall be based upon the following calculations:
 - (a) Determine Gross Tract Area - Gross tract area shall equal the acreage within the legally described parcel.
 - (b) Determine Constrained Land - Constrained land consists of the resources listed in Table 470-87.6.F(2)(b) multiplied by the corresponding protection factor listed in the same Table and totaled. If two or more resources overlap, only the resource with the highest protection factor shall be used.

Table 470-87.6.F(1)

Maximum Density and Minimum Conservation Land Requirements							
Zoning District:	R-1, R2 & RD on-lot sewer / water	R-1 community sewer, on-lot water	R1 public water / sewer	R-2 community sewer, on-lot water	R-2 public water / sewer	RD community sewer, on-lot water	RD public water / sewer
Option 1 (Basic Conservation) Density Factor (ATA / du) ¹	2 ac/du	2 ac/du	2 ac/du	1 ac/du	1 ac/du	2 ac/du	2 ac/du
Option 1 Open Space ²	50%	50%	50%	50%	50%	50%	50%
Option 2 (Bonus for Age-Restricted Housing) Density Factor (ATA / du) ¹	N/A	N/A	N/A	1 du/30,000 Sq Ft (0.7 ac/du)	1 du/30,000 Sq Ft (0.7 ac/du)	1 du/65,000 Sq Ft (1.5 ac/du)	1 du/65,000 Sq Ft (1.5 ac/du)

Option 2 Open Space ²	N/A	N/A	N/A	60	60	60	60
Option 3 (Estate lots) Density Factor (ATA / du) ¹	4ac/du	4 ac/du	4 ac/du	2 ac/du	2 ac/du	4 ac/du	4 ac/du
Option 3 Open Space ²	Conservation open space is not required for estate lots						
Option 4 (Country Lots) Density Factor (ATA / du) ¹	10 ac/du	10 ac/du	10 ac/du	10 ac/du	10 ac/du	10 ac/du	10 ac/du
Option 4 Open Space ²	Conservation open space is not required for country lots						

¹Density = acres of Adjusted Tract Area per dwelling unit. See Table 470-87.6.F(2)(c) below for ATA calculation.

²Open space is a percentage of the Adjusted Tract Area plus environmental constraints. See Subsection K for calculation of the minimum required conservation open space.

Table 470-87.6.F(2)(b)

Constrained Land				
	Resource	Area of Resource (acres)	Protection Factor	Constrained Land (acres)
(i)	Existing public or private road rights-of-way and existing utility or other rights-of-way		X 1.00	=
(ii)	That portion of lands under conservation easement that are restricted from further development		X 1.00	=
(iii)	100-year floodplain		X 1.00	=
(iv)	Wetlands, lakes, and ponds		X 0.95	=
(v)	Very steep slopes (25% or greater)		X 0.85	=
(vi)	Moderately steep slopes (15% up to 25%)		X 0.25	=
(vii)	Rock Outcroppings over 1,000 SF in area		X 0.90	=
(viii)	CONSTRAINED LAND = SUM OF (i) through (vii)			=

(c) Determine Adjusted Tract Area (ATA). Adjusted Tract Area equals the gross tract area minus the constrained land, as per Table 470-87.6.F(2)(c).

Table 470-87.6.F(2)(c)

Adjusted Tract Area		
(i)	Gross tract area	_____ acres
(ii)	minus Constrained Land from Table 470-87.6.F(2)	- _____ acres
(iii)	equals Adjusted Tract Area (ATA)	= _____ acres ATA

- (d) Maximum Number of Dwelling Units. In Options 1, 2, and 3, the maximum number of dwelling units equals the Adjusted Tract Area (ATA) from Table 470-87.6.F(2)(c)(iii) divided by the applicable density factor set forth in Table 470-87.6F(1).

Table 470-87.6F(2)(d)

Maximum Number of Dwelling Units		
(i)	Adjusted Tract Area from Table 470-87.6.F(2)(c)	_____ ac.
(ii)	divided by applicable density factor from Table 470-87.6.F(1)	÷ _____
(iii)	equals maximum number of dwelling units	= _____ du

- (i) In Option 4, the maximum number of dwelling units equals the gross tract area divided by 10 acres.
- (ii) Where calculations result in fractional numbers, the fraction shall be rounded down to the next whole number.
- (3) Total Number of Dwelling Units. The total number of dwelling units permitted on a development site equals the sum of the following, each of which shall be itemized separately in a table on the plans:
- (a) Maximum number of dwelling units permitted in §470-87.6F(2)(d).
- (b) Any additional units permitted as the result of the discretionary density bonus permitted in Subsection J, below, and additional historic dwellings preserved in accordance with subsection (4), below.
- (4) Preservation of Historic Dwellings. To encourage the preservation of historic dwellings, such preserved dwellings shall not count toward the maximum number of dwelling units referenced in Subsection F(2)(d) above, provided:
- (a) Such dwellings are listed on or eligible for the National Register of Historic Places, or are listed in the Pennsylvania Historic Places Inventory or other official historic resource inventory adopted by Monroe County or Pocono Township.
- (b) The dwelling is preserved in accordance with the Secretary of the Interior standards;

and

- (c) The dwelling is placed in a landscape context that respects its historical status and appearance, as determined by the Board of Commissioners.

G. Dimensional Standards for Options 1 through 4.

- (1) Single-Family Detached Dwellings. The dimensional standards in Table 470-87.6G(1a) through (1d), on the following pages, shall apply to single-family detached dwellings in Options 1 through 4.

Table 470-87.6G(1a)

Dimensional Standards for Single-Family Detached Dwellings in the R-1, R-2, and RD Districts with On-Lot Sewer/Water			
	Option 1 Basic Conservation with Neutral Density	Option 3 Estate Lots	Option 4 Country Properties
Density (Refer also to Table 470-87.6.F(1))	1 du/2 acres of ATA	1 du/4 acres of ATA	1 du/10 AC gross
Minimum lot area	30,000 SF	40,000 SF	60,000 SF
Minimum lot width at building line ¹	80 feet	115 feet	140 feet
Minimum street frontage	20 feet	25 feet	50 feet
Minimum front yard Garage setback ²	20 feet 10 feet	40 feet 10 feet	100 feet 10 feet
Minimum rear yard Accessory Bldgs.	40 feet 10 feet	50 feet 10 feet	50 feet 10 feet
Minimum side yard	10 feet 30' aggregate	20 feet 50' aggregate	20 feet
Maximum height	35 feet	35 feet	35 feet

¹ In the case of flag lots, the building line shall be located where the lot equals the minimum width.

² For front-facing garages, distance behind the front façade of the primary dwelling.

Table 470-87.6G(1b)

<u>Dimensional Standards for Single-Family Detached Dwellings in the R-1 District with Community Sewer/On-Lot Water</u>			
	Option 1 Basic Conservation with Neutral Density	Option 3 Estate Lots	Option 4 Country Properties
Density (Refer also to Table 470-87.6.F(1))	1 du/2 acres of ATA	1 du/4 acres of ATA	1 du/10 gross acres
Minimum lot area	30,000 SF	40,000 SF	60,000 SF
Minimum lot width at building line ¹	80 feet	115 feet	140 feet
Minimum street frontage	20 feet	25 feet	50 feet
Minimum front yard Garage setback ²	20 feet 10 feet	40 feet 10 feet	100 feet 10 feet
Minimum rear yard Accessory Bldgs.	40 feet 10 feet	50 feet 10 feet	50 feet 10 feet
Minimum side yard	10 feet 30' aggregate	20 feet 50' aggregate	20 feet
Maximum height	35 feet	35 feet	35 feet

¹ In the case of flag lots, the building line shall be located where the lot equals the minimum width.

² For front-facing garages, distance behind the front façade of the primary dwelling.

Table 470-87.6G(1c)

<u>Dimensional Standards for Single-Family Detached Dwellings in the R-2 District with Community Sewer/On-Lot Water or Public Water/Sewer</u>				
	Option 1 Basic Conservation with Neutral Density	Option 2 Age-Restricted Communities	Option 3 Estate Lots	Option 4 Country Properties
Density (Refer also to Table 470- 87.6.F(1))	1 du/1 acre of ATA	1 du/30,000 SF ATA	1 du/2 acres of ATA	1 du/10 AC gross
Minimum lot area	2 10,000 SF Up to 20% of the lots may be reduced to 10,000 SF	8,000 7,500 SF Up to 20% of the lots may be reduced to 5,500 SF	30,000 SF	60,000 SF
Minimum lot width at building line ¹	80 60 feet	65 50 feet	80 60 feet	140 85 feet
Minimum street frontage	20 feet	20 feet	20 feet	50 feet
Minimum front yard Garage setback ²	20 feet 10 feet	20 feet 10 feet	20 feet 10 feet	100 feet 10 feet
Minimum rear yard Accessory Bldgs.	40 feet 10 feet	30 feet 10 feet	40 feet 10 feet	50 feet 10 feet
Minimum side yard	10 feet 30' aggregate	5 feet 25' aggregate	10 feet 30' aggregate	20 feet
Maximum height	35 feet	35 feet	35 feet	35 feet

¹ In the case of flag lots, the building line shall be located where the lot equals the minimum width.

² For front-facing garages, distance behind the front façade of the primary dwelling.

Table 470-87.6G(1d)

<u>Dimensional Standards for Single-Family Detached Dwellings in the RD District with Community Sewer/On-Lot Water or Public Water/Sewer</u>				
	Option 1 Basic Conservation with Neutral Density	Option 2 Age-Restricted Communities	Option 3 Estate Lots	Option 4 Country Properties
Density (Refer also to Table 470-87.6.F(1))	1 du/1 acre of ATA	1 du/ 65 <u>30</u> ,000 SF ATA	1 du/4 acres of ATA	1 du/10 gross acres
Minimum lot area	20,000 <u>10,000</u> SF Up to 20% of the lots may be reduced to 10,000 SF	12,000 <u>7,500</u> SF Up to 20% of the lots may be reduced to 7,500 SF	40,000 SF	60,000 SF
Minimum lot width at building line ¹	80 <u>60</u> feet	65 <u>50</u> feet	115 <u>60</u> feet	140 <u>85</u> feet
Minimum street frontage	20 feet	20 feet	25 feet	50 feet
Minimum front yard Garage setback ²	20 feet 10 feet	20 feet 10 feet	40 feet 10 feet	100 feet 10 feet
Minimum rear yard Accessory Bldgs.	40 feet 10 feet	30 feet 10 feet	50 feet 10 feet	50 feet 10 feet
Minimum side yard	10 feet 30' aggregate	5 feet 25' aggregate	20 feet 50' aggregate	20 feet
Maximum height	35 feet	35 feet	35 feet	35 feet

¹ In the case of flag lots, the building line shall be located where the lot equals the minimum width.

² For front-facing garages, distance behind the front façade of the primary dwelling.

- (2) Two-Family and Multi-Family Dwellings. The dimensional standards in Table 470-87.6G(2), below, shall apply to two-family and multi-family dwellings in Options 1 through 4 in the R-2 and RD Districts.

Table 470-87.6G(2)

Dimensional Standards For Two-Family and Multi-Family Dwellings in the R-2 and RD Districts	
Minimum individual lot area	None
Separation of principal buildings	35 feet
Minimum lot width if individual lots are provided	18 feet (24 feet if a 2-car garage or parking of two cars side-by-side is provided in the front)
Setback from any adjoining internal street, street right-of-way, common parking area or sidewalk	20 feet
Maximum height	In accordance with the R-2 or RD district, as applicable
Maximum number of townhome units attached in a common row	4 units

H. Impervious Cover. Impervious cover for Options 1 through 4 shall be limited in accordance with the following table:

Lot Area	Maximum Impervious Cover
Less than 10,000 SF	50%
10,000-19,999 SF	35%
20,000-43,560 SF	20%
Larger than 43,560 SF	Reduce limit by 1.5% for each additional acre up to a maximum impervious cover of 20,000 SF.
Conservation open space	4%

I. Design Standards for Options 1 through 4.

- (1) No part of any residential lot shall encroach upon conservation open space with the exception of conservancy lots, as permitted in Subsection O(1)(d).
- (2) All new dwelling units shall meet the following setback requirements:

Dwelling Setbacks			
	Single-Family Detached Dwelling	Two-Family Dwelling	Multi-Family Dwelling
From external road ultimate rights-of-way	100 feet	150 feet	200 feet
From other perimeter tract boundaries	50 feet	100 feet	150 feet
From crop land or pasture land on an adjoining parcel	100 feet	100 feet	100 feet
From buildings or barnyards housing livestock on an adjoining parcel	300 feet	300 feet	300 feet
From active recreation areas such as courts and playing fields (not including tot lots) on an adjoining parcel	150 feet	150 feet	150 feet

- (3) Staggered setbacks of townhouse units shall be required so that the buildings offer visual variety. No more than two contiguous townhouse units shall have the same facade setback within a building. Changes in unit setback shall involve a minimum of four feet.
- (4) Multi-family dwellings shall comply with the building design standards in 470-87.?(G).
- (5) Additional design standards in the Subdivision and Land Development Ordinance shall apply, including but not limited to the conservation open space standards in §390-45.

J. Discretionary Density Bonus. Additional density may be permitted by the Board of Commissioners as follows:

- (1) When attainable/affordable/workforce housing is provided on site in accordance with the following:
 - (a) For each attainable/affordable/workforce housing unit provided, one additional dwelling unit shall be permitted, up to a maximum increase of 15% over the maximum number of units permitted in Subsection F(2)(d).
 - (b) The applicant shall provide evidence that the attainable/workforce housing units will be constructed by the time 90 percent of the market rate dwellings are completed.
- (2) When conservation open space or trails are dedicated for use by the general public in accordance with the following:
 - (a) This density bonus shall apply only to conservation open space and trails that are dedicated for public use in addition to the common open space and recreation areas and in-lieu fees required by the Subdivision and Land Development Ordinance.

- (b) For each 5 acres of open space dedicated for public active or passive recreational use, one additional dwelling unit shall be permitted, up to a maximum increase of 15% over the maximum number of units permitted in Subsection F(2)(d).
- (c) For each 2,500 feet of unpaved trail or 1,250 feet of paved trail dedicated for public use, one additional dwelling unit shall be permitted, up to a maximum increase of 15% over the maximum number of units permitted in Subsection F(2)(d). Such density bonus shall not apply to sidewalks or other paths to which public access is customarily permitted.
- (d) Where both open space and trails are dedicated for public use, the combined maximum increase in the number of units shall not exceed 15% over the maximum number of units permitted in Subsection F(2)(d).
- (e) The decision whether to accept an applicant’s offer to dedicate land for public use under this Subsection J(2) shall be at the discretion of the Board of Commissioners.

K. Minimum conservation open space.

- (1) The minimum conservation open space shall be as set forth in Table 470-87.6.F(1), above, and shall be calculated as follows:

Minimum Conservation Open Space		
(a)	Adjusted Tract Area (from Table §470-87.6.F(2)(c))	_____ acres
(b)	Applicable minimum conservation open space percentage in the Density and Conservation Open Space Table in 470-87.6.F(1)	_____ %
(c)	Adjusted Tract Area (a) multiplied by conservation open space % (b)	= _____ acres
(d)	plus Constrained Land from Table 470-87.6.F(2)(b)	_____ acres
(e)	equals minimum conservation open space	= _____ acres

- (2) Conservation open space shall be delineated to include all primary conservation areas and, in addition, and to the fullest extent possible, all secondary conservation areas that, when added to the primary conservation areas, shall equal the minimum required conservation open space.
- (3) Common Greens.
 - (a) At least two to three percent (2-3%) of the required conservation open space shall be in the form of common greens. The minimum percentage of conservation open space in common greens shall be as follows:
 - (i) Two percent (2%) of the required conservation open space when the average lot

size is 15,000 square feet or more:

- (ii) Three percent (3%) of the required conservation open space when the average lot size is less than 15,000 square feet.
- (4) In Options 1 through 4, up to 80% of the required conservation open space may be in the form of “conservancy lots” as permitted in Subsection O(1)(d). The remaining conservation open space shall be owned and managed by a community association, conservation organization or the Township, in conformance with Subsection O.
- L. The required Conservation Open Space may count toward the common open space and recreation land area required in the Township Subdivision and Land Development Ordinance (SALDO). Any Conservation Open Space counted toward the common open space and recreation area requirements shall meet the standards for prime open space as set forth in Section 390.58E(3) of the SLDO.
- M. Conservation Open Space: Permitted Uses. The following uses shall be permitted on conservation open space:
 - (1) Conservation of open land in its natural state.
 - (2) Agricultural and horticultural uses, including raising crops or livestock, and related accessory buildings. Specifically excluded are commercial and intensive feedlot and livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
 - (3) Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted, but shall not consume more than 50% of the minimum required conservation open space.
 - (4) Forestry in keeping with established best management practices for selective harvesting and sustained yield forestry as published by the Pennsylvania Bureau of Forestry.
 - (5) Neighborhood greens, central commons, picnic areas, community gardens, trails and similar low-impact, passive recreational uses.
 - (6) Active non-commercial recreation areas, such as playing fields, playgrounds and bikeways, not requiring supporting structures. Such recreational uses shall meet the following standards:
 - (a) Such areas shall not consume more than 50% of the minimum required conservation open space or five acres, whichever is less. The 5-acre limit may be increased to 10 acres on development parcels 200 acres or larger.
 - (b) Playing fields and playgrounds shall not be located within 150 feet of the tract boundary or a dwelling unit within the development parcel.
 - (c) Minimum parking facilities for the same, as determined by the Board of Commissioners, may also be permitted. Such lots may be paved with gravel and shall

be unlighted, properly drained and provide safe ingress and egress.

- (7) Non-commercial recreation areas such as playing fields, courts, swimming pools or picnic areas requiring supporting structures, and their parking areas, are permitted, but shall not count toward the minimum required conservation open space, unless dedicated to the Township. Structures shall be de minimis to the activity. Parking areas may be paved with gravel and shall be unlighted, properly drained and provide safe ingress and egress.
- (8) Audubon International Signature golf courses and their accessory facilities and parking areas, when permitted by the zoning district in which the development is located, may comprise up to 50 percent of the conservation open space net of the included primary and secondary conservation areas. This use shall not include driving ranges or miniature golf. The gross floor area devoted to sales of golf equipment, clothing, food and other similar items shall not exceed 1,200 square feet gross. Accessory facilities and parking areas shall not count toward the minimum conservation open space requirement.
- (9) The total area of water supply systems, sewage disposal systems, stormwater management systems and associated easements may occupy up to 20 percent of the conservation open space net of the included primary and secondary conservation areas. The following standards shall apply:
 - (a) Water Supply Systems.
 - (i) Drainage easements for water lines may be counted toward the minimum conservation open space requirement.
 - (ii) Land used for ground-level well structures and associated parking exceeding 5,000 square feet shall not count toward the minimum conservation open space requirement.
 - (b) Sewage Disposal Systems.
 - (i) Sewage treatment lagoons, structures, structure access areas and parking lots shall not count toward the minimum conservation open space requirement.
 - (ii) Soil absorption areas shall be appropriate for active or passive recreation.
 - (iii) Absorption fields serving individual dwelling units may be located in the minimum conservation open space, but individual treatment tanks shall be located within the lots they serve.
 - (iv) Drainage easements for sewer lines may be counted toward the minimum conservation open space requirement.
 - (c) Stormwater Management Systems. The following stormwater management practices are acceptable within the conservation open space, provided they meet the guidelines in the Pennsylvania Stormwater Best Management Practices Manual:
 - (i) Infiltration basin, provided the berms do not exceed 36 inches in height;

- (ii) Subsurface infiltration bed;
 - (iii) Infiltration trench;
 - (iv) Rain garden;
 - (v) Vegetated swale;
 - (vi) Infiltration berm, provided the berms do not exceed 24 inches in height.
- (10) Easements or rights-of-way for overhead power lines. Such easements or rights-of-way shall not count toward the minimum conservation open space requirement.
- N. Conservation Open Space: Prohibited Uses. Motorized off-road vehicles, shooting ranges and other uses similar in character and impact as determined by the Board of Commissioners, shall be specifically prohibited. This provision shall not prohibit vehicles used for maintenance purposes.
- O. Conservation Open Space: Design Standards.
- (1) Conservation open space in all options shall be identified and laid out according to the Four-Step Design Process described in the Subdivision and Land Development Ordinance, which begins with the identification of primary and secondary conservation areas.
 - (2) Conservation open space shall be laid out in such a manner as to ensure that, over time, an interconnected network of conservation open space will be created.
 - (3) In Options 1 and 2, wherein 50% of the Adjusted Tract Area is set aside as conservation open space, at least 20% of the Adjusted Tract Area shall be available for the common use of the subdivision residents.
 - (4) In Options 3 and 4, open space is permitted, but not required, except as follows. When the Board of Commissioners determines a benefit to residents of the development in the form of trails or open space links, the applicant shall provide such linkages. In establishing the need for such linkages, the Board of Commissioners may consider:
 - (a) Implementation of the municipal Comprehensive Plan, Park and Recreation Plan, trail map or official map;
 - (b) Trails integral to children's access to schools and parks;
 - (c) Impacts on woodland and stream corridors.
 - (5) In Options 1 through 4, the Township may require the provision of a trail easement and/or the construction of a recreation trail through the conservation open space. If a developer installs a trail, it shall be completed prior to the final sale of any adjacent residential lots.
 - (6) Buffers for Adjacent Public Parkland: Where the proposed development adjoins public parkland or state game lands, a natural conservation open space buffer at least 150 feet deep shall be provided within the development along its common boundary with the

parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted, except as may be necessary for street or trail construction or for the removal of invasive plant species.

- (a) Where existing vegetation provides an adequate buffer, as determined by the Board of Commissioners, the depth may be reduced to 75 feet.
- (b) Where the buffer is unwooded, the Board of Commissioners may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through restricted mowing policies and the periodic removal of invasive plant species.
- (7) No portion of any building lot may be used for meeting the minimum conservation open space requirement, except as permitted within conservancy lots, described in Subsection Q(1)(b).
- (8) Pedestrian and maintenance access shall be provided to the conservation open space in accordance with the following requirements:
 - (a) No more than 15 lots shall be contiguous to each other without a centrally located access point meeting the following standards:
 - (i) The width of the access strip shall equal the minimum width of a lot, and in no case shall be less than 50 feet.
 - (ii) The access strip shall extend the full depth of the adjacent lots.
 - (iii) The Board of Commissioners may require that maintenance and/or pedestrian access strip contain a paved path up to 8 feet in width, meeting Township standards for a bike path.
 - (b) Access to open space used for agriculture or horticulture may be restricted or prohibited for public safety and to prevent interference with agricultural operations.
- (9) Conservation open space that is not wooded or farmed shall be landscaped in accordance with the landscaping requirements and open space management plan standards in Subsection Q(2).

P. Conservation Open Space: Permanent Protection. A conservation easement restricting in perpetuity the conservation open space against further subdivision or development shall be executed between the landowner and the Township or a qualified land conservancy acceptable to the Township. Deed restrictions may also be used in certain applications, in accordance with Subsection 2 below.

- (1) Conservation Easements. Conservation easements are required to protect conservation open space from further subdivision and development, to conserve the natural characteristics of such lands, and to enable professional stewardship and monitoring of the land. Conservation easements shall conform to the following minimum requirements:
 - (a) Easements shall be granted to a land conservancy meeting the requirements in

- Subsection O(1)c or to the Township. The Grantee shall have the rights of reasonable entry and enforcement.
- (b) The property made subject to the conservation easement shall be described by metes and bounds, by an exhibit containing the subdivision plan and designating the property, and photographs which illustrate the nature and character of the property and any special environmental features identified by the Planning Commission during the subdivision process.
 - (c) Grantors shall declare that the terms of the easement shall run with the land and bind the property in perpetuity for the benefit of the Grantee.
 - (d) The uses of property subject to the conservation easement shall be limited by the permitted uses defined by Subsection M and prohibited uses defined by Subsection N. The following restrictions shall also apply:
 - (i) The property shall not be further subdivided into additional building lots.
 - (ii) Construction shall be permitted only in areas specifically designated in the property description and approved by the Board of Commissioners. The determination of the need for any additional disturbance shall lie with the Board of Commissioners.
 - (iii) Permitted construction activities, including cutting and removing of trees and other vegetation shall be permitted only in compliance with the open space management plan.
 - (iv) Signs, fencing and dumping shall be permitted only to the extent they are associated with the permitted uses Subsection M and consistent with the open space management plan.
 - (e) The terms and restrictions of the conservation easement shall be approved by the Board of Commissioners which shall be guided by the objectives set forth in the Township Comprehensive Plan and the Official Recreation Plan, as well as the open space management plan for the property.
 - (f) Provisions pertaining to remedies, liability, indemnification and other relevant subjects, shall be approved by the Grantor, the Board of Commissioners and the authorized representative of the Grantee before final approval of the development plan by the Board of Commissioners.
- (2) Deed Restrictions. Deed restrictions, which do not provide for professional stewardship and monitoring of the conservation open space, may be used in the place of conservation easements only under the following circumstances and in accordance with the following standards:
- (a) When conservation open space totals less than 5 acres, a deed restriction may be used.
 - (b) If no entity is available or willing to hold a conservation easement on required conservation open space, a deed restriction may be used.

- (c) The Township shall be party to the deed restriction. The deed restriction shall be used only if approved by the Township. If the Township does not agree to be party to the restriction, no deed restriction shall be used.
- (d) Restrictions, meeting Township specifications, shall be placed in the deed for each lot with conservation open space. The deed restriction shall ensure the permanent protection and continuance of the conservation open space and shall define permitted uses in compliance with Subsection M and prohibited uses as per Subsection N.
- (e) It shall be clearly stated in the individual deeds that maintenance responsibility for the conservation open space lies with the property owner.

Q. Conservation Open Space: Ownership and Maintenance.

- (1) Ownership Options for conservation open space. The following methods may be used, either individually or in combination, to own common facilities and conservation open space. Conservation open space shall not be transferred to another entity except for transfer to another method of ownership permitted under this Subsection Q, and then only when there is no decrease in the total conservation open space. Ownership methods shall conform to the following:
 - (a) Pocono Township.
 - (i) Fee Simple Dedication to the Township. The Township may, but shall not be required to, accept dedication of any portion of the conservation open space, provided there is no cost of acquisition to the Township, and the Township agrees to and has access to maintain such conservation open space.
 - (ii) Dedication of Easements to the Township. The Township may, but shall not be required to, accept dedication of easements for public use of any portion of the conservation open space. In such cases, the facility remains in the ownership of the community association, or private conservation organization, while the Township holds the easements. In addition, the following regulations shall apply:
 - (i) There shall be no cost of acquisition to the Township;
 - (ii) Any such easements for public use shall be accessible to the residents of the Township; and
 - (iii) A satisfactory maintenance agreement shall be reached between the owner and the Township.
 - (b) Community Association. Conservation open space and common facilities may be held in common ownership for the use of all residents of the subdivision or land development and shall thereby be controlled and maintained by a community association. Community association documents shall be in compliance with the Pennsylvania Uniform Planned Community Act (as to a Homeowners' Association Document) or the Pennsylvania Uniform Condominium Act (as to a Condominium Association Document), as the case may be. The Community Association Document

shall include, but not be limited to, the following:

- (i) A description of the conservation open space to be owned by the Community Association. This description shall include a plan of the proposal highlighting the precise location of all aspects of the conservation open space;
 - (ii) Statements setting forth the powers, duties, and responsibilities of the Community Association, including the services to be provided;
 - (iii) A Declaration of Covenants, Conditions, and Restrictions (Declaration), giving perpetual easement to the lands and facilities owned by the Community Association. The Declaration shall be a legal document providing for automatic membership for all owners in the subdivision or land development and shall describe the mechanism by which owners participate in the Community Association, including voting, elections, and meetings. The Declaration shall give power to the Community Association to own and maintain the conservation open space and to make and enforce rules;
 - (iv) Statements prescribing the process by which Community Association decisions are reached and setting forth the authority to act;
 - (v) Statements requiring each owner within the subdivision or land development to become a member of the Community Association;
 - (vi) Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement;
 - (vii) Requirements for all owners to provide a pro rata share of the cost of the operations of the Community Association;
 - (viii) A process of collection and enforcement to obtain funds from owners who fail to comply;
 - (ix) A process for transition of control of the Community Association from the developer to the unit owners;
 - (x) Statements describing how the conservation open space of the Community Association will be insured, including limit of liability;
 - (xi) Provisions for the dissolution of the Community Association;
 - (xii) Agreements for the maintenance of stormwater management facilities; and
 - (xiii) Agreements for the maintenance and operation of water supply and wastewater treatment facilities.
- (c) Private Conservation Organization or the County. With permission of the municipality, an owner may transfer either fee simple title of the conservation open space or easements on the conservation open space to a private non-profit

conservation organization or to the County provided that:

- (i) The conservation organization is acceptable to the municipality and is a bona fide conservation organization intended to exist indefinitely;
 - (ii) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the conservation organization or the County becomes unwilling or unable to continue carrying out its functions;
 - (iii) The conservation open space is permanently restricted from future development through a conservation easement and the municipality is given the ability to enforce these restrictions; and
 - (iv) A maintenance agreement acceptable to the municipality is established between the owner and the conservation organization or the County.
- (d) Conservancy Lots. Up to 80 percent of the required conservation open space may be located within one or more privately owned conservancy lots of at least 10 acres provided:
- (i) The conservation open space is permanently restricted from future subdivision and development through a conservation easement, except for those uses listed in Subsection M.
 - (ii) The easement provides the municipality the right, but not the obligation, to enforce these restrictions.
- (2) Conservation Open Space Management Plan.
- (a) Unless otherwise agreed to by the Board of Commissioners, the cost and responsibility of maintaining conservation open space shall be borne by the property owner, community association, or conservation organization.
 - (b) The applicant shall, at the time of preliminary plan submission, provide a plan for management of conservation open space in accordance with §390-39 of the Subdivision and Land Development Ordinance.
- (3) Remedy. Failure to adequately maintain the conservation open space in reasonable order and condition in accordance with the development plan constitutes a violation of this ordinance.
- (a) In the event that the organization established to maintain the conservation open space, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the municipality may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the conservation open space in reasonable order and condition, and may direct the owner to remedy the same within twenty (20) days.
 - (b) Upon default by any owner or other entity responsible for maintenance of conservation open space, where such maintenance is necessary to abate a nuisance,

emergency, hazard or other condition threatening persons or property or the public health, safety or welfare, the municipality may, but shall not be obligated to, take the following actions:

- (i) Upon 30 days advance written notice to the owner or entity responsible for such maintenance (or any lesser number of days as may be specified in the notice in instances of emergency) and the failure of such owner or entity to perform the necessary maintenance and remedy the condition set forth in the notice, the municipality may enter upon the conservation open space to correct the condition. If the municipality is forced to assume responsibility for maintenance, any escrow funds may be forfeited and any permits may be revoked or suspended.
- (ii) Any and all costs incurred by the municipality in connection with such notice and maintenance shall be paid by the owner or responsible entity within 10 days after written demand by the municipality. Upon failure of the owner or responsible entity to pay such costs in the time required, there shall be added thereto, interest at the rate of 15 percent per annum as well as all costs incurred by the municipality in collection thereof.
- (iii) All such costs of maintenance, remediation, notices, and collection, including court costs and attorney's fees, shall constitute a municipal lien and be enforceable as such against the owner or responsible entity. Notice of such lien shall be filed by the municipality in the office of the Prothonotary of the County.

§ 470-87.? Convenience stores or 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.?. Correctional Facilities

- A. Parcel Size. In order to provide an adequate buffer area for adjoining property owners the site shall contain a minimum of ten (10) acres.
- B. Accessory Uses and Ancillary Activities. Accessory uses permitted in conjunction with a correctional facility may include offices, snack bars, educational facilities and programs, vocational training facilities and programs, recreational and sports facilities and other accessory uses ordinarily provided in conjunction with such institutions.
- C. Security. All applications for shall include a plan addressing security needs to protect the health and safety of the public as well as residents of the proposed facility. Such plan shall include a description of the specific services to be offered, types of residents, to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required with care of the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof. The plan shall also address measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.
- D. Site Design Standards. The site shall be improved in accordance with the following minimum requirements:
 - (1) The principal building and all secure areas shall not be less than two hundred (200) feet from any property line and the right-of-way line of any abutting public or private road, and five hundred (500) feet from any:
 - (a) Residence
 - (b) Group care facility
 - (c) Commercial enterprises catering primarily to persons under eighteen (18) years of age
 - (d) Public or semi-public building
 - (e) Public park or public recreation facility
 - (f) Health facility
 - (g) Place of worship or related use, or other similar religious facility
 - (h) Public or private school
 - (2) If not provided for in accordance with subsection C, above, a perimeter security fence, of a height and type determined by the Township, may be required.

§ 470-87.?. 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 property lines and the boundary lines of all residential zoning districts.

§ 470-87.?. Flea Markets, Permanent Outdoor

Permanent outdoor flea markets shall be subject to the following standards in addition to all other applicable standards:

- A. A minimum parcel of two acres shall be required.
- B. The minimum setbacks for all structures and 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.?. 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, and as may be further amended. 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.?. Keeping of poultry or fowl for home use

- A. Purpose. The purpose of this section is to provide standards for the keeping of poultry or fowl as an accessory use to a single family dwelling for the production of a small quantity of eggs for the owner. It is intended to enable residents of single-family dwellings to keep a small number of poultry or fowl while limiting the potential adverse impacts on surrounding properties.
- B. The keeping of poultry or fowl shall be permitted as an accessory use in each zoning district provided the following conditions are met:
 - (1) The principal use of the lot shall be a single family detached dwelling.
 - (2) A minimum lot size of ~~X????~~ square feet shall be required.
 - (3) The maximum number of hens which shall be permitted on a lot shall be determined based on the lot size as follows:

Minimum Lot Size	Maximum Number of Hens
X??? sq.ft. to 1/2 acre	4
Greater than 1/2 acre to 1 acre	6
Greater than 1 acre up to 2 acres	8
Greater than 2 acres	10

- (4) Roosters shall be prohibited. OR A minimum lot size of two acres and a minimum number of 10 hens shall be required to keep a rooster.
- (5) The slaughtering of poultry or fowl outdoors is prohibited. OR permit slaughtering
- (6) All poultry or fowl shall be housed in a stationary and secure coop with walls on all sides and a roof.
 - (a) The coop shall provide a minimum of four square feet per chicken and shall not exceed 100 square feet in total area.
 - (b) Runs for poultry or fowl shall be attached to the coop, shall be enclosed so as to contain the poultry or fowl, and shall be a minimum of 10 square feet per individual poultry or fowl.
 - (c) No part of the coop or run shall be located in the front yard.
 - (d) The coop and run shall be setbacks a minimum of 25 feet from all property lines and a minimum of 50 feet from any stream, water body, or wetland area.
- (7) If the poultry or fowl are permitted to roam in an area on the owner's private property, such area shall be limited to the side or rear yard and must be enclosed by a fence and screened from view from the public streets and adjacent properties.
- (8) It shall be unlawful for the owner of poultry or fowl to allow them to run at large upon any land other than the owner's property, including, but not limited to, sidewalks, roads, parks, or upon another person's private property.
- (9) All owners of poultry or fowl shall maintain sanitary living conditions for the poultry or fowl so that the keeping of poultry or fowl shall not become either a public or private nuisance. The coop and run shall be thoroughly cleaned at least twice per year.
- (10) Owners of poultry or fowl shall not allow feces from the poultry or fowl to accumulate on the owner's land such that it becomes a nuisance caused by odors. The feces shall be regularly removed by double bagging and placing the bagged feces in trash for collection.
- (11) All feed, water, and other items associated with the keeping of poultry or fowl shall be protected in a way that prevents infestation by rats, mice, or other rodents or vectors. All feed which is stored on the property shall be kept in rodent-proof, closed containers.
- (12) In the event that a complaint is made regarding the accumulation of chicken feces or the infestation rats, mice, or other rodents or vectors on the property, the Zoning Officer may

inspect the property. If the complaint is deemed to be credible, the Zoning Officer shall proceed with an enforcement action in accordance with this chapter.

(13) Permits. An owner wishing to keep poultry or fowl on their property must first obtain a permit from the Zoning Officer. An applicant seeking to obtain a permit to maintain poultry or fowl must submit an application on forms provided by the Township and pay the applicable permit fee as determined by resolution of the Board of Commissioners. If the applicant resides within a homeowners' association, a letter from the homeowners' association approving the keeping of poultry or fowl must accompany the application.

(14) Denial, suspension or revocation of permit. A permit to keep poultry or fowl may be suspended or revoked by the Township where the Township finds that the keeping of the poultry or fowl creates a public nuisance or for any violation of, or failure to comply with, any of the provisions of this section or with the provisions of any other applicable ordinance or law.

§ 470-87.?. Multi-family dwelling

Multi-family 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, except that where the development is served by public sewer and public water the maximum gross residential density shall be 5 dwelling units per acre.
- B. A minimum of 30% of the gross lot area shall be devoted to common open space.
- C. The following dimensional requirements shall apply to townhouse dwellings:
 - (1) Minimum lot area for individual townhouse units: 2,000 square feet
 - (2) Minimum lot width for individual townhouse units : 20 feet
 - (3) Maximum number of townhouse units attached in a common row: ~~four~~ five
- D. The maximum length of a multifamily apartment building shall be ??? feet. ~~OR a maximum of 8 apartment units per building as with PRD? (swifwater apts are approx. 340 ft/28 units and 200 ft/24 units) OR let the building size be determined by the district's impervious cover limit and parking requirements.~~
- E. Setbacks.
 - (1) A minimum setback of 50 feet for any structure shall be maintained from all existing or proposed road rights-of-way and from the boundary line of the entire project parcel. This setback may be reduced at the discretion of the Township Board of Commissioners if such

- a reduction is required in order to enable parking to be located to the side or rear of the building or to better facilitate site and building design in accordance with the standards in this § 470-87.?
- (2) Dwelling units shall be set back a minimum of 20 feet from parking areas, refuse collection centers, and the shoulder of any access drive to or through the development.
 - (3) Staggered setbacks of townhouse units shall be required so the buildings offer visual variety. No more than two contiguous townhouse units shall have the same facade setback within a building. Changes in unit setback shall involve a minimum of four feet.
- F. The following building separation distances shall be met in order to provide individual dwelling units with some level of privacy: Multifamily dwelling unit buildings shall not be located within 75 feet of any other residential building.
- (1) Facing front or rear walls: 50 feet. When a modification request is submitted by the applicant, the Township Board of Commissioners may, when unusual topography or site conditions justify the request, reduce this separation requirement to 50 feet.
 - (2) Facing end walls (short wall): 25 feet. Modifications to reduce separation may not be granted to more than 50% of the total multifamily dwelling unit buildings.
- G. Building design standards. Multifamily buildings shall be designed in accordance with the following:
- (1) 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.
 - (2) Building facades which abut a street, parking lot, access drive, public way, or adjoining residential property shall be articulated to create light and shadow, express the rhythm of architectural bays, and reduce the scale of building masses. Building facades shall be articulated through the use of architectural elements, including but not limited to porticos, pediments, friezes, cornices, canopies, awnings, pilasters, and/or water tables, and through the use of no more than two different but complementary building materials.
 - (3) Townhouse buildings shall incorporate staggered setbacks in accordance with Subsection E(3), above.
 - (4) Where any individual apartment building facade (or adjoining facades which abut flush to the same building line) exceeds 60 feet in length, there shall be an offset in facade of at least 10 feet, effectively breaking the single facade into two or more facades each no more than 60 feet in length. Single facades greater than 60 feet in length may be permitted at the discretion of the Township, where the applicant demonstrates to the satisfaction of the Township that the design of the building and its relationship to

surrounding buildings and landscaped areas mitigates any negative impacts of long continuous building facade(s) on the character of the zoning district in which it is located.

- (5) Multifamily buildings shall generally have pitched roofs with overhanging eaves. Where flat roofs are provided, they shall be articulated with parapets and cornices. No roof ridge shall exceed 60 feet in length without having at least one vertical change in height. The change in height shall be no less than 12 inches. The use of dormers and gables is encouraged to provide visual interest.
- (6) Stairways and stairwells accessing apartment units on the upper floors shall be located in the rear of the building and shall not be located on any exterior wall facing a street unless any building, fire or other code so requires.
- (7) Fire escapes, when required, shall be located in the rear of the building and shall not be located on any exterior wall facing a street unless any building, fire or other code so requires.
- (8) All facilities and equipment for heating/air conditioning, trash collection and compaction, and other structural elements shall be concealed architecturally or otherwise screened from view from any public right-of-way or public space (including internal public spaces within a development).
- (9) Exterior building materials shall be composed of one dominant facing material and not more than one additional secondary material. The dominant material shall comprise 60% or greater of the building's street front facade(s) and 30% of all other facades. The use of stone, brick, wood and hardiplank clapboard, and cementitious/fiber lap siding is encouraged.

H. Parking Design Standards

- (1) When the garage doors of a townhome unit face a street, the garage shall comprise no more than 30% of the total area of the front facade elevation of the dwelling unit. Garage doors shall be set back a minimum of four feet from the front facade plane of the dwelling unit. No more than two garage doors facing a street may be located in a row. In the case of end units, garages shall be side-loaded or located to the rear of the unit.
- (2) Parking areas for multifamily apartment buildings shall not be located between the front facade of the building and the street. Parking areas for multifamily apartment buildings shall be located to the rear or side of the building. Parking areas located to the side of the building shall be screened in accordance with §390-59.

- I. Multifamily buildings are encouraged to be located in clusters which create common courtyards and open space areas rather than situated parallel to one another.

- J. Buildings shall provide individual dwelling units with views and access to common open space areas.
- K. 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.
- L. Exterior storage areas for trash and recycling shall be screened from public view and shall be contained in covered, vermin-proof containers. Interior storage areas for trash and recycling shall at all times be kept in an orderly and sanitary fashion.
- M. 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.
- N. 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.
- O. The applicant shall provide architectural renderings, models or photos in sufficient detail to illustrate the design of the building(s).
- P. 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.

§ 470-87.2. Power Plants

A. Setbacks and buffers.

- (1) Power Generation Structures and Facilities - The following setbacks shall be applied to all principal structures and ancillary facilities used as part of the power generation process:
 - (a) Setbacks - The following setbacks shall be maintained:
 - [1] Property Lines, Road Rights-of-Way - 200 feet from adjoining property lines and road rights-of-way.
 - [2] Existing Dwellings - 500 feet from any existing dwelling.
- (2) Other Components - Pipelines and valves, metering stations, pig launchers/receivers, and other similar components which are located on the site shall not be less than 25 feet from any adjoining property line.
- (3) The setback areas shall remain unoccupied with no improvements except required buffer screening, fencing, and access road(s).

- (4) A buffer not less than 50 feet in width shall be provided in all setbacks and shall comply with landscaping, screening, maintenance and other applicable standards of §390-55 of the Pocono Township Subdivision and Land Development Ordinance.
- (5) Additional setbacks and buffers may be required at the discretion of the Board of Commissioners in accordance with this Chapter and Chapter 390, Subdivision and Land Development.
- B. Fencing. A fence may be required around the perimeter of the power plant site unless the design of the structures adequately provides for safety.
- C. Noise. Noise emanating from a power plant shall not exceed the levels specified in §470-38.1, Performance Standards. All turbines, compressors, engines, and any mechanical equipment which requires noise reduction to meet Township standards shall be located within a fully enclosed building with soundproofing and blow down silencers and mufflers adequate to comply with the noise standards established by this Chapter or as otherwise established as a condition of approval.
- D. Communications Interference. The applicant shall document that the radio, television, telephone, or reception of similar signals for nearby properties will not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the power plant developer.
- E. Historic Structures. A power plant shall not be located within 500 feet of any structure listed on any public historic register.
- F. Local, State and Federal Regulations. All facilities and operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.
- G. Insurance. The applicant shall provide a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the power plant.
- H. Informational Requirements. The applicant shall provide the information required by this Chapter and Chapter 390, Subdivision and Land Development, and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed use. The Applicant shall submit the following additional information:
- (1) A copy of all applications and information required by the applicable state and federal agencies.
- (2) The name, address and emergency telephone number for the operator of the power plant.

(3) An Emergency Preparedness, Prevention and Control Plan in accord with state and federal requirements and generally accepted practice for review and comment by the Township and the County Emergency Management Agency.

- I. Reporting Requirements. For any facility approved by the Township, the operator shall submit to the Township copies of all state or federal required or issued documents and reports associated with the operation, within 15 days of the date of the document or report.

§ 470-87.2. Race Track

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

- A. Motor Vehicle Race Tracks. 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~~ 1,000 feet from any R-1, R-2 or RD 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.?. Shooting Ranges, Outdoor

This §470-87.? is intended to provide minimum standards to regulate outdoor shooting ranges in order to protect neighboring property owners and the public at large from dangers of wild, stray or ricocheting projectiles and from excessive noise and other nuisances.

- A. Setbacks. All outdoor shooting ranges shall be situated not less than 300 feet from any property line and not less than 1,500 feet from any principal residential or principal nonresidential

building existing on the effective date of this Chapter. This shall not apply to structures on the same parcel as the shooting range.

- B. Safety Design. All ranges shall be designed and constructed with safety facilities to prevent accidental wild, stray, or ricocheting projectiles, and the Township may require such additional safety features deemed necessary to meet the intent of this §470-87.?. Such features may include but not be limited to increased setbacks, earthen berms, shooting range orientation, and a limitation of hours of operation.
- C. Noise. All ranges shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of §470-38.1, Performance Standards, unless more restrictive standards are required by the Township as a condition of approval.
- D. Hours of Operation. No firearm shall be discharged outdoors between sunset and 8:00 a.m. However, the Township may establish more restrictive time limits as a condition of approval.
- E. Fence. Security fencing may be required by the Township of such extent and design to restrict accidental access to any range.
- F. Posting. A 300-foot perimeter around any outdoor range shall be posted with warning signs to adequately inform anyone entering the area.

§ 470-87.?. Solid Waste Disposal and Reduction Facilities

- A. Solid waste facilities shall be subject to all applicable state and federal regulations in addition to the regulations of this §470-87.? and all other applicable regulations in this Chapter.. Where a conflict exists between any applicable regulation, the more restrictive regulation shall apply.
- B. Setbacks and buffers.

 - (1) Setbacks shall comply with PA DEP requirements, but in no case shall any facility be operated less than:

 - (a) 300 feet from any existing right-of-way or property line.
 - (b) 500 feet from any occupied principal building unless the owner of the building has provided a written waiver consenting to the facility being closer than 500 feet. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.
 - (2) The setback areas shall remain unoccupied with no improvements except required buffer screening, fencing, and access road(s).

- (3) A buffer not less than 50 feet in width shall be provided in all setbacks and shall comply with landscaping, screening, maintenance and other applicable standards of §390-55 of the Pocono Township Subdivision and Land Development Ordinance.
- (4) Additional buffers and setbacks may be required at the discretion of the Board of Commissioners in accordance with this Chapter and Chapter 390, Subdivision and Land Development.
- C. Fencing. All facilities shall be completely enclosed by a chain link fence not less than ten feet in height, and/or other fencing as may be required by a state or federal agency. Such fencing shall not include barbed wire or similar product unless otherwise required by a state or federal agency. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.
- D. Traffic study. The applicant shall provide a traffic study prepared by a professional traffic engineer, in accordance with § 390-60 of the Pocono Township Subdivision and Land Development Ordinance. The traffic impact study shall also include a truck routing map identifying anticipated routes to and from the proposed facility to the Township boundary. The truck routing map shall be consistent with existing truck routing signage and trip distribution data presented in the traffic study, and shall identify any new proposed truck routes and necessary truck routing signage.
- E. Storage and Loading/Unloading. Storage of solid waste in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. Any solid waste stored for more than three hours shall be stored in an enclosed building. For any facility other than a sanitary landfill, all transfer, loading and unloading of solid waste shall only occur within an enclosed building with negative pressure, and over an impervious surface which drains into a holding tank that is then adequately treated.
- F. Effluent Treatment. The facility shall provide for treatment and disposal of all liquid effluent and discharges generated by the facility due to storage, loading or unloading, transfer, container or vehicle washing, or other activity undertaken in processing or transporting the solid waste. All such activities shall be conducted only over an impervious surface and all drainage shall be collected for treatment. Any water discharge from the facility after being treated by the wastewater treatment system shall meet all applicable Department of Environmental Protection regulations and Sewer Authority requirements.
- G. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be disposed of or stored or processed in any way, except for types and amounts of hazardous substances customarily kept in a commercial business for on-site use. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with serious contagious diseases.

- H. Emergency Access. The operator of the facility shall cooperate fully with local emergency services. This shall include the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
- I. Nuisances. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents, or vectors. The applicant shall prove to the satisfaction of the Township that the use would not routinely create noxious odors off of the tract. The operator shall regularly police the area of the facility and surrounding street to collect litter that may escape from the facility or truck. The applicant shall provide documentation to the satisfaction of the Township that proposed facility shall operate in such a manner as to not create a general nuisance, endanger the public health, safety and welfare or inhibit the public's use or enjoyment of their property.
- J. Attendant and Inspections. An attendant shall be present during all periods of operation or dumping. The applicant shall, if granted a permit, allow access at any time to the facility for inspection by appropriate Township Officials and provide the Township with the name, phone number, and email address of a responsible person(s) to be contacted at any time in the event of an inspection.
- K. Reporting. The operation and maintenance of the facility shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. If the facility is approved by the Township, the operator shall concurrently submit to the Township a copy of all information, documents, plans and reports required by PA DEP, and shall forward to the Township a copy of all correspondence, notices and documents received from DEP which are related to the ongoing operation, maintenance and compliance of the facility within 15 days of receipt of correspondence, notices and documents. Violations of this condition shall also be considered to be violations of this Ordinance.

ARTICLE VI
Planned Residential Development

§ 470-88. Definitions; statement of purpose.

A. As used in this article, the following terms shall have the meanings indicated:

PLANNED RESIDENTIAL DEVELOPMENT — An area of land not less than 20 acres in size within the controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk, use, density, intensity, type of dwelling, lot coverage and required open space to the regulations established in any one zoning district under the provisions of this chapter. A planned residential development shall not include mobile home parks.

B. Specific purposes of the planned residential development regulations are:

- (1) The provisions of this article are enacted in order that the purposes of this chapter be furthered in an era of increasing urbanization and of growing demand for housing of all types and design.
- (2) To insure that the provisions of this chapter, which are primarily concerned with the uniform treatment of dwelling type, bulk, density and open space within the zoning district, shall not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of this chapter.
- (3) To encourage innovations in residential development and renewal so that the growing demand for housing and services may be met by greater variety in type, design and layout of dwellings and structures and by the conservation and more efficient use of open space ancillary to said dwellings and structures so greater opportunities for better housing and recreation may extend to all citizens and residents of the Township.
- (4) To encourage a more efficient use of land and of public services and to reflect changes in the technology of land development so that economies secured may endure to the benefit of those who need homes and for other uses.
- (5) To encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, floodplains, wetlands, wooded areas, steeply sloped areas, areas of unusual beauty and significant natural habitats.
- (6) To provide a procedure which can relate the type, design and layout of residential to the particular site and the particular demand for housing existing at the time of development, in a manner consistent with the preservation of the property values within existing residential and nonresidential areas and to assure that the increased flexibility of regulations over land development authorized hereby is carried out pursuant to sound, expeditious and fair administration standards and procedures as shall encourage the disposition of proposals for land development without delay.
- (7) To insure that common open spaces shall be owned and maintained by the lot and/or building area owners through individual shares in an owner's association, one share for each lot, building area or unit.
- (8) To insure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedures as shall

encourage the disposition of proposals for land development without undue delay.

§ 470-89. Compliance required.

No planned residential development of any tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of the occupants of buildings abutting thereon, except in accordance with the provisions of these regulations.

§ 470-90. Applicability; effect of regulation amendments.

As of the effective date of this chapter *(whenever this ordinance update becomes effective)*, planned residential development shall be terminated as a type of development permitted in Pocono Township. These regulations shall apply to all planned residential developments located within the limits of Pocono Township, which ~~are~~were submitted ~~after~~prior to the effective date of these regulations *(Nov 24, 2003...5 business days after adoption of the current ordinance)* and also to all planned residential developments approved by and/or pending approval before the Township prior to the effective date of this chapter *(prior to whenever this ordinance update becomes effective)* in full accordance with the following:

- A. Effect of regulation amendments. No amendments to this chapter, the Pocono Township Planned Residential Regulations or any other governing ordinance or plan shall affect the decision on previously submitted applications.
 - (1) When an application has been duly tentatively approved, the applicant shall be entitled to a final review and approval or denial in accordance with the terms of the tentative approval.
 - (2) If an application is properly and finally rejected or denied, any subsequent application shall be subject to ~~these amended regulations and to~~ any intervening change in any governing regulation, ordinance, or plan.

§ 470-91. Approval by sections.

In the case of a development plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the development plan delineating all proposed sections as well as deadlines within which applications for final approval of each section are intended to be filed. Yearly updating of the schedule shall be completed by the landowner on or before the anniversary of the tentative plan approval until final approval of the final section has been granted. Any modifications in the aforesaid schedule shall be subject to approval of the Board of Commissioners of Pocono Township.

§ 470-92. Time limits for completion by sections.

Provided the landowner has not defaulted with regard to or violated any of the conditions of the tentative plan approval, including compliance with the landowner's aforesaid schedule of submission of final plans, then the protections afforded by substantially completing the improvements depicted upon the final development plan within said five years shall apply. For any section or sections, in which the required improvements have not been substantially completed within the five-year period, the aforesaid protections shall apply for an additional term or terms of three years from the date of final plan approval for each section.

No longer allow PRDs. Cons Subdiv Design is the alternative, and CSD is allowed in R-1, R-2, RD districts. Existing and approved PRDs would still fall under these Article VI regs

- A. Failure to meet schedule. Failure of the landowner to adhere to the aforesaid schedule of submission of final plans for the various sections shall subject any such sections to any and all changes in these regulations, this chapter, Planned Residential Regulations, and any other ordinances or plans enacted by the Township subsequent to the date of the initial planned residential development plan submission and no development or further development shall take place on the property included in the development plan until after the property is reclassified by enactment of an amendment to this chapter.

§ 470-93. Development in phases.

Development plans for a planned residential development may be submitted in phases in accordance with the following:

- A. Tentative approval. The locations and approximate submittal dates for each phase shall be clearly set forth on the plan submitted for tentative approval.
 - (1) The phasing plan may be changed at any time prior to the date of any phase by submitting and receiving an approval from the Board of Commissioners on a plan setting forth a new phasing schedule.
- B. First phase minimum. A minimum of 20% of the total number of residential lots and/or dwelling units in the planned residential development shall be included in the first phase.
 - (1) A lesser percentage may be allowed by the Township upon submission of a modification request setting forth proof that the requested percentage will not affect the development as a whole.
 - (2) The Township may set additional specified conditions if it deems them necessary or advisable.
- C. Phase completion. The second and subsequent phases must be completed consistent with the development phasing plan and must be of such size and location that they constitute economically sound units of development.
 - (1) In no instance shall the second and subsequent phases, except for the last phase, contain less than 15% of the dwelling units of the total development plan.
 - (2) Gross residential density may be varied from phase to phase, provided that the average gross residential densities of all phases do not exceed the permitted average gross residential density for the entire planned residential development as set forth by Pocono Township.

§ 470-94. Driveway access to state highways; highway occupancy permit; liability.

No plan which will require driveway access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plan contains a notice stating such.

- A. Highway occupancy permit. The following notice shall be on the plan: "A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P. L. 1242,

No. 428), known as the "State Highway Law," before driveway access to a state highway is permitted."

- (1) When a development will require a highway occupancy permit, the developer shall submit evidence to the Township that such permit has been obtained.
- B. Township liability. Pocono Township shall not be held liable for damages to persons or property arising out of the issuance or denial of a highway occupancy permit by the Pennsylvania Department of Transportation.
- C. Landowner's signature. The landowner's signature on the plan review application shall be deemed an acknowledgment and acceptance of this section.

§ 470-95. Modifications to regulations and requirements.

The standards, regulations and/or requirements of these regulations may be modified, either increasing or decreasing said standards, regulations and/or requirements, by the Board of Commissioners, where such modifications achieve substantially the objectives of this section of this chapter, provided that said modifications will not unduly tax the fiscal service obligations of the future residents and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the planned residential development plan in the following cases:

- A. Energy. When the use of renewable energy systems and energy conserving building design are proposed.
- B. Environment. When unusual topography or other environmentally sensitive areas are involved.
- C. Planning. When in the opinion of the Board of Commissioners said modification will encourage and promote flexibility, economy and ingenuity in the layout and design of said planned residential development in accordance with modern and evolving principles of site planning and design.
- D. Conformation. When modifications have been permitted, the planned residential development shall still conform fully with all of the remaining regulations and requirements of this section.

§ 470-96. General requirements.

- A. Planned residential developments shall be permitted by conditional use in the R-2, RD and C Zoning Districts.
- B. The planned residential development shall consist of either single-family, two-family or multifamily dwellings, or a combination thereof, and such accessory uses as may be allowed in the section of this chapter which covers the proposed development, provided that the land use density within the planned residential development shall be regulated by the following general standards:
 - (1) For tracts containing 50 acres or more with a DEP-approved sewage treatment plant capable of being integrated into a municipal or public sewage disposal system and central water, the maximum gross residential density shall not exceed five units per acre.

[Amended 7-18-2022 by Ord. No. 2022-04]

- (2) For all other qualifying tracts, the maximum gross residential density shall not exceed one unit per acre.
- C. The percentage of the planned residential development site which is to be covered by buildings, roads, parking areas and other impermeable cover shall not exceed 33% of the total site area.
- D. The percentage of the planned residential development site to be devoted to common open space shall not be less than 25% of the total site area.
- E. Adequate, safe and convenient pedestrian and vehicular circulation facilities, including roadways, driveways, off-street parking and loading, sidewalks, malls and landscape areas, to serve the development shall be provided.
- F. Paving and drainage facilities shall be designed to adequately handle stormwater and to prevent erosion and the formation of dust.
- G. Signs and lighting devices shall be properly arranged to avoid conflicts with residential uses.
- H. The orientation of buildings shall provide adequate light, air and open space and shall conform with the following:
 - (1) Buildings containing multiple dwelling units shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be so arranged as to preserve visual and audible privacy between adjacent buildings.
 - (2) A building group may not be so arranged that a temporary or permanently inhabited building is inaccessible by emergency vehicles.
- I. All areas devoted to the utility purposes such as garage, storage areas, common washing or drying facilities and other such areas shall be adequately screened.
- J. Approved storm drainage, water supply and distribution and sanitary sewage collection and treatment facilities will be provided.
- K. No proposed buildings shall be constructed within 75 feet of any tract boundary line or any existing road right-of-way.
- L. Height regulations shall conform to the original underlying zoning district in which the development is to be located, except where the type of construction of the multifamily building is a Type I-A, I-B, II-A, or II-B and the fire-protective measures included in the design and construction of the building meet or exceed the provisions of Chapter 9 of the Building Code, in which case the maximum height of the structure may be increased to 50 feet. **[Amended 8-6-2012 by Ord. No. 2012-04]**
- M. Any proposed planned residential development shall require submission of an impact analysis, which shall include an environmental impact study and a community impact study. The community impact study shall include a market study, traffic impact analysis, service impact and analysis of compatibility with local ordinances and plans. The proposed planned residential development shall also satisfy any other requirements set forth by the Commissioners, after submission of the tentative plan, to ensure that the health, safety and

general welfare of the adjoining property owners and citizens of Pocono Township are protected to the fullest extent.

§ 470-97. Application procedures.

The following procedural steps outline the process for approval of a PRD application. Requirements for the content of the application documents are described in subsequent sections of this chapter.

A. Sketch plan procedure.

- (1) The landowner may submit a sketch plan to the Township Board of Commissioners for preliminary discussion of intent.
- (2) The Board of Commissioners will discuss the sketch plan at a public meeting with the landowner.
- (3) The submission of a sketch plan is optional only, does not constitute a formal submission, shall not be deemed the beginning of the time period for review as prescribed by law or these regulations, and the review of the sketch plan by the Board of Commissioners shall not bind the Township to approve or accept any aspect of the complete application for tentative or final approval when and if submitted.

B. Application procedure for tentative approval.

- (1) Fifteen complete copies of an application for tentative approval for a planned residential development shall be submitted by the landowner to the Township. The landowner shall also submit a filing fee to the Township in an amount specified on the fee schedule of the Township. No plan shall be considered as properly filed until such time as the filing fee is submitted to the Township.
- (2) The complete application for tentative approval shall consist of the following:
 - (a) Application form.
 - (b) Site plans, architectural plans, site data.
 - (c) Draft of covenants, easement agreements, conditions and restrictions.
 - (d) Supporting information.
 - (e) Filing fee.
- (3) The complete copies of the application for tentative approval will be distributed by the Township to the appropriate agencies and individuals.
- (4) Within 60 days after the Township receives both a complete application for tentative approval of a planned residential development and the required filing fee, a public hearing shall be held by the Board of Commissioners, which shall be advertised and conducted in the manner prescribed herein.
- (5) Public notice shall be published once each week for two successive weeks in a newspaper of general circulation in Pocono Township.

- (a) The first publication shall be not more than 30 days and the second publication shall not be less than seven days prior to the date of the public hearing.
- (b) Such notice shall state the time, date and place of the hearing and the particular location and nature of the proposed development.
- (6) A letter from the Township with the date of the public hearing along with a copy of the "public notice" and a cover letter shall be forwarded to the applicant by United States Certified Mail, return receipt requested, within 30 days of the official submission.
- (7) The Zoning Officer shall conspicuously post notice of said public hearing at points deemed sufficient by the municipality along the tract to notify potentially interested citizens. Such public notice shall be posted at least seven days prior to the date of said public hearing.
- (8) The public hearing shall be conducted in accordance with Article IX of the MPC.²
 - (a) The Board of Commissioners may continue the public hearings from time to time; provided, however, that in any event the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.
- (9) Tentative approval.
 - (a) The Board of Commissioners shall, within 60 days following the conclusion of the public hearing as provided above or within 180 days after the filing of the application, whichever first occurs, by official written communication to the applicant either:
 - [1] Grant tentative approval of the development plan as submitted;
 - [2] Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - [3] Deny tentative approval of the development plan.
 - (b) Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted.
- (10) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial. The written communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:
 - (a) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the property including but not limited to density, bulk and use, and the reasons why such departures are, or are not deemed to be in the public interest;
 - (b) The respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Township;

- (c) The purpose, location and amount of the common open space, the reliability of the proposals for maintenance and conservation of common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 - (d) The physical design of the development plan and the manner in which the design does, or does not, make adequate provisions for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
 - (e) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
 - (f) In the case of a development plan which proposes development over a period of years, the sufficiency of terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.
- (11) In the event a development plan is granted tentative approval with or without conditions, the Board of Commissioners may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed, or, in the case of a development plan which provided for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and application for final approval shall not be less than three months and in the case of developments over a period of years, the time between applications for final approval of each part of the plan shall not be less than 12 months.
- (12) The official written communication shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the Zoning Map, effective upon final approval, and shall be noted on the Zoning Map.
- (13) In the event the planned residential development is granted tentative plan approval subject to conditions, the landowner may, within 30 days after receiving a copy of the official written communication from the Township Board of Commissioners notify the Township Board of Commissioners of his refusal to accept all required conditions, in which case the Township Board of Commissioners shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within 30 days, notify the Board of Commissioners of his refusal to accept all said conditions, tentative approval of the development plan along with any conditions shall stand as granted.
- (14) Tentative approval of a development plan shall not qualify a plan of the planned residential development for recording nor authorize construction or the issuance of any zoning and/or building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (provided the landowner has not defaulted or violated any of the conditions of the tentative approval), shall not be modified or revoked or otherwise impaired by action of the Township pending application for final approval, without the consent of the landowner, provided an application or applications

for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

- (15) In the event a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon the development plan and shall so notify the Board of Commissioners in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all the portion of the area included in the development plan for which final approval has not been given shall be subject to those ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the Township Secretary.

C. Application for final approval.

- (1) An application for final approval may be for all the land included in the development plan, or for a section of the development plan as delineated in the tentative approval.
- (2) Fifteen complete copies of an application for final approval shall be submitted by the landowner to the Township within the time specified by the official written communication granting tentative approval. The landowner shall also submit a filing fee to the Township in an amount specified on the fee schedule adopted from time to time by resolution of the Commissioners. No plan shall be granted final approval until such time as the filing fee is properly submitted to the Township.
- (3) Each copy of the application for final approval shall consist of the following:
 - (a) All materials and information required for submission for the application for tentative approval;
 - (b) All additional or revised materials required by the official written communication granting tentative approval;
 - (c) All improvement agreements and security for construction of all improvements that may be required by the Board of Commissioners.
- (4) The complete copies of the application for final approval will be distributed by the Township to the appropriate agencies and individuals.
- (5) In the event an application for final approval has been filed as required by this article and the official written communication granting tentative approval, the Township Board of Commissioners, within 45 days after the Township receives the application, shall grant the development plan final approval.
- (6) A public hearing on an application for final approval shall not be required, provided the development plan submitted for final approval is determined to be consistent with this article and the official written communication granting tentative approval.
- (7) In the event the development plan as submitted contains substantial variations from the development plan given tentative approval, the Township Board of Commissioners may refuse to grant final approval, and within 45 days from the filing of the application for

final approval, shall so advise the landowner in writing of its refusal, setting forth in the notice the reasons why one or more of the variations are not in the public interest.

(8) Denial of approval.

(a) In the event an application for final approval is denied approval, the landowner may either:

[1] Refile his application for final approval without the variations objected to; or

[2] File a written request with the Township Board of Commissioners that it hold a public hearing on his application for final approval. In which case, the Township Board of Commissioners shall consider the plan at its next regular public meeting. Should the Board of Commissioners elect to hold a special hearing, advertising requirements shall be in accordance with Article IX of the MPC.³

(b) If the landowner wishes to take either action, he may do so at any time within which he is entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within the required time, he shall be deemed to have abandoned the development plan.

(9) Any public hearing on an application for final approval granted by the Township Board of Commissioners shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed herein for public hearings on applications for tentative approval.

(10) The Township Board of Commissioners, within 30 days following the conclusion of the public hearings, shall by official written communication, either:

(a) Grant the development plan final approval; or

(b) Deny the development plan final approval.

(11) The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth herein.

D. Recording of plan.

(1) A development plan which has been granted final approval shall be certified without delay by the Township Board of Commissioners as being approved; provided, however, no development plan shall be certified unless security to secure the completion of improvements in accordance with Article V of the MPC⁴ has been posted.

(2) Within 90 days after certification by the Board of Commissioners of final approval of the development plan, the plan shall be filed of record by the landowner in the office of the Recorder of Deeds of Monroe County.

(3) Recording of the development plan after final approval of the Township Board of Commissioners shall have the effect of an irrevocable offer to dedicate to the public use,

all streets and other public ways shown thereon unless reserved by the landowner as hereinafter provided. The approval of the Township Board of Commissioners shall not impose any duty upon the Township concerning maintenance or improvement of any such dedicated streets, or public uses, until the Township has accepted the same by ordinance or resolution.

- (4) No sale of lots or buildings, leasehold agreements, or construction of any buildings or development of any nature shall be permitted prior to recording of the approved development plan. The Zoning Officer shall not issue a permit unless the application for the permit is accompanied by a certificate of recording issued by the Recorder of Deeds. After evidence of recording has been presented to the Zoning Officer, the development plan shall be placed upon the Zoning Map of the Township.
- (5) In the event a development plan or section thereof is given final approval and thereafter the landowner shall abandon the plan or section thereof and shall notify the Township Board of Commissioners in writing; or the landowner shall fail to commence and carry out the planned residential development in accordance with the time provisions stated in Section 508 of the MPC,⁵ no development or further development shall take place on the property included in the development plan until after the property is reclassified by enactment of an amendment to this chapter in the manner prescribed for such amendments in Article VI of the Pennsylvania Municipalities Planning Code.⁶

E. Construction, dedication and maintenance of improvements.

- (1) After the landowner obtains the required permits in accordance with this chapter, other applicable Township ordinances and other approvals from any applicable authorities, he may proceed with construction of the planned development.
- (2) The Township shall inspect the improvements that are subject to the Township's jurisdiction, which are installed as part of the planned residential development in accordance with the provisions of Article V of the Pennsylvania Municipalities Planning Code.⁷
- (3) The Township shall release financial security, which has been posted to secure the completion of improvements in accordance with the requirements of Article V of the Pennsylvania Municipalities Planning Code.⁸
- (4) All required improvements that have been offered for dedication shall be deemed to be private until such time as the improvements have been completely constructed and are accepted by the Township.

§ 470-98. Approval requirements.

A. Sketch plan requirements.

- (1) The sketch plan may be an approximate drawing but should be drawn to scale.
- (2) The sketch plan shall contain at least the following information but need not necessarily show precise dimensions.
 - (a) The location, size and topography (Monroe County GIS minimum) of the site and the nature of the landowner's interest in the land proposed to be developed.

- (b) The type and intensity of land use to be allocated to various parts of the site as well as the number of dwelling units.
- (c) If required, the general location and size of the common open space and the form of organization proposed to own and maintain the common open space.
- (d) The use and approximated location, height and bulk of buildings and other structures.
- (e) A written statement of a qualified professional concerning the feasibility of proposals for sewerage, water supply, and stormwater management, but not to include drawings.
- (f) The substance of protective covenants, grants or easements or other restrictions intended to be imposed upon the land, or the use of the land, buildings and other structures including proposed easements or grants for public utilities.
- (g) The provisions to be made for parking of vehicles, and the location, width and general alignment of streets and public ways.
- (h) The required modifications in the Township regulations, which would otherwise be applicable to the subject property.
- (i) In the case of development plans that call for execution over a period of years, an approximate schedule within which applications for final approval of all sections of the planned development may be expected to be filed.
- (j) The approximate tract boundary, North point, names of adjoining property owners, name and location of all abutting streets and utilities, and the location of any significant topographical and physical features.

B. Requirements for tentative approval.

- (1) An Application for tentative approval shall be filed as specified below. A fee shall be required at the time of submission in accordance with the Township fee schedule.
 - (a) A plan indicating the location, size, topography, and vegetative cover of the site and the nature of the landowner's interest in the land proposed to be developed.
 - (b) A site plan and other drawings showing the overall density, impervious surface ratio, and open space ratio, and the density of the land use to be allocated to various portions of the site to be developed, the location and size of the common open space, the use, approximate height, bulk, and location of buildings and other information including building elevations, planting plan schedule, provisions for parking vehicles, and location and width of streets and public ways.
 - (c) Such drawings and documents as are required to establish the feasibility of proposals for water supply and the disposal of sanitary wastes and stormwater, the substance of covenants, grants, easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including easements or grants for public utilities.
 - (d) If water is to be provided by means other than by private wells owned and

maintained by the individual owners of lots within the PRD, evidence shall be presented that the planned residential development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence. If only an application for a certificate of public convenience from the Pennsylvania Public Utility Commission is provided, tentative approval shall be conditioned upon the applicant obtaining a certificate of public convenience.

(2) Such application shall at a minimum contain the following:

(a) Application form. The "Application for Approval of a Planned Development," supplied by the Township, shall be completed by the landowner or his agent.

(b) Site plans.

[1] Each map, plan and drawing shall be prepared by a professional engineer, surveyor, landscape architect or architect registered in the Commonwealth of Pennsylvania, who shall place his seal and signature on all applicable plans, maps, and drawings.

[2] Site plans shall be drawn on sheets having a sheet size of 24 inches by 36 inches and shall be at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet or 100 feet to the inch. Master site plans may be drawn at any legible scale or sheet size. The landowner should utilize the scale and plan format that presents the most readable plans. Site plans may consist of multiple sheets a key map showing the relationship of each sheet to the overall site plan is placed on all of the multiple sheets. Site plans shall show:

[a] The project name or identifying title.

[b] The name and address of the landowner of the tract, the developer, and the firm that prepared the plans.

[c] The plan date, and the dates of all plan revisions.

[d] A North arrow, a graphic scale, and a written scale.

[e] The entire tract boundary with bearings and distances.

[f] A location map, for the purpose of locating the site to be developed, at a minimum scale of 2,000 feet to the inch, showing the relation of the tract to adjoining property and to all major roads, municipal boundaries and streams existing within 1,000 feet of any part of the property proposed to be developed.

[g] The plotting of all existing adjacent land uses and lot lines within 200 feet of the proposed development, including historic sites, and other significant natural or man-made features.

[h] The names of all immediately adjacent landowners and the PIN of

adjacent properties, including those across any adjoining roads.

- [i] Topographic information and identification of steep slopes differentiating between slopes from 15% to 20% and then all slopes greater than 20%. The extent of existing tree masses shall also be clearly shown.
- [j] The delineation of one-hundred-year floodplain as per the most recent Pocono Township FEMA Flood Insurance Study.
- [k] The delineation of all soil types as indicated by the USDA Natural Resources Conservation Service Soil Survey of Monroe County.
- [l] The plotting of all existing landmarks within the proposed development, including the location of all existing streets, buildings, easements, rights-of-way, sanitary sewers, water mains, storm drainage structures, and watercourses.
- [m] A list of site data, including but not limited to the following:
 - [i] Total acreage of the tract.
 - [ii] Zoning district.
 - [iii] Proposed use of the land.
 - [iv] Proposed gross area of the development.
 - [v] Proposed gross residential density.
 - [vi] Proposed number of dwelling units and building type.
 - [vii] Acreage and percentage of common open space.
 - [viii] Proposed number of parking spaces.
- [n] The approximate proposed location and dimensions of all proposed streets, access drives, parking areas and pedestrian circulation systems.
- [o] The proposed location of block or lot lines with approximate dimensions and areas.
- [p] The approximate radius and arc dimensions for all lot line and street line curves.
- [q] The typical size of all lots in square feet and acreage.
- [r] Notation indicating which existing structure on the tract is to be retained or removed.
- [s] The proposed location of building setback lines from all streets, and the distances between buildings and adjacent tract boundaries and lot lines.
- [t] The proposed location, size and use of all common open space areas and recreation facilities where applicable.

- [u] The proposed areas to be dedicated to the Township with approximate acreage of all areas and widths of all rights-of-way.
 - [v] A proposed phasing plan of the development, which shall include the proposed time within which applications for final approval of all sections are intended to be filed.
 - [w] Plans shall include information depicting typical roadway cross sections, lighting and planting.
 - [x] Architectural concept drawings, photographs or pictures that demonstrate the architectural guidelines are to be submitted of each proposed structure type to demonstrate the vision of the planned residential development.
 - [y] Urban design concept diagrams that graphically depict the planning principles expressed in this chapter as such have been applied in the development plan. The diagrams may be prepared at any appropriate scale and should illustrate the planning relationships of the common areas and streetscape to residential areas, sites for public and semipublic uses, community clubs and facilities, internal and peripheral open space, vistas and focal points, interconnections with the existing street and sidewalk system, buffers areas, and similar features of the plan.
- (c) Supporting information. This report shall contain the following information:
- [1] A statement of development justification setting forth the reasons why, in the developer's opinion, a planned residential development would be in the public interest and would be consistent with the Comprehensive Plan for the development of the Township and shall contain the following:
 - [a] An evaluation of the impact of the proposed development upon the drainage and aquifer systems, including exhibits depicting existing streams, ponds, lakes, wetlands, groundwater recharge areas, floodplains and areas of permanent or seasonal high-water tables and proposed modifications or alterations to such features or areas.
 - [b] An evaluation of the suitability of the soils present throughout the site for various components of community development, as applicable for the proposed development, including sewage effluent disposal, sewage lagoons, home site locations with basements, lawns and landscaping, streets and parking lots.
 - [c] A compilation and analysis relative to the effect of the proposed planned residential development with respect to the impact upon existing and proposed public facilities, utilities and roadway systems. This includes a compilation and analysis of the costs to the Township and the projected revenue in comparison with the existing conditions and anticipated conditions if the development is created by conventional methods.
 - [d] The report shall address the Comprehensive Plan, the Sewage Feasibility Plan and any other official plans or studies of the Township, and shall

indicate areas of departure from and areas of compatibility with such official plans.

[e] A community impact analysis relative to the effect of the planned residential development upon the Township setting forth the following:

[f] A comparison of costs to the Township versus the revenue to the Township produced by the development.

[g] Market analysis data that estimates potential market demand for various types of housing in the area of the proposed development.

[h] A statement or schedule setting forth the modifications/deviations from the Township land use regulations otherwise applicable to the subject property.

[2] Present zoning of the tract and adjacent properties.

[3] A written statement describing the natural features of the tract including, but not limited to, an analysis of the hydrology, geology, soils, topography, and vegetation and such plans as are necessary to illustrate the existing features.

[4] A listing of all proposed dwelling unit types, approximate square footage figures per unit, number of bedrooms, and structure types; a listing of all nonresidential structures with approximate square footage figures.

[5] A description of the use and improvement of common open space throughout the tract, and the means by which the landowner will guarantee its continuity and maintenance.

[6] The plotting of all existing landmarks within the proposed development including the location of all existing streets, buildings, easements, rights-of-way, sanitary sewers, water mains, storm drainage structures, and watercourses.

[7] The ratio of vehicle parking spaces to dwelling units proposed.

[8] A statement describing proposed lighting, sewerage, water, electric, gas, telephone, cable television and refuse removal.

[9] A master utility plan including such drawings and documents as are required to establish the feasibility of proposals for water supply and the disposal of sanitary wastes, the substance of covenants, grants or other restrictions proposed to be imposed upon the use of the land, buildings and structures including easements or grants for public utilities to include, where applicable, the following:

[a] Appropriate sewer authority. An acknowledgment of intent to provide service to the planned residential development and approval of the proposed points of connection and general location of mains and service laterals. Requirements for improvements to existing infrastructure and terms and conditions for easements shall be determined.

[b] Appropriate water authority or company. An acknowledgment of intent

to provide public water service to the planned residential development and approval of the proposed points of connection and general location of mains and service laterals. Requirements for improvements to off-site infrastructure and terms and conditions for easements shall be determined.

[10] A master traffic impact study in accordance with such traffic impact study regulations as are set forth in Chapter 390, Subdivision and Land Development, or incorporated by reference at time of application. A master plan of proposed on and off-site traffic improvements which is coordinated with the project phasing plan shall be prepared and submitted as part of the study.

[11] A master stormwater management plan and report which demonstrates the overall stormwater management concept for the project. Preliminary design of proposed major facilities and off-site improvements shall be described in sufficient detail to ascertain their feasibility and general compliance with applicable standards. Design standards shall be in accordance with Chapter 365, Stormwater Management.

[12] A master landscape planting plan depicting the principal landscape plantings, i.e., buffers, street trees, natural areas or specimens to be preserved or augmented.

C. Requirements for final approval.

- (1) All parts of the application for tentative approval shall be submitted. All maps, plans, drawings, and written material shall be revised according to the official written communication granting tentative approval. Revisions shall be noted and dated on all exhibits.
- (2) All additional maps, plans, drawings, agreements, approvals and other items required by the official written communication granting tentative approval shall be submitted.
- (3) The site plans shall include the following:
 - (a) Source of title to the land of the planned residential development as shown by the records of the Monroe County Recorder of Deeds.
 - (b) Lot lines with accurate bearings and distances; distances to be to the nearest hundredth of a foot and proposed survey monumentation.
 - (c) Acreage of all lots.
 - (d) Accurate dimensions and bearings and distances of any property to be dedicated or reserved for public, semipublic, or community use, including street center lines and street rights-of-way lines.
 - (e) Accurate tract boundary lines with dimensions and bearings closing with an error of not more than one foot in 10,000 feet.
 - (f) Accurate distance to the intersection of the center lines of the nearest established street intersection or official monument.

- (g) Complete curve data for all lot line, tract boundary line, street center line and street right-of-way line curves within the development. Curve data shall include radius, arc, tangent, angle of deflection, and chord bearing and distance.
 - (h) Certification, with seal, by a registered professional to the effect that the plan is correct.
 - (i) A certificate, duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the landowner of the property, to the effect that the planned residential development shown on the final plan is the act and deed of the landowner, that he is the owner of the property shown on the survey and plans, and that he desires the same to be recorded as such.
 - (j) Certification of the offer of dedication of applicable required improvements.
 - (k) A certificate for approval by the Township Commissioners.
 - (l) A certificate to accommodate the recording information.
 - (m) Certification with seal, by a registered professional permitted to design storm drainage facilities within the Commonwealth of Pennsylvania that the storm drainage facilities designed are in conformance with the Township regulations.
 - (n) A notation describing any public uses, streets, drives or common open spaces which are not to be offered for dedication to the public, in which event the title to such areas shall remain with the landowner, and the Township shall assume no responsibility for improvements or maintenance thereof.
- (4) A lighting plan with the location and size of all street, parking compound, recreational and open space lighting fixtures whether freestanding or affixed to buildings, including the delineation of isolux lighting lines at increments of 0.2, 0.5 and 1.0 footcandle for each fixture, as applicable, and construction details, manufacturer's specifications, elevations, materials and colors for each type of lighting fixture proposed.
- (5) A planting plan for the development, except for single-family detached and semidetached lots to be sold to individual owners. The planting plan shall include the identification and location of the following information:
- (a) All pertinent information regarding the general site layout, existing man-made and natural features on the tract, proposed grading, existing vegetation to be retained and other conditions affecting proposed landscaping.
 - (b) Proposed plantings, including shade trees, designated by symbols appropriately scaled to represent the sizes of such at time of planting. Planting beds shall be shown by a clearly delineated border outline. Identification of all proposed plantings shall be numerically quantified and keyed to the planting schedule by the first letters of each plant's botanical name.
 - (c) A planting schedule shall be provided for all proposed plantings, including botanical and common plant names, identification key, total quantity, size (height, width and caliper) at time of planting based on American Association of Nurserymen increments and minimum size of maintenance after a three-year

growth period.

- (d) Details and specifications for all proposed plantings, topsoiling, seeding and mulching, including notes regarding special maintenance requirements temporarily during the period of establishment, or permanently, and the limits of any such special maintenance areas.
 - (e) Proposed buffering, screening, walls and fences, including construction details, cross sections, elevations, manufacturer's specifications, materials and colors for same.
 - (f) Proposed walkways, paths, common open space and recreation areas and facilities, ponds, common mailboxes, solid waste and recycling storage facilities. Construction details, cross sections, elevations, manufacturer's specifications, materials and colors for all of the above items where applicable.
- (6) A signage plan for the development, including construction details, elevations, signage message or content, materials and colors for each type of sign proposed.
- (7) Profile drawings shall be submitted for all streets, storm sewers, water mains and sanitary sewer mains. Generally, the drawings shall be at a scale of 50 feet to the inch horizontally and 10 feet to the inch vertically. Existing and proposed grades shall be shown on each drawing.
- (8) Cross sections, details and specifications shall be submitted for all improvements, including streets, parking lots, curbs, sidewalks, bikeways, recreation facilities, play equipment, lighting, planting, sanitary sewer facilities, water mains and sediment and erosion control facilities.
- (9) Urban design concept diagrams that graphically depict the planning principles expressed in this chapter as such have been applied in the development plan. The diagrams may be prepared at any appropriate scale and should illustrate the planning relationships of the common areas and streetscapes to residential areas, sites for public and semipublic uses, community clubs and facilities, internal and peripheral open space, vistas and focal points, interconnections with the existing street and sidewalk system, buffer areas, and similar features of the plan.
- (10) Declaration of covenants, grants of easements, conditions, and restrictions.
- (a) All deeds for conveyance of property within the planned development shall bind the purchasers to the declaration of covenants, grants of easement, conditions, and restrictions and shall state the requirement of mandatory membership for all owners in the development in the owners' association, if such an association is to be created for the ownership, administration and maintenance of the common open space.
 - (b) Copies of any other restrictions that will run with the land and will become covenants in the deeds of the lots shall be submitted.
- (11) An agreement shall be entered into between the Township and the landowner to cover in detail the improvements required to be constructed as a condition of acceptance of a planned residential development which specifies time limits for the completion of

- required improvements. The items to be covered by the agreement shall include, but not necessarily be limited to, the construction of streets, storm drainage facilities, sanitary sewers, waterlines, street signs, survey markers and monumentation, sidewalks, curbs, off-street parking, streetlights, street trees, fire protection, and common open space improvements.
- (12) Financial security shall be calculated and posted to secure the completion of improvements in accordance with the requirements of Article V of the Pennsylvania Municipalities Planning Code⁹ and the Township Planned Residential Regulations. The financial security shall be released as construction progresses in accordance with the procedure set forth in Article V of the Pennsylvania Municipalities Planning Code. Upon completion of the improvements and acceptance of dedication by the Township of any improvements, the landowner shall post financial security to secure the structural integrity and functioning of the improvements, which have been accepted by the Township in accordance with the requirements of Article V of the Pennsylvania Municipalities Planning Code.
- (13) The proposed location, width, and purpose of all easements.
- (14) A grading plan of the development.
- (15) A clearing and vegetation protection plan showing and identifying the location of all area of the tract to be cleared, all areas of soil disturbance, all areas of topsoil stockpiling during the period of development, all existing vegetation to be retained, details for the methods of vegetation protection during the period of development.
- (16) Pennsylvania Department of Transportation: highway occupancy permits.
- (17) Monroe County Soil Conservation District: approval of soil erosion and sediment control plans.
- (18) Pennsylvania Department of Environmental Protection: sewer and water approval; erosion and sediment control approval (earthmoving).
- (19) Electric company: approval of the location of all electric power lines and easements, if applicable.
- (20) Gas company: approval of location of all gaslines and easements, if applicable.
- (21) Appropriate utility and transmission companies: approval of development around rights-of-way and easements.
- (22) Appropriate railroad company: approval of any proposed grade crossings, utility crossings, rail extensions or alterations.
- (23) Local postmaster: approval of street names.
- (24) Updated traffic impact study pertaining to the phase to be constructed, if applicable.

§ 470-99. Common open space.

- A. Twenty-five percent of the total site area of the PRD shall be allocated to and shall remain common open space. Common open space within the Floodplain District shall be included

within the required common open space; however, the provisions of that district shall apply. Common open space shall be deed restricted to prohibit future subdivision or development, except for recreational or golf course uses that may be permitted with the approval of the Pocono Township Commissioners. Golf courses shall be allowed in the common open space of a planned residential development only if limited to use by the property owners/residents or if the golf course area is not counted toward the minimum required common open space. The common open space shall be provided in the form of internal open space and peripheral open space.

- B. Internal open spaces (Illustrations 1 and 2 below) shall contain a minimum area of 500 square feet and shall be of a distinct geometric shape (generally rectilinear or square) appropriate for use as a public space. Internal open spaces shall function as traditional urban public space, i.e., park, monumental, public gathering or visual. Internal open spaces shall in general be the focus or be spatially enclosed by the buildings that front on the area or front upon the streets bounding the area.
- C. Common open space, particularly peripheral open space areas, containing existing attractive or unique natural features, such as streams, creeks, ponds, floodplains, wetlands, woodlands, specimen trees and other areas of matures vegetation worthy of preservation may be left in unimproved and natural state. As a general principle, the preservation of undeveloped open space in its natural state or as existing farms is encouraged. To the greatest extent possible, common open space shall include all environmentally sensitive areas, including areas with slopes greater than 20%, one-hundred-year floodplains, wetlands, areas of seasonally high water, and other such critical areas. Existing man-made features, such as farmsteads, may be preserved through incorporation in common open space.
- D. Peripheral open space (Illustration 2) areas may be used for public and semipublic recreation purposes with the approval of the Township Commissioners.

Illustration 1 - Community green surrounded by neighborhood development.

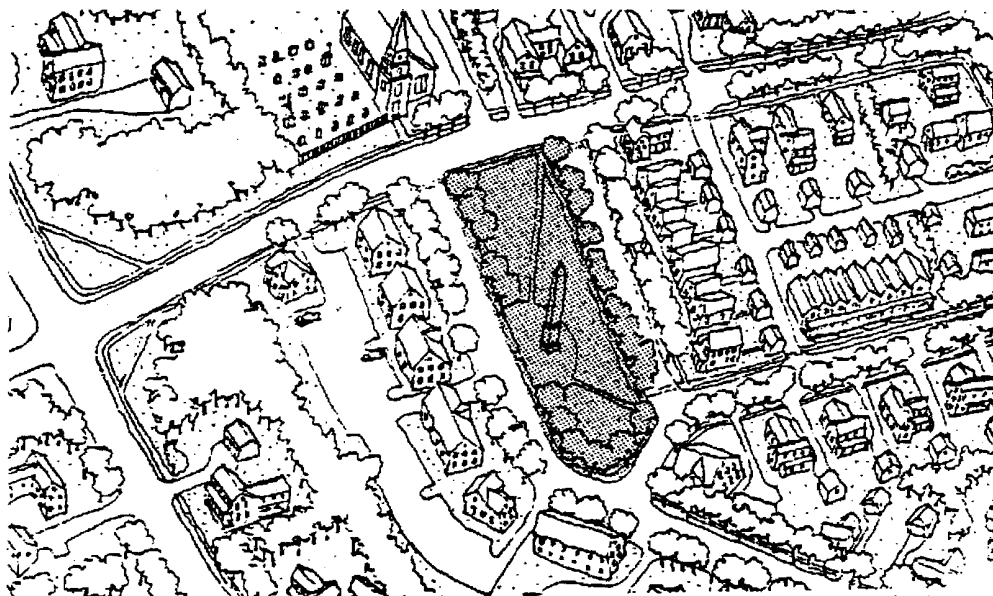
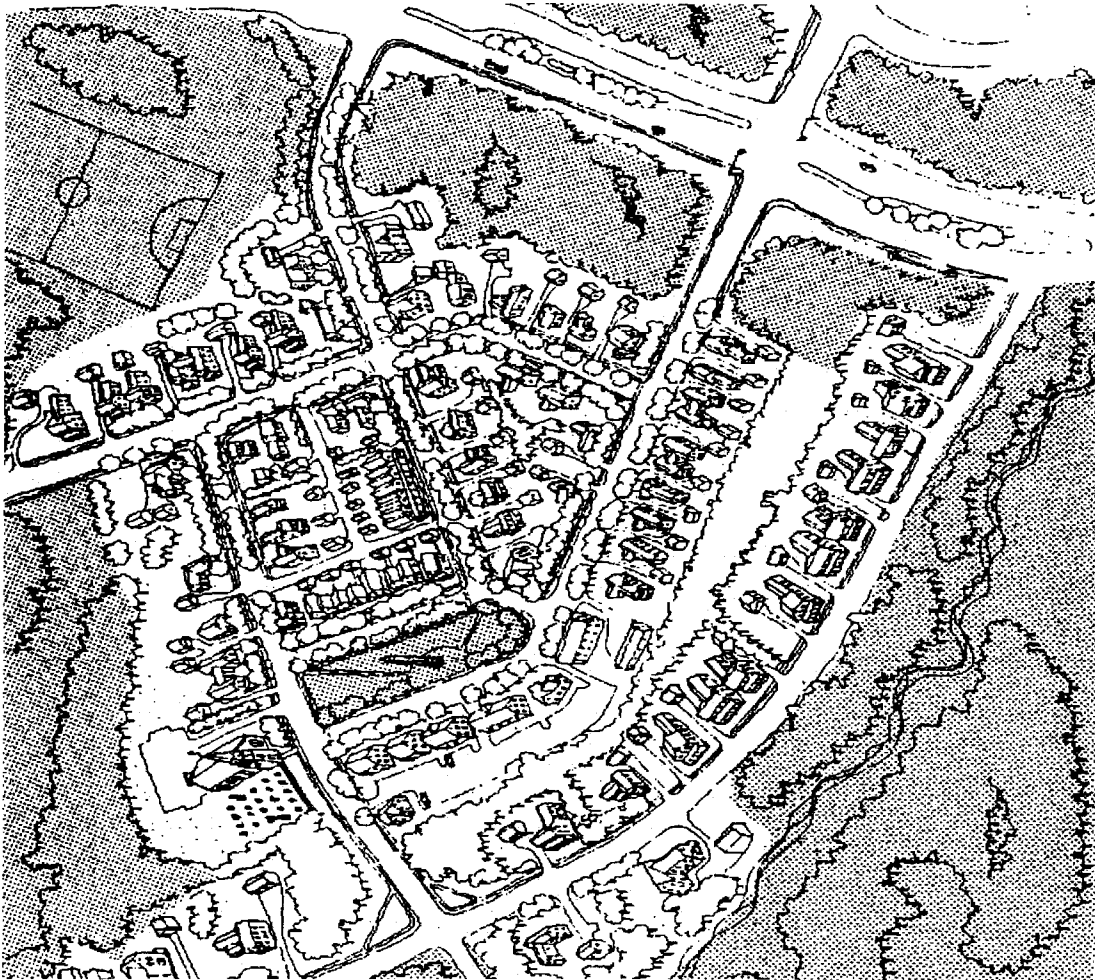


Illustration 2 - Neighborhood development focused on central internal open space

(community green) and surrounded by peripheral open space.



- E. Recreational facilities shall be required to serve the anticipated needs of the residents of the PRD, taking into account the anticipated characteristics and demographic profile of the developments' population, the recreational facilities available in neighboring developments, and the relevant provisions regarding recreational facilities contained in the Comprehensive Plan.
 - (1) Cemeteries may be permitted in both internal and peripheral open space areas with the approval of the Township Commissioners.
 - (2) The buildings, structures, and improvements permitted in the common open space shall be appropriate to the authorized uses and shall conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
- F. The phasing plan of the PRD shall coordinate the improvement of the common open space with the construction of dwellings. At no time in the development of various phases of the PRD may the total area of common open space in the phases developed be less than 25% of the gross area of the developed lands unless additional areas to produce the required percentage are permanently reserved as common open space on the remaining land of the

total development. The location or size of this reserved common open space on remaining land may be altered or changed upon the approval and recording of the development plan of an additional phase of development.

- G. The ownership, administration and maintenance of common open space shall be arranged to be in accordance with one or more of the following:
- H. The Township may accept dedication of common open spaces, or any interest therein, for public use and maintenance, for no consideration to be paid by the Township. The Township shall have no duty to maintain or improve the dedicated common open space unless and until it has been accepted by formal action of the Township. This provision does not preclude future plan modification by the developer.
- I. The landowner may establish a property owners' association made up of the owners of property in the planned residential development, for the purpose of owning, administering and maintaining common open space; provided, however, the association shall not be dissolved nor shall it dispose of the common open space by sale or otherwise (except to an organization conceived and established to own, administer and maintain common open space approved by the Township) without first offering the common open space for dedication to the Township. The property owners' association shall be empowered to levy and collect assessments from the property owners of the PRD to cover replacements, working capital, operating expenses, insurance against casualty and liability, and contingencies.
- J. The landowner may establish a deed or deeds of trust, approved by the Township Commissioners, for the purpose of owning, administering and maintaining common open space, with the Trustee empowered to levy and collect assessments from the property owners of the PRD to cover replacements, working capital, operating expenses, insurance against casualty and liability, and contingencies.
- K. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the developer may transfer the fee simple title in the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the conservation of open space land and/or natural resources; provided that:
 - (1) The organization is acceptable to the Township and is a bona fide conservation organization with a perpetual existence;
 - (2) The conveyance contains appropriate provisions for proper retransfer or reverser in the event that the organization becomes unable to continue to carry out its functions; and
 - (3) A maintenance agreement acceptable to the Township is entered into by the developer, organization and Township.
- L. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents of the PRD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within 30 days thereof, and shall

state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said 30 days or any extension thereof, the Township, in order to preserve the taxable values of the property within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain the same for a period of one year. Said maintenance by the Township, shall not constitute a taking of said common open space, nor vest in the public any rights to use the same. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the PRD, to be held by the Township, at which hearing such organization or the residents of the PRD shall show cause why such maintenance by the Township, shall not, at the option of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready and able to maintain the common open space in reasonable condition, the Township shall cease to maintain said open space at the end of said year. If the Township shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common open space during the next succeeding year, and the decision of the Township shall be subject to appeal to court in such manner, and within the same time limitation, as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code,¹⁰ as amended or supplemented. The cost of maintenance of such common open space by the Township shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Township, at the time of entering upon said common open space for the purpose of maintenance shall file a notice of lien in the office of the Prothonotary of Monroe County, Pennsylvania, upon the properties affected by the lien within the planned residential development.¹¹

§ 470-100. Installation or guarantee of required and promised improvements.

- A. Improvements to be provided by applicant. In all cases, the applicant shall be responsible for the installation of all required and promised improvements in the manner specified below.
 - (1) The Engineer or the Township's designee shall make such inspections of the required improvements, at such intervals, as may be reasonably necessary to assure compliance with the provisions of this chapter. The reasonable cost of such inspections shall be borne by the applicant. The required improvements and the design standards for constructing them are set forth in Chapter 390, Subdivision and Land Development.
 - (2) "Promised improvements" are those which are not required under Chapter 390, Subdivision and Land Development, but which are shown, or by reasonable inference appear, on the final plan.
- B. Method of providing improvement.
 - (1) No planned residential development plan shall receive final approval by the Board of Commissioners unless the streets shown on the plan have been improved to a mud-free and permanently passable condition. As used herein, the phrase "mud-free and permanently passable condition" shall refer to the street design standards and the street

construction standards of Chapter 390, Subdivision and Land Development; provided, however, that phrase shall not refer to the obligation under Chapter 390, Subdivision and Land Development, to install surface course road paving.

- (2) No planned residential development plan shall receive final approval unless the streets shown on the plan have been improved to a "mud-free and permanently passable condition," as that phrase is used above, or unless the applicant by contract and plan notation agrees not to sell, transfer or convey any lot or plot nor seek any building permit until the roads are improved in accordance with the applicable provisions of this chapter. In the event an applicant seeks final plan approval without having begun the road improvements, the applicant shall thereafter submit to the Township detailed plans and specifications for the construction of roads and drainage thereof before commencing any road work.
- (3) Nor shall any planned residential development receive final approval unless all other required improvements (including the surface course road paving) and promised improvements have been installed to the satisfaction of the Commissioners or their authorized designee; provided, however, in lieu of completion of the improvements mentioned in the preceding clause of this sentence, the Commissioners will accept an irrevocable letter of credit from a federal or commonwealth chartered lending institution authorized to do business in the Commonwealth of Pennsylvania or other financial security acceptable to the Commissioners (hereafter referred to as "performance guarantee") accompanied by a signed development agreement in form satisfactory to the Commissioners.
- (4) Where submission of a planned residential development by sections or stages has been approved, the Commissioners may require construction of, or guarantee of, improvements in future sections or stages before granting final approval to the plan under consideration, if such future improvements are essential for the protection of the stage or section under consideration.
- (5) Performance guarantee. The performance guarantee for completion of required improvements and promised improvements shall meet the following requirements:
 - (a) The amount of the financial security to be posted for the completion of all required and promised improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the applicant. Annually, the Township may adjust the amount of the financial security by comparing actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment; the Township may require the applicant to post additional security in order to assure that the financial security equals said 110%. The amount of financial security required shall be based upon an estimate of the cost of completion of the required and promised improvements, submitted by the applicant and prepared by a professional engineer licensed as such in the commonwealth, and certified by such engineer to be a fair and reasonable estimate of such cost. The Board of Commissioners, upon the recommendation of the Engineer, may refuse to accept such estimate for good cause shown. If the applicant and the Board of Commissioners are unable to agree

upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this commonwealth and chosen mutually by the Board of Commissioners and the applicant. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant; and

- (b) It shall provide for, and secure to the public, the completion of the improvements within one year of the date fixed on the final plan for completion of such improvements; and
 - (c) The obligation shall be in favor of, and enforceable by, the Board of Commissioners of Pocono Township and the ultimate grantees, lessees or licensees of the applicant or developer; and
 - (d) The guarantee shall be secured by the credit of any of the following: the irrevocable letter of credit of a federally or commonwealth chartered lending institution authorized to do business in the Commonwealth of Pennsylvania; a lending or escrow account in such a lending institution; or other financial security acceptable to the Board of Commissioners. The precise form of the security acceptable as a performance guarantee will depend upon what improvements have not been completed when the final plan is submitted; their anticipated cost; whether they are required or promised improvements; and the Commissioners' evaluation of the financial risk of nonperformance.
- (6) Development agreement.
- (a) All applicants proposing any planned residential development requiring the installation of improvements as required herein or promised shall be required to enter into a legally binding development agreement with the Township of Pocono guaranteeing the installation of the improvements in accordance with all Township requirements prior to final approval of the planned residential development. The development agreement (a form of which may be obtained from the Township) shall be in a form suitable for execution by the Board of Commissioners and it shall consist of the following, where applicable:
 - [1] The construction depicted upon the plan in itemized format.
 - [2] Construction of streets with related curbs, street signs, drainage facilities and related improvements.
 - [3] Installation of utility lines.
 - [4] Dedication of streets, transfer of water and sewer lines and easements. In the event public water or sewer lines are offered for transfer to the Township or a municipal authority, there shall be no charge, cost, or payment of any nature imposed upon the Township or municipal authority. In the event streets are offered for dedication to the Township, the applicant shall bear all costs of the Township's inspections before acceptance of the offer of dedication and all costs of document preparation and recording. The Township will only consider offers of dedication of streets or roads during the period of April 15 to October 15 of each calendar year.

- [5] Prevention of erosion, sedimentation and water damage to the subject and adjacent properties.
- [6] The developer's responsibilities for damage to other property.
- [7] A work schedule setting forth the beginning and ending date, and such other details as the Township deems fit and appropriate for the improvements covered by the development agreement.
- [8] The estimated cost of the improvements not yet completed, including a detailed breakdown in a form acceptable to the Board of Commissioners, and the amount of the performance guarantee.
- [9] In the event of the dedication of any improvements, security, in the form of a maintenance bond or escrow deposit, for the repair or reconstruction of improvements which are found by the Engineer to be defective within 18 months from the date of acceptance of dedication, shall be included together with provisions for disbursement thereof. (See Chapter 390, Subdivision and Land Development.)
- [10] Where improvements are intended to be offered for dedication to the Township, prior to the final release of any performance guarantee the applicant shall provide the Township with one Mylar and two prints of "as built" plans prepared and certified by a professional engineer showing the following:
 - [a] Actual location of all concrete monuments, which were set at all angle breaks, points of curvature and tangents around the perimeter of the total tract. When the outside perimeter of a tract falls within or along an existing road right-of-way, then the right-of-way of that roadway shall be monumented at the above reference points.
 - [b] Actual location of all iron pins or drill holes in curbs for all individual lot lines.
 - [c] Actual cul-de-sac radius.
 - [d] Actual location of cartway center line versus right-of-way center line.
 - [e] Actual location of floodplain by elevation and dimension from property line.
 - [f] Actual location and cross section of swales and accompanying easements.
 - [g] Actual horizontal and vertical location of stormwater management facilities, including type and size of storm drainage pipes, and water and sanitary sewer distribution facilities.
- [11] Remedy provisions for violation of the development agreement.
- [12] Provisions requiring that the developer shall secure or maintain public liability insurance for the duration of the installation/construction of the improvements. A copy or other evidence of coverage acceptable to the

Township shall be submitted to the Township.

[13] An indemnification and hold harmless provision to protect the Township from liability.

[14] Following construction, the applicant shall provide the Township with a certified statement prepared by a professional engineer licensed in the Commonwealth of Pennsylvania to the effect that the sanitary sewers, sewage treatment facilities, stormwater management facilities and water supply and distributing facilities comply with the approved plans and have been constructed in accordance with all applicable rules and regulations.

[15] The applicant shall be responsible for all reasonable engineering and legal costs and expenses for inspections, consultations, and preparation of agreements, to the extent that such costs and expenses exceed the monies paid by the applicant in accordance with the Pocono Township standard fee schedule.

- (b) The planned residential development shall not receive final approval by the Board of Commissioners prior to the execution of the development agreement, and the delivery of the performance guarantee.

C. Method of approving required improvements.

- (1) The applicant shall notify the Township Board of Commissioners in writing, with a copy thereof to the Engineer, by certified or registered mail, that the required improvements have been made. Within 10 days of receiving this notice, the Board of Commissioners shall direct the Engineer to inspect all of the aforesaid improvements. The Engineer shall make his inspection and file a report with the Board of Commissioners and mail a copy of the same by certified or registered mail to the applicant within 30 days after receipt by the Engineer of the aforesaid direction to the Engineer from the Board of Commissioners; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Engineer, said report shall contain a statement of the reasons for such nonapproval or rejection.
- (2) Where appropriate, the Township may require that periodic inspections be made of the aforesaid improvements, in which case the developer's failure to comply with that schedule of inspections shall be grounds for disapproval. The developer shall notify the Township of the progress of construction to enable the Engineer to make such inspections.
- (3) The Board of Commissioners shall consider the Engineer's report and notify the applicant within 15 days of receipt of said Engineer's report, in writing, by certified or registered mail, of the action of the Board of Commissioners with relation thereto. If any portion of said improvements shall not be approved or shall be rejected by the Board of Commissioners, the applicant shall proceed to complete the same, and, upon completion, the same procedure of notification, as outlined herein, shall be followed. Nothing herein, however, shall be construed in limitation of the applicant's right to contest or question by legal proceedings or otherwise, any determination of the Board

of Commissioners or the Engineer.

- (4) The Applicant shall reimburse the Township for the reasonable and necessary expenses incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution of the Board of Commissioners.
 - (a) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 10 working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a planned residential development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
 - (b) If, within 20 days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review said expenses and make a determination as to the amount thereof which is reasonable and necessary.
 - (c) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
 - (d) In the event that the Township and the applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of Monroe County, Pennsylvania, shall appoint such engineer, who, in that case, shall be neither the Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five years.
 - (e) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the professional engineer, but otherwise, the Township and the applicant shall each pay 1/2 of the fee of the appointed professional engineer.
- D. Maintenance bond. Where the Commissioners accept dedication of all or some of the required or promised improvements following completion, the Commissioners may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this chapter with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

- E. Remedies to effect completion of improvements. In the event that any improvements have not been installed as provided in this chapter, or in accord with the approved final plan, the Board of Commissioners may enforce any security by appropriate legal and equitable remedies. If the proceeds of such security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Commissioners may, at its option, install part of such improvements in all or part of the planned residential development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.

§ 470-101. Design standards and improvements.

- A. Application. The design standards and requirements outlined in this article shall be applied by the Commissioners in evaluating plans for all proposed planned residential developments.
- B. Natural and historic feature preservation. The Commissioners shall, at their discretion, require that the design and development of all planned residential developments shall preserve insofar as possible, all natural, scenic and historic features, which will add attractiveness by providing parks, adequate open space for recreation, light and air by proper distribution of population thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens and for the harmonious development of the Township. Some of these features are the natural terrain and natural drainage, large trees or groves, watercourses and falls, historic areas and structures, exceptional scenic views and landmarks, and other community assets. Land subject to hazardous conditions such as open quarries, unconsolidated fill, floods, excessive erosion, precipices, and water supply which does not meet adequacy requirements or United States Public Health Service Standards shall not be developed until the hazards have been eliminated or overcome by the proposed development.
 - (1) Soil protection. If required by regulations of the Department of Environmental Protection, an applicant shall submit, as part of the application for final approval, an erosion and sedimentation control plan prepared by a person trained and experienced in erosion and sedimentation control methods and techniques as provided for under Title 25 Rules and Regulations, Chapter 102, issued by the Department of Environmental Protection. Such plans shall be submitted by the applicant to the Monroe County Soil and Water Conservation District for review and recommendation of the District Directors. Two copies of the erosion and sedimentation control plan with any required approval or permit by the appropriate agency shall be submitted to the Township Commissioners with the application for final approval. Regardless of the requirements of the Department of Environmental Protection, if the planned residential development will require excavation or fill, the applicant shall be required to submit an erosion and sedimentation control plan prepared by a person trained and experienced in erosion and sedimentation control methods and techniques.
- C. Water supply and sewage disposal requirements.
 - (1) All planned residential developments shall be served with an adequate water supply and sewage system, either on-lot, public, or private central systems. All such systems shall be acceptable to the Pennsylvania Department of Environmental Protection and the

Board of Commissioners. All residential lots shall contain a suitable area for an on-lot sewage disposal system or be served by an approved central sewage disposal system.

- (2) All suppliers of nonmunicipally owned water and/or sewer services shall be organized in such fashion as to fall within the jurisdiction of the Pennsylvania Public Utility Commission or the applicant shall provide for operation and continuity of services in a manner which is acceptable to the Board of Commissioners. In the event any such central water and/or central sewer system is transferred to the Township or a municipal authority, neither the applicant nor the applicant's assignee shall be entitled to receive compensation or payment therefor, and in no event shall the Township or municipal authority be obligated to accept such system by virtue of the terms of this chapter.
- (3) One copy of all correspondence, supporting documentation, applications for permits, and certificates for operation submitted to the Department of Environmental Protection and/or Pennsylvania Public Utility Commission for the right to provide such services shall be forwarded to the Township as a part of the public record. One copy of the permit and/or certificate of convenience issued by DEP and the PUC authorizing such services shall be forwarded upon receipt to the Township as a part of the public record.
- (4) Plans and specifications for central water and/or sewage systems (i.e., extension of an existing or new proposed utility) shall be prepared by a registered professional engineer well versed in the design of such systems and duly licensed to practice within the Commonwealth of Pennsylvania. A minimum of four complete sets of preliminary plans for such systems shall be submitted to the Commissioners with the application for tentative approval. A minimum of four complete sets of approved plans and specifications shall be submitted to the Commissioners with the application for final approval.
- (5) Four copies of a completed planning module for land development shall be submitted concurrent with, or prior to application for final approval. DEP approval of the module and any required Township Official Sewerage Facilities Plan revision or supplement will be required prior to final approval.
- (6) Public or private central water system. Developers shall provide connection to a public water system where such system is available. Proposed central water systems shall meet the applicable development procedures and requirements of Chapter 390, Subdivision and Land Development, prior to final approval of any section of the planned residential development relying upon such system.
- (7) Central sewers.
 - (a) Developers shall provide sewer connections to a public sewer system if such system is available within 100 feet of the property/developments borders.
 - (b) If a county plan, regional plan, municipal plan or subdivision requirement indicates that construction of sanitary sewers will serve the site within approximately five years, then capped sewers shall be required. When public sanitary sewer systems may not be available within 10 years, then a central sewage treatment and disposal system (commonly called a "package treatment plant") or a central subsurface disposal system shall be installed by the developer.

- (c) Central sewers are required for all developments where the Board of Commissioners determines upon review of competent data and information that on-site soil conditions are unsuitable for on-lot subsurface disposal systems.
 - (d) Design standards, materials, and specifications shall be as outlined in the current Pennsylvania Department of Environmental Protection Sewerage Manual, Publication No. 1, supplements thereto and all other requirements either federal or state necessary to secure the requisite permit from such agencies.
- D. Stormwater drainage. The applicant shall furnish six copies of a stormwater drainage plan and associated calculations to the Commissioners for review and analysis. Said plan shall comply with Chapter 365, Stormwater Management, and shall also meet the Commonwealth of Pennsylvania Title 25, Chapter 102, Department of Environmental Protection requirements for an erosion and sedimentation control plan and any current Act 167 Watershed Study in effect at the time of final plan submittal. The Commissioners shall submit one copy of the stormwater drainage plan to the Engineer for review and comment. Following are additional stormwater drainage planning requirements.
- (1) Lots shall be laid out and graded to prevent cross lot drainage and to provide positive drainage away from proposed building areas. Natural drainage courses shall be maintained. (See Chapter 390, Subdivision and Land Development.) The drainage easements may be incorporated into a lot or established separately and apart therefrom. To minimize sheet flow of stormwater across lots located on the lower side of roads or streets, and to divert flow away from building areas, the cross section of the street as constructed shall provide for parallel ditches or swales or curbing on the lower side which shall discharge only at drainage easements.
 - (2) The existing points of natural drainage discharge onto adjacent property shall not be altered nor shall the rate of water runoff be increased because of development without the written approval of all affected landowners.
 - (3) No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without complete approval of provisions being made by the developer for properly handling such conditions, including water runoff impoundments, if necessary.
 - (4) Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the runoff that occurs from all the property at a higher elevation in the same watershed in its current state of development.
 - (5) Where a planned residential development is traversed by a watercourse there shall be provided a drainage easement conforming substantially to the line of such watercourse of such width as will be adequate to preserve the unimpeded flow of natural drainage.
 - (6) Drainage structures that are located on state highway rights-of-way shall be approved by the Pennsylvania Department of Transportation, and a letter from that office indicating such approval shall be directed to the Township Commissioners prior to final approval.

- (7) All streets shall be so designed as to provide for the discharge of surface water from their right-of-way.
- (8) All proposed surface drainage structures shall be included on the drainage plan of the tentative plan submittal. All final stormwater management design must be included in the final plan submittal for any particular phase.
- (9) Interceptors for stormwater runoff along streets shall be so spaced and so designed to intercept 80% of the peak runoff from the design storm.
- (10) Drainage plans shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials and elevations.
- (11) Whenever storm drains are required by the Board of Commissioners, such storm sewer system shall be separate from the sanitary sewer system. Storm drains or storm sewer facilities may be required in any development situation where the Board of Commissioners determine that surface drainage facilities are inadequate to prevent excessive erosion and lot or road maintenance problems.
- (12) Description of an ownership and maintenance program, in a recordable form, that clearly sets forth the ownership and maintenance responsibilities for all temporary and permanent stormwater management facilities, including the following:
 - (a) Description of the method and extent of the maintenance requirements.
 - (b) When maintained by a private entity, identification of an individual, corporation, association, or other entity responsible for ownership and maintenance.
 - (c) When maintained by a private entity, a copy of the legally binding document which provides that the Township shall have the right to:
 - [1] Inspect the facilities at any time.
 - [2] Require the private entity to take corrective measures and assign the private entity reasonable time periods for any necessary action.
 - [3] Authorize maintenance to be done and lien the cost of the work against the properties of the private entity responsible for maintenance.
 - (d) Establishment of suitable easements for access to storm drain (storm sewer) facilities.

This document shall be recorded by the Township in the Monroe County Recorder of Deeds office upon issuance of a permit.
 - (e) Drainage easements shall be provided adjacent to street rights-of-way as indicated and required by the drainage plans.
 - (f) Drainage easements a minimum of 10 feet in width shall be provided along side and rear lot lines. Such easements shall immediately adjoin such lot lines.
 - (g) Storm facilities not located within a public right-of-way or private road right-of-way or as stated in Subsection D(12)(e) and (f) above shall be centered within an easement having a minimum width of 18 feet plus the top width of a swale or

outside diameter of a pipe, or 20 feet, whichever is greater.

- (h) Appropriate easements to enclose and permit access to all detention and retention facilities shall be provided.

E. Streets.

- (1) Access to proposed planned residential developments. All proposed planned residential developments shall have adequate access to the public highway system. Existing private roads providing access to proposed planned residential developments shall have adequate right-of-way width and be adequately designed and constructed to provide safe and convenient access to the proposed planned residential development. The Board of Commissioners, upon review and report and recommendation of the Engineer, shall determine the adequacy of such existing private access roads and may require such improvements as they find necessary to provide safe and convenient access to the proposed planned residential subdivision prior to final plan approval, or may disapprove the submitted plans if such existing private roads cannot be improved to provide safe and convenient access.
- (2) Streets and topography. Proposed streets shall be adjusted to the contour of the land so as to produce usable and accessible lots and streets of reasonable gradient. Proposed streets serving planned residential subdivisions utilizing central sewage facilities or in areas of the Township in which public sewerage systems are proposed shall, to the greatest extent possible, be located such that gravity sewers can be utilized and the necessity of pumping stations minimized.
- (3) Street continuations.
 - (a) Rights-of-way of proposed streets shall be extended to exterior property lines to ultimately provide access to adjoining lands. They shall be designed in conformance with the design requirements of a street, and the contiguous parcels must contain proper setbacks and sight distances.
 - (b) The area within the future right-of-way shall be included within the deeds to the abutting lots with an easement in favor of the Township and landowners of the land into which the future right-of-way will extend to permit the use of the future right-of-way for public street purposes should the adjoining lands be developed. Reserved rights-of-way are permitted only when they will be no longer than the depth of one lot, and will not be the primary means of access to any lot or dwelling unit. For lengths longer than one lot, a fully constructed stub street and temporary cul-de-sac are required.
 - (c) The landowners of the lots in which the future right-of-way is included shall have the duty to maintain the area included within the future right-of-way and this duty shall be indicated in a note on the final plan and in all deeds to such lots. However, the landowners of the lots in which the future right-of-way is included shall have no obligation concerning the improvement of such future right-of-way for street purposes.
 - (d) Wherever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided or developed the remainder of said street or

alley to the required width shall be platted within the proposed development where this would not adversely affect the proposed planned residential development. Where the planned residential development abuts or contains an existing municipal or private street of inadequate right-of-way width, additional right-of-way width in conformance with Chapter 390, Subdivision and Land Development, Table 390-48.1, Minimum Design Standards by Type of Road, shall be required in the case of land abutting a municipal street, or additional setback and easement for right-of-way shall be provided in the case of land abutting private streets. The extension of existing streets or alleys which are presently constructed with a cartway different from current Township standards shall be provided with a transition area, the design of which is subject to review and recommendation by the Engineer and approval by the Commissioners.

- (4) Intersections.
 - (a) The center lines of streets shall intersect as nearly at right angles as possible. Intersections of more than two streets at one point shall be prohibited. Where streets intersect other streets, offsets shall not be created. The minimum offset or distance between center lines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be 150 feet for minor and local access streets, 400 feet for collector and connector streets and 800 feet for arterial streets. (See Chapter 390, Subdivision and Land Development.)
 - (b) At intersections of streets and/or alleys, the property line shall be rounded by arcs with radii of not less than 25 feet. For streets other than minor and local access streets, the Township may require a larger radius.
 - (c) Minimum safe sight distance in accordance with the requirements of Chapter 390, Subdivision and Land Development, shall be provided at all intersections.
- (5) Arterial and connector street frontage. Where a planned residential development abuts or contains an existing or proposed major traffic street or a railroad, the Board of Commissioners may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street, and separation of local and through traffic. (See Chapter 390, Subdivision and Land Development.) The required buffer strips may be provided by establishing an easement on lots or may be established separately and apart therefrom.
- (6) Street right-of-way and travel-way widths. Minimum street right-of-way widths, measured from the lot lines and minimum pavement widths shall be as required by Chapter 390, Subdivision and Land Development.
- (7) Easements. Easements shall be provided adjacent to street rights-of-way as follows:
 - (a) Drainage easements shall be provided as indicated and required by the drainage plans.
 - (b) Slope easements shall be provided as indicated by the required cuts and fills.
 - (c) Utility easements a minimum of 10 feet in width shall be provided.

- (8) Curbs, gutters and/or drainage swales. Curbs and gutters and/or drainage swales shall be provided when they are needed to facilitate proper drainage.
- (9) Street alignment.
 - (a) Streets shall be so laid out that there will be unobstructed sight distances along the center lines thereof. Minimum horizontal sight distances shall be as set forth in Chapter 390, Subdivision and Land Development, measured from a point 3.75 feet above the road surface to a point six inches above the road surface.
 - (b) Between reversed curves on arterial streets, a tangent of not less than 200 feet shall be provided; on connector and collector streets such a tangent shall be not less than 100 feet.
- (10) Street grades.
 - (a) Center-line grades shall not exceed the grades set forth in Chapter 390, Subdivision and Land Development.
 - (b) Vertical curves shall be used at changes of grade exceeding 1% and shall be designed in accordance with American Association of State Highway Transportation Officials (AASHTO), as revised.
 - (c) A leveling area for all street intersections shall be provided as follows:
 - [1] The tangent grade of the through street at the point of intersection of the center lines of the two streets shall not exceed 8%. Crest and sag vertical curves shall be provided in accordance with Subsection E(10)(b). The point of vertical curvature or tangency shall not be within the connecting street right-of-way.
 - [2] The tangent grade of the connecting street(s) shall not exceed 4% within the right-of-way lines of the through Street. Crest or sag vertical curves shall be provided in accordance with Subsection E(10)(b). The point of vertical curvature or tangency shall not be within the through street right-of-way.
 - (d) The maximum grade across the turnaround in a cul-de-sac shall not exceed 4%.
 - (e) To provide for adequate drainage, the minimum grade of any paved street gutter shall be not less than 1/2 of 1% and 1% being the acceptable minimum center-line grade of any street.
- (11) Clear sight triangle. At an intersection, a triangle area shall be graded and/or other sight obstructions removed in such a manner as not to obscure vision between a height of from two feet to 10 feet above the center-line grades of the intersecting streets. Furthermore, by deed restriction, by lease restriction, or by plan covenant or amendment, whichever method is applicable, vegetation shall not be planted or allowed to grow in such a manner as to obscure vision between a height of from two feet to 10 feet above the center-line grades of the intersecting streets. Such triangular area shall be determined by the intersecting street center lines and a diagonal connecting two points, one at each street center line, each of which points is:
 - (a) One hundred fifty feet from the intersection of such street center lines if either street is an arterial street.

- (b) One hundred feet from the intersection of such street center lines if either street is a collector or connector street.
 - (c) Seventy-five feet from the intersection of such street center lines if both streets are minor or local access streets.
 - (12) The Commissioners recognize that the preceding subsections of this section are not applicable in all circumstances because of unusual topography or lot layout and will consider deviations or variations therefrom on an individual basis (such as divided cartways or one-way loop streets), provided the basic purpose and intent set forth in Subsection E(1) is complied with. In granting a request for such a modification the Commissioners may impose such requirements and conditions, as they deem fit and proper.
 - (13) Guide rail. Streets shall be designed to preclude or minimize the need for guide rail. The Township may, however, require guide rail to be placed for protection on embankments when a barrier is indicated as warranted in Pennsylvania Department of Transportation Design Manual Part 2 Highway Design January 1990 edition, as amended. The design and selection of guide rail shall generally be in accordance with the standards in Design Manual Part 2 Highway Design, January 1990 edition, as amended; however, the Township shall approve all guide rail systems.
 - (14) Street name signs. Street name signs shall be supplied and installed by the developer at all intersections and their design shall be approved by the Township. All signing shall identify both intersecting streets. Regulatory signs shall be supplied and installed by the developer at all locations identified by a traffic circulation study prepared by the developer. Standard traffic signs shall be approved by the Township, and shall be supplied and installed by the developer in accordance with Township regulations; Pennsylvania Department of Transportation Publication 68, Official Traffic Devices; and the MUTCD, Manual on Uniform Traffic Control Devices, FHWA.
- F. Steep slope areas. The purpose of steep slope regulations is to conserve and protect those areas having steep slopes from inappropriate development and excessive grading; to prevent potential dangers caused by erosion, stream siltation, and soil failure; and to promote uses in steep slope areas that are compatible with the preservation of existing natural features, including vegetative cover, by restricting grading of steep slope areas.
 - (1) Definition of steep slope area.
 - (a) "Steep slope area" is defined and established as those areas having an original, unaltered slope of 20% or greater. The establishment of slopes shall be made by a topographic survey performed by a registered surveyor, or other means acceptable to the Township.
 - (b) Isolated pockets of steep slopes containing less than 2,000 square feet of surface area shall be exempt from the provisions of this section, unless they are a portion of all steep slope areas within the lot or property where the sum of all steep slope areas exceed 2,000 square feet.
 - (2) Restrictions and requirements.
 - (a) No more than 35% of the original ground cover within any designated steep slope

area on the property may be disturbed by grading, filling or other means. At least 65% of the original ground cover must remain undisturbed during the establishment, alteration or maintenance the property.

- (b) No more than 50% of the required minimum lot area of proposed lots, as established by the underlying zoning district regulations, may be comprised of steep slope areas.
- (c) No grading, filling or other alteration of the original undisturbed slopes on a property may be performed with the intent to circumvent the provisions of this section. Unauthorized grading performed within a steep slope area in order to circumvent these regulations shall be considered a violation of this chapter.
- (d) All planned residential plans shall include a delineation of the steep slope areas, as defined herein. This information may be shown on a sheet not being recorded with the final plan.
- (e) The final plan shall be recorded with a steep slope easement. The easement shall be comprised of at least 65% of the total existing area and located within the original boundaries of the steep slope area. Allocation of the easement should be made as evenly as possible throughout the lots to allow each lot adequate room for additional grading, accessory structures, etc.
- (f) The final plan shall note that no structures shall be located within the easement; and that no excavation, grading, filling or other disturbance of the existing ground cover is permitted within the easement.
- (g) All deeds for lots created by subdivision and all land developments to which the provisions of Chapter 390, Subdivision and Land Development, are applicable shall contain language detailing the easements' location and the restrictions imposed.

G. Wetlands.

- (1) The applicant shall submit a wetland study in duplicate with the submittal of all planned residential plans. The purpose of the study shall be to determine the presence and extent of wetlands of the site.
- (2) The study shall be performed by a qualified wetland scientist or other individual whose work is accepted by appropriate federal and state agencies. Qualified individuals should possess a minimum of a bachelor's degree in biology, botany, zoology, ecology, or environmental sciences.
- (3) Wetlands delineations should follow the procedures outlined in the then-applicable Federal Manual for Identifying and Delineating Jurisdictional Wetlands, and any subsequent amendments or superseding documents.
- (4) For sites on which no wetlands occur, an abbreviated report may be submitted. The abbreviated report should contain the introductory material, the methods section and a discussion of the result of the study.
- (5) All subdivision plans shall contain notes for future lot owners. The wetland boundary on each lot will be clearly marked. Each lot which contains wetlands, or to which access

may be restricted by wetlands, shall have a note which states that federal and state laws require permits for all activities which result in a deposition of fill into delineated wetlands. The note shall also state that refusal of such a permit may restrict some uses of all or portions of the lot.

- (6) Compensatory mitigation projects required as part of federal or state permits shall be shown on the planned residential plans. Future lot owners whose property encompasses all or part of a mitigation area shall be notified that the portion of their property which includes the mitigation area may not be altered, and is considered a jurisdictional wetland by the federal and state governments. Lot owners may be responsible for maintenance of mitigation areas. In order to help ensure the long-term viability of wetland mitigation efforts, the Township discourages multiple ownership of mitigation areas. Ownership by one individual or a homeowners' association is encouraged. Owners of the wetland mitigation areas must be clearly identified to the Township.
- (7) Where the study shows the existence of wetland areas, the delineated boundary shall be properly fenced off to prevent encroachment. Snow fence or other acceptable material shall be used (the use of silt fence is not acceptable). The fence shall be properly installed, at a minimum distance of 20 feet outside the delineated boundary, prior to any construction or issuance of building permits. No land shall be disturbed within 20 feet of the outer limit of the wetland boundary. The fence must be properly maintained until all occupancy permits have been issued and/or for the extent of all construction. This is to be commonly known as the "required wetland buffer."

§ 470-102. Site design standards.

All planned residential developments shall conform to the following site design standards:

- A. Residential uses. Residential uses and areas shall be designed in accordance with the following:
 - (1) Dwelling units and other structures shall not be located within 75 feet of any development property lines.
 - (2) Dwelling units shall not be located within 20 feet of any street right-of-way line or parking areas (including private access streets).
 - (3) Multifamily dwelling units shall contain a maximum of eight dwelling units in any one cluster; provided, however, that the foregoing limitation shall not apply where the structure is a Type I-A, I-B, II-A or II-B as set forth in the Building Code and fire protective measures are designed and constructed for said building in accordance with the provisions of Chapter 9 of the Building Code in which case the number of dwelling units in a multifamily building may not exceed the maximum number of units set forth in § 470-96B(1) and (2). In all other instances the maximum of eight dwelling units in any one cluster may be modified where: **[Amended 8-6-2012 by Ord. No. 2012-04]**
 - (a) A modification request is submitted by the applicant, the Township may, due to site conditions or unusual building design, allow additional units with an absolute maximum of 16 attached dwelling units in any one building.
 - (b) Modifications to allow the additional attached dwelling units may not be granted

to more than 25% of the total multifamily dwelling unit building submitted in each section or phase.

- (4) Multifamily Attached dwelling unit clusters shall not be located within 75 feet of any other residential structure.
 - (a) When a modification request is submitted by the applicant, the Township may, when unusual topography or site conditions justify the request, reduce this separation requirement to 50 feet.
 - (b) Modifications to reduce separation may not be granted to more than 50% of the total multifamily dwelling unit buildings being submitted in each section or phase.
- (5) No detached dwelling unit shall be within 50 feet of any other detached dwelling unit.
 - (a) When a modification request is submitted by the applicant, the Township may, when unusual topography or site conditions justify the request, reduce this separation requirement to 30 feet.
 - (b) Modifications to reduce separation may not be granted to more than 25% of the total detached dwelling units being submitted in any section.
- (6) Each dwelling unit in any planned residential development shall have the following minimum habitable floor area:
 - (a) One-bedroom units: 600 square feet.
 - (b) Two-bedroom units: 800 square feet.
 - (c) Three-or-more bedroom units: 1,000 square feet.
- (7) For the purpose of determination of habitable floor area, any room other than a living room, dining room, kitchen, bath or closet shall be deemed a bedroom.

B. Cul-de-sac streets.

- (1) Cul-de-sac streets, permanently designed as such, shall not exceed 800 feet in length nor be less than 250 feet in length, and shall furnish access to not more than 18 dwelling units. The length of a cul-de-sac street shall be measured from the point of center-line intersection with an approved through street that has an alternate access to an existing public road, to the center-line point of radius of the cul-de-sac curve.
- (2) Cul-de-sac streets shall terminate in a circular right-of-way with a minimum diameter of 100 feet, and 80 feet diameter to the outer pavement edge or curbline.
- (3) The circular right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an easement arc having a radius of not less than 30 feet.
- (4) The circular paving of the cul-de-sac shall be connected to the approach paving by an easement arc having a radius of not less than 40 feet. (See Chapter 390, Subdivision and Land Development.)
- (5) The Board of Commissioners recognizes that geometric configurations other than that set forth in Subsection B(1), (2), (3) and (4) above may function satisfactorily and, upon recommendation of the Commissioners, will consider a request for a modification of the

requirements under appropriate circumstances.

- (6) Temporary cul-de-sac streets shall not exceed 1,000 feet in length.
 - (7) Any street, which is terminated for access to an adjoining property or because of authorized stage development shall be provided with a temporary, all-weather turnaround paved in accordance with Township specifications. The use of such turnaround shall be guaranteed until such time as the street is extended. The developer who extends a street that has been provided with a temporary turnaround shall remove the temporary turnaround and restore the area of temporary turnaround.
- C. Off-street parking. Every type of residential land development or subdivision shall provide off-street parking space for at least two vehicles for each proposed dwelling unit. Such off-street parking spaces may be in an individual garage, carport, or driveway or in a common parking area convenient to the dwelling units to be served and shall be installed concurrently with the construction of the dwelling units.
- D. Driveways.
- (1) Driveways shall not be permitted to have direct access to arterial, connector or collector streets unless authorized by the Township and/or the Pennsylvania Department of Transportation through issuance of a highway occupancy permit. Access should be provided to the street of lesser classification when there is more than one street classification involved. Driveways shall not interfere with the normal traffic movement or be inconsistent with the design, maintenance or drainage of the street. Driveway locations shall be delineated on all plans for final approval; however, the plans may delineate location or provide a notice of conformity to this specification.
 - (2) Future driveways, which are to be constructed adjacent to a street intersection, shall be indicated on the tentative and final plans. The minimum distance between a driveway or point of access to a street shall be as follows:

Planned Residential Development	Distance Between Center Line Driveway and Nearest Intersecting Road by Type of Intersecting Road		
	Arterial (feet)	Collector and Connector (feet)	Minor (feet)
Residential	150	100	100

NOTE: Nearest intersecting street shall be construed as being on the same or the opposite side of the street on which the lot is located.

- (3) Single-family residential driveways shall be a minimum of three feet from any property line. The minimum width at the street right-of-way shall be 10 feet and the maximum width at the street right-of-way shall be 20 feet. The number of driveway entrances per dwelling shall be one. The Board of Commissioners may grant additional driveway entrances if severe topographic conditions exist and the width of the lot exceeds 150

feet at the street right-of-way. Driveways constructed in areas where sidewalks are provided shall have a concrete apron between the curb and edge of the sidewalk toward the dwelling. This apron shall be constructed in accordance with any applicable Township specifications and shall consist of six inches of concrete on a four-inch stone base.

- (4) Nonresidential and multifamily use driveways shall be a minimum width of 12 feet and maximum width of 24 feet at the street right-of-way line. The driveways shall be a minimum of 10 feet from the property line. One driveway shall be permitted and the Board of Commissioners may grant additional driveways if the width of the lot at the street right-of-way exceeds 150 feet in width. Notwithstanding the foregoing, an additional means of access shall be permitted as an emergency access if required by Chapter 390, Subdivision and Land Development.
 - (5) Common driveways are prohibited unless a modification of this section is granted by the Board of Commissioners. When common driveways are permitted, an access and maintenance agreement shall be provided in the deeds of the lots having use of the driveway. The agreement shall be in a form acceptable to the Township Solicitor.
- E. Sewage and water systems. All sewage disposal and water supply systems proposed to serve said developments shall comply with the Pennsylvania Department of Environmental Protection requirements or the requirements set forth in Chapter 390, Subdivision and Land Development.

§ 470-103. Construction standards.

- A. Application. The minimum improvements required for all planned residential developments shall be provided by the applicant as set forth in this section. Additional or higher-type improvements may be required in specific cases where, in the opinion of the Board of Commissioners, they are necessary to create conditions essential to the health, safety, morals, and general welfare of the citizens of Pocono Township and to protect the environment of the Township.
- B. Summary of required improvements. Chapter 390, Subdivision and Land Development, specified the required improvements for various types of subdivisions and land developments. Chapter 390, Subdivision and Land Development also sets forth the construction standards for several of the required improvements. Other construction standards shall be evaluated and approved by the Engineer.
- C. Monuments and markers. Monuments and markers shall be placed so that the center or a scored or marked point shall coincide exactly with the intersection of the lines to be marked.
 - (1) Monuments shall consist of either:
 - (a) Solid steel rods not less than 1/2 inch in diameter or less than 24 inches in length, centered in a cylinder of concrete, not less than nine inches in diameter nor less than 48 inches in depth, poured in place; or
 - (b) Steel pipes not less than 3/4 inch in diameter or less than 24 inches in length, centered in a cylinder of concrete not less than nine inches in diameter nor less than 48 inches in depth, poured in place; or

- (c) Precast (i.e., manufactured) reinforced concrete monuments measuring not less than four inches by four inches by 48 inches in length; or
- (d) Such other monuments as the Engineer may approve.
- (2) Monuments, including the rod or pipe and the concrete, shall be placed flush with the ground.
- (3) Monuments shall not be placed until road grading has been completed.
- (4) Monuments shall be set as follows:
 - (a) One in each quadrant of a street intersection. In the instance of a "T" intersection, one shall also be placed at the lot corner most clearly opposite the intersecting street.
 - (b) One at a lot corner on each side of the street approximately midway through the block when the distance between intersecting streets exceeds 800 feet.
 - (c) One at the intersection of street right-of-way lines with exterior property lines.
 - (d) At all exterior property corners where permanent corners did not exist at the time of the perimeter survey. (Existing corners shall not be removed.)
- (5) Markers shall consist of either;
 - (a) Solid steel rods not less than 1/2 inch in diameter nor less than 24 inches in length; or
 - (b) Steel pipes not less than 3/4 inch in diameter nor less than 24 inches in length; or
 - (c) Such other marker as the Engineer may approve.
- (6) Markers normally shall be set two inches above the surrounding grade.
- (7) Markers shall be set as follows:
 - (a) At all points where lot lines intersect street right-of-way lines, except for monument locations.
 - (b) At all interior lot corners.
 - (c) At such other lot corners as the Engineer may direct.

D. Streets.

- (1) General. Streets (and alleys where provided) shall be graded, improved and surfaced to the grades and dimensions shown on plans, profiles and cross sections submitted by the applicant and approved by the Board of Commissioners.
- (2) Design and construction standards.
 - (a) Clearing and grading. The right-of-way shall be graded to the extent shown on the approved cross section. All trees, stumps, roots and any material deemed unsuitable by the Engineer shall be removed from the subgrade and right-of-way and thereafter the subgrade and right-of-way shall be backfilled and compacted to

the satisfaction of the Engineer.

- (b) Cut and fill. The maximum slope of any earth embankment or excavation shall not exceed one foot vertical to two feet horizontal. The maximum slope of any rock excavation shall not exceed four feet vertical to one foot horizontal. The slope easement as required by Chapter 390, Subdivision and Land Development, shall have sufficient width to contain the entire required slope.
- (c) Drainage.
 - [1] Parallel and cross-drainage facilities shall be properly located, designed and installed to maintain proper drainage of the completed streets. Drainage facilities shall be designed in accordance with the requirements of Chapter 365, Stormwater Management. Proper design and construction in accordance with those requirements may require the use of curb and gutter or paved drainage swales to prevent erosion. The minimum diameter of any cross drainage or culvert pipe shall be 15 inches.
 - [2] Consideration shall be given for subgrade drainage of those soils subject to frost heave {as itemized in Subsection D(2)(d)[1] of this section}. Design of the road bed in such locations may require parallel drainage facilities and/or underdrains to properly stabilize the subgrade. The Board of Commissioners may require that such drainage facilities be provided. The design of such subgrade drainage facilities shall be subject to the review and approval of the Engineer.
- (d) Subgrade, base course, surface course and shoulders.
 - [1] The design and construction of the roadbed shall take cognizance of the supporting capacities of the subgrade, with particular attention to those soils that are subject to frost heave. Unsuitable soils shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the road bed and anticipated loads. The Natural Resources Conservation Service has reported the following soils as having moderate or high potential for frost heave: ALBIA, ALBRIGHTS, ALDENS, BARTLE, BOYNTON, BRACEVILLE, FREDON, MARDIN, MIDDLEBURY, MORRIS, PEKIN, TROY, VOLUSIA, WATSON and WELLSBORO.
 - [2] Base course. Base course aggregate material shall conform in type and be compacted to the depths required by Chapter 390, Subdivision and Land Development, in accordance with the latest specifications of PennDOT (Form 408).
 - [3] Surface course. The bituminous surface course shall conform in type and be compacted to the depths required by Chapter 390, Subdivision and Land Development, and be placed in accordance with the latest specifications of PennDOT (Form 408).
 - [4] Shoulders. Where curbs are not required or provided, shoulders shall be provided (See Chapter 390, Subdivision and Land Development.) Shoulders shall be constructed of the material and compacted to the depth required by Chapter 390, Subdivision and Land Development.

- [5] Alternative designs. Alternative road bed designs may be prepared and will be considered. The alternate design must provide load capabilities equivalent to or higher than the capabilities of the designs set forth above. Alternate designs will be reviewed on the basis of design recommendations of the Asphalt Institute.
 - [6] Parking lanes. Where curbs are required and/or provided for arterial, connector or collector streets, the parking lane (between the travel way and the curb) shall be not less than 10 feet wide and shall be constructed to the same standards as the travel way. Where curbs are required and/or provided for all other classes of streets, the parking lane shall be not less than eight feet wide for minor streets and six feet wide for local and marginal access streets and shall be constructed of the same material and to the same depth as required for shoulders and stabilized by the application of bituminous product.
- (e) Cross section.
- [1] Travel-way and shoulder widths shall conform to the requirements set forth in Chapter 390, Subdivision and Land Development.
 - [2] Shoulder surfaces shall be graded at a slope of 3/4 of an inch per foot away from the paved travel way.
 - [3] The finished paved travel way surface of tangent sections, and curve sections not required to be superelevated, shall be crowned at 1/4 inch per foot away from the center line. Properly superelevated cross sections shall be required on arterial, connector and collector streets when the curve radii are less than 500 feet. The maximum permissible superelevation shall be 0.08 feet per foot.
 - [4] See Chapter 390, Subdivision and Land Development, for typical road cross section.
- (f) Bridges and stream crossings. Bridges and other stream-crossing structures which are part of the proposed street system shall be designed and constructed in accordance with current PennDOT Standards and Specifications. Evidence of compliance with and approval of the Division of Dams and Waterways of the Pennsylvania Department of Environmental Protection and any other applicable governmental agencies or authorities shall be provided, if applicable.
- E. Curbs and gutters. Minimum curb construction standards are as follows:
- (1) Plain cement concrete in accordance with Pennsylvania Department of Transportation standards.
 - (2) Rolled bituminous in accordance with Pennsylvania Department of Transportation standards.
 - (3) The Engineer and/or the Board of Commissioners may require steel reinforcing of cement concrete curbs.
 - (4) Gutter requirements shall be in conformance with good engineering practice and subject to the approval of the Engineer. Gutters and/or drainage swales shall be designed to prohibit erosive velocities and shall be paved if runoff velocities exceed 6.0 fps when

- calculated in accordance with PennDOT Manual Part 2. Velocity calculations shall be placed on the center-line profile drawings or shall be submitted separately with the profiles.
- F. Driveway entrances. Any driveway entrance shall make adequate provisions for parallel drainage facilities.
 - G. Sidewalks. Sidewalks shall be located within the street right-of-way.
 - (1) Sidewalks in planned residential developments shall have a minimum width of four feet. Street crosswalks shall have a minimum width of four feet.
 - (2) The type of construction permitted is as follows: Sidewalks and crosswalks shall be portland cement concrete of at least four inches thick underlain by four inches of compacted cinder, gravel, or crushed stone. Sidewalks at driveway crossings shall be at least six inches thick reinforced and underlain by four inches of compacted cinder, gravel, or crushed stone.
 - H. Street name signs. The developer shall provide the planned residential development with adequate street signs at the intersections of all streets. Sign style and characteristics, i.e., color and lettering, shall be acceptable to the Board of Commissioners.
 - I. Streetlighting. Streetlights may be required when the Board of Commissioners deem them necessary to provide safe traffic circulation. Such lights shall meet design standards established by the Board of Commissioners.
 - J. Traffic signals and signs. Traffic signals and signs shall be required to provide safe traffic circulation. Such traffic signals and signs shall meet design standards as established by the Pennsylvania Department of Transportation in PennDOT Bulletin No. 67.
 - K. Landscaping. In an attempt to preserve and enhance the beauty of the natural forestation of Pocono Township, all new construction should be carried out in a manner that will prevent complete clearing and grubbing of the natural growth of the construction site. Where a planned residential development would be cleared and made substantially devoid of trees, the developer may be required to plant shade trees adjacent to all street rights-of-way. In addition the Board of Commissioners may require landscaping in accordance with the applicable standards below.
 - (1) Type of trees. Trees shall be of nursery stock quality of a species approved by the Township and grown under the same climactic conditions as the area of proposed use. Topography, natural and historical features shall be considered by the developer and the Township in selecting and approving species.
 - (2) Location. In all planned residential developments, trees may be planted along the street right-of-way at some nominal interval between 40 and 100 feet. The location of shade trees will be subject to the approval of the Township. If applicable, trees may be planted between the sidewalk and building line at least three feet from the sidewalk, or between the curb and sidewalk provided the planting strip is a minimum of five feet in width.
 - (3) Planting. Besides conforming to all parts of this section, all planting shall be done in accordance with good nursery and landscape practice.

- L. Ground cover requirements. Exposed ground surface in all parts of the planned residential development shall be paved or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather. The vegetative cover shall not be poisonous in nature.
- M. Sewers and water facilities.
 - (1) Where applicable, sanitary sewers shall be installed to adequately serve all lots with connections to any public or private central system, which might exist, and shall be subject to inspection by the Engineer and approval by the Board of Commissioners. (See Chapter 390, Subdivision and Land Development.)
 - (2) Where the developer provides the planned residential development with a complete water main supply system, the developer may be required to include fire hydrants, and be subject to inspections by the Engineer and approval by the Board of Commissioners. (See Chapter 390, Subdivision and Land Development.)
 - (3) Adequate stormwater drainage facilities shall be installed consistent with designs prepared in accordance with the requirements of Chapter 365, Stormwater Management. Where the conveyance of stormwater and/or the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities, an adequate storm sewer system consisting of inlets and other underground drainage structures with approved outlets shall be constructed.

§ 470-104. Parking design standards.

Required parking in a planned residential development shall be as follows:

- A. Residential off-street parking. Two off-street parking spaces shall be provided for each dwelling unit.
- B. Residential parking access aisles. Parking access aisles in parking areas of more than two spaces shall be a minimum of 24 feet wide for ninety-degree-angle parking, 20 feet for sixty-degree-angle parking and 18 feet for forty-five-degree-angle parking.
- C. Residential parking space size. All residential parking spaces shall be a minimum of nine feet in width by 18 feet in depth.
- D. Residential parking area location. Parking areas containing more than eight spaces shall be located at least 30 feet from adjacent buildings and development streets and be isolated through the use of curbs, sidewalks, shrubs, lawn areas, earth berms, changes in grade or walls.
 - (1) When a modification request is submitted by the applicant, the Township may reduce the separation requirement by 10 feet if unusual topography or site conditions justify the request.
- E. Residential parking design. All residential parking areas containing more than two spaces shall be designed as follows:
 - (1) Parking areas shall be designed so that each vehicle may proceed to and from the space without requiring the movement of any other vehicle.

- (2) In no case shall parking spaces be designed to require vehicles to back into development streets in order to leave a parking space.
 - (3) All parking spaces and parking access drives shall be at least 50 feet from any exterior development property line.
 - (4) A maximum of 16 parking spaces shall be permitted in a continuous row without being interrupted by landscaping. A ten-foot wide landscape island is required for any proposed continuous parking that is to exceed 16 parking spaces in a continuous row.
- F. Maximum number of residential parking spaces. A maximum of 48 parking spaces shall be accommodated in any parking area served by a single parking access drive.
- G. Parking lot lighting. Lighting shall be provided for all parking areas of nine spaces or greater. Lighting 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.

Note: The only proposed changes are to the table column headings 470-107 and 470-108I(1) and (2)

ARTICLE VII
Signs
[Amended 12-4-2017 by Ord. No. 2017-05]

§ 470-105. General conditions.

The following conditions shall apply to all signs:

- A. No sign shall be placed or located in any manner that would create a hazard or endanger the health, safety or welfare of the general public.
- B. No sign shall be placed in such a position that it will cause danger to traffic on a street.
- C. Only authorized official traffic or public utility signs may be erected within or over any street right-of-way.
- D. Official traffic signs are permitted in all districts and shall be in conformity with regulations of the Commonwealth of Pennsylvania.
- E. Public utility signs required in connection with the identification, operation or protection of a public utility are permitted in all districts.
- F. All sign types may be illuminated. Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent rotating or moving light or lights, with the exception of time and temperature signs. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beam and/or illumination therefrom to be directed or beamed upon a public street, sidewalk or adjacent premises so as to cause glare or reflection that constitutes a hazard or nuisance. If signs are externally illuminated at night, all light sources shall be shielded from the view of adjacent lots and roads. [Amended 7-16-2018 by Ord. No. 2018-05]
- G. No sign shall be erected or maintained at the intersection of roads in such manner as to obstruct free and clear vision of the intersection. No sign shall be located within the clear sight triangle, as specified in Chapter 390, Subdivision and Land Development, of any public or private street intersections.
- H. No signage shall be on the roof or above the roofline drip edge of any building. [Amended 3-15-2021 by Ord. No. 2021-03]
- I. Unless stated otherwise in this article, no such sign shall be more than 15 feet in height from the average existing natural grade at the base of the sign, and all such structures shall have an open space of not less than three feet between its lower edge and the ground.
- J. All signs, other than wall signs, shall be self-supporting on their own structure and shall not be attached to trees, utility poles or other like features unless otherwise allowed under this ordinance.
- K. With exception of monument signs located at four-way intersections, no sign shall contain more than two faces, with each face being a backup to the other with an interior angle of no greater than 30°.

- L. All proposed signs in any zoning district along a state or interstate or highway shall obtain PennDOT approval and a permit, where applicable.
- M. The applicant shall provide the Township Zoning Officer a copy of PennDOT's approval of the sign placement prior to sign construction, where applicable.
- N. An application for any sign shall include plans for the size, shape, color, and lighting, manner of display, lettering and placement of any such consolidated or combined signs at any such sign plaza. Any sign erected without all the appropriate permits shall be in violation of this Article VII.
- O. Every sign shall be maintained in safe structural condition at all times.
- P. Must comply with the applicable state and Township building codes, the Uniform Construction Code ("UCC"), as amended as to structural and electrical standards, and all other applicable laws, ordinances, codes, and standards.

§ 470-106. Prohibited signs.

The following signs are prohibited in all zoning districts:

- A. Banners, flags (excluding the United States flag and the flags of levels of government), spinners, pennants, human signs, or any moving object containing a message or not, excluding PennDOT-permitted banners over roadways. **[Amended 3-15-2021 by Ord. No. 2021-03]**
- B. Flashing, blinking, twinkling, animated or moving signs of any type. This restriction specifically includes signs on mobile stands. This shall not prohibit Christmas or other holiday lighting or displays. This shall not prohibit electronic message signs as permitted in § 470-108D.
- C. Signs which emit smoke, visible vapors or particles, sound or odor.
- D. No sign shall be painted directly upon a roof of any building.
- E. No sign shall be erected, used or maintained which in any way simulates official, directional or warning signs erected or maintained by the state, county or Township or by any railroad or public utility or similar agency concerned with the protection of the public health or safety.
- F. Signs placed in, on or affixed to trailers, whose sole purpose is to support a freestanding sign.
- G. The outlining of rooflines, doors, windows or wall edges by illuminated neon light tubing.

§ 470-107. Permitted sign types by zone. [Amended 3-15-2021 by Ord. No. 2021-03]

Permitted Sign Types	R-1 and R-2	RD	C-1, C-2, C-3	CD	I
Freestanding	None	Allowed	Allowed	Allowed	Allowed
Wall	None	Allowed	Allowed	Allowed	Allowed

Permitted Sign Types	R-1 and R-2	RD	C-C-1, C-2, C-3	CD	I
Billboards	None	Allowed	Allowed	None	Allowed
Monument	Allowed	Allowed	Allowed	None	Allowed
Sign plaza	None	Allowed	Allowed	None	Allowed
Window	None	Allowed	Allowed	None	Allowed
Digital and electronic	None	Allowed	Allowed	None	Allowed
Secondary	None	Allowed	Allowed	None	Allowed
Temporary	Allowed	Allowed	Allowed	Allowed	Allowed

§ 470-108. Sign restrictions by zone or type.

- A. Where freestanding signs are permitted, the following restrictions apply:
 - (1) One freestanding sign not exceeding 50 square feet in gross surface area, except in a regional impact development and in the Industrial Zone the maximum permitted size of a freestanding sign is 150 feet gross surface area.
 - (2) If the property fronts upon more than one public road, a freestanding sign not exceeding 24 square feet in gross surface area may be erected on each road frontage.
 - (3) Freestanding signs shall not be placed closer than 25 feet to any property line other than a road right-of-way and shall have an open space of not less than three feet between its lower edge and the ground and not exceed 15 feet in height.

- B. Where wall signs are permitted, the following restrictions apply:
 - (1) Wall signs may be attached to the building walls fronting on each road providing access to the lot. One wall sign may be permitted for each separate tenant in the building. The maximum total gross surface area of all signs on any building wall shall not exceed 50 square foot in total combined gross surface area of any building area. If individual letters or other identifying characters are fastened directly to a wall, the gross surface area of the sign shall be calculated as the smallest rectangle that can encompass all of the letters or identifying characters.
 - (2) For a regional impact development or institutional campus, size restrictions for wall signs are as follows:

The maximum aggregate sign area on a single nonresidential building shall be calculated in accordance with the following table:

Building Facade Area	Maximum Wall Sign Area
0 to 5,000 square feet of facade	The lesser of 8% of building facade including window and door area and cornices to which the wall sign is to be affixed or 300 square feet ¹
5,001 square feet of facade or greater	The lesser of 6% of building facade including window and door area and cornices to which the wall sign is to be affixed or 500 square feet

¹ In the event the maximum area of a wall sign on a single facade calculated in accordance with this schedule is less than 32 square feet, the owner or user of the building in question may erect a wall sign containing up to 32 square feet of wall sign area.

- (3) A single nonresidential building shall be limited to having a sign or signs on no more than three building facades.
 - (4) All wall signs shall be flat against the wall of a building and shall not extend more than 12 inches from the wall.
 - (5) Wall signs shall not be located or erected on the roof area of any building, shall be located only on the building walls and may not project above the building roofline.
 - (6) One additional wall sign is permitted at each point of vehicular access to the property. The gross surface area of this wall sign shall not exceed three square feet for each exposed face.
- C. Where billboard signs are permitted, the following restrictions apply: **[Amended 7-16-2018 by Ord. No. 2018-05; 3-15-2021 by Ord. No. 2021-03]**
- (1) Billboards located along I-80 and S.R. 611 corridors shall have a maximum sign area of 378 square feet, and the sign face must be visible to the traffic travelling along I-80 and/or S.R. 611. Billboards located along any other roadway shall not exceed a maximum sign area of 50 square feet.
 - (2) Billboards shall have a maximum height of 30 feet measured from the roadway surface.
 - (3) The minimum spacing between billboards shall be 300 feet.
 - (4) Billboards are a primary use of land and cannot be an accessory use.
 - (5) Conditional use approval is required.
- D. Where electronic message signs are permitted, the following restrictions apply:
- (1) All messages, images, or displays on a electronic message sign shall not change and shall remain unchanged for a minimum of eight seconds. All messages, images, or displays on an electronic message sign, located along a straightaway, shall not change and shall remain unchanged for a minimum of eight seconds.

- (2) The time interval used to change from one complete message, image, or display shall be a maximum of one second.
- (3) There shall be no appearance of a visual dissolve or fading, in which any part of one message, image, or display disappears simultaneously with the appearance of any part of a second message, image, or display.
- (4) There shall be no appearance of flashing or sudden bursts of light, and no appearance of video motion, animation, movement, or flow of message, image, or display within the sign.
- (5) The intensity and contrast of light levels shall remain constant throughout the sign face.
- (6) Electronic message signs shall be equipped with an automatic day/night dimming software to reduce the illumination of the sign, based on ambient light levels, to be visible without providing glare or distraction to the public. The dimming device shall minimize the illumination used to the lowest level necessary to make the sign conspicuous and visible during both daytime and nighttime hours. In no case shall the nighttime illumination intensity of the sign from one hour after sunset to one hour prior to sunrise exceed 150 nits.
 - (a) The size limitations for electronic message sign. Signs shall be determined by the restrictions that apply by that zone. By way of example, if the electronic message sign is a wall sign, the size restrictions for walls signs in that zone will apply.

E. Where monument signs are permitted, the following restrictions apply:

- (1) One monument sign identifying each main entrance location, displayed toward a street to which it has permitted access. **[Amended 7-16-2018 by Ord. No. 2018-05]**
- (2) The maximum height of the sign shall be 10 feet from the average existing natural grade at the base of the sign.
- (3) Except in R-1 and R-2, the maximum area of the monument sign shall be as follows:

Gross Area of Nonresidential Structure (square feet)	Maximum GSA of Main Entrance Location Sign (square feet per face)	Maximum Letter/Logo/Symbol Size (inches)
0 to 25,000	50	18
25,001 to 50,000	60	24
50,001 to 100,000	80	24
100,001 to 150,000	120	30
150,001 square feet and above	160	36

- (4) Monument signs in R-1 and R-2 shall be permitted on both sides of the entrance to the residential development, and shall not be more than 50 square feet of gross surface area and no more than 10 feet from the average existing natural grade at the base of the sign.

F. Where secondary signs are permitted, the following restrictions apply:

- (1) One secondary sign adjacent to intersecting interior driveways or an interior driveway nearest each building or buildings.

- (2) The maximum height of the secondary sign shall be six feet from the average existing natural grade at the base of the sign.
- (3) The maximum gross surface area of the sign shall be eight square feet per face.
- (4) Secondary signs shall be set back at least 10 feet from any cartway; however, in no case shall said sign be located in such a way to cause a safety hazard.

G. Where sign plazas are permitted, the following restrictions apply:

- (1) Where a number of signs are justified, a sign plaza may be erected wherein signs may be consolidated and confined within a single frame or as a combination of sign panels.
- (2) The maximum size for a sign plaza is as follows:

Structure Size (square feet)	Sign Plaza Size
0 to 50,000	50 square feet gross surface area
50,001 to 99,000	80 square feet gross surface area

- (3) A landscaped island containing shrubs or flowers with a minimum of 32 square feet in area and a minimum of one foot in height is required around all sign plazas. The island shall be formed from materials such as, but not limited to, stone, brick or landscape timbers. The area of the island shall be maintained to keep it free of weeds, debris and brush. A sketch of the sign and island shall be submitted with the zoning permit application for review and approval by the Zoning Officer.
- (4) One of the signs which are part of the sign plaza may be an electronic message sign, provided it complies with the requirements of § 470-108D. The electronic message sign shall not exceed 20% of the sign plaza gross surface area permitted in this section.

H. Where window signs are permitted, the following restrictions apply:

- (1) No more than two window signs are permitted per window at any one time.

I. Where temporary signs are permitted, the following restrictions apply: [Amended 7-16-2018 by Ord. No. 2018-05; 3-15-2021 by Ord. No. 2021-03]

- (1) A property owner may place one temporary sign, at any one time, with a gross surface area of no larger than the following:

R-1 and R-2	RD	C-C-1, C-2, C-3	CD	I
2 square feet	8 square feet	8 square feet	6 square feet	8 square feet

- (2) Special event signs located on properties within the ~~C-C-1, C-2, C-3~~, RD and I Zoning Districts:
 - (a) Must be removed from the property after a period of one week, and shall only be placed on the property once every 21 days; and
 - (b) May only be used on the property four times per year, per business.

- (3) Temporary signage to aid in direction during construction activities may be issued a permit for a maximum of 90 days at the discretion of the Zoning Officer. Temporary signage must be maintained by the sign owner or removed at the request of the Zoning Officer.
- (4) One incidental sign per business shall be permitted, located adjacent to the front entrance of said business.

§ 470-109. (Reserved)¹

§ 470-109.1. Sign setback and spacing requirements.

The following apply to all signs regardless of type or location:

- A. Set back at least five feet from the future road right-of-way for all signs. **[Amended 3-15-2021 by Ord. No. 2021-03]**
- B. Located no closer than 300 feet from a R-1, R-2, or RD Zoning District as measured along the same side of the street.
- C. Shall be erected in conformity with the front, side and rear requirements of the zoning district in which they are located.

§ 470-109.2. Master sign plan requirements.

A master sign plan shall be submitted to the Zoning Officer for all nonresidential developments, lots, sites or structures of one or more uses that utilize or will utilize five or more signs requiring a zoning permit. All signs requiring a zoning permit in a nonresidential development, lot, site, structure or use requiring a master sign plan shall comply with the master sign plan. A master sign plan shall be submitted to the Zoning Officer prior to the issuance of a zoning permit for a sign(s) for each use in a nonresidential development, lot, site or structure requiring a master sign plan. A master sign plan shall include the following information:

- A. A site plan of the lot or site clearly and legibly drawn at a scale of one inch being equal to 50 feet or less, showing the location of all existing proposed and future signs of any type, whether requiring a zoning permit or not, except that incidental signs need not be shown, and their dimensioned setbacks from the front and nearest side property line.
- B. Building elevations drawn to scale of each side of the building on which a sign is located or will be placed showing the sign dimensions and proportions, location of each existing and proposed sign on the building, material, color scheme, lettering or graphic style, and lighting, if any.
- C. Drawings of the planned signs clearly indicating the dimensions of all signs including height above finished grade, lettering, logos and other graphics, colors, materials, texture and method of illumination, if any.
- D. Type and total number of signs proposed, plus any existing signs that will remain, and a computation of the maximum total sign area and the maximum areas for individual signs compare to the signage allowed.
- E. The master sign plan may contain other standards and criteria not regulated by the Township as the property owner or developer may require, such as uniform sign standards.

- F. Additional submittals or amendments to the master sign plan will be necessary as changes to a sign(s) in a qualifying nonresidential development, lot, site structure or use(s) occur. Any amendments to a master sign plan must be signed and approved by the property owner(s) and Zoning Officer before such amendment will become effective.
- G. Where a master sign plan is required, no zoning permit shall be issued for a sign requiring a zoning permit and no sign shall be erected unless and until a master sign plan, or amendment thereto, for the nonresidential development, lot, site, structure or use on which a sign will be erected has been submitted to, and approved by, the Zoning Officer.
- H. A master sign plan shall be submitted as part of a final land development plan for a nonresidential land development, in whole or in part, that is governed by this Article VII with respect to all existing, proposed, or future signs known at the time of final land development plan submission.

§ 470-109.3. Nonconforming signs.

- A. General.
 - (1) Any sign lawfully existing or under construction which does not conform to the provisions herein on the date of enactment of this ordinance and any sign which is accessory to a nonconforming use shall be deemed a nonconforming sign.
 - (2) No nonconforming sign shall voluntarily be enlarged, extended, structurally reconstructed or altered in any manner unless the enlargement, extension, reconstruction or alteration will result in the elimination of the nonconforming features of the sign.
 - (3) Normal maintenance of legal nonconforming signs, including changing of copy, necessary repairs and incidental alterations which do not extend, increase or intensify the nonconforming features of the sign, are permitted. Nonconforming signs which are relocated or voluntarily replaced shall comply immediately with all provisions of this ordinance.
- B. Removal. Except as otherwise provided in this chapter, nonconforming signs may remain, provided that they are maintained in good repair, except for the following:
- C. Damage or destruction of sign. A nonconforming sign which is damaged or destroyed may be repaired or restored, provided that the repair or restoration is commenced within 60 days and completed within 120 days after receipt of written notice from the Zoning Officer that the same must be removed if it is not repaired or restored within 120 days. The notice shall be sent to the owner of the sign and/or the person owning or having a beneficial interest in or to the structure or premises on which such sign is located. The repaired/restored sign shall not be enlarged, extended nor be nonconforming in any other manner from the sign which was damaged or destroyed. If the sign is not repaired/restored within said sixty-day period, the Zoning Officer is hereby authorized to remove or cause the removal of the sign at the expense of the owner of the sign and/or the person owning or having a beneficial interest in or to the structure or premises on which such sign is located.
- D. Unauthorized signs. Any unauthorized sign, whether existing on or erected after the effective date of this ordinance, shall be removed within 30 days after receipt of written notice from the Zoning Officer. If the Zoning Officer shall find that any unauthorized sign has not been removed within 30 days, the Zoning Officer is hereby authorized to petition the Court to have

the sign removed at the expense of the owner of the sign and/or person owning or having a beneficial interest in the structure or premises on which such sign is located.

E. Unsafe signs. [Amended 3-15-2021 by Ord. No. 2021-03]

- (1) If the Township Zoning Officer, or the Township's designee, determines that any sign is unsafe or insecure or is a danger to the public, he shall give written notice to the owner of the sign and/or person having a beneficial interest in the structure or premises on which such sign is located to correct the condition within 15 days after receipt of the notice. If such condition is not corrected by the expiration of said fifteen-day period, the Zoning Officer is hereby authorized to petition the Court to have the sign removed at the expense of the owner of the sign and/or person owning or having a beneficial interest in the structure or premises upon which such sign is located.
- (2) Notwithstanding the foregoing, the Zoning Officer is authorized to remove or cause to be removed any sign summarily and without notice, at the expense of the property owner of the property, whenever the Zoning Officer determines that such sign is an immediate peril to persons or property.

§ 470-109.4. Permits.

- A. After the effective date of this ordinance, all existing signs, including nonconforming signs, which are not exempt from the permit requirements of this ordinance pursuant to § 470-109.3A, above shall require a sign permit issued by the Zoning Officer. Permits for such signs shall be applied for within 90 days after the effective date of this ordinance. Failure to apply for a permit shall constitute a violation of this ordinance and shall subject the owner to any penalties or remedies provided or available.
- B. After the effective date of this ordinance, no permitted signs shall be erected unless a sign permit is issued by the Zoning Officer.
- C. No Trespassing," "No Fishing," "No Hunting," "No Dumping," "No Parking," towing and other similar signs (as set forth in Title 75, the Pennsylvania Vehicle Code and its regulations, and as set forth in Title 18, the Pennsylvania Crimes Code and its regulations) not exceeding two square feet in gross surface area for each exposed face, nor exceeding an aggregate gross surface area of four square feet, do not require a permit.
- D. Permit fees shall not be collected for any Township or state signs. The Township shall be permitted to utilize signs to identify Township-sponsored events without a permit.
- E. Signs for which a permit is required shall bear the permit number and name of the permit holder and said information shall be affixed to the sign in a permanent manner in the lower right-hand corner of each sign face. Failure to affix and maintain the permit number shall constitute cause for revocation of the permit by the Zoning Officer in addition to any other penalties or remedies provided or available.
- F. Written application for a permit shall be made to the Zoning Officer upon forms prescribed and provided by the Zoning Officer, which shall be signed by the applicant.
- G. In the event that the applicant is not the owner of the property where the sign is to be located, written consent of the owner of the property will be required prior to the issuance of a sign permit.

- H. A copy of any required or necessary electrical permit issued for any sign or a copy of the application therefor.
- I. Real estate tax code number and property identification number (PIN) for the property on which the sign is to be located.
- J. Such other pertinent information as the Zoning Officer may require to ensure compliance with this ordinance.
- K. Revocation of permit.
 - (1) No sign, whether new or existing, shall hereafter be erected or altered, except in conformity with the provisions of this ordinance. Notwithstanding any provisions contained herein to the contrary, all signs must be kept clean, neatly painted and free from all hazards, such as but not limited to faulty wiring and loose fastenings and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety.
 - (2) In the event of a violation of any of the foregoing provisions, except where a different procedure is specified in § 470-109.3 above, the Zoning Officer shall give written notice, by registered mail, specifying the violation, to the named owner of the sign and the named owner of the property upon which the sign is erected, sent to the addresses as stated in the application for the sign permit, to conform or remove the sign. The sign shall thereupon be conformed or removed by the owner of the sign and/or the owner of the property within 30 days from the date of receipt of said notice. In the event any sign shall not be so conformed or removed within such thirty-day period, the Zoning Officer shall thereupon revoke the permit, and, in that event, the Zoning Officer is hereby authorized to remove or cause the sign to be removed forthwith at the expense of the owner and/or owner of the structure or premises on which such sign is located. The remedy provided in this section shall be in addition to, but not in limitation of, any other powers and/or remedies available pursuant to the provisions of this chapter and applicable law.

§ 470-109.5. Fees.

Fees for sign permits shall be as determined from time to time by resolution of the Township Commissioners.

§ 470-109.6. Exempt signs. [Added 3-15-2021 by Ord. No. 2021-03]

The following signs are allowed in all zoning districts and do not need a zoning permit, provided the signs meet the requirements of this article:

- A. Any sign required by law and which is required to be posted outdoors.
- B. Auto dealer vehicle signs as accessory to an on-site lawful vehicle sales use.
- C. Business nameplates not exceeding one square foot in area per nonresidential establishment.
- D. Building markers not exceeding four square feet and not exceeding four feet in height.
- E. Decals not exceeding an aggregate of two square feet per building entrance.

- F. Historical markers erected by an historical agency or association and approved by a majority vote of the Board of Commissioners at a regular meeting, or by a state agency.
- G. Interior signs.
- H. The United States Flag and the flags of levels of government.
- I. Memorial signs located in an approved cemetery.
- J. Construction signs and real estate signs of 16 square feet or smaller in sign area.
- K. Vending machine signs.
- L. Incidental signs.
- M. Public notification signs for hearings held by a Pocono Township Board.
- N. Personal use and information signs.
- O. Public use and information signs.
- P. A sign that is physically carried by a person and does not rest upon the ground or a building. However, such person shall not enter into the travel lanes or shoulder of a public street or obstruct a vehicle driveway while actively displaying the sign.
- Q. Shopping cart corral signs.
- R. Window signs that are not illuminated and that are 10 square feet or smaller in sign area.
- S. On-premises signs that are not readable from any highway, street or lot line, and which are not internally illuminated, and which have a total height of less than 10 feet shall not be regulated in number, type or sign area size by this article.
- T. Signs that existed within a resort complex or commercial resort development at the time of approval of such use, or that are within the scope of the land development plan submitted and approved for such use under a prior Township Zoning Ordinance.
- U. Signs within an approved resort complex or commercial resort development that cannot be read from any public street and from any lot located outside of the resort complex or commercial resort development. See also the definition of "on-premises signs" in regard to resorts.

§ 470-109.7. Definitions. [Added 3-15-2021 by Ord. 2021-03]

The following terms, unless otherwise expressly stated, shall have the following meanings throughout the chapter:

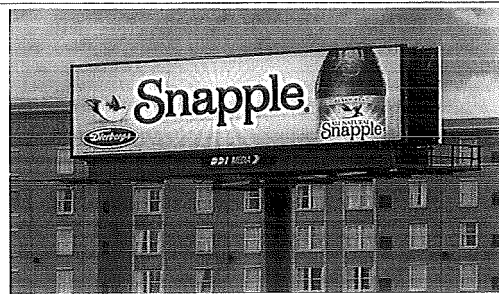
BANNER — A strip or piece of cloth on which a sign is painted, printed or embossed.

BILLBOARD — An off-premises sign that is larger than 50 square feet of gross surface area.

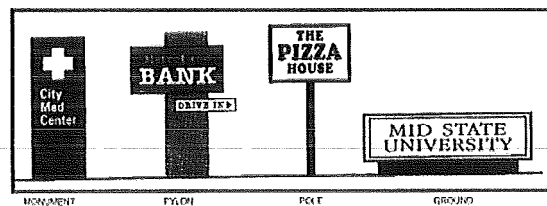
COPY — The words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

ELECTRONIC MESSAGE SIGN — An electronic sign, typically comprising a liquid crystal diode (LCD), light-emitting diode (LED), plasma, or other digital illuminated display that contains one or more messages. An electronic message sign is different from an illuminated sign

in that the illumination of the display creates the message, rather than an internal or external light source illuminating the message. See figure below (Electronic Message Sign).



FREESTANDING SIGN — A permanent sign that is self-supporting in a fixed location and not attached to a building. A freestanding sign can be connected or attached to a sign structure, fence, or wall that is not an integral part of a building. Freestanding signs include, but are not limited to, monument signs, pole signs, or pylon signs. See figure below (Freestanding Sign).



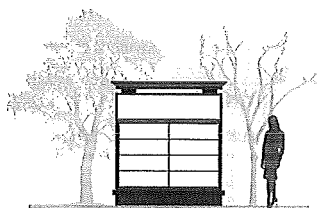
GROSS SURFACE AREA — The entire area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign.

HUMAN SIGN — A sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This includes a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service or product.

ILLUMINATED SIGN — A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign; includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes. An illuminated sign excludes electronic message signs, which are separately defined.

INCIDENTAL SIGN — A small nonelectric information sign, two square feet or less in area, which pertains to goods, products, services or facilities which are available on the premises where the sign occurs and is intended primarily for the convenience of the public while on those premises.

MONUMENT SIGN — A freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick. See figure below (Monument Sign).



NONCONFORMING SIGN — A sign lawfully erected that does not comply with the provisions of this ordinance.

OFF-PREMISES SIGN — A sign advertising a land use or promoting a commercial or noncommercial message unrelated to the activity conducted on the lot, development or site where the sign is located; or a sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than on the same lot or development where the sign is located. All off-premises signs are billboards.

ON-PREMISES SIGN — Signs accessory to commercial, industrial, or institutional activities, the purpose of which is to sell or index a product, service, or activity or to provide information regarding a commercial, industrial, or institutional facility. On-premises signs are located on the same lot, development or site as the advertised use. If a sign relates to an activity or use within a resort complex or commercial resort, a business subdivision or multifamily development, and that sign is placed within that same complex, resort, subdivision or development, such sign shall be considered an on-premises sign, even if the sign is on a different lot than the activity or use advertised by the sign.

PENNANTS — A flag or banner longer in the fly than in the hoist; especially one that tapers to a point designed to move in the wind.

PERMANENT SIGN — A sign that is entirely constructed out of durable materials, is fixed in place, and is intended to exist for more than 120 days.

SECONDARY SIGN — An additional sign permitted for regional impact developments and institutional campuses.

SIGN — Any identification, description, illustration, advertisement or device, illuminated or nonilluminated, which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise or any emblem, painting or plaque designed to advertise, identify or convey information. Except as otherwise provided in this article, a sign shall include the structural and framing elements which do not form an integral part of the display.

SIGN FACE — That area or portion of a sign on which copy is intended to be placed.

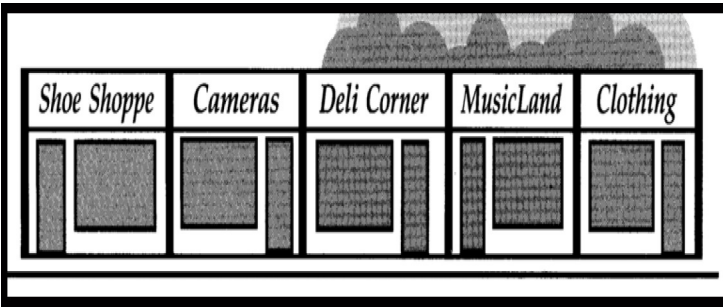
SIGN PLAZA — Signs consolidated and confined within a single frame or as a combination of sign panels.

SPECIAL EVENT SIGN — A temporary sign that announces special events, including but not limited to auctions, grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service groups.

SPINNERS — A device designed to spin to catch one's attention with movement and/or copy.

TEMPORARY SIGN — A structure or device used for the public display of visual messages or images, which is easily installed with or without common hand tools and which is not intended or suitable for long-term or permanent display, due to lightweight or flimsy construction materials.

WALL SIGN — A sign attached to or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall. See figure below (Wall Sign).



WINDOW SIGN — Any sign, picture, letter, character, or combination thereof, designed to communicate information placed upon and/or inside and/or within three feet of a window for the purpose of being visible from the exterior of the window.

No proposed changes
to this Article

ARTICLE VIII
Zoning Hearing Board

§ 470-110. Creation of Board.

The Township Board of Commissioners hereby creates a Zoning Hearing Board, herein referred to as the "Board," consisting of three members, appointed by the Board of Commissioners pursuant to Article IX of the Pennsylvania Municipalities Planning Code,¹ as amended, who shall perform all the duties and have all the powers prescribed by state statutes and as herein provided.

§ 470-111. Membership.

- A. The membership of the Board shall consist of three residents of the municipality appointed by resolution by the governing body. The terms of office of a three-member board shall be three years and shall be so fixed that the term of office of one member shall expire each year.
- B. The governing body may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of § 470-113, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this chapter and as otherwise provided by law. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to § 470-112 unless designated as a voting alternate member pursuant to § 470-113.
- C. Members of the Board shall hold no other office in the Township. Alternates shall hold no other office in the municipality, including membership on the Planning Commission and Zoning Officer.
- D. Removal. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the governing body, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held if the Board member requests one in writing within 10 days after receipt of the notice of intent to take a vote.
- E. Vacancies. The Board shall promptly notify the governing body of any vacancies which occur. Vacancies shall be filled by appointment by the Board of Commissioners for the unexpired term of any member whose term becomes vacant.

§ 470-112. Expenditures for services.

Within the limits of funds appropriated by the governing body, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the governing body, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the governing body. Alternate members of the Board may receive compensation, as may be fixed by the governing body, for the performance of their duties when designated as alternate members pursuant to § 470-113, but in no case shall such compensation

exceed the rate of compensation authorized to be paid to the members of the governing body.

§ 470-113. Organization.

- A. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in § 470-119.
- B. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
- C. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the commonwealth.

§ 470-114. Meetings.

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

§ 470-115. Minutes and records.

The Board shall keep full public records of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact. The Board shall also keep full public records of its business and other official action, which records shall be the property of the municipality. The Board shall submit a report of its activities to the Commissioners as requested by the Commissioners.

§ 470-116. Powers and duties.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the MPC. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
- B. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

- C. Appeals from a determination by a Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance⁴ or such provisions within a land use ordinance.
- D. Applications for variances from the terms of this chapter and any flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2. of the MPC⁶ and the following:
- (1) The Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
 - (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (c) That such unnecessary hardship has not been created by the applicant.
 - (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
 - (2) No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of land, structures or buildings in other zoning districts shall be considered grounds for the granting of a variance.
 - (3) In no case shall a variance be granted solely for reasons of additional financial gain on the part of the applicant.
 - (4) The jurisdiction of the Board of Commissioners shall not be infringed upon by action of the Board in any matter which should appropriately be the subject of an amendment to the Zoning Ordinance or Zoning Map. (No variance shall be granted under this section to allow a structure or use in a zone restricted against such structure or use.)
 - (5) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the Pennsylvania Municipalities Planning Code, as amended.

- E. Applications for special exceptions under this chapter or Chapter 205, Floodplain Management, of the Code of the Township of Pocono or such provisions within a land use ordinance, pursuant to § 470-37 of this chapter and Section 912.1. of the MPC.
- F. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this chapter.
- G. Appeals from the Zoning Officer's determination under Section 916.2, Procedure to obtain preliminary opinion, of the MPC.
- H. Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development applications.

§ 470-117. Procedures for applications and appeals.

- A. The Zoning Hearing Board shall act in strict accordance with the procedure specified by law and by this chapter. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this chapter involved and shall exactly set forth the interpretation that is claimed, the use for which a special permit is sought or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
- B. In the event the procedures set forth in this chapter shall be in conflict with or contrary to the procedures set forth in the Pennsylvania Municipalities Planning Code, as amended, then and in such event the procedures set forth in the latter shall prevail.
- C. Applications and appeals together with the required filing fee, as established by the governing body, shall be submitted to the Zoning Officer.
 - (1) Parties appellant before the Board. Appeals under § 470-116A, B, C, D, G, H and I may be filed with the Board in writing by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Requests for a variance under § 470-116E and for special exception under § 470-116F may be filed with the Board by any landowner or any tenant with the permission of such landowner.
 - (2) Time limitations. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
 - (3) The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to § 470-97 or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the MPC¹¹ shall preclude an appeal from a final approval except in the case where the final

submission substantially deviates from the approved tentative approval.

- (4) All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.

§ 470-118. Stay of proceedings.

Upon filing of any proceeding referred to in § 470-117C(1) and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court and shall proceed in accordance with the requirements set forth in the Pennsylvania Municipalities Planning Code, as amended.

§ 470-119. Hearings.

- A. For the conduct of any hearing and the taking of any action; a quorum shall be not less than a majority of all members of the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive decisions or findings by the Board and accept the decision or findings of the hearing officer as final as provided in Section 908 of the Pennsylvania Municipalities Planning Code, as amended.
- B. The Board shall conduct hearings and make decisions in accordance with the following requirements:
 - (1) Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
 - (2) The first hearing before the Board or hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons

opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief, provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.

- (3) The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- (4) The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the Board and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- (5) The Chairman or Acting Chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- (6) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (7) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- (8) The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- (9) The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- (10) The Board or the hearing officer, as the case may be, shall render a written decision or,

when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this chapter or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Except for challenges filed under Section 916.1 of the MPC, where the Board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Subsection B(2), the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in Subsection B(1) of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- (11) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- (12) The governing body may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

No proposed changes
to this Article

ARTICLE IX
Administration

§ 470-120. Enforcement.

- A. Zoning administrative officer. Provisions of this chapter shall be administered and enforced by the Township Zoning Officer, who shall be appointed by the Township Commissioners. The Township Zoning Officer may not hold any elective office in the Township.
- B. Duties and powers of Zoning Officer. It shall be the duty of the Zoning Officer to enforce literally the provisions of this chapter and all rules, conditions and requirements adopted or specified pursuant thereto, and he shall have such duties and powers as are conferred on him by this chapter and as are reasonably implied for that purpose. The Zoning Officer's duties shall include but are not limited to the following:
- (1) Receipt of applications for and issuance of zoning permits and sign permits.
 - (2) Keeping an official record of all business and activities, including complaints of a violation of any of the provisions of this chapter and of the action taken consequent to each such complaint. File copies of all applications received, permits issued, reports and inspections made in connection with any use, structure, building, sign and/or land shall be retained as long as they remain in existence, or as otherwise permitted by law.
 - (3) Making of inspections as required to fulfill his duties. The Zoning Officer shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties.
 - (4) Issuance of permits for special exception uses, conditional uses and for variances only after the same have been approved by the Zoning Hearing Board or Board of Commissioners, as appropriate, in accordance with the regulations of this chapter.
 - (5) Keeping this chapter and the Zoning Map up to date so as to include all amendments thereto.
 - (6) Issuance of certificates of use and occupancy in accordance with the terms of this chapter.
 - (7) Issuance of timber harvesting permits in accordance with the terms of this chapter and other applicable Township ordinances.
 - (8) Identification and registration of nonconforming uses, structures and dimensions created as a result of the adopting of this chapter and Official Zoning Map or created as a result of amendments thereto and issuance of certificates, upon application, with respect to the same.
 - (9) Issuance of enforcement notices and institution of civil enforcement proceedings as a means of enforcement.
 - (10) In specific instances involving timber harvesting, the Zoning Officer may order the operator and landowner to immediately cease and desist any operation upon finding that corrective action has not been taken by the date specified in the notice of violation; the operation is proceeding without a permit; or the operation is causing an immediate environmental risk. Cease and desist orders shall be in writing, shall be issued to the

operator and the landowner, and shall remain in effect until, as determined by the Zoning Officer, the operation is brought into compliance with this chapter and Chapter 390, Subdivision and Land Development.

- (11) Issuance of temporary use and structure permits in accordance with the terms of this chapter.
- C. Enforcement notice. The Zoning Officer shall serve an enforcement notice on any person, firm, corporation, partnership or other entity responsible for violating any of the provisions of this chapter or in violation of a detailed statement or a plan approved thereunder. The enforcement notice shall be in writing and shall state:
- (1) The name of the owner of record and any other person against whom the Township intends to take action;
 - (2) The location of the property in violation;
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter;
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed;
 - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this chapter; and
 - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

§ 470-121. Zoning permit.

No building, structure, or sign shall be erected, constructed, moved, demolished, added to or structurally altered, nor shall any use of any land, building, structure or sign be changed or expanded, without a zoning permit therefor issued by the Zoning Officer. No such permit shall be issued except in conformity with the provisions of this chapter; and:

- A. The applicant supplying satisfactory evidence, where applicable, that the property and the proposed use thereof is in compliance with all well and sewage ordinances¹ then in effect in Pocono Township, as well as the Sewage Facilities Act of the Commonwealth of Pennsylvania and regulations promulgated pursuant thereto by the Pennsylvania Department of Environmental Protection; and
- B. The applicant supplying, where applicable, stormwater management plans approved by the Pocono Township Board of Commissioners in accordance with the applicable Pocono Township stormwater management ordinances, and an erosion and sedimentation control plan approved by the applicable governmental body or agency charged with that responsibility, with respect to any proposed construction, excavation, or other earthmoving activity; and
- C. A copy of the current recorded deed for the property to prove ownership of the same, which shall contain all pages and show all recording information; and

- D. A copy of any written construction contract or agreement that may have been entered into with respect to any construction or other work to be performed on the property for which a permit is being requested; and
- E. A copy of the approved building plans from PA L&I that the structure meets the minimum requirements for fire and panic emergencies in addition to any special separate letters for pressure vessels, elevators or other items under their control. This section shall apply to any and all construction and/or conversions which are within Pennsylvania Department of Labor and Industry jurisdiction; and
- F. If a construction or conversion involves what would ordinarily be within Pennsylvania Department of Labor and Industry jurisdiction but the applicant contends an exemption from that jurisdiction, a copy of a certification from Pennsylvania Department of Labor and Industry that the construction and/or conversion is exempt will be required in lieu of the approval set forth in Subsection F hereinabove.

§ 470-122. Certificate of use and occupancy.

A certificate of use and occupancy shall be required upon completion of the work contemplated. It shall be unlawful to use and/or occupy any structure, building, and/or land or portions thereof in any manner until a certificate of use and occupancy has been issued.

- A. Form of application. The application for certificate of use and occupancy shall be submitted in such form as the Zoning Officer may prescribe.
- B. Issuance of certificate of use and occupancy.
 - (1) The Zoning Officer shall inspect any structure, building, sign and/or land or portions thereof and shall determine the conformity with this chapter. If he is satisfied that the completed work is in conformity with this chapter, any applicable building ordinances or codes, and with the work listed in the zoning permit, he shall issue a certificate of use and occupancy.
 - (2) A certificate of use and occupancy shall be granted or refused in writing, within 10 days from the date of application or the application shall be deemed approved.
 - (3) In zoning districts in which performance standards are imposed, no certificate of use and occupancy shall become permanent until the Zoning Officer has reinspected the facility and determined that it is in compliance with all performance standards. The owner of the facility shall request in such form as the Zoning Officer may prescribe, that the Zoning Officer reinspect said facility. Such request shall be made no less than 30 nor more than 45 days after the facility is fully operating, but in no event shall such request be made more than 120 days after the certificate of use and occupancy has been issued. The Zoning Officer shall reinspect the facility within 30 days of receipt of such notification and he shall notify the applicant, in writing, within 10 days thereof that:
 - (a) The facility is in full compliance with all performance standards and the certificate of use and occupancy is permanent; or
 - (b) The facility does not comply with the performance standards and that the certificate of use and occupancy is still temporary and may be revoked if the applicant does not correct all violations. Requests for additional reinspection and action by the

Zoning Officer for correction of violations shall follow the same procedure and requirement as described in this section for reinspection. If the Zoning Officer fails to reinspect a facility within 30 days of receipt of notification requesting reinspection, the facility shall be deemed to be in full compliance with all performance standards and the certificate of use and occupancy shall be considered permanent without further action on the part of the applicant.

- (4) Before an occupancy permit may be issued by the Zoning Officer for any project, construction and/or conversion within the jurisdiction of the Pennsylvania Department of Labor and Industry, a copy of the occupancy permit by the Pennsylvania Department of Labor and Industry must be submitted to the Zoning Officer.
 - (5) Smoke detectors. Every building to be used for human habitation, erected after the effective date of this chapter, shall be equipped with approved smoke detectors. A minimum of one detector for each floor of the dwelling unit, including basement, is required.
- C. Temporary certificate of use and occupancy. Upon the request of an applicant, the Zoning Officer may issue a temporary certificate of use and occupancy. Such temporary certificate may permit an activity to occur in all or part of a structure before the entire work covered by the permit has been completed.
- (1) However, such temporary certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.
 - (2) The temporary certificate shall establish in writing a maximum time period under which it is valid. A six-month maximum time period shall apply if not otherwise specified.
 - (3) Failure to receive a permanent certificate of use and occupancy within such time period shall be a violation of this chapter.
 - (4) The temporary certificate may be conditioned upon compliance with certain specific requirements within certain time periods.

§ 470-123. (Reserved)

§ 470-124. Schedule of fees, charges and expenses.

- A. The Board of Commissioners shall establish a schedule of fees, charges and expenses and collection procedures for zoning permits, certificates of occupancy, special exceptions, variances and appeals, and other matters pertaining to this chapter. **[Amended 7-18-2022 by Ord. No. 2022-04]**
- B. The schedule of fees shall be posted in the office of the Zoning Officer and may be altered or amended by the Board of Commissioners.
- C. Until all application fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

§ 470-125. Amendments.

- A. The provisions of this chapter and boundaries of zoning districts as set forth on the Official

Zoning Map may from time to time be amended or changed by the governing body of the municipality.

B. Procedure. The following procedures shall be observed prior to making any amendment or change of this chapter or parts thereof, including the Official Zoning Map.

(1) Every such proposed amendment or change not initiated by the Planning Commission shall be referred to the Planning Commission at least 30 days prior to the governing body holding a public hearing thereon to provide the Planning Commission an opportunity to submit recommendations.

(2) The recommendations, if any, of the Planning Commission shall be submitted in writing to the governing body.

(3) All proposed amendments to this chapter shall be submitted to the County Planning Commission for its recommendations at least 30 days prior to the public hearing.

(4) Curative amendments. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code,⁷ as amended.

(5) Before voting on the enactment of an amendment, the governing body shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

(c) In addition to the requirement that notice be posted under Subsection B(5) above:

[1] Where the proposed amendment involves a Zoning Map change, notice of the public hearing shall be mailed by the municipality at least 30 days prior to the date of the hearing by first-class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the municipality. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.

[2] This clause shall not apply when the rezoning constitutes a comprehensive rezoning.

(6) Within 30 days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the county planning agency or, in counties where no planning agency exists, to the governing body of the county in which the municipality is located.

C. Public notice. Notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be

less than seven days from the date of the hearing.

D. Publication, advertisement and availability of ordinances.

- (1) Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The governing body shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the municipality not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Municipal Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
 - (a) A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
 - (b) An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
- (2) In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the governing body shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the municipality, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

§ 470-126. Remedies.

In case any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter, the Board of Commissioners or, with the approval of the Board of Commissioners, the Zoning Officer or other officer of the Township or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Commissioners. No such action may be maintained until such notice has been given.

§ 470-127. Violations and penalties.

Any person, partnership, corporation or other entity who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the

determination of a violation by the Magisterial District Judge who has jurisdiction over the action. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership, corporation or other entity violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this chapter shall be paid to the Township for its general use.

§ 470-128. Appeals.

Proceedings for securing review of any ordinance, decision, determination or order of the Township Commissioners, its agencies or officers adopted or issued pursuant to this chapter shall be in accordance with the Pennsylvania Municipalities Planning Code,⁸ as amended.

§ 470-129. Public utilities corporation excepted.

This chapter shall not apply to any existing or proposed buildings or extension thereof used or to be used by a public utility corporation if, upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the municipality in which the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

§ 470-130. Conditional uses decided by Board of Commissioners.

The Board of Commissioners shall hear and decide applications for conditional uses specifically authorized in this chapter pursuant to the provisions of § 470-38 of this chapter. The proposed use shall comply with those criteria specifically listed in Article V of this chapter. In addition, the proposed use must comply with all other applicable regulations of this chapter.

§ 470-131. Temporary use and structure permits.

A zoning permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:

- A. A temporary permit may be issued for customary, routine and accessory short-term special events, provided that:
 - (1) Such total events shall be limited to a maximum of 12 total days per calendar year for all activities; and
 - (2) Proof of the provision for adequate sanitary facilities acceptable to the SEO, parking and traffic control, security, trash removal, etc., related to the temporary use shall be provided at the time of application for permit;

- (3) The event shall not exert a detrimental effect upon the uses of land and activities normally permitted in the district.
- B. A temporary permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction while construction is actively underway under a valid Township permit.
 - C. A temporary permit may be issued for temporary sales if all the following are met:
 - (1) The property is located in a zoning district that allows sales.
 - (2) The operator shall have received any business permits required by the Township.
 - (3) Any signs visible from a public street shall comply with this chapter.
 - (4) Any structure shall meet applicable setbacks.
 - (5) A permit under this chapter shall be required from the Township, which shall be displayed while the activity is open for business.
 - (6) In no way shall the use or activity exert a detrimental effect upon the uses of land and activities normally permitted in the district.
 - (7) Proof of the provision for adequate sanitary facilities acceptable to the SEO, parking and traffic control, safe sight distances, security, trash removal, etc., related to the temporary use shall be provided at the time of application for permit.
 - D. The applicant shall completely remove any structure or use authorized by the temporary permit upon expiration of the permit without cost to the Township.
 - E. Time period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a maximum seven-day time period shall apply. A temporary permit may be renewed for just cause.
 - F. An application for a temporary use or structure permit may be denied if the Zoning Officer believes the activity would obstruct safe sight distances.

§ 470-132. Compliance with subdivision and land development provisions.

If a use, structure or event regulated under this chapter would also be regulated by Chapter 390, Subdivision and Land Development ("SALDO"), then any permit or approval under this chapter shall automatically be conditioned upon compliance with the SALDO. (See the definitions of "land development" and "subdivision" in Article II of this chapter.)

ARTICLE X
Resort Re-Use Overlay District
[Added 4-18-2017 by Ord. No. 2017-02]

§ 470-133. Statement of purpose.

The purpose of the Resort Re-Use Overlay District is to permit the adaptive re-use of outdated and outmoded resort facilities within the Township in a manner that will prevent the further deterioration of existing buildings, structures and facilities, encourage low-impact uses which will provide needed services and will enhance the economic base of the Township.

§ 470-134. Eligibility.

The Resort Re-Use Overlay District shall encompass the entire Township, but shall only be applicable to properties which:

- A. Are 50 acres or greater on parcels that are adjacent or contiguous; (consistent with 470-138C)
- B. Contain all or a portion of a vacation resort or lodge property that has been closed for at least five years; and
- C. Are located within two miles of State Route 611.

§ 470-135. Permitted uses.

The following uses shall be permitted by conditional use in the Resort Re-Use Overlay District, subject to § 470-38 of this chapter: Use regulations are provided in the Use Schedule, which is included as an attachment to this chapter (See attachment "Use Schedule.")

- ~~A. Treatment center in accordance with § 470-61C of this chapter;~~
- ~~B. Life care facility in accordance with § 470-68 of this chapter;~~
- C. Recreational uses ancillary to a treatment center, or life care facility.

§ 470-136. Required licensure; compliance with laws.

Any treatment center or life-care facility permitted in the Resort Re-Use Overlay District shall:

- A. Hold and maintain all relevant licenses and certificates required by the Commonwealth of Pennsylvania in order to operate the facility.
- B. Hold a certificate of occupancy from the Department of Labor and Industry or its local equivalent.
- C. Comply with applicable federal, state and local laws and ordinances.

§ 470-137. Conditional use review procedures.

All proposed uses within the Resort Re-Use Overlay District shall be subject to and governed by the review procedures for conditional uses set forth in § 470-38 of this chapter.

§ 470-138. Site development.

- A. General requirements. The applicant for a use within the Resort Re-Use Overlay District shall designate the portion of the former ~~vacation-resort~~ ~~or lodge~~ property on which the treatment center or life-care facility is proposed to be located and shall provide a metes and bounds description thereof (the "resort re-use development site"). The applicant shall further identify all existing buildings located on the resort re-use development site and designate which buildings shall remain and which buildings are intended to be removed. All uses shall be planned and designed to minimize and reduce light, noise and air emissions onto adjacent properties.
- B. Compliance with Building Code. All uses shall comply with the minimum Building Code requirements as specified by the Township and by the Pennsylvania Department of Labor and Industry. Prior to the issuance of a use and occupancy permit for the proposed use, the applicant shall provide evidence to the Township that all plans and permits have been approved by all pertinent local, state and federal agencies.
- C. Minimum area requirements. All resort re-use development sites shall contain no less than 50 acres that shall be on parcels that are adjacent or contiguous.
- D. Maximum coverage. In no case shall more than 45% of a resort re-use development site be covered with buildings or other impervious surfaces.
- E. Minimum open space. Fifty percent of the total resort re-use development site shall be allocated to and remain open space. The designated open space shall be deed restricted to prohibit future subdivision or development except for recreational uses that may be permitted with the approval of the Board of Commissioners.
- F. Lot, yard, setback and height requirements. All new structures that may be constructed in the Resort Re-Use Overlay District shall conform with the lot, yard, setback and height requirements of the base zoning district in which it is located. Where an existing structure is considered nonconforming based upon its lot area, height, proximity to property lines or building coverage, the existing structure may remain subject to the provisions of § 470-33 of this chapter governing nonconforming structures and dimensions.
- G. Additional buffer requirement. A buffer of 100 feet from the property line shall be provided around the perimeter of the resort re-use development site. No new buildings shall be constructed within the one-hundred-foot buffer. Existing buildings located within the one-hundred-foot buffer may remain and may be renovated and/or rebuilt within the existing footprint. To the extent an existing building on the resort re-use development site is within 50 feet of a residence on an adjoining property, landscaping enhancements or screening shall be installed, where feasible and appropriate, to reduce the impacts of the facility on adjoining properties. In addition to the landscaping plan required by § 470-38 of this chapter, the applicant for a use within the Resort Re-Use Overlay District shall also submit a proposed landscaping buffering plan with the conditional use application. The landscaping buffering plan shall be reviewed by the Board of Commissioners and where such screening does not effectively buffer the treatment center or life-care facility use from an adjoining residential use, the Board of Commissioners may require additional screening to comply with the objectives of this chapter. All shrubs, hedges, trees and fences shall be maintained in good condition by the owner of the treatment center or life-care facility.

- H. Building exteriors and grounds. The building exteriors and grounds shall be maintained in a neat and attractive manner, consistent with the neighborhood in which the facility is located. The facility shall:
- (1) Maintain all structures on the grounds of the facility so as to be free from any danger to health and safety.
 - (2) Keep the grounds of the facility clean, safe, sanitary and in good repair at all times for the safety and well-being of residents, employees and visitors.
 - (3) Store all trash in covered containers that prevent the penetration of insects and rodents and have the trash removed at least once each week.
- I. Aesthetics of structure exteriors. The exteriors of all structures on the property shall be aesthetically pleasing and compatible with the structures on the resort re-use development site. The property owner shall maintain all structure exteriors in a neat and attractive manner. Where the property is to contain multiple buildings, the architectural appearance of all buildings shall be compatible or harmonious.
- J. Parking and loading requirements. Off-street parking and loading requirements shall be provided in accordance with § 470-34 of this chapter and Chapter 390, Subdivision and Land Development, as applicable.

§ 470-139. Site security.

The treatment center or life-care facility shall comply with all security regulations promulgated by the Commonwealth of Pennsylvania with respect to the operation of a licensed facility. The treatment center or life-care facility shall provide twenty-four-hour-per-day, 365 days per year on-site supervision by professionals trained to supervise the types of clientele to be served by the facility. The facility shall also provide state of the art electronic surveillance or other comparable system that enables the facility to monitor the location of its clients or patients.

§ 470-140. Signs.

All proposed signs shall conform to the requirements of Article VII of this chapter.

§ 470-141. Maximum number of clients/patients; age range of patients.

The number of clients/patients shall not exceed the number of clients/patients for which the facility has been licensed and permitted by the Commonwealth of Pennsylvania. The facility shall only accept patients being of an age for which the facility has been licensed and permitted by the Commonwealth of Pennsylvania.

§ 470-142. Staffing requirements.

The facility shall comply with all relevant staffing requirements established by the Commonwealth of Pennsylvania for the operation of a treatment center or life-care facility, including **but not limited to** the provisions of Chapter 704 of Title 28 of the Pennsylvania Code setting forth staffing requirements for drug and alcohol treatment activities, 28 Pa. Code §§ 704.1 to 704.12; Chapter 211 of Title 28 of the Pennsylvania Code setting forth program standards for long-term care nursing facilities, 28 Pa. Code §§ 211.1 to 211.22; and Chapter 11 of Title 6 of

the Pennsylvania Code setting forth staffing requirements for older adult daily living centers, 6 Pa. Code §§ 11.31 to 11.39.

§ 470-143. Physical plant requirements; living accommodations.

The facility shall comply with all relevant physical plant standards for residential facilities required by the Commonwealth of Pennsylvania for the operation of a treatment center or including **but not limited to** the provisions of Chapter 705, Subchapter A, of Title 28 of the Pennsylvania Code setting forth physical plant standards for residential drug and alcohol treatment facilities, 28 Pa. Code §§ 705.1 to 705.11; Chapter 205 of Title 28 of the Pennsylvania Code setting forth physical plant and equipment standards for long-term care nursing facilities, 28 Pa. Code §§ 205.1 to 205.91; and Chapter 11 of Title 6 of the Pennsylvania Code setting forth physical site standards for older adult daily living centers, 6 Pa. Code §§ 11.51 to 11.72. The foregoing regulations include relevant requirements for the size of bedrooms, the maximum number of residents that may share a bedroom, required common areas, bathroom provisions, food service, heating and cooling, general safety and emergency procedures, and fire safety with which the facility must comply.

§ 470-144. Hours of operation; visitation.

A residential treatment center or life-care facility will operate and be staffed 24 hours per day. Each facility shall establish a policy designating reasonable visiting hours for persons who wish to visit the clients or patients. The visiting hours shall not begin earlier than 8:00 a.m. and will end not later than 9:00 p.m. **Visitors to patients at a treatment center shall be limited to immediate family members.** *Can the twp restrict visitors in this way?*

§ 470-145. Nature of programs and services provided.

In connection with its conditional use application, the applicant shall provide information describing the nature of the residents to be served and the type of treatment/care and counseling to be provided. All treatment and counseling programs shall comply with the requirements of federal and Pennsylvania law regulating licensed facilities.

§ 470-146. Emergency response coordination.

The facility shall consult with the relevant local emergency responders, including fire, police and ambulance services, to coordinate and adopt an emergency response plan and protocol. The facility shall also have written procedures for staff and residents to follow in case of an emergency that shall include provisions for the evacuation of residents and staff to a safe location and the assignment of staff during emergencies.

ARTICLE XI
Natural Resource Protection Standards

§ 470-147. Purpose.

The following natural resource protection standards are established to promote public health, safety, and welfare by minimizing adverse impacts to the environmental and the plants, animals, and humans that live within it. These standards are intended to meet the following specific purposes:

- A. Promote and implement the PA Municipalities Planning Code providing for the protection and preservation of natural resources through Zoning Ordinances.
- B. Promote and implement the goals and policies of the Township Comprehensive Plan related to protection of open space and natural resources.
- C. Identify and protect environmentally sensitive resources including floodplains, steep slopes, woodlands, water bodies (such as ponds and lakes), watercourses (such as streams and rivers), riparian buffers, wetlands, wetland buffers, and habitats of rare, threatened, and endangered species.
- D. Protect the Township's exceptional value and high quality watersheds and water resources, including potable water supply and quality, by protecting the environmentally sensitive resources listed above.
- E. Reduce adverse financial impacts to the community that may result from degradation of natural resources.
- F. Capitalize on financial benefits derived from the natural infrastructure functions that natural resources provide, such as stormwater management, filtration of contaminants, and flood control.
- G. Preserve the natural and scenic resources and landscapes that are integral to the Township's tourism economy and its rural character.

§ 470-148. General provisions.

- A. It shall be a violation of this Chapter to regrade, fill, pipe, divert, channel, build upon, or otherwise alter or disturb a natural resource protected by this Article prior to the submission, review, and approval by the Township of applications for zoning or building permits; subdivision or land development plans; conditional use or special exception approvals; zoning variances; timber harvesting plans; or any other applicable permit or approval required by the Township that would involve disturbance of natural resources protected in this Article.
- B. In the event that two or more natural resources identified in this Article overlap, the resource with the most restrictive standard (the least amount of permitted disturbance, or the greatest buffer distance) shall apply to the area of overlap.
- C. Where disturbance of a natural resource is permitted, it shall not take place until it has been determined by the Township Engineer or another professional designated by the Township that such disturbance is consistent with the provisions of this Article and other applicable Township ordinance provisions or federal or state regulations.

- D. Except as preempted by specific acts, in the event that the provisions of this Article and the provisions of other applicable Township standards or federal or state regulations are in conflict, the more restrictive provisions shall apply.
- E. Restrictions to the disturbance of resources shall apply before, during, and after construction on a site.
- F. Plan information required by this Article shall be verified as correct by the Township Engineer or other qualified professional as determined by the Township.

§ 470-149. Floodplain protection standards.

- A. Areas identified as floodplains shall not be altered, regraded, filled, or built upon except in conformance with Chapter 205 of the Pocono Township Code.

§ 470-150. Steep slopes.

- A. The following standards shall apply to steep slopes:
 - (1) Categories and measurement of slopes.
 - (a) For the purposes of this chapter, steep slopes are divided into two categories:
 - [1] Moderately steep slopes, as defined in Article II.
 - [2] Very steep slopes, as defined in Article II.
 - (b) Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent. For the purpose of application of these regulations, slope shall be measured over three or more two-foot contour intervals (six cumulative vertical feet of slope). All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania.
 - (2) Protection standards.
 - (a) Limits of Disturbance. Steep slope areas, excluding man-made slopes, shall be preserved in their original state whenever possible. Where construction of roads, buildings, driveways, or infrastructure cannot be avoided, disturbance shall be kept to the minimum necessary. In no case shall disturbance exceed the following permitted limits:
 - [1] Moderately steep slopes. No more than 25% of moderately steep slopes shall be regraded, removed, cleared, built upon, or otherwise altered or disturbed.
 - [2] Very steep slopes. No more than 10% of very steep slopes shall be regraded, removed, cleared, built upon, or otherwise altered or disturbed. In addition, the disturbance permitted on very steep slopes shall be limited to the following activities:
 - [a] Grading for the minimum portion of a road or driveway necessary

to access the principal use of the property and sewer, water, and other utility lines, when it can be demonstrated that no other routing is feasible.

- [b] Timber harvesting, when conducted in compliance with the required timber harvesting plan. Clear-cutting or grubbing of trees is prohibited on very steep slopes.
- (b) Construction on Steep Slopes. Each building or structure shall be constructed in such a manner as to provide the least necessary alteration of the existing grade, vegetation, and existing soils. Excessive cut-and-fill shall be avoided.
- (c) Roads. New roads and improvements to existing roads should be designed within the existing contours of the land to the extent possible and strive for compatibility with the character of rural roads
- (d) Cut-and-Fill Slopes. Finished slopes of permitted cut-and-fill areas shall not exceed 33% slope unless the applicant can demonstrate to the satisfaction of the Township Engineer the method by which steeper slopes can be adequately stabilized and maintained.
- (e) Steep Slope Disturbance. Any disturbed area of very steep slopes, or any cut-and fill-resulting in slopes of greater than 25%, shall be protected with an erosion control blanket. All stockpiles of earth intended to be stored for more than 21 days shall be seeded or otherwise stabilized to the satisfaction of the Township Engineer or the Monroe County Conservation District.
- (f) Erosion and Sedimentation Control. Any disturbance of land shall be in compliance with Pennsylvania Department of Environmental Protection, Title 25, Chapter 102. In addition, any disturbance shall conform to the following Township Ordinances: Grading Erosion and Sedimentation Control, Chapter 220, as amended; Stormwater Management, Chapter 365, as amended; and, Subdivision and Land Development, Chapter 390, as amended. An erosion and sedimentation control plan and soil stabilization plan shall be submitted consistent with the requirements of the Pocono Township ordinances to demonstrate how soil will be protected from erosion during construction and how soil will be stabilized upon the completion of construction.
- (g) Submission of Plans. Where the following information has not been previously submitted as part of a subdivision or land development plan application, such information shall be submitted to the Township with a building or zoning permit, or a conditional use, special exception, or other application, when applicable:
 - [1] Delineation of areas of moderately steep slope and very steep slope which are on the site.
 - [2] The erosion and sedimentation control and soil stabilization plans described in § 479-150A(2)(f), above.
 - [3] A grading plan that shall identify the existing contours of the site, proposed finished grades, and the proposed location of all buildings and

structures.

- [4] For slopes of greater than 25%, an architectural plan, including materials and type of foundation to be used to overcome structural problems associated with slope conditions.

§ 470-151. Watercourses, lakes, ponds and wetlands.

A. Watercourses.

- (1) Watercourses shall be preserved in their natural state. The following special regulations shall apply to watercourses:
 - (a) No disturbance of a watercourse shall be permitted except for activities waived or permitted under Pennsylvania DEP regulations.
 - (b) Any project impacting a watercourse that requires an individual permit from the US Army Corps of Engineers or a joint permit from the US Army Corps of Engineers and the Pennsylvania Department of Environmental Protection shall require a special exception approval in accordance with this chapter.

B. Riparian buffers.

- (1) The riparian buffer shall be designated as:
 - (a) An area that begins at each edge of any watercourse and extends a minimum of 150 feet landward on each side of the watercourse. The width of the buffer shall be measured horizontally on a line perpendicular to the nearest edge of the watercourse at bankfull flow, as reviewed and approved by the Township engineer.
- (2) The area within the riparian buffer shall not be regraded, filled, cleared, built upon, or otherwise altered or disturbed, with the exception of the following:
 - (a) Disturbance of less than 5,000 square feet or 1,000 square feet of impervious cover on an existing lot of record as of the date of enactment of this ordinance, provided it is not related to a subdivision or land development application.
 - (b) Regulated activities permitted by the Commonwealth, Army Corps of Engineers, or other Federal agency (such as a permitted stream or wetland crossing);
 - (c) Provision for unpaved trail and trail access;
 - (d) Provision for access to a watercourse, including fishing access, boat launches, and crossings for agricultural and restoration equipment, not to exceed 20 feet in width, limited to one access per tract or two miles of stream frontage.
 - (e) Selective removal of hazardous or invasive vegetative species;
 - (f) Vegetation management in accordance with an approved landscape plan or open space management plan;
 - (g) A soil conservation project approved by the Monroe County Conservation District; or,

- (h) Removal of hazardous material or septic system, junk material, or a diseased tree.
- (3) The following activities and practices are expressly prohibited in riparian buffer areas:
 - (a) Removal or disturbance of vegetation except as permitted in § 470-151B(2) above.
 - (b) Storage or discharge of any hazardous or noxious materials, except those used during emergencies for the treatment and/or maintenance of any public sewer and public water treatment facilities.
 - (c) Use of fertilizers, pesticides, herbicides, and/or other chemicals, except:
 - [1] Where permitted by a valid conservation plan, forest stewardship plan, or approved planting and maintenance plan.
 - [2] For selective herbicide application by a qualified professional to control noxious weeds and invasive species of plants in riparian buffers.
 - (d) Storage or operation of motorized vehicles, except for maintenance of emergency use approved by the Township and except as permitted on roads, paths, or trails designated for use by motorized vehicles.
- (4) If currently wooded, the riparian buffer shall be maintained as woodlands. In places where the riparian buffer is not wooded, and until such buffers have become wooded, the buffer shall be maintained as a filter strip of dense grass and forbs no less than one (1) foot high or other methods to provide sediment filtering, and nutrient uptake, as well as to convert concentrated flow to uniform, shallow sheet flow.
- (5) When a subdivision or land development is proposed where there is no existing vegetated or wooded buffer, a 150 foot vegetated riparian buffer shall be required in accordance with the following guidelines:
 - (a) Forest or other suitable vegetation shall be promoted through natural succession. Selective planting shall also be incorporated on sites devoid of vegetation to stimulate native species and discourage invasive species.
 - (b) Plant selection, planting, and on-going maintenance shall be planned by a registered landscape architect under the guidance of a licensed ecologist, the USDA, the Monroe County Conservation District, the Pennsylvania Department of Environmental Protection, or the Pennsylvania Department of Conservation and Natural Resources.
- (6) All riparian buffers created by a new subdivision shall be maintained through a declaration of protective covenant, which is required to be submitted for approval by the Township. The covenant shall be recorded in the land records and shall run with the land and continue in perpetuity. Management and maintenance requirement information shall be included in the covenant.

C. Wetlands, lakes and ponds.

- (1) The following wetland protection standards shall also apply to lakes and ponds:
 - (a) Wetland disturbance. Wetlands shall not be regraded, filled, piped, diverted, channeled, built upon, or otherwise altered or disturbed except where state or federal permits have been obtained.
 - (b) Coordination with state and federal agencies. Any applicant proposing a use, activity, or improvement which would entail the regrading or placement of fill in wetlands shall provide the Township with proof that the Pennsylvania Department of Environmental Protection (Bureau of Dams and Waterway Safety and Bureau of Water Quality Management) and the U.S. Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations. Any applicant who is contacted by the Pennsylvania Department of Environmental Protection or the U.S. Army Corps of Engineers shall provide to the Township a copy of such correspondence within five (5) working days of receipt.
 - (c) Wetlands delineation. The applicant shall provide to the Township a wetlands delineation report (or a letter verifying that no wetlands are presented based on a field view) that that meets the following requirements:
 - [1] The report shall be conducted by a qualified wetland biologist, soil scientist, or an environmental professional with demonstrated qualifications, who shall certify that the methods used adhere to the currently accepted technical concepts, including identification and analysis of wetland vegetation, hydric soils, and hydrologic indicators. Methods used in the report shall be acceptable to the municipal engineer or other qualified consultant hired by the Township.
 - [2] The report shall include a determination of whether wetlands are present on the site and a full delineation, area measurement (in square feet), and description of any wetlands determined to be present. If there is a question as to the accuracy of the wetland delineation report, the Township may hire a qualified consultant to review the delineation and recommend revisions at the applicant's expense.
 - [3] If no wetlands are found on the site, a note shall be added to the preliminary and final plans stating that "This site has been examined by (name and address with a statement of submitted qualifications), and no wetlands as defined by the U.S. Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January 1987, were found to exist."

D. Wetland, lake, and pond buffers.

- (1) The following buffer standards shall also apply to wetlands lakes and ponds:
 - (a) The buffer shall extend a minimum of 150 feet landwards from the outer limits of the wetland boundary, or lake or pond shoreline, as applicable.
 - (b) There shall be no disturbance within the wetland, lake, or pond buffer with the exception of the following:

- [1] Disturbance of less than 5,000 square feet or 1,000 square feet of impervious cover on an existing lot of record as of the date of enactment of this ordinance, provided it is not related to a subdivision or land development application.
 - [2] Regulated activities permitted by the Commonwealth, Army Corps of Engineers, or other Federal agency (such as a permitted stream or wetland crossing);
 - [3] Provision for unpaved trail and trail access;
 - [4] Provision for access to lake, pond, or wetland, not to exceed 20 feet in width, limited to one access per tract.
 - [5] Selective removal of hazardous or invasive alien vegetative species;
 - [6] Vegetation management in accordance with an approved landscape plan or open space management plan;
 - [7] A soil conservation project approved by the Monroe County Conservation District; or,
 - [8] Removal of hazardous material or septic system, junk material, or a diseased tree.
- (c) All Department of Environmental Protection regulations under Chapter 105 concerning activities in wetlands margins shall be met.

E. Setbacks for potential water pollution hazards.

- (1) The following land uses and/or activities are designated as potential water pollution hazards and shall be set back a minimum of 300 feet from any watercourse, wetland, lake, or pond. Where more restrictive, the requirements of the Pocono Township Floodplain ordinance shall apply.
 - (a) Above or below ground storage of hazardous substances
 - (b) Above or below ground petroleum storage facilities
 - (c) Drainfields from on-site sewage disposal and treatment systems
 - (d) Solid waste landfills or junkyards
 - (e) Confined animal feedlot operations
 - (f) Subsurface discharges from a wastewater treatment plant

§ 470-152. Woodlands, specimen trees, and heritage trees.

A. Specimen trees and heritage trees.

- (1) Specimen trees and heritage trees shall not be removed from any lot or tract except where the landowner demonstrates to the satisfaction of the Board of Commissioners that such removal is essential to eliminate a hazardous condition(s). In consideration of any need for removal, the Township may engage the services of an arborist,

reasonable costs therefore to be borne by the landowner. Where permitted, removal of specimen trees and heritage trees shall be minimized.

- (a) To the minimum extent necessary to enable retention of specimen trees and heritage trees while providing for lawful use, modification to otherwise applicable area and bulk requirements may be approved by the Board of Commissioners as part of any applicable subdivision or land development application, or by the Zoning Officer as part of any applicable building permit.
- (2) Where any applicant for building, zoning, subdivision or land development approval establishes conservation restrictions acceptable to the Township which shall result in the conservation of specimen trees or heritage trees, all such trees to be retained shall be credited toward any tree replacement required under § § 470-152C below, at the ratio of four trees credited for each specimen or heritage tree retained.

B. Woodlands.

- (1) Unless undertaken as an approved timber harvesting operation conducted in compliance with the requirements of the Pocono Township Timber Harvesting ordinance the following woodland disturbance limitations shall apply.
 - (a) Critical woodlands: 5%.
 - (b) Non-critical woodlands on residential tracts: 35%.
 - (c) Non-critical woodlands on non-residential tracts: 50%.
 - (d) Disturbance limitations shall be measured based on the extent of the woodland at the time of first submission of applicable application(s) after the adoption of this section, and shall be indicated on applicable plan(s). The extent of any area of woodland disturbance shall be measured to include the entire area within the drip line of any tree where any part of the area within the drip line of said tree is subject to woodland disturbance. Any disturbance limitation shall run with the land. Subsequent applications shall be subject to the initial determination of disturbance limitations, regardless of intervening disturbance which may have occurred. If, at any time within three years prior to an applicable application, there had existed a greater extent of woodland, such greater area shall be utilized to calculate the extent of woodland disturbance and the limitations set forth herein.
- (2) In determining where necessary woodland disturbance shall occur, the following factors shall be considered by the applicant and the Township:
 - (a) The location(s) and benefit(s) of conservation of healthy mature woodland stands.
 - (b) The impacts of separating, dividing, or encroaching on wildlife travel corridors or extensive habitat areas, especially woodlands exceeding 10 acres in area.
 - (c) The impacts on any interior forest area; riparian buffer area; steep slope area; rare, threatened, or endangered species habitat area; and scenic views.
 - (d) Disturbance of critical woodlands shall be permitted only when there is no possible alternative disturbance on non-critical woodlands.

- (e) Each building or structure shall be laid out and constructed in such a manner as to provide the least alteration or disturbance necessary of the existing woodlands and other vegetation. Clear-cutting shall be minimized and trees shall be selectively removed.
 - (f) Remaining undisturbed woodlands and other vegetation shall interconnect with woodlands or wooded areas of adjacent properties to preserve continuous woodland corridors and allow for the normal movement, dispersion, and migration of wildlife.
 - (g) Consideration shall be given to balancing the benefits of woodland preservation with other valuable resources on the site, including scenic views. The Township shall not unreasonably restrict woodland disturbance where limited disturbance may permit siting of buildings in less visually obtrusive areas of the tract.
- (3) Woodland removal for purposes of development pursuant to the requirements of this Section shall not be regulated as timber harvesting, except that the forest practices set forth in the Pocono Township Timber Harvesting ordinance shall apply.
- (4) Woodlands, individual trees, and other vegetation that are to remain on the site shall be identified on the plan and protected in accordance with the following:
- (a) A tree protection zone (TPZ), which is an area radial to the trunk of the tree or to the woodland area to be preserved, shall be established. The TPZ shall extend to the edge of the critical root zone (CRZ) of the woodland area to be protected, or in the case of an individual tree, to the critical root zone of the tree. The critical root zone is the distance from the tree trunk that equals one foot for every one inch of the tree's diameter at breast height (dbh).
 - (b) Prior to construction, trees or woodlands to be preserved that are within 50 feet of any proposed construction, grading, clearing, or related activity shall have their TPZ/CRZ demarcated by minimum 4-foot high, orange construction fencing or approved equivalent. The fencing shall be installed along the outer edge of the delineated TPZ/CRZ, shall be maintained until all construction activities have been completed, and shall be inspected by the Township prior to initial disturbance and, thereafter, at its discretion.
 - (c) No disturbance, earth compaction, vehicular or foot traffic, construction of proposed improvements or utilities, or other disturbance shall occur within the TPZ/CRZ, and grade changes and excavation activity shall not encroach upon any area within the TPZ/CRZ.
 - (d) Construction materials, equipment, soil and/or debris shall not be stored nor disposed of within the TPZ/CRZ, except for mulched vegetative matter used to prevent soil compaction.
 - (e) No toxic materials shall be stored within 100 feet of a TPZ/CRZ, including petroleum-based and derived products. Where the TPZ/CRZ is

coincident with a riparian buffer, the more restrictive provisions of §470-151E shall apply.

- (f) Sediment, retention, and detention basins shall not be located within the TPZ/CRZ, nor shall they discharge into the TPZ/CRZ.
- (g) Any trees within 25 feet of a building, or bordering entrances or exits to building sites, shall be protected by a temporary barrier to be maintained in place throughout the duration of construction activity.
- (h) No boards or other material shall be nailed or otherwise attached to any trees during construction.
- (i) Roots shall not be cut within the critical root zone of any trees to remain.
- (j) Tree trunks, limbs, and exposed roots damaged during construction shall be protected from further damage by being treated immediately in accordance with accepted professional landscape procedures.

C. Tree and Woodland Replacement.

- (1) The removal of declining, damaged, diseased or invasive trees, or those which present a hazard are exempt from the tree replacement requirement.
- (2) Deciduous replacement trees shall be eight feet minimum height if multi-stem trees. Evergreen replacement trees shall be seven feet minimum height.
- (3) Replacement of trees removed in excess of the disturbance limits set forth in §470-152.B(1) shall be required. For each tree greater than 12 inches dbh to be removed, required replacement trees shall be planted and shall be calculated in accordance with the schedule below. For each evergreen tree to be removed a minimum of one of the required replacements trees shall be an evergreen tree.

For Each Tree to be Removed	Minimum Number and Caliper of Replacement Trees
One, 12 to 18 inch dbh	Two, 2 inch dbh
One, 18 to 24 inch dbh	Three, 2 inch dbh
One, 24 to 36 inch dbh	Four, 2 inch dbh
One, greater than 36 inch dbh	Six, 2 inch dbh

- (4) Required replacement shrubs. At a minimum, for each 100 square feet of woodland or critical woodland disturbance area, or fraction thereof, in excess of the applicable standard set forth in this Article, and regardless of the character and sizes of the disturbed vegetation, one shrub at least 24 inches to 30 inches in height shall be planted in addition to any required tree replacement. Shrubs planted in accordance with this requirement may be of restoration quality and not necessarily landscape quality.
- (5) Where replacement trees are required but not suitable for the particular site prescribed due to the size of the site or other limitations, the Board of Commissioners may allow the following as alternative planting mitigation:

- (a) The required number may be reduced by providing larger sized trees so that the total number of equivalent caliper inches is provided.
 - (b) Some or all of the required replacement plantings may be installed at a site other than that subject to required replacement planting. In such cases and to the extent possible, the plantings should be installed within the same watershed from which they were removed.
 - (c) The applicant may provide a fee to the Township equal to the estimated installed value of the plantings, to be deposited into a special fund established for that purpose. Such fund shall be utilized at the discretion of the Township for the purchase and installation of plantings elsewhere in the Township. Installation of such plantings on private lands shall be dependent upon the establishment of conservation easement(s) or other restriction(s) acceptable to the Township that will reasonably guarantee the permanent protection of such plantings.
- (6) Required replacement plantings shall be in addition to any required street trees or any other landscape material required under the provisions of this chapter or the Pocono Township Subdivision and Land Development ordinance.
 - (7) The locations, selected species and sizes of all replacement plantings, along with a planting schedule tied to the timing and/or phasing of the development, shall be indicated on the final subdivision/land development plan(s) or building or zoning permit application, as applicable.
 - (8) Required replacement vegetation and their measurement shall conform to the standards of the publications "American or U.S.A. Standard for Nursery Stock", ANSI or U.S.A.S. Z60.1 of the American Association of Nurserymen, as amended. All plant material used on the site shall have been grown so as to have a high likelihood of survival on the site (e.g., grown specifically for planting in the applicable USDA hardiness zone) and shall be nursery grown.
 - (9) Because of the many benefits of native plants (ease of maintenance, longevity, wildlife habitat, etc.), the use of nursery-grown free-fruiting native trees and shrubs is strongly encouraged. Species selection should reflect species diversity characteristic of the native deciduous woodland.
 - (10) Species of replacement plantings selected and planting locations shall reflect careful site evaluation and, in particular, the following considerations:
 - (a) Existing and proposed site conditions and their suitability for the plant materials, based upon the site's geology, hydrology, soils and microclimate.
 - (b) Specific functional and design objectives of the plantings, which may include, but not necessarily be limited to: replacement of woodland area removed, enhancement of existing woodland or oldfield area(s), reforestation of impacted riparian buffer areas, mitigation of new woodland edge conditions as a result of disturbance, provision for

landscape buffer, visual screening, noise abatement, energy conservation, wildlife habitats and aesthetic values.

- (c) Maintenance considerations, such as hardiness, resistance to insects and disease, longevity and availability.

- (11) All replacement plantings shall be guaranteed and maintained in a healthy and/or sound condition for at least 18 months. If a replacement planting dies or is dying within the guarantee period, the landowner shall replace the dead or dying planting. In addition, the applicant may be required to escrow sufficient additional funds for the maintenance and/or replacement of the proposed vegetation during the 18 month replacement period, and to provide for the removal and replacement of vegetation damaged during construction, based upon the recommendation of the Township Engineer.

D. Invasive species.

- (1) Invasive species, as identified on the most recent version of the Pennsylvania Invasive Plant Species List, shall not be planted under any circumstances for any Township permitted activity, and where present their eradication or management should be implemented to the maximum extent possible.

§ 470-153. Timber harvesting.

- A. Timber harvesting shall comply with the Pocono Township Timber Harvesting ordinance.

§ 470-154. Rare, threatened, or endangered species.

- A. With the exception of selective removal of hazardous or invasive vegetation, no rare, threatened, or endangered species site shall be regraded, filled, built upon, or otherwise altered or disturbed.
- B. A buffer area as required by federal or state regulations shall be provided around the entire perimeter of any rare, threatened, or endangered species site within which no disturbance shall be permitted.
- C. To the minimum extent necessary to avoid disturbance to rare, threatened, or endangered species site(s) or to provide for required buffer(s), while providing for lawful use, modification to otherwise applicable area and bulk requirements may be approved by the Board of Commissioners as part of any applicable subdivision or land development application, or by the Zoning Officer as part of any applicable building permit.

§ 470-155. . Plan information and continued protection of natural resources.

- A. Plan information and delineation of protected natural resources. To ensure compliance with the natural resource protection standards of this article, the following information shall be submitted by the applicant when applying for a zoning or building permit, conditional use or special exception approval, zoning variance, or subdivision and land development approval where disturbance is contemplated. In those cases where only a

limited portion of the site or tract will be subject to disturbance, the Board of Commissioners, based upon a recommendation from either the Zoning Officer or the Township Engineer, may allow a smaller area of land to be shown on the plan that will adequately demonstrate compliance with the natural resource protection standards of this section. Where less than the entire site is to be shown on the plan, the application shall be accompanied by a written explanation from the applicant as to why it is not necessary to include the entire site with the plan information.

- (1) A site plan which identifies the limits of each of the natural resources on the site, any applicable buffer areas, and areas of woodlands, critical woodlands, or other vegetation to be preserved, and the proposed use of the site including any existing or proposed structures.
- (2) The limits of all encroachments and disturbances necessary to establish the proposed use on the site, including a grading plan showing existing and proposed contours.
- (3) Calculations indicating the area of the site with natural resources and the area of natural resources that would be disturbed or encroached upon. The calculations shall be shown on the plan as indicated in the following table. The figures in Column D (Proposed Disturbance) shall be less than or equal to the corresponding figures in Column C (Maximum Amount of Permitted Disturbance) for each protected resource.

Protected Resource	Column A Amount of Land in Protected Resource (square feet)	Column B Maximum Disturbance Allowance* (percent)	Column C Maximum Amount of Permitted Disturbance (square feet)	Column D Proposed Disturbance of Resource (square feet)
Floodplain		0%		
Steep Slopes:				
Moderately		25%		
Very Steep		10%		
Wetlands, Lakes, Ponds		0%		
Wetland buffers		0%		
Riparian Buffers		0%		
Woodlands:				
Critical		5%		
Non-critical, residential		35%		
Non-critical, nonresidential		50%		
Rare, threatened, endangered species site		0%		
Total				

* Disturbance allowances may be modified where federal or state permits have been obtained by the applicant and provided to the Township.

- B. Continued protection of identified natural resources. To ensure the continued protection of identified natural resources, the following requirements shall apply:

- (1) Protected natural resource areas on individual lots.
 - (a) For natural resource areas protected under the terms of this section located on individual lots, deed restrictions, conservation easements, or other permanent mechanisms acceptable to the Township shall be recorded for each lot that has such natural resource areas within its boundaries.
 - (b) The mechanism(s) approved by the Township for permanent protection of natural resources shall clearly state that the maintenance responsibility lies with the individual property owner and shall provide for the continuance of natural resource protection in accordance with the provisions of this chapter.
- (2) Protected natural resource areas held in common.
 - (a) For protected natural resource areas held in common, the open space maintenance provisions and ownership options of §470-87.6Q, shall apply.
 - (b) The party or organization responsible for the maintenance of the natural area(s) shall be clearly identified in the deed. The restrictions shall provide for the continuance of the protected natural resource areas in accordance with the provisions of this chapter. In addition, restrictions on protected areas shall be included in the development's declaration of covenants, easements, or restrictions or similar documents regulating the use of property and setting forth methods for maintaining open space. A copy of such documents shall be provided to the Township.
- (3) Changes to approved plans. All applicable plans and deeds shall include the following wording: "Any structures, infrastructure, utilities, sewage disposal systems, or other proposed disturbance indicated on the approved final plan shall only occur at the locations shown on the plan. Changes to such locations shall be subject to additional review and re-approval in accordance with the natural resource protection standards of Article XI of Chapter 470, Zoning, of the Pocono Township Code."

§ 470-156. Modifications to Natural Resource Protection Standards.

- A. For any use or activity subject to Subdivision or Land Development review, as part of applicable Plan submission, modification(s) may be requested to the provisions of § 470-150.A(2) (steep slopes), § 470-151.B and D (riparian buffers and wetland, lake and pond buffers), § 470-152 (woodlands, specimen trees and heritage trees), and § 470-154 (rare, threatened or endangered species) of this Article. Requested modification(s) may be granted at the discretion of the Board of Commissioners pursuant to the provisions of the Subdivision and Land Development Ordinance.
- B. For any use or activity not subject to Subdivision or Land Development review, but subject to application for approval of a Conditional Use, Special Exception, or Zoning Variance under the provisions of this Ordinance, the applicant may request modification(s) to the provisions of § 470-150.A(2) (steep slopes), § 470-151.B and D

(riparian buffers and wetland, lake and pond buffers), § 470-152 (woodlands, specimen trees and heritage trees), and § 470-154 (rare, threatened or endangered species) of this Article.

- C. For any use or activity not falling within the scope of subsections A or B, above, the applicant may request modification(s) to the provisions of § 470-150.A(2) (steep slopes), § 470-151.B and D (riparian buffers and wetland, lake and pond buffers), § 470-152 (woodlands, specimen trees and heritage trees), and § 470-154 (rare, threatened or endangered species) of this Article in the form of an application for grant of a Special Exception by the Zoning Hearing Board. Such applications shall be submitted to the Planning Commission and Board of Commissioners for review and comment prior to formal Special Exception application to the Zoning Hearing Board.
- D. Applicants shall provide appropriate documentation in support of their modification request, and the Board of Commissioners or Zoning Hearing Board (as applicable) may request additional documentation of an applicant, or of its municipal consultants, to help reach its decision
- E. In consideration of approval of any applicant request for modification(s) under this Article, the following standards shall serve as the basis for a decision:
 - (1) That there are unique physical circumstances or conditions, including but not limited to irregularity, narrowness, or shallowness of lot size or shape, excessive frontage along a water body, or watercourse, presence of existing buildings or structures, or exceptional topographical or other physical conditions peculiar to the particular property. That because of such physical circumstances or conditions, it is impracticable for the property to be developed in strict conformity with the standards of this Article and that the approval of the modification is therefore necessary to enable the reasonable use of the property under base zoning provisions.
 - (2) That the modification, if approved, will result in the minimum disturbance of the natural feature as needed to provide for the lawful intended use.

USES				Existing C	Proposed C					Overlay Districts				
	R-1	R-2	RD	C	C-1	C-2	C-3	I	CD	EP	RR	PSEF	PWEF	DC
Academic clinical research centers (§ 470-87.1)								CU						
Accessory apartment (§ 470-87.?)	P	P	P		P	P	P							
Accessory uses (§ 470-53)	P	P	P	P	P	P	P	P	P					
Adult uses (§ 470-40)				SE				SE						
Agricultural operations (farms) (§ 470-41)	CU	CU	CU	CU	CU	CU	CU		P					
Agritourism, accessory (§ 470-53)	CU	CU	CU		CU	CU	CU		CU					
Amusement arcades (§ 470-42)				SE		SE	SE							
Amusement parks (§ 470-75)			P											
Animal hospital (See veterinary clinics)														
Animal shelter (§ 470-67)							SE							
Antennas and communication equipment buildings (§ 470-44) Delete???	P	P	P	P	P	P	P	P	P					
Banks, savings and loan associations, finance companies and similar types of businesses finance companies (§ 470-74)				P	P	P	P							
Bed-and-breakfast inn (§ 470-46)		CU	CU	P	P	P	P							
Billboards (Article VII)			CU	CU	CU	CU	CU	CU						
Bird and/or waterfowl sanctuary (See Recreational use,									P					
Boardinghouses (§ 470-47)		CU	CU	P		P	P							
Brew pub, Distillery pub, Urban winery (470-77)			P		P	P	P							
Building material storage or equipment storage yard (§ 470-87)						CU	CU	P						
Bulk fuel storage facilities (§ 470-87.?)								CU?						
Business, Professional office or studio (§ 470-74)See Professional office/studio				P	P	P	P							
Camp/Retreat	?	?	?		?	?	?	?	?					
Campgrounds (§ 470-48)			P											
Cemeteries (§ 470-49)				P	CU	CU	CU							
Churches and related uses (§ 470-50) See Place of Worship	P	P	P	P	P	P	P	P	P					
Coal yard (§ 470-87)								CU						
Commercial mulching, stump grinding and/or composting								SE						
Communication towers (§ 470-52) See Wireless comm. facilities	SE	SE	SE	SE	SE	SE	SE	P	SE					

USES				Existing C	Proposed C					Overlay Districts				
	R-1	R-2	RD	C	C-1	C-2	C-3	I	CD	EP	RR	PSEF	PWEF	DC
Concrete plants								SE						
Conservation-									P					
Conservation subdivision design development (§ 470-87)	P	P	P											
Contractor shop or yard (§ 470-87)						CU	CU	P?						
Convenience store or mini-market (§ 470-87.)					P	P	P							
Correctional facilities (§ 470-87.)	?	?	?	?	?	?	?	?	?		?			
Crematorium (§ 470-87.)					SE	SE	SE	P						
Cultural use (§ 470-75)			P?	P	P	P	P							
Customary accessory uses (§ 470-53) See Accessory uses	P	P	P	P	P	P	P	P	P					
Data center														CU
Day care facility:														
Family child-care home (§ 470-54)		CU		CU	CU	CU	CU							
Group child-care home (§ 470-54)		CU		CU	CU	CU	CU							
Child-care center (§ 470-54)		CU		CU	CU	CU	CU							
Older adul daily living center or adult training facility (§ 470-54)		CU		CU	CU	CU	CU							
Dispensary facility (§ 470-87.4) See Medical marijuana dispensary				CU				CU						
Dormitories (§ 470-55)			P	P	P	P	P							
Drive-in businesses (excluding vehicle washes) (§ 470-56)			P	P	P	P	P							
Dwelling:														
Single-family detached on tracts less than 12 acres of adjusted tract area	P	P	P	P	P	P	P							
Single-family detached on tracts 12 or more acres of adjusted tract area ¹	See § 470-87. __			P	P	P	P							
Two-family on tracts less than 12 acres of adjusted tract area		P	P	P	P	P	P							
Two-family on tracts 12 or more acres of adjusted tract area ¹		See 470-87. __		P	P	P	P							
Multifamily on tracts less than 12 acres of adjusted tract area (§ 470-87.)		P	P	P	P	P	P							

USES				Existing C	Proposed C					Overlay Districts				
	R-1	R-2	RD	C	C-1	C-2	C-3	I	CD	EP	RR	PSEF	PWEF	DC
Multifamily on tracts 12 or more acres of adjusted tract area (§ 470-87.) ¹		See 470-87._		P	P	P	P							
Manufactured/mobile home???														
Educational uses (§ 470-60)		C	P	P	P	P	P							
Entertainment and recreational uses, including theaters, night clubs (See § 470-77.), art galleries, cultural establishments, skating rinks, billiard parlors, social halls and swimming pools.				P										
Emerging energy systems, accessory (§ 470-53)	SE	SE	SE		SE	SE	SE	SE	SE					
Essential services, limited (§ 470-57)	P	P	P	P	P	P	P	P	P					
Essential services, major (§ 470-57)	P?	P?	P?	P	P?	P?	P?	P?						
Farm equipment sales (§ 470-74) and service (§ 470-85)				P										
Flea market, permanent outdoor (§ 470-87. _)					CU	CU	CU							
Forestry (§ 470-58)	P	P	P	P	P	P	P	P	P					
Funeral home with crematorium				P	SE	SE	SE							
Funeral home without crematorium				P	P	P	P							
Game preserve									P					
Game refuge									P					
Gaming and off-track betting establishments (§ 470-59)				SE			SE							
General industrial uses (See Industrial use, general)								P						
Geothermal energy system, accessory (470-53)	P	P	P		P	P	P	P	P					
Golf course (§ 470-75)			P	SE	SE?	SE?	SE?							
Governmental uses (not including Municipal use) (§ 470-60)			CU	P	P	P	P	P						
Group-care facilities (§ 470-61): (Treatment Ctr, Homeless & Abuse Shelters)				P										
Emergency shetler for homeless (§ 470-61)				P		P	P							
Shelter for abused persons(§ 470-61)				P		P	P							
Treatment center (§ 470-61)				P		P	P				CU			
Group home (§ 470-87. _)	P	P	P		P	P	P							
Grower/processor facility (§ 470-87.2) See Medical marijuana grower/processor							CU							
Heavy commercial uses								P						

USES				Existing C	Proposed C					Overlay Districts				
	R-1	R-2	RD	C	C-1	C-2	C-3	I	CD	EP	RR	PSEF	PWEF	DC
Helipad accessory to permitted principal use (§ 470-62)					SE	SE	SE	P						
Helipad for emergency services (§ 470-62)			P	P	P	P	P	P						
Home occupations (§ 470-63):														
Major home occupation (§ 470-63)	P	P	P	P	P	P	P	P						
No-impact home based business (§ 470-63)	P	P	P	P	P	P	P							
Homeowners' association club (§ 470-73)	P	P												
Hospitals (§ 470-64)				P		P	P							
Hotels, motels, and other places of lodging resorts			P	P	P	P	P							
Indoor shooting range (see shooting range, indoor)			P											
Industrial use, general								P						
Junkyard (See Salvage yard or junkyard)														
Keeping of poultry or fowl for home use (§ 470-87.)	P?	P?	P?		P?	P?	P?							
Keeping of equine animals (§ 470-65)	P	P	P	P	P	P	P	P						
Keeping of wild or exotic animals (§ 470-66)				SE	SE	SE	SE							
Kennels (§ 470-67)				SE			SE							
Life care facilities (§ 470-68) See nursing home, etc.			SE	SE	SE	SE	SE				CU			
Light manufacturing (§ 470-69)				P		P	P	P						
Lumberyard (§ 470-87)								CU						
Vehicle and Manufactured (mobile) home/modular dwelling sales (§ 470-74 86.1)				P		P	P							
Manufactured home/mobile home parks (§ 470-71)		P		P	P	P	P							
Manufacturing (see Industrial use)								P						
Medical marijuana delivery vehicle office (§ 470-87.3)				CU		CU	CU	CU						
Medical marijuana dispensary facility (§ 470-87.4)				CU	P	P	P	P						
Medical marijuana grower/processor facility (§ 470-87.2)								CU						
Mineral recovery extraction (§ 470-70)								P						
Mineral processing operation								SE						
Multifamily dwellings (apartment houses) See Dwelling		P	P	P	P	P								
Municipal uses (§ 470-60)				P	P	P	P							
Nightclub (§ 470-77)			P	P		P	P							
No impact home based business (§ 470-63) see Home Occupation	P	P	P	P	P	P	P							

USES				Existing C	Proposed C					Overlay Districts				
	R-1	R-2	RD	C	C-1	C-2	C-3	I	CD	EP	RR	PSEF	PWEF	DC
Nursery and garden retail (§ 470-78)				P	P	P	P							
Nursery school (§§ 470-54 and 470-60)		CU		P	CU	CU	CU							
Nursing home, assisted living residence, personal care home, continuing care retirement community (CCRC), (§ 470-68)				SE	SE	SE	SE				CU			
Offices and/or laboratories for scientific, agricultural, or industrial research and development				P	P	P	P	P						
Offices of plumbers, masons, carpenters, heating contractors and similar personnel trades (§ 470-74)				P		P	P							
Open space/ conservation open space	P	P	P	P	P	P	P	P	P					
Personal and household service establishments such as, but not limited to, barbershops, beauty shops, laundromats, laundry and dry cleaning shops, tailor and seamstress shops- (§ 470-74) list is in definition				P	P	P	P							
Churches and related uses Place of Worship (§ 470-50)	P	P	P	P	P	P	P	P	P					
Planned residential development (Article VI) ²		CU ²	CU ²	CU ²	CU ²	CU ²	CU ²							
Power plants								CU						
Private clubs (§ 470-73)			P	P	P	P	P							
Business , Professional office or studio (§ 470-74)				P	P	P	P							
Race Track (§ 470-87. __)							SE							
Recreation and entertainment uses, indoor and outdoor (470-75) See Recreation			P	P										
Recreation facilities including bowling alleys, miniature golf courses, driving ranges and similar uses. (See § 470-75.) See Recreation			P	SE										
Recreational use, commercial (§ 470-75)			P		P	P	P							
Recreational use, public/non-profit/non-commercial (§ 470-75)	P	P	P		P	P	P	P	P					
Recycling drop-off center (§ 470-87. __)							P	P						
Regional impact developments (§ 470-76)				CU		CU	CU							
Restaurants (§ 470-77)			P	P	P	P	P							

USES				Existing C	Proposed C					Overlay Districts				
	R-1	R-2	RD	C	C-1	C-2	C-3	I	CD	EP	RR	PSEF	PWEF	DC
Retail business establishment specifically related to service of tourists, vacationers and visiting public (§ 470-74)- See Retail business			P	P	P	P	P							
Retail business establishments for the sale of goods such as, but not limited to, antiques, appliances, audio/video, beverages, bicycles, books, clothing, confections, drugs, dry goods, flowers, food, furniture, gifts, hardware, jewelry, liquor, machinery, motorcycles, newspapers, notions, office equipment, paint, personal and household supplies,–				P	P	P	P							
Retail business (§ 470-74)			P	P	P	P	P							
Riding club or riding stables (§ 470-79)			P	P	P	P	P							
Salvage yards or junkyards (§ 470-80)								SE						
Self-service storage facilities (§ 470-81)				CU		CU	CU	P						
Shooting range, indoor			P											
Shooting range, outdoor (§ 470-87.?)									CU?					
Shopping centers (§ 470-82)				CU	CU	CU	CU							
Shops for the repair of goods permitted to be sold in the-				P	P	P	P							
Sign plazas (Article VII)			CU	CU										
Single family dwellings- See Dwelling	P	P	P	P	P	P								
Solar energy facility, accessory (470-53)	P	P	P	P	P	P	P	P	P					
Solar energy facility, principal												CU		
Soild waste disposal and reduction facility (§ 470-87.?)									CU?					
State gamelands (See Recreation, public/non-profit)									P					
State park areas (See Recreation, public/non-profit)									P					
Taverns (§ 470-77)			P	P	P	P	P							
Theaters Include under Cultural use				P	P	P	P							
Transient dwelling use of single-family dwellings			P	P	P	P	P							
Travel plaza or truck stop										CU				
Truck terminal/distribution center (§ 470-83)										CU				
Two family dwellings See Dwelling		P	P	P	P	P								
Vehicle and equipment rental operation (470-86.1)					P	P	P							
Vehicle fueling stations (§ 470-84)			P?		P?	P?	P?							
Vehicle parking lot or garage				P	P	P	P							

USES				Existing C	Proposed C					Overlay Districts				
	R-1	R-2	RD	C	C-1	C-2	C-3	I	CD	EP	RR	PSEF	PWEF	DC
Vehicle sales operation (470-86.1)				P		P	P							
Vehicle service and repair facilities (§ 470-85)				P		SE?	SE?							
Vehicle washes (§ 470-86)				P	P	P	P	P						
Vehicle and mobile home/modular dwelling sales (§ 470-74) <i>See manufactured/mobile/modular dwelling sales</i>				P		P	P							
Veterinary offices-clinics or animal hospitals, not including kennels (§ 470-43)				SE	SE	SE	SE							
Warehouse (§ 470-87.5)				CU	CU	CU	CU	P		CU				
Wholesale produce and meat markets, mechanical equipment repair establishments, dry cleaning and dyeing plants, carpet and rug cleaning establishments, laundries, sign painting, blueprinting and graphic reproduction shops, printing and publishing establishments, radio and television studios.				P										
Wholesaling businesses (§ 470-87)				P	P	P	P	P						
Wildlife sanctuaries (See Recreational use, public or non-									P					
Wind energy facility, accessory (470-53)	P	P	P	P	P	P	P	P						
Wind energy facility, principal													CU	
Wireless communication facilities, non-tower (§ 470-52)	P	P	P		P	P	P	P	P					
Wireless communication facilities, small (§ 470-52)	P	P	P		P	P	P	P	P					
Wireless communication facilities, tower-based (§ 470-52)	SE	SE	SE	SE	SE	SE	SE	P	SE					

¹Residential development in the R-1, R-2, and RD districts on tracts 12 or more acres of ATA shall comply with the Conservation Subdivision Design standards in 470-87. __

²Planned residential development is no longer a permitted use as of the effective date of this chapter. Regulations in Article VI apply to existing PRDs.