

- (m) Adult Outcall Service Activity - Any establishment or business which provides an outcall service, which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time, for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
- (n) Adult Sexual Encounter Center - Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner, licensed by the Commonwealth, to engage in sexual therapy.
- (p) Adult Theater - A theater, concert hall, auditorium, or other similar establishment, either indoor or outdoor in nature, which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities, or by exposure of specified anatomical areas for observation by patrons.
- (q) Any other business or establishment which offers its patron services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

After Hours Club - A commercial use or membership club that permits the consumption of alcohol and is routinely open between the hours of 2 a.m. and 4 a.m., in addition to any other hours. See, "State Act 219 of 1990", which generally prohibits this use and as such will be prohibited under this ordinance consistent with the State Act as referenced.

Agriculture - (a) The cultivation of the soil and the raising and harvesting of the products of the soil, including nursery and horticulture but excluding forestry; (b) animal husbandry, poultry farming, and dairy farming, pigs, cattle, sheep, etc. excluding kennels.

Agriculture (Intensive) - specialized agricultural activities, including but not limited to mushroom, pig, poultry, and dry lot livestock production, which due to the intensity of production necessitate special control of operation, raw material storage and processing, and the disposal of liquid and solid wastes. - See definition

- Intensive Animal Husbandry - An agricultural use involving the commercial keeping and handling of livestock quantities with characteristics in both of the following subsections, the numbers set forth below:

- 100 horses;
- 100 dairy or beef cattle;
- 200 swine;
- 200,000 poultry, excluding turkeys as set forth below; -
- 200 sheep or veal;

David is proposing  
75,000 BIRDS

is a mistake  
not supposed  
to be in definition

5,000 turkeys;

Plus AND

The keeping and handling of livestock quantities exceeding an average adult weight for horses, dairy cattle, and layer chickens and/or an average market weight of all other livestock of 2,000 pounds per acre, as referenced in the following table:

<u>LIVESTOCK</u>	<u>ANIMAL SIZE (lbs.)</u>	<u>UPDATE :</u>
<u>Cattle:</u>		OPERATION DOES
Dairy	150-1500	NOT EXCEED
Beef	400-1400	
Veal	100-350	2000 AEU AC.
<u>Swine:</u>		
Pigs	35-200	* SEE NUTRIENT
Gestating Sow (limit fed)	275	MANAGEMENT
Sow and 8 Pigs	375	PLAN.
Boar (limit fed)	350	
Sheep:	100	* NOTE THAT SECTION 13.d
Horse:	1000	prohibits intensive agriculture
<u>Poultry:</u>		of poultry that exceeds
Layer	4	2000 BIRDS/AC OR
Layer, heavy	7	<u>500 BIRDS/ACRE</u>
Pullet	3	
Broiler	4	
Roaster	7	
Turkey	20	
Duck	7	
Guinea	3-4	
Pheasant	3	
Chuckar	1.5	
Quail	0.5	

Intensive Produce Operation - An agricultural use whereby plant materials are principally grown within enclosed buildings, and where such use exceeds a lot coverage of ten percent (10%).

Agricultural Industry - A facility for the manufacture, processing, treating, packing or warehousing of agricultural produce and agricultural materials and products whether or not produced on or off site.

Agricultural-Warehousing-Personal - A permitted accessory structure located with the respective farming operations. A structure to store product grown on the farm or acquired to support the personal farming practices of the farm on which it is located. Product is not

premises upon which it is displayed. Signs offering premises for sale, rent or development, or advertising the services of professionals or building trades during construction or alteration shall be deemed a "business sign".

Solar Energy - radiant energy (direct, diffuse and reflected) received from the sun.

Solar Energy Farm - systems which exist solely to generate energy for sale back into the energy grid system, rather than being consumed on site.

Solar Energy System - any solar collector, solar thermal or other solar energy device, or any structural design feature, mounted on a building or the ground, and whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating or for electricity that may be mounted on a building or on the ground that is not the primary use of the property as more fully described and defined in Article X of this Ordinance.

Solar Panel- a structure containing one or more receptive cells, the purpose of which is to convert solar energy into useable electrical energy by way of a Solar Energy System.

✓ Solid Waste - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural, and residential activities. Such wastes shall not include biological excrement or hazardous waste materials, as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

Solid Waste Management Facility - An area used for the processing and/or disposal of, and activities related to the processing and/or disposal of, solid waste as that term is defined in the Solid Waste Management Act [Act of July 7, 1980 (p.1. 380, no. 97)] not including any resource recovery facility as that term is defined in the Municipal Waste Planning, Recycling and Waste Reduction Act [Act of July 28, 1988 (p.1. 556, no. 101)" Act 101"]; a solid waste management facility qualifies as such when it is permitted by the Pennsylvania Department of Environmental Protection. The term shall include all related uses, buildings, and improvements as permitted, or as required, by the Pennsylvania Department of Environmental Protection for the operation of a solid waste management facility. See, "Sanitary Landfill"

Special Exception -A use or condition permitted in a particular district by the Zoning Hearing Board, to occupy or use land and/or a building or structure erected thereon for a specific purpose in accordance with this Ordinance, when such use is not permitted by right. At the hearing, evidence must be presented to satisfy the conditions and safeguards listed in the ordinance, but additional conditions and safeguards may also be imposed by the board.

Specialty Assisted Living Residence - An assisted living residence that holds itself out to the public as providing:

- (a) Services of a basic assisted living residence.

ARTICLE IV

DISTRICT REGULATIONS

Section 400

AP and AP1- AGRICULTURAL PRESERVATION DISTRICT

400.1 Purpose Statement.

The agriculture in Maxatawny Township is a unique non-replaceable natural resource, which needs to be recognized by the community and preserved for the benefit of the residents of the municipality. This proposition of preservation of agricultural farmlands and open space is founded upon the following policy considerations:

- (a) The agricultural farmlands and open space within Maxatawny Township is a valuable natural resource, which is valuable for the health, safety and welfare of the Township residents;
- (b) The soils, topography and historical experience of Maxatawny Township have established Maxatawny Township as a producer of agricultural goods and products;
- (c) The aesthetic value of the agricultural district within Maxatawny Township is of special significance to the residents of Maxatawny Township and its surrounding municipalities;
- (d) The present character of the agricultural district of Maxatawny Township mandates that it be recognized as an economic resource, necessary of preservation

400.1.1 In the interest of public health, safety and welfare, the AP zoning district is further designed and intended to accomplish the following:

- (a) To protect and preserve the agricultural base in the areas of productive soils which is a major component of the economy of the Township.
- (b) To permit only those land uses and activities, which are agriculture related and advance agricultural purposes.
- (c) To encourage the preservation of the prime productive farmland within the Township.
- (d) To prevent adverse effects which may result from the encroachment and commingling of residential and other incompatible development and land uses with agricultural uses.

400.2 Permitted Uses.

Only the following uses are permitted by right in the AP District and AP1 District, provided

that the requirements for specific uses and Section 400.12 are met:

- (a) Agricultural, animal husbandry, horticultural, and forestry uses, including, but not limited to, crop production, dairy, beef, swine, poultry, orchards, forest, flowers, fruit, bees, fish, sod production, or similar type uses.
- (b) Processing of farm products, where such use is designed to be accessory to the raising or growing of such products and is located on the same property on which the products are raised or grown, so long as the basic purpose and design of such use is intended for the processing of products raised or grown on the premises, however, the processing of such products from other local area farms shall also be permitted.
- (c) Forestry and Forest Reserves, Woodland and/or Game Preserve, Fish and Wildlife Refuges, and similar Conservation Uses.
- (d) Single one-family dwellings - detached buildings, per Sections 400.6 and 400.11 of this Ordinance.
- (e) Tourist, Bed and Breakfast and/or Country Inn subject to Section 515 of this Ordinance.
- (f) Farm Occupation subject to Section 502.2 of this Ordinance.
- (g) Farm Market and/or Farm Produce Stand subject to Section 536 of this Ordinance.
- (h) Fire Observation Tower.
- (i) Home Occupation subject to Section 502 of this Ordinance.
- (j) Commercial Livestock Hauling Operation subject to Section 542 of this Ordinance.
- (k) Municipal Use.
- (m) Farm Storage (Back-Behind) subject to Section 400.3 and 502 of this Ordinance.
- (n) No Impact Home-Based Business subject to Section 527 of this Ordinance.

400.3

Permitted Accessory Use - Any accessory use customarily carried on in conjunction with farming and rural life, located on the same lot with the permitted use, or incidental to any dwelling or other main use permitted above, such as:

- (a) Signs pursuant to Section 507.

- (b) Accessory Farm Dwelling subject to Section 530 of this Ordinance.
- (c) Temporary Farm Employee Housing subject to Section 590 of this Ordinance.

400.4 Uses Permitted Only By Special Exception Issued By The Zoning Hearing Board.

- (a) Churches or similar places of worship, Parish Houses, Convents, and other Housing for Religious Personnel subject to Section 539 of this Ordinance.
- (b) Cemeteries subject to Section 539 of this Ordinance.
- (c) Aquaculture subject to Section 537 of this Ordinance.
- (d) Agricultural industry per Section 522 and all structures associated with agricultural industries activity shall not be located closer than three hundred (300) feet from any existing dwelling unit, except on the home premises. *Section 522 allows 10% max impervious coverage.*
- (e) Farm Equipment Sales and Service subject to Section 553 of this Ordinance.
- (f) Processing of Farm Products subject to Section 577 of this Ordinance.
- (g) Riding Stable, Equestrian Facility, Riding Club and/or Riding School subject to Section 582 of this Ordinance.
- (h) Sawmill subject to Section 599-A of this Ordinance.
- (i) Septage and/or Mushroom Processing Facility subject to Section 585 of this Ordinance.
- (j) Public and Non-profit Outdoor Recreation Areas and Facilities, such as Parks (except Amusement Parks and Clubs), Playgrounds, and Picnic Grounds subject to Section 512 of this Ordinance.
- (k) Elder Cottage Housing (ECH) Units subject to Section 551 of this Ordinance.
- (l) Wind Farm subject to Article X of this Ordinance.
- (m) Wind Energy Conservation System generating equal to or more than 10 kW subject to Article X of this Ordinance.

400.5 Conditional Uses: After recommendation by the Planning Commission and public hearing by the governing body, the governing body may by conditional use, permit the following conditional uses in accordance with the provisions of Article IX of this Ordinance. Conditional uses shall be subject to the requirements specified below and elsewhere in this Ordinance.

- (a) Farm Related Business subject to Section 554 and 522 of this Ordinance.
- (b) Intensive Agriculture subject to Section 513 of this Ordinance.
- (c) *Section 513 Limits Impervious Coverage to 2%.*  
Family Day Care Center subject to Section 548 of this Ordinance.
- (d) Fire Station and/or Emergency Services Station subject to Section 570 of this Ordinance.
- (e) Government buildings. Federal, State or other municipal government bodies not defined as a Municipal Use Building pursuant to this Ordinance subject to Section 570.
- (f) Personal Agricultural Warehousing.
- (g) Retail sales of Nursery and Garden Materials subject to Section 580 of this Ordinance.
- (h) Furniture and/or Upholstery Refinishing Shop.
- (i) Kennel subject to Section 525 of this Ordinance.
- (j) Welding/Machine Shop.
- (k) Wind Energy Conservation System generating less than 10 kW subject to Article X of this Ordinance.

400.6 Lot Size. (Pursuant to Section 400.10)

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum lot size and width requirements for uses within this Zoning District.

- (a) Farm - 10 acres minimum
- (b) One family dwelling - 1 acre minimum/maximum
- (c) Other uses - 2 acre minimum

400.7 Minimum Lot Width.

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective

criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum lot size and width requirements for uses within this Zoning District.

- (a) One family dwelling - 100 feet minimum
- (b) Other uses - 200 feet

400.8 Yard Dimensions.

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum yard dimension requirements for uses within this Zoning District.

- (a) Front yard - 40 feet
- (b) Side yard (each) - 20 feet
- (c) Rear yard - 40 feet

400.9 Maximum Building Coverage And Height.

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum building coverage and height requirements for uses within this Zoning District.

- (a) No height limitation for agricultural buildings or structures.
- (b) A maximum height of 35 feet for non-agricultural buildings or structures.
- (c) Maximum Building Coverage (all structures) - 10%
- (d) Maximum Impervious Coverage - 20%

NOTE: A PERMITTED USE BY RIGHT ALLOWS 20%, Intensive Agriculture allows 2%  
400.10 Requirements For Subdivision Of A Tract.

- (a) Subdivision of land shall be permitted only:
  - (1) When necessary to permit the location of a lot for use pursuant to this Ordinance.
  - (2) Except as permitted for single-family dwelling purposes, pursuant to this Section of the Ordinance, or for Permitted and Special Exception Uses established in Section 400.2, 400.4 and 400.5 of this Ordinance, subdivision of land within the AP and AP1 Districts



## ARTICLE V

### SUPPLEMENTARY REGULATIONS

#### Section 500.                    General Description and Criteria For Specific Land Uses

500.1                    It is the intent of this Article to provide special controls and regulations for particular uses that may be permitted by right, or by Special Exception, or by Conditional Use within the various zoning districts established in this Ordinance. Special Exceptions and Conditional Uses are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Article, Article VIII, Article IX, Article X and in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. The Zoning Hearing Board may grant approval of a Special Exception provided that the applicant complies with the standards for special exceptions set forth in this Article and demonstrates that the proposed Special Exception shall not be detrimental to the health, safety, and welfare of the neighborhood. Similarly, the Board of Supervisors may grant approval of a Conditional Use under applicable regulations, including those set forth in the Township SALDO Regulations. The burden of proof shall rest with the applicant. In granting a Special Exception or Conditional Use, the Zoning Hearing Board or Board of Supervisors, as appropriate, may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

- (a)                    Unless otherwise specified in this Ordinance, there shall only be one principal use permitted on a single Lot.
  
- (b)                    Any ownership of any Use by Condominium Association, Homeowner's Association or similar association ownership shall be governed by Section 597 of this Ordinance.

#### 500.2.                    Criteria For Specific Land Uses.

In addition to those items required by Articles VIII, IX and X each of the following land uses contains criteria that 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 Supervisors, when permitted by Conditional Use.

#### Section 501.                    General Criteria for Uses

##### 501.1                    Visibility at Intersections

On a corner lot nothing shall be erected, (except street signs, utility poles, or traffic signs), placed, planted, or allowed to grow in such manner as to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets, and a line joining the street center lines at a distance of seventy-five (75) feet from the point of intersection for minor streets and driveways and a distance of one hundred fifty (150) feet for major streets.

All Uses shall be subject to the following requirements regardless of whether the descriptions in this Article specifically reference this Section or the subsections thereof.

Notwithstanding the laws and regulations of the United States Environmental Protection Agency (USEPA) and/or the Pennsylvania Department of Environmental Protection (PaDEP), the Environmental Performance Standards listed under this Section will be utilized by the Township as supplemental regulations for reviewing existing or potential environmental impacts within the corporate limits of Maxatawny Township.

The Township shall have the right to demand evidence of compliance with the PaDEP standards and requirements.

(a) Air Management ✓ YES

- (1) No gases, vapors or fumes shall be emitted which are harmful to persons, property, animals or vegetation beyond the lot lines of the lot on which such gases, vapors or fumes originate. No toxic, radioactive or corrosive gases, vapors or fumes shall be released into the atmosphere.
- (2) No odors causing annoyance or discomfort to the residents shall be detectable beyond the lot lines of the lot on which such odors originate.
- (3) The regulations of the Pennsylvania Department of Environmental Protection shall be complied with for Fugitive Emissions, Particulate Matter Emissions, Sulfur Compound Emissions, Standards for Sources, Sources of Volatile Organic Compounds, Emission Hazardous Air Pollutants, and Ambient Air Quality Sources.
- (4) No person shall permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the capacity of the emission is greater than 20 percent, except where the presence of uncombined water is the only reason for the failure of the emission to meet this limitation.
- (5) No dust or dirt shall be discharged beyond the lot lines of the lot on which it originates.

(b) Liquid Wastes or Sewage ✓ YES

- (1) Effluent must meet any and all standards established by the Township/or PaDEP.
- (2) In no case shall untreated potentially dangerous, hazardous or contaminating effluent or waste from any operations be

discharged into a reservoir, sewage or storm disposal system, stream, open body of water, or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or sewage treatment plant, or otherwise cause the emission of dangerous objectionable elements.

(c) Solid Waste Management ✓ *yes*

- (1) Except in the permitted zoning district, no storage of solid waste materials on the lot shall be permitted in excess of 10 days. All solid waste materials awaiting transport shall be concealed from view from all adjacent properties and streets, kept in enclosed containers and screened pursuant to Section 517 of this Ordinance.
- (2) All solid waste management violations must be rectified within a 24-hour period.

(d) Outdoor Storage Control ✓ *yes*

- (1) Except for farmer's normal agricultural operations, no flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except for tanks or drums of fuel which are directly connected with engines, heating devices, or appliances located and operated at the same site as the tanks or drums of fuel and which have been approved by the Federal, State or local government where applicable.
- (2) All storage facilities for fuel, raw materials, and products stored outdoors shall be enclosed by a security fence and planting screen adequate to conceal the storage facilities from the view of adjacent properties.
- (3) No materials or waste shall be deposited on site in such form or manner by which it can be transported off the site by natural causes or forces.
- (4) No substance, which has the potential to contaminate groundwater or surface water shall be permitted to be stored outside unless the owner can provide safeguards, which are satisfactory to the Township and PaDEP.

(e) Noise and Vibration ✓ *how close to property line - already covered by ordinance*

- (1) No continuous noise in excess of the following limits shall be permitted at the lot line of the site on which the noise sources originate:

	Between 7 a.m. to 7 p.m.	Between 7 p.m. to 7 a.m.
	(Decibels)	(Decibels)
Maximum	70	60
90% of time must be less than	60	50
50% of time must be less than	50	40

- (2) The levels of all sound pressure testing shall be measured with a Sound Level Meter and an Octave Band Analyzer that conforms to the specifications published by the American Standards Association.
- (3) No physical vibration shall be perceptible without use of instruments at or beyond the lot lines with the exception of temporary construction activity.

(f) Visual and Heat ? might apply if x' / room might be.

- (1) No lighting shall be utilized in a manner, which produces intensive light and/or glare perceptible at or beyond the lot lines.
- (2) Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.

(g) Groundwater and Surface Water Supplies and Quality ✓ fcs

No activity shall endanger groundwater levels and quality and surface water quality in the area of the use, nor adversely affect groundwater supplies of nearby properties. The activity must incorporate wellhead protection plans or ordinances in effect. If adverse effects are possible, then the Township may require a hydrologic study, which shall indicate the impact of the use on groundwater supplies and quality in the area.

(h) Electromagnetic and Radioactive Radiation near front of No. adjacent property

All electromagnetic radiation shall comply with the regulations of the Federal Communications Commission, provided that no electromagnetic radiation shall be produced which interferes with radio or television reception or the operation of other equipment beyond the lot lines. No injurious electromagnetic radiation or radioactive emissions or radioactive wastes shall be produced or permanently stored, and all

emissions shall meet federal and state standards.

(i) DEP Requirements ✓ *if come*

All regulations of the Pennsylvania Department of Environmental Protection shall be complied with.

(j) Buffer Yard ✓ *is much greater but if + neighbor*

When the side and/or rear yard of a lot adjoins land zoned for or used for residential purposes pursuant to this Ordinance, a minimum 20 foot buffer strip suitably landscaped to provide a minimum screen, and in which no paved areas or structures are permitted, shall be provided within the side and/or rear yard adjoining said areas. Also the requirements of Section 517 of this Ordinance shall be complied with when applicable.

(k) Utility Management and Control *depend on how file* *1 + 3 mark* *DEPA*

(1) All commercial and industrial uses requiring energy in the form of electric, diesel, gas, oil, etc., shall comply with the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry and Township codes and shall be so constructed and installed so as to be an integral part of the architectural features of the site.

(2) Any utility, which is viewed and regarded as offensive and unsightly shall be concealed by coniferous planting.

(l) Erosion and Sedimentation Pollution Control ✓ *only construction only*

It shall be unlawful for any building, structure, or other improvement of land to be constructed or land distributed without developing, implementing, and maintaining erosion and sediment pollution control measures and facilities that effectively minimize accelerated erosion and prevent sediment pollution to waters of this Commonwealth. These controls shall be contained in an erosion and sedimentation control plan that meets the requirements of the Department of Environmental Protection Chapter 102 regulations. A copy of the erosion and sedimentation control plan must be available at the earth-moving site at all times.

Prior to the approval of any zoning, building, subdivision, or land development application, an erosion and sedimentation control plan must be submitted to and approved by the Berks County Soil Conservation District or other applicable regulatory body.

(m) Stormwater Management

*done some functions*

For all new construction in all Zoning Districts, a Stormwater Management Plan must be prepared by a professional engineer prior to the issuance of a zoning or building permit except when specifically excluded from submission and review by the applicable Township Act 167 Stormwater Management Ordinance. All Stormwater Management Plans must comply with the applicable criteria of the Act 167 Ordinance regulating the property for which the zoning application has been submitted and /or any official waivers provided therefore based upon the criteria and procedure set forth by said Stormwater Management Ordinance.

(n) Violations

Proprietors who have been cited for any violation(s) subject to this Section shall be responsible for applicable costs incurred by the Township through background investigations, legal proceedings, retributions and rectification measures in addition to any fines or penalties otherwise set forth in this Ordinance or other applicable legal proceeding and/or regulatory process.

(o) Floodplain

*✓ some key word plan Erosion + water control*

The purpose of establishing provisions for floodplain management is to promote and protect the general health, welfare, and safety of the community; encourage the utilization of appropriate construction practices; minimize potential hazards to public health; reduce financial burdens imposed on the community and government; and regulate all development within the 100-year Floodplain. Also see Section 509 of this Ordinance.

(11)

(p) Wetlands

*if have swamp small need better zone criteria*

The purpose of establishing provisions for areas, which may encounter wetlands is to promote and protect the general health, welfare, and safety of the community; secure environmentally sensitive lands; encourage the utilization of appropriate construction practices; and minimize hazards to public health.

*Twp / w/d  
Sun a bit  
Re Bern  
permits*

- (1) The U.S. Army Corps of Engineers in conjunction with the United States Environmental Protection Agency have defined the term "wetlands" as follows:

"Those areas that are inundated or saturated by surface 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 soils conditions. Wetlands generally include swamp, marshes, bogs and similar

Standards.

- (d) All property lines adjacent to existing residential land uses shall be adequately screened and buffered so as to protect the neighborhood from inappropriate noise, light, and other disturbances.
- (e) Land areas, which are not designated for buildings and impervious surfaces shall be planted with an adequate all-season ground cover which is consistent with this Ordinance.
- (f) Driveway or access street shall be located no closer than 100 feet from the intersection of any Township, State, or private street and comply with Section 508.1(i) of this Ordinance. The intersections and interior traffic circulation pattern shall be designed to prohibit through traffic and minimize substantial traffic congestion and hazards. All roads designed for interior circulation shall be constructed in accordance with all applicable Township Standards and specifications.
- (g) Parking facilities shall be required and designed in accordance with all Township Standards, Specifications and Section 508.
- (h) All parking areas, driveways, and/or streets shall be provided with a lighting system which shall furnish adequate illumination at any point, and shall be designed to prevent glare which could be hazardous or uncomfortable to drivers in the area. Lights shall be screened to prevent spill or glare onto adjacent residential areas.
- (i) A land development plan shall be required for all proposed recreational sites in accordance with requirements of Act 247, as amended. In addition, all applications shall comply with applicable standards and specifications provided within the Township Zoning and Subdivision Ordinance.
- (j) No commercial activity shall be permitted except for the charging of admission, sale of refreshments or prepared food, rental or sale of athletic equipment, or such other purpose as is clearly incidental to the permitted recreational use.

Section 513.

Intensive Agricultural Regulations

Intensive Agricultural shall be prohibited in all other Zoning Districts unless specifically set forth in Article IV of this Ordinance.

- (a) Agricultural activities that exceed the standards and provision specified shall be construed as Intensive Agriculture.

- (b) All Intensive Agricultural activities shall be conducted on lands that exceed 50 acres in size.
- (c) The raising and ownership of horses, cattle, and/or livestock shall not exceed four (4) animals per acre or 2000 lbs. per acre, whichever is more restrictive.
- (d) The raising and ownership of poultry shall not exceed 500 birds per acre or 2000 lbs. per acre, whichever is more restrictive.
- (e) The raising and ownership of rabbits, guinea pigs, ferrets, hamsters, rodents, or similar animals, shall not exceed a total of 250 per acre or 2000 lbs. per acre, whichever is more restrictive.
- (f) No farm or other accessory outbuilding shall be constructed closer than 200 feet to any residential property line.
- (g) No more than one (1) dwelling unit shall be permitted on lands on which agricultural activity is considered dominate.
- (h) The display and sale of farm products shall be permitted provided that at least 75 percent of the quantity of products for sale have been produced on the property on which they are offered for sale. The sale of farm products shall be conducted in a structure or stand which shall not be located closer than 25 feet from the applicable street right-of-way. In addition, all off-street parking shall be designed in accordance with this Ordinance.
- (i) All areas utilized for grazing purposes shall be completely fenced in.
- (j) The cultivation of mushrooms shall be construed as an Intensive Agricultural activity.
- (k) Piggeries and Mink Farms shall be construed as an Intensive Agricultural activity.
- (l) Solid and liquid wastes shall be stored in an enclosed storage facility and disposed of in a manner to avoid creating insect or rodent problems on a bi-weekly basis.
- (m) No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into or onto the ground permitted and/or mandated by another ordinance of the Township.
- (n) Composting on a commercial basis is prohibited. Any on-site composting shall be limited to use on the premises upon which such compost is made

.20. exceeds this  
 rd. : intense  
 AG.  
 u 513.a

\* NOTE THAT A CAO IS NOT EVEN ALLOWED PER THIS SECTION.



and must be inspected by the Township at the cost of the Owner.

- ✓ (o) All manure storage areas must be covered and manure removed every two weeks and must be inspected by the Township at the cost of the Owner. *So the township wants him to apply manure in the winter?*
- ✓ (p) Any on-site land application of waste must be approved by the local, state, and/or federal regulatory agencies prior to the granting of the Use.

513.1 Additional Area and Bulk Regulations

- (a) Minimum front yard 300 feet
- Minimum side yard (each side) 200 feet
- Minimum rear yard 200 feet
- \* Maximum extent of impervious surface 2%
- \* Maximum building height 45 feet

\* VARIANCE

NOTE THAT  
'AGRICULTURE  
INDUSTRY'  
ALLOWS 10%  
IMPERVIOUS  
COVERAGE

- (b) No new barns, animal shelters, stables, feed yards, or manure storage areas shall be located closer than 300 feet from all residential dwellings (except the dwelling of the owner or lessee) and from existing restaurants and existing office uses.
- (c) No additions to existing barns, animal shelters, stables, feed yards, or manure storage areas shall be located closer than 200 feet from all property lines and residential dwellings (except the dwelling of the owner or lessee).
- (d) Any area used for the keeping of animals or livestock shall be separated by a fence and setback 50 feet from any lot line.
- (e) Whenever a lot accommodating a use permitted in this district abuts a residential district or existing residential use or existing restaurant or existing office use along a side or rear lot line, the owner shall provide a landscaped screen in conformance with Section 517 between the permitted use and the residential district or existing residential use or existing restaurant or existing office use.

Section 514 Commercial Campgrounds

- (a) The minimum area for such uses shall be twenty five (25) acres.
- (b) The application for special exception use shall be accompanied by three (3) copies of a detailed development plan for the site. One copy will be retained for use by the Zoning Hearing Board; a copy will be forwarded by the Zoning Hearing Board to the Planning Commission and Township Engineer for review and comment prior to the hearing on the Special Exception use.

- (b) Determine that the proposed use will serve the best interest of the Township.
- (c) Be guided in its study, review and recommendations by sound standards of land development practice where applicable and Section 905 of this Ordinance

Section 904

Procedures

The Board of Supervisors shall hold a public hearing upon an application for a conditional use within sixty (60) days after the Board of Supervisors receives the filing of said application. The remaining procedures for processing conditional use applications shall be governed by the conditional use procedures set forth in the Pennsylvania Municipalities Planning Code.

Upon receipt of application and proposed site plan the Planning Commission shall review the conditional use request with the owner, developer or agent prior to the public hearing.

The administrative costs of the public hearing shall be borne exclusively by the applicant in accordance with the administrative fee procedures of the Municipalities Planning Code which shall include the costs of advertisement, notification of property owners, legal and engineering review, and stenographic fees in accordance with Section 907 of this Ordinance.

The Zoning Officer shall report in writing to the Planning Commission and/or the Board of Supervisors stating whether the proposed Conditional Use complies with this Ordinance.

Timing. The Board of Supervisors shall not act to approve or deny a conditional use application unless: a) the Supervisors have received the reports of the Zoning Officer and the Planning Commission or b) unless a period of at least sixty (60) days has passed from the date of the application.

Section 905

Standards for Review of Proposed Conditional Use.

In any instance where the Board of Supervisors is required to consider request for a conditional use in accordance with express standards and criteria, the burden shall be on the Applicant to provide the Board with all the information necessary to evaluate the Conditional Use. The Applicant shall demonstrate to the Board's satisfaction that:

- (a) The proposed use shall meet all specific standards and regulations for eligibility which appear in the Section/ Article of this Ordinance authorizing the proposed conditional use as well as demonstrate ability to comply with 501.10.