

SUGARLOAF TOWNSHIP
ZONING ORDINANCE

BEING CHAPTER XXVII
OF THE CODE
OF ORDINANCE
OF SUGARLOAF TOWNSHIP

OCTOBER 2005

CHAPTER 27

ZONING

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PART 1

TITLE, PURPOSE AND INTERPRETATION

§27·101. Short Title.

This Chapter shall be known as and may be cited as the "Sugarloaf Township Zoning Ordinance."

§27·102. Purpose.

1. This Chapter is enacted to promote the public health, safety, morals and general welfare of the residents of the Township of Sugarloaf by encouraging the most appropriate use of land and buildings; preventing the overcrowding of land; avoiding undue congestion of population; providing for adequate light and air; converging the value of land and buildings; securing safety from fire, panic, flood and other danger; facilitating the adequate provision of transportation, water, sewerage, school and other public facilities.
2. This Chapter is enacted in accordance with the community development objectives as set forth in the Sugarloaf Township Comprehensive Plan. These community development objectives are:
 - A. To preserve the quality of existing residential areas within the Township.
 - B. To provide areas where a variety of residential building types, including single-family dwellings, two-family dwellings and multiple family dwellings may be located.
 - C. To provide areas where commercial and industrial uses may be located.
 - D. To discourage intensive development in those areas not suitable for intensive development, such as areas of steep slope and high water table and areas included within flood plains.
 - E. To encourage the preservation of natural amenities such as streams, stream valleys and wooded areas.
 - F. To encourage a pattern of orderly growth and compactness of development to facilitate the economical provision of utilities and services.
 - G. To discourage intensive development in those areas which are not suitable for onsite sewage disposal and which are not expected to be sewered in the near future.

- H. To encourage concentrations of residential and commercial development, rather than strip development of residential and commercial uses along existing roads.
- I. To encourage development in areas presenting few limitations to development.
- J. To encourage development where an existing core of residential development and community services exist and where public sewer and water facilities are most feasible: the Conyngham - Sybertsville area.
- K. To preserve aesthetic and property value and general welfare of the residents of the Township.

§27-103. Interpretation.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the Township. Should any requirement of any other Chapter of the Township Code be found to be in conflict with any requirement of this Chapter, the more restrictive of the two shall prevail.

§27-104. Application.

After the date of adoption of this Chapter, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to or relocated and every use within a building or use accessory thereto in the Township of Sugarloaf shall be in conformity with the provisions of this Chapter. Any existing building or structure and any existing use of building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming but may be continued, extended or changed subject to the special regulations pertaining thereto hereinafter contained.

PART 2

DEFINITIONS

§27-201. General.

For the purpose of this Chapter, certain terms and words are defined as follows. Words used in the present tense shall include the future tense. Words in the singular shall include the plural and words in the plural shall include the singular. The word "shall" is mandatory. The word "may" is permissive. Terms not defined in this Chapter shall have the meaning customarily assigned to them.

ACCESSORY BUILDING - a building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

ACCESSORY USE - a subordinate use of a portion of a lot which is customarily incidental to the main or principal use of the land or of a building on a lot.

ADULT DAY CARE - A use providing supervised care and assistance primarily to persons who are over age 60 and not in good physical health or suffering from dementia or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

AGENT OF OWNER - Any person who can show written proof that he has authority to act for the property owner.

AGRICULTURAL OPERATION - An enterprise that is actively engaged in the commercial production and preparation for market of crops, 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.

ALTERATION, STRUCTURAL - any enlargement of a building; the moving of a building from one location to another; any change in or addition to the supporting members of a building or structure.

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AMENDMENT - a change in the wording, context or substance of this Chapter or a change in the district boundaries upon the Zoning Map.

APARTMENT UNIT - a dwelling unit within an apartment building. An apartment building is a building on a single lot designed for and occupied as a residence, containing three or more dwelling units which may be separated horizontally and/or vertically.

APPLICANT - a landowner or developer, who has filed an application for development including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT - every application, whether preliminary, tentative 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.

APPROVED PRIVATE STREET - a legally established right-of-way which provides the primary vehicular access to a lot and which has not been dedicated or deeded to the Township of Sugarloaf.

ARTERIAL ROAD - arterial roads are indicated on a highway classification map which shall be maintained by the Township Zoning Officer and the Township Planning Commission.

ASSISTED LIVING FACILITY - A premise 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 matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.

AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

AUTOMOBILE SERVICE STATION OR FILLING STATION - A building or place of business where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicles trade at retail, and where the following services may be rendered.

a. Minor Repair

1. Sale and servicing of spark plugs and batteries.
2. Tire repair and servicing, no recapping.

3. Replacement of mufflers and tailpipes, water hose, fan belts, brake and transmission fluids, light bulbs, floor mats, seat covers (where this shall not be the principal use), windshield wipers, grease retainers and wheel bearings.
4. Radiator cleaning and flushing.
5. Washing and polishing, not including mechanical and/or automatic car wash establishments.
6. Installation of fuel pumps and fuel lines.
7. Minor servicing and replacement of carburetors.
8. Adjustment and installation of brakes.
9. Tuning engines, except for grinding valves, cleaning carbon or removing the head of engines and/or crankcases.
10. Greasing and Lubrication.
11. Emergency Wiring Repairs.
12. Any similar minor service or repair not listed below under "major repair".

b. Major Repair

In addition to those repairs and services listed above as "minor repair", any general repair, rebuilding or reconditioning not listed above; collision service including body, frame or fender straightening or repair; painting or paint shops; mechanical car wash establishments; but not including any operations which require the heating or burning of rubber.

AUTOMOBILE WRECKING - The dismantling or disassembling of used motor vehicles or trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BASEMENT - a story partly underground having ½ or less of its height above the average level of the adjoining ground.

BED AND BREAKFAST FACILITY - Such uses shall be accessory home occupations. They shall be designed to provide sleeping, eating and bath facilities for overnight guests on a daily or weekly basis. They shall not include restaurant facilities open to persons who are not overnight guests.

BOARD - the Board of Supervisors of Sugarloaf Township.

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BOARDING HOUSE - A building, where for compensation, provision are made for lodging and meals for not more than ten (10) persons. A boarding house does not include a congregate housing facility for persons housed as an alternative to incarceration or persons afflicted with and/or being treated for addiction to a controlled substance.

BUFFER STRIP - a continuous strip of landscaped land which is clear of all buildings and parking areas.

BUILDING - any structure having a roof, built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. Where separated by division walls without openings from the ground up, each portion of such structure shall be deemed a separate building. Where this Chapter requires, or where special authority, granted pursuant to this Chapter, requests that a use shall be entirely enclosed within a building, this definition shall be qualified by adding "and enclosed on all sides."

BUILDING AREA- the total area encompassed by the setback lines on any lot.

BUILDING HEIGHT- the vertical distance measured from the average elevation of the finished grade at the two front corners of the building to the highest point of the roof. Chimneys, spires and other similar projections shall not be included in calculating the height of a building.

BUILDING SETBACK LINE - a line parallel to and set back from the property line of the subject property. The setback line establishes the area within which a structure may be erected.

BULK FUEL STORAGE

- a. Principal Use - The storage of fuel beyond what is reasonably needed for customary on-site use. This includes the storage of fuel to be sold for off-site use.
- b. Accessory Use - The storage of fuel for customary on-site use such as agricultural use, gas station, and similar uses.

CART WAY - the surface of a street or road available for vehicular traffic.

CLEAR SIGHT TRIANGLE - an area within which no vision obstructing object is permitted. A clear sight triangle shall be provided at all street intersections within which vegetation or other visual obstructions shall not exceed a height of thirty (30) inches above the street grade. Said triangle shall be measured for a distance of thirty (30) feet along street right-of-way lines extending from their point of intersection which forms a corner lot.

At each point where a private axis intersects a street or road, there shall be maintained a clear sight triangle of not less than ten (10) feet measured from the point of intersection of the street line and the edge of the axis, within which vegetation and other visual obstructions shall be limited to a height of not more than thirty (30) inches above the street grade.

If not obstructing the view of traffic, posts, columns, or trees, not exceeding 1 foot in diameter shall be permitted within the clear sight triangle.

CLUB, FRATERNAL ORGANIZATION LODGE · an association of persons for some common nonprofit service but not including groups organized primarily to render a service which is customarily carried on as a business.

COMMERCIAL VEHICLE · A commercial vehicle shall be any vehicle other than a private passenger vehicle, including trucks, trailers, and construction equipment.

COMMISSION · The Township Planning Commission of the Township of Sugarloaf.

COMMON OPEN SPACE · a parcel or parcels of land or an area of water, or a combination of land or water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

COMMUNICATIONS ANTENNA · any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation, omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. 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.

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

COMMUNICATIONS TOWERS · a structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

CONVALESCENT or NURSING HOME · establishment providing nursing, dietary and other personal services to convalescents, invalids or aged persons.

CORNER LOT · a lot abutting two or more intersecting public or private streets, or at the point of abrupt change of a single street (an interior angle of less than 135 degrees and a radius line of less than 100 feet).

COUNTY · the County of Luzerne, Commonwealth of Pennsylvania.

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CUSTOMARY HOUSEHOLD PETS - shall include animals, fish, and birds, which are generally considered to be domestic animals, such as hamsters, dogs, cats, and birds. Farm fowl and other farm animals not specifically designated shall not be considered as customary household pets.

DAY CARE FACILITIES

- a. Child Day Care Center. A premises in which child day care is provided simultaneously for seven (7) children or more who are not relatives of the provider of the child day care home, where such facility is subject to PA Department of Public Welfare supervision or licensing under the PA Public Welfare Code.
- b. Family Day Care Home. A premises in which child day care is provided at any one time to between four (4) and six (6) children who are not relatives of the provider of the child day care where such facility is required to be registered with the PA Department of Public Welfare under the PA Public Welfare Code.
- c. Group Day Care Home. A State licensed facility in which care is provided for more than 6 but less than 12 children, at any one time, if care is provided in a facility where the child care areas are being used as a family residence.

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.

DEVELOPER - any landowner, 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 developer.

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.

DIRECTIONAL SIGN - a sign containing directional information about public places owned or operated by Federal, State or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, scientific, educational and religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation.

DISTRICT - a portion of the territory of the Township of Sugarloaf within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Chapter.

DORMITORY - Residential facilities that are only inhabited by teaching faculty and/or full-time students of an accredited college, university or medical training facility or State-licensed teaching hospital, or approved "Care and Treatment Center for Children" (as an accessory use to such use) or to an accredited public or private primary or secondary school, and which are owned and operated by such principal use to which the dormitory serves. Dwelling units shall not be regulated as "dormitories."

DWELLING - a building or a portion thereof designed for and used exclusively for residential occupancy.

ATTACHED, ROW OR TOWNHOUSE UNIT - a residential structure containing three or more dwelling units which are separated from each other by two common walls, except for the end units.

CONDOMINIUMS - a given set of dwelling units each of which is owned by an individual person or persons in fee simple, and which is assigned a proportionate interest in all common elements, as set forth in the Uniform Condominium Act, Act of the General Assembly of July 2, 1980, P.L. No 82, as amended and supplemented.

CONVERSION UNIT - existing residential structure which has been modified structurally in such a way as to convert it from one dwelling unit to two or more dwelling units.

DETACHED UNIT - a residential structure containing only one dwelling unit.

DWELLING, GARDEN APARTMENTS - A group of rental units, generally under single ownership (but a condominium is not precluded) where there shall not be more than eight (8) dwelling units contained within each structure; such structures containing garden apartment units are generally less than four (4) stories in height although in the Municipality they shall not exceed a height of 2.5 stories or thirty-five feet.

DWELLING GROUP - A group of two (2) or more residential buildings on a single zone lot.

DWELLING UNIT - one or more rooms having cooking and sanitary facilities and access directly outdoors or through a common entrance hall. For the purpose of this Chapter, one dwelling unit shall be intended to house only one family.

MULTIPLE DWELLING OR APARTMENT UNIT - a residential structure of two or more stories containing three or more dwelling units (not row or townhouse units).

SEMI-DETACHED UNIT - a residential structural containing two dwelling units having either a common wall or a floor separating them.

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EARTH-EXTRACTION – Earth-extraction is a business activity which includes the excavation and removal of natural resources from the earth. Earth-extraction industries include mining, quarrying, rock-crushing and similar uses.

EARTH-MOVING INDUSTRY - An earth-moving industry is a business activity which results in temporarily or permanently changing the contour of the earth. Earth-moving industries include, but are not limited to earth extraction industries and sanitary landfills.

ESSENTIAL SERVICES

a. Essential Services, Enclosed or Permanent Structures

Such uses are intended to include facilities for sewage treatment, electric substations, transformers, switches, and auxiliary apparatus, as well as local governmental services such as police stations, fire houses and similar uses. Where such uses are proposed to be located in a Residential District, they shall be subject to the following regulations:

1. Such facility shall not be located on a residential street (unless no other site is available), and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
2. The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.
3. Adequate fences, barriers and other safety devices shall be provided, and shall be landscaped in accordance with the provisions of Section 510 hereof.
4. Noise emitted from electric substations shall not be greater than permitted in accordance with the performance standards set forth herein.

b. Essential Services, Open

Such uses shall be limited to the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare. Such uses shall not include sanitary landfills and related uses such as staging areas or other means of solid waste disposal. Where applicable, the landscaping regulations of Section 510 hereof shall apply.

FAMILY - Except for group housing for handicapped persons, there shall be not more than seven (7) unrelated individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

Notwithstanding the definition in the preceding paragraph, a family shall also be deemed to include unrelated persons occupying a dwelling units and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined herein. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

A family does not include a group living in a boarding house or hotel, or fraternities, sororities, and clubs, or other forms of congregate living arrangements, except as otherwise provided herein.

FARM ANIMALS - Farm animals shall be those animals normally associated with agricultural enterprises, such as cattle, horses, hogs, and poultry; they are normally raised for human consumption, production of dairy products, pelts and other commercial purposes.

FORESTRY - The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FRONTAGE - The lot dimension measured along the right-of-way or street line of any street or highway abutting a lot.

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.

GARAGE, PRIVATE - An accessory building, or an accessory portion of the main building, designed or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building.

GOVERNING BODY - The Sugarloaf Township Supervisors.

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GROUP HOME FOR THE HANDICAPPED - A dwelling unit shared by handicapped persons, including resident staff, who live together as a single housekeeping unit and in long-term, family-like environment in which staff persons residing on the premises provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. The term "group home for the handicapped" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

HANDICAPPED PERSON - As used herein, regarding "group home for the handicapped", the term "handicapped" shall mean having: 1) a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; 2) a record of having such an impairment; or 3) being regarded as having such an impairment. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals.

HAZARDOUS MATERIALS - Any hazardous materials identified by the American Conference of Governmental Industrial Hygienists, the Pennsylvania Department of Environmental Protection, the U.S. Environmental Protection Agency, or their successor agencies, including, but not limited to the following:

- a. Corrosive Liquid shall be and include acids, alkalines, caustic liquids and powders or flakes. Other corrosives, that when in contact with living tissue, cause severe damage to living tissue with contact. Leakage - chemical action liable to cause fire when in contact with organic matter.
- b. Flammable Solid which is liable to cause fire through friction, absorption of moisture or spontaneous chemical change.
- c. Oxidizing Material shall mean chlorates, permanent peroxides or nitrates that yield oxygen to stimulate combustion.

HEALTH CARE FACILITIES - Health Care Facilities consist of several different types of facilities such as hospitals, medical centers, nursing homes, hospice institutions, and other similar uses where people can receive medical treatment and related support services due to their inability to meet their own physical care needs. Rooming and boarding houses, and drug rehabilitation facilities and drug treatment centers other than for the medical treatment of persons requiring medical treatment for traumatic conditions resulting from overdosing on controlled substances are not considered to be health care facilities.

HEIGHT OF A COMMUNICATIONS TOWER - The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

HIGHWAY ACCESS POINT - The location or place of egress from or access to a street or highway created by a driveway, minor street or another highway.

HOME OCCUPATION - A home occupation is a commercial or other nonresidential use of a dwelling which is customarily conducted entirely within a dwelling unit or accessory building, which is conducted by the owner-occupant residing therein; provided that such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes. The inability of the proposed use to meet the space limitations or other requirements herein established shall conclusively establish that such proposed use was not intended to be a home occupation, as defined herein.

HOTEL - A building in which there are seven or more guest rooms where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite, but shall not include jails, hospitals, asylums, sanatoriums, orphanages, prisons, detention homes and similar buildings where human beings are housed and detained under legal restraint.

IMPERVIOUS COVERAGE - The coverage of land by buildings and other impervious materials such as asphalt, which prevent the percolation of water into the ground.

IMPROVEMENT -

- (1) Any type of structure, excavation or paved section, including driveway or curb, planting strip or barrier to un-channeled motor vehicle entrance or exit in commercial and industrial district.
- (2) Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

JUNKYARD - A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or other scrap or discarded materials; or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof. The deposit of storage on a lot of two or more disabled vehicles, or the major part thereof, without current inspection stickers shall be deemed to be a "junk yard"; provided, however, that such use shall not be deemed to be a "junk yard" if such vehicles are stored in an enclosed building.

LAND DEVELOPMENT - Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) 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.

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- (b) 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, buildings groups or other features.
- (2) A subdivision of land.
- (3) Excluded from this definition of land development are the following:
 - (a) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.
 - (b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
 - (c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, and principally as the location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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.

LARGE·SCALE DEVELOPMENT

- a. Residential - A large scale residential development shall be planned for a site of not less than ten (10) acres.
- b. Commercial – A large scale commercial development shall be planned for a site of not less than three (3) acres.
- c. Manufacturing -A large scale manufacturing development shall be planned for a site of not less than ten (10) acres.

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit, and having frontage on a dedicated street or road.

- a. Lot, Corner - A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the "corner".
- b. Lot, Depth - The mean horizontal distance between the front and the rear lot lines.
- c. Lot Lines - The property lines bounding the lot.
 - 1. Lot Line, Front - The ultimate right-of-way line of the street or road.
 - 2. Lot Line, Rear - The lot line opposite and most distant from the front lot line.
 - 3. 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.
 - 4. Lot Line, Street - A lot line separating the lot from a street.
- d. Lot Width - The mean width of the lot measured at right angles to its depth. Such a line along which the minimum lot frontage shall be measured at a point which shall coincide with the building set back or front yard line.
- e. Lot of Record - A lot as shown on an officially recorded plat or subdivision, or a parcel of land the deed to which is officially recorded, considered as a unit of property, and described by metes and bounds.
- f. Lot Size - The area contained within the boundaries of a lot.
- g. Lot, Through or Double Frontage - A lot with front and rear street frontage.
- h. Lot Area - The area contained within the property lines of a lot.

LOT OF RECORD - A lot as shown on an officially recorded plat or subdivision, or a parcel of land the deed to which is officially recorded, considered as a unit of property, and described by metes and bounds.

LOT SIZE - The area contained within the boundaries of a lot.

LOT WIDTH - The horizontal distance between the side lot lines as measured along the street line it fronts.

LOT, THROUGH or DOUBLE FRONTAGE - A lot with front and rear street frontage.

LOT AREA - The area contained within the property lines of a lot.

ZONING

MALODOR - An odor which causes annoyance or discomfort to the public and which the Township determines to be objectionable to the public.

MEDIATION - A voluntary process in which parties in a dispute mutually select a neutral mediator to assist in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider mutually acceptable.

MEDICAL CENTERS - Medical Centers, including Mini Medical Centers, are establishments, other than hospitals, which provide medical evaluation and treatment services to individuals; such treatment may include day-surgery, out-patient surgery, magnetic resonance imaging centers and similar uses, but, they may not include drug rehabilitation facilities or drug treatment centers other than for the medical treatment of persons requiring medical treatment for traumatic conditions resulting from overdosing on illegal controlled substances. Satellite hospital facilities which do not include facilities for the overnight stay of patients are also included in this use category.

MEDICAL/DENTAL OFFICE OR CLINIC - A use involving the treatment and examination of patients by State-licensed physicians, chiropractors or dentists, provided that no patients shall be kept overnight on the premises unless a hospital is also permitted. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes.

MEDICAL TESTING LABORATORY - A facility that provides testing services in accordance with physician requirements for the evaluation and measurement of various patient medical conditions.

METHADONE TREATMENT FACILITY- A site, the primary purpose of which is to conduct projects approved by the PA Department of Health which projects use the drug methadone in the treatment, maintenance or detoxification of persons.

MIXED USE STRUCTURE · A structure which contains two or more distinctly separate uses such as a commercial use and a residential use.

MOBILE HOME - A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or 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.

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

MOBILE HOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MOTEL - one or more attached or detached buildings containing multiple sleeping units, where a garage is attached or a parking space is conveniently located to each unit, for temporary use by tourists or transients. "Motel" shall also include tourist courts and motor lodges.

MOTOR VEHICLE SERVICE STATION - a building or place of business where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade at retail.

MUNICIPAL USE - land owned and maintained by the Township and including such uses as a library, park, playground or administrative building. Sanitary landfills are excluded from this definition.

NO-IMPACT HOME BUSINESS- "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 residential use. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

ZONING

NONCONFORMING LOT - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - a structure or part thereof which does not comply with applicable use or extent of use provisions of this Chapter or amendment heretofore enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment hereto, or prior to the application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to nonconforming signs.

NONCONFORMING USE - a use, whether of land or of structure, which does not comply with the applicable use provisions of this Chapter or amendment hereto or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or lawfully in existence prior to the enactment of this Chapter or subsequent amendment to its location by reason of annexation.

NURSING HOME - A facility licensed by the State for the housing and intermediate or fully-skilled nursing care of 3 or more persons needing such care because of old age or a physical illness or disability or a developmental disability, but not including a "Treatment Center."

OPEN SPACE

- a. 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 residential development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space includes both developed (active) and undeveloped (passive) open space.
- b. Open Space, Developed (Active) - Land that is set aside for use as active recreational areas, such as playfields, playgrounds, skating rinks, swimming pools, tennis courts, and areas for water management (storm, waste, potable supply).
- c. Open Space, Undeveloped (Passive) - Land used for passive recreation, agriculture, resource protection (including wildlife sanctuary), amenity, or buffers and protected from future development by the provisions of this Ordinance to ensure that it remains as open space.

OUTDOOR STORAGE

- a. Principal Use The use of land for an unenclosed use involving the storage of materials intended to be sold to the public, either retail or wholesale.

- b. Accessory Use The use of materials where such storage is incidental to the principal use of the property and such materials are to be utilized by the principal use; e.g. raw materials for production, waste materials generated by a production activity where such waste materials are to be discarded or sold for recycling.

OXIDIZING MATERIAL - Chlorates, permanent peroxides or nitrates that yield oxygen to stimulate combustion.

PARKING SPACE - A space within a building or on a lot, used for the parking of a motor vehicle.

PEDDLING, HAWKING, SELLING OR SOLICITING - Any temporary commercial activity conducted by any person or business, including but not limited to, engaging in peddling, canvassing, soliciting or taking of orders, upon any of the streets or sidewalks or from house to house within the Township of Sugarloaf. **PROVIDED:** the word "peddling" shall not apply to: farmers selling their own produce; the sale of goods, wares, and merchandise for charitable or philanthropic purposes or sales to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE · Act of 1968, July 31, P.L., 805, as amended (53 P.S. §10101 et seq).

PETS · Customary household pets shall include animals, fish and birds which are generally considered to be domestic animals, such as hamsters, dogs, cats, and birds including ducks which shall not be for human consumption. Farm fowl such as chickens and turkeys and other farm animals not specifically designated shall not be considered as customary household pets.

PLANNING COMMISSION - Sugarloaf Township Planning Commission.

PLANNED RESIDENTIAL DEVELOPMENT - an area of land controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Chapter.

PORTABLE SWIMMING POOL - A pool which is capable of being relocated and stored during non-swimming seasons.

PREMISES - All improvements, buildings and land on or within a lot.

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.

ZONING

PRINCIPAL BUILDING - A building in which is conducted the principal use of the lot on which it is situated.

PRINCIPAL USE - The main or primary purpose for which any land, structure of building is designed, arranged or intended, and for which they may be occupied or maintained under this Chapter.

PROFESSIONAL OFFICE - The office of a member of a recognized profession. When conducted in a residential district, a professional office shall be incidental to the residential occupancy, shall be conducted by a member of the residential family entirely within a residential building, and shall include only the offices of doctors, or physicians, dentists, optometrists, ministers, architects, landscape architects, professional engineers, lawyers, artists, authors and such other similar professional occupations which may be so designated by the Zoning Hearing Board upon finding by the Board that such occupation is truly professional in character by virtue of the need for similar training and experience as a condition for the practice thereof and that the practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone to a greater extent than for the professional activities listed herein. The issuance of a State or Local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

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

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. 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 hearing.

PUBLIC ROAD - A public thoroughfare, including a street or road which has been dedicated or deeded to the Township and which affords the principal means of access to the abutting property; provided, however, that the municipality has accepted such deed of dedication.

PUBLIC UTILITY TRANSMISSION TOWER - A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

QUARRY AND SURFACE MINING - Activities which remove from the earth surface minerals and materials or elements of economic value by mechanical excavation, not including subsurface mining nor the removal of top soil.

RECREATION

- a. Recreation, Nonresidential
Recreation facilities operated as a business and open to the general public for a fee. Private or commercial recreation uses such as: amusement arcades, amusement parks, golf driving ranges, private or commercial golf courses, miniature golf, racing tracks, etc.
- b. Recreation, Private
Clubs or recreation facilities, operated by a non-profit organization and open only to bonafide members of such organizations and their guests.
- c. Recreation, Public, Open Space
Public open space recreation shall include any open space recreation use, such as a park, a playground, a swimming pool, tennis courts, basketball courts, and other similar recreational uses; provided, however, that such facilities are owned and operated by a unit of government or a private, non-profit charitable organization: and, provided that such uses are open to the public: and, provided further that accessory uses such as concession stands are also included in this category.

RIGHT-OF-WAY - The total width of any land reserved or dedicated as a street, road or crosswalk.

RENEWABLE ENERGY SOURCE - any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric and excluding those sources of energy used in fission and fusion processes.

RIPARIAN RIGHTS - rights relating to the bank of a stream or lake.

ROOMING HOUSE - The same as a boarding house, except that no meals shall be provided.

SANITARY LANDFILL - A sanitary land fill is considered to be any facility devoted to the storage and/or disposal of solid wastes pursuant to the regulations of the Pennsylvania Department of Environmental Protection governing sanitary landfills. Sanitary landfills may include Staging Areas as defined herein. Sanitary landfills shall be subject to all regulations contained herein governing earth-moving activities.

SCREEN - vegetative material, fence, etc., planted or constructed to block from view the structures and uses on the lot of which the screen *is* located from the view of people on adjoining properties.

SIGN - A "sign" is a name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building,

structure, or piece of land, vehicle, equipment or other portable gear, and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include any display of official court, or public office notices, nor any official traffic control device, nor shall it include the flag, emblem or insignia of a nation, state, county, municipality, school or a religious group. A "sign" shall not include a sign located completely within an enclosed building except for illuminated or animated signs within show windows. Each display surface of a sign shall be considered to be a "sign".

SIGN, BUSINESS - A "business sign" is a sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

SIGN, FLASHING - A "flashing sign" is any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance any revolving, illuminated sign or traveling message panel shall be considered a "flashing sign".

SIGN, GROSS SURFACE AREA - The "gross surface area" of a sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements, lying outside the limits of such sign and not forming an integral part of the display. The gross surface area of free standing signs shall include the area of one (1) side of such sign even if display information is included on both sides of the sign.

SIGN, OUTDOOR ADVERTISING - An outdoor sign or billboard which directs attention to a business, profession, commodity or entertainment conducted, sold, or offered elsewhere than upon the same lot. Under the provisions of this ordinance, outdoor advertising can be erected on the premises in any of the nonresidential districts.

SIGN, OUTDOOR ADVERTISING - DOUBLE SIGN - A double outdoor advertising sign shall be a sign constructed with separate framing elements which are structurally connected at their sides. No half of such a double sign shall, however, exceed two-thirds of the maximum permitted gross surface area of an individual sign; and the combined gross surface area shall not exceed the maximum permitted for a single sign.

SOLID WASTE - Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous materials, 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, semi-solid or contained gaseous materials resulting from industrial, mining, agricultural operations, local facilities or any other byproduct or effluent from an industrial mining, agricultural or water supply treatment facility, wastewater treatment facility or air pollution control facility.

SOLID WASTE, MUNICIPAL - Any garbage refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

SPECIAL EXCEPTIONS - A "special exception" is a use which because of its unique characteristics requires individual consideration in each case by the Zoning Hearing Board as specified in Articles 8 and 9, before it may be permitted in the district enumerated in Article 3. In accordance with the provisions of this ordinance, the Zoning Hearing Board may require certain conditions and safeguards before such a use is permitted.

SPECIMEN TREE - Any existing tree with a caliper that is 75 percent or more of the record tree of the same species in the Commonwealth of Pennsylvania.

STAGING AREA - A staging area is an area designated for motor vehicles or other means of transportation or any other types of refuse container containing solid waste materials which are to be deposited at a sanitary landfill site. Loaded vehicles awaiting their opportunity to deposit such wastes shall wait for their turn in a designated staging area on the sanitary landfill site. All staging areas shall be subject to all regulations contained herein governing sanitary landfills.

STORMWATER ORDINANCE - The Township has adopted a Stormwater Ordinance as set forth in Chapter 21 of the Township's Codes.

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 the floor and the ceiling above it.

a. Story, Half

A partial story under gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story shall not be used for residential purposes, other than for a janitor or caretaker or his family.

b. Story, First

The lowest story or the ground story of any building the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building.

STREET · A public or private thoroughfare not less than thirty (30) feet in width if in existence prior to the passage of this ordinance nor less than fifty (50) feet in width if established subsequent to the passage of this ordinance which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfares. The word street includes the entire right-of-way; it is not limited to the width of the cartway.

a. Side Street

Any street, the length of which shall be not more than 50 percent of the length of the largest street line of the Municipality's blocks of which it is part.

b. Residential Street

A street between two intersecting streets upon which an R-District abuts, or where 50 percent or more of the abutting street frontage is in predominantly residential use.

c. Other Street Classifications

- (1) Approach Highways are those which intersect with and have interchange connection with limited access arterial highways.
- (2) Arterials are those serving large volumes of comparatively high-speed and long-distance traffic, and include facilities classified as main and secondary highways by the Pennsylvania Department of Transportation, and include streets classified as Arterial Thoroughfares or Primary Streets in the Traffic Plan set forth in the Municipality's Comprehensive Plan.
- (3) Collector Streets are those which, in addition to giving access to abutting properties, intercept facilities and provide routes, to community facilities and to major traffic streets, and include streets classified as Secondary Streets in the Traffic Plan set forth in the Municipality's Comprehensive Plan.
- (4) Local Access Streets, Including Minor Streets, are those used primarily to provide access to abutting property.
- (5) Major Streets are all streets other than local access streets.

STREET LINE (RIGHT-OF-WAY LINE) - the dividing line between a lot and the outside boundary of a public street, road or highway right-of-way legally open or officially plotted by a municipality or higher governmental authority, or between a lot and a private street, road or way over which the owners or tenants of two or more lots held in single and separate ownership have the right-of-way. Where a future right-of-way width for a street has been established, the street line shall be in the line of such future right-of-way.

STRUCTURAL CHANGE - Any change in the structural members of a building, such as walls, beams, columns or girders.

STRUCTURE - anything build, constructed or erected which requires location on the ground or attachment to something located on the ground.

SUBDIVISION - the division or re-division 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 of heirs or devises, transfer of ownership for building or lot development; provided, however, that the subdivision by lease or land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION ORDINANCE - The Township has adopted a Subdivision and Land Development Ordinance as set forth in Chapter 22 of the Township's Codes.

SUBSTANTIALLY COMPLETED - where, in the judgment of the Township Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to the Sugarloaf Township Subdivision and Land Development Ordinance (Chapter 22) of those improvements required as a condition for final approval have been completed in accordance with approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SWIMMING POOL - any pool or open tank, not including a pond, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than 1 ½ feet, intended for swimming.

TELECOMMUNICATIONS ANTENNA, COMMERCIAL - A device attached to a building, structure, or Telecommunications Tower principally intended for receipt or transmission of signals for such uses as commercial or public VHF or UHF television, FM radio, two-way radio, commercial carriers, cellular telephone, fixed point microwave, lower power television or AM radio, including accessory equipment related to telecommunications. Not included are antennas for private, noncommercial and amateur purposes, including but not limited to ham radios and citizens band radios.

TELECOMMUNICATIONS FACILITIES, COMMERCIAL - Facilities used for transmitting or retransmitting electronic signals, including, but not limited to, the transmission of commercial radio or television signals or cellular telephone communications. TV satellite disc antenna are not included under this category of use.

TELECOMMUNICATIONS FACILITIES, RESIDENTIAL - Antennas for private, noncommercial and amateur purposes, including T.V. satellite dish antennae as regulated in Section 5.965.

TELECOMMUNICATIONS FACILITY BUILDING, COMMERCIAL - The building in which electromagnetic receiving and relay equipment for a Telecommunications tower is housed.

TELECOMMUNICATIONS TOWER, COMMERCIAL - A free standing structure, including any guy wires, principally intended to support facilities for receipt or transmission of signals for uses such as commercial or public VHF or UHF television, FM radio, two-way radio, commercial carriers, cellular telephone, fixed point microwave, low power television, or AM radio, including accessory equipment related to telecommunications. Not included are towers and supportive structures for private, non-commercial and amateur purposes including but not limited to ham radios and citizens band radios.

TEMPORARY USES

- a. General. Temporary uses shall include those activities which will be undertaken for a period of time specified in the application for a permit for such a use. Said period of time shall be one (1) year or less. If additional time is required a new application shall be submitted. No application for temporary uses shall be for a period of more than one (1) year.
- b. Business. Uses such as a circus, carnival, flea market, etc. with or without a structure such as a tent.
- c. Residential. Temporary residential uses include temporary rental offices on development sites, including development signs and other such uses.

TEMPORARY COMMERCIAL ACTIVITY - Activity which shall be conducted for a period of not more than thirty-one (31) consecutive days; provided, however, that such use is not accessory to a permanently permitted business use.

TOWNSHIP - Township of Sugarloaf, Luzerne County, Pennsylvania.

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 are appropriately designed to serve the needs of pedestrians and vehicles equally.

TRANSIENT HOUSING FACILITIES - Transient housing facilities shall include emergency shelters or missions, and other types of housing facilities which are to be occupied on a temporary basis, such as a fixed period of time. Such housing shall be distinguished from housing occupied by a family in that family occupancy equates to an indefinite occupancy period.

YARD - the open unoccupied space, on the same lot with a building, which shall be open and unobstructed from the ground upward, except as otherwise provided in this Chapter, and not less in depth or width than the minimum required in each zoning district. Driveways are permitted within required yard areas.

FRONT YARD - the required open space extending the full width of a lot, between the street line and the front of a building.

REAR YARD - the required open space extending the full width of a lot, between the rear lot line and the back of a building.

SIDE YARD - the required open space extending from the front yard line to the rear yard line, between a side lot line and the side of a building.

VARIANCE - a modification of the specific regulations of this Chapter in accordance with the terms of this Chapter for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

ZONING HEARING BOARD - Sugarloaf Township Zoning Hearing Board.

ZONING OFFICER - Sugarloaf Township Zoning Officer.

ZONING ORDINANCE - this Chapter 27.

PART 3

ZONING DISTRICTS AND ZONING MAP

§27-301. Types of Zoning Districts.

In order to carry out the objectives of this Chapter, the Township of Sugarloaf has been divided into the following use districts.

- S-1 Conservation District
- A-1 Agricultural District
- R-1 Residential District
- C-1 Highway Commercial District
- C-2 Interchange Commercial District
- I-1 General Industrial and Mining District

§27-302. Zoning Map.

1. The boundaries of the zoning districts shall be as shown on the "Official Zoning Map of the Township of Sugarloaf." This zoning map shall be located in the Township offices. The zoning map and all notations, references and data shown thereon are hereby incorporated by reference into this Chapter.
2. The Official Zoning Map shall be labeled and identified by the signature of the Chairman of the Township Board of Supervisors, attested by the Secretary of said Board, and bear the seal of the Township under the following words:

"This is to certify that this is the Official Zoning Map of the
Township of Sugarloaf adopted

3. All amendments to the Official Zoning Map of the Township shall be indicated on the map. An entry indicating the change made and the entry shall include the signature of the Chairman and Secretary of the Board of Supervisors.
4. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature and number of changes and additions made therein, the Board of Supervisors may by resolution adopt a new Official Zoning Map which shall supersede such prior 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.

§27-303. District Boundaries; Rules for Interpretation.

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

- A. Where district boundaries are indicated approximately coinciding with the centerline of streets, highways or alleys, such centerlines shall be construed to be such boundaries.
- B. Where district boundaries are indicated as approximately coinciding with plotted lot lines, such lot lines shall be construed to be such boundaries.
- C. Where district boundaries are indicated as being approximately parallel to the centerlines or right-of-way lines of streets or highways, such district boundaries shall be constructed as being parallel to the centerlines or right-of-way lines and at such distance from the centerlines or right-of-way lines as is indicated on the Official Zoning Map. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- D. Boundaries indicated as approximately perpendicular to the right-of-way of streets or highways shall be construed as being perpendicular to the right-of-way lines.
- E. Boundaries indicated as approximately following Township limits shall be construed as following such limits.
- F. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- G. Boundaries indicated as parallel to or extensions of features indicated in subsection (A) through (F), above, shall be as construed.
- H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (A) through (G), above, the Zoning Officer shall interpret the district boundaries.
- I. Where a district boundary line divides a lot which was in single ownership at the effective date of this Chapter, the Zoning Hearing Board may permit as a special exception the extension of the regulations for either portion of the lot 50 feet beyond the district line into the remaining portion of the lot.

§27-304. Application of District Regulations.

1. Except as provided in this Chapter, no building, structure or land shall be used or occupied and no building, structure or part thereof shall be erected, constructed, reconstructed or structurally altered except in conformity with all the regulations specified within this Chapter for the district in which the building, structure or land is located.
2. No building, structure or land shall be used or occupied and no building, structure or part thereof shall be erected, constructed, reconstructed or structurally altered without the issuance of a building permit by the Zoning Officer.
3. No part of a yard, other open space, or off-street parking or loading space required in connection with one structure, building or use of the land shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other structure, building or use of the land unless permitted by this Chapter.
4. No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension of area below the minimum requirements set forth in this Chapter except as otherwise permitted by this Chapter.
5. All territory which may hereafter be annexed to the Township shall be considered to be an A-1 District until otherwise classified.
6. Regulations Governing Communications Antennas and Communications Equipment Buildings.
 - A. Building mounted communications antennas shall be permitted to exceed the height limitations of the applicable zoning district by no more than 20 feet.
 - B. Omni-directional or whip communications antennas shall not exceed 20 feet in height and 7 inches in diameter.
 - C. Directional or panel communications antennas shall not exceed 5 feet in height and 3 feet in width.
 - D. Any applicant proposing communications antennas 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.
 - E. Any applicant proposing communications antennas to be mounted on a building or structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by and for compliance with the Township's Building Code and other applicable law.

ZONING

- F. Any applicant proposing communications antennas 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 antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
- G. Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- H. Communications antennas shall not cause radio frequency interference with emergency communications facilities located in Sugarloaf Township, Conyngham Borough, Butler Township or Black Creek Township.
- I. A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.
- J. The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

7. Limitation of Land Use

Except as provided in this Ordinance, no building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structures or premises be used, designed or intended to be used for any purpose other than the uses hereinafter listed as permitted in the zone in which such building or premises are located.

§27-305. Degree of Restrictiveness

The phrase "more restrictive uses" as employed in this Ordinance shall mean the following:

- 1. Those uses permitted in an S-1 Zone are the most restrictive.
- 2. All other uses are less restrictive in the order they are permitted in the Zones in the sequence shown: R-1, A-1, C-1, C-2, and I-1.
- 3. Where a use is specifically enumerated in a less restrictive zone, such use shall not be permitted in a more restrictive zone unless it is specifically enumerated as a permitted use therein.

AN ORDINANCE MAKING AMENDMENTS TO THE SUGARLOAF TOWNSHIP
ZONING ORDINANCE RELATIVE TO LOT SIZE AND DEPTH.

WHEREAS, the Board of Supervisors of Sugarloaf Township desires to amend the SUGARLOAF TOWNSHIP ZONING ORDINANCE in certain regards relative to lot size, width and depth.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Sugarloaf, Luzerne County, Pennsylvania, as follows:

1. Schedule I- Building Regulations S-1 and A-1, which are included in §27-408 of the Sugarloaf Township Zoning Ordinance are amended as follows:

"(A) There shall be no minimum lot depth in an S-1 Zoning District or an A-1 Zoning District as long as the lot meets all of the other requirements of the Zoning Ordinance."

2. Schedule I-R, Building Regulations, R-1 Zoning District, where there is Private Water and On Site Sewer(7) shall be amended as follows:

"Minimum Lot Depth - None."

3. All other provisions of the Sugarloaf Township Zoning Ordinance enacted on October 1, 2005, are hereby reenacted and reordained.

ENACTED, ORDAINED AND APPROVED by the Supervisors of Sugarloaf Township, Luzerne County, Pennsylvania, on the 9th day of May, 2006.

BOARD OF SUPERVISORS
OF SUGARLOAF TOWNSHIP

By: Signature on file

Robert M. Stanziola

By: Signature on file

Joyce Stevens

By: Signature on file

Earl T. Miller —

SUGARLOAF TOWNSHIP
ZONING ORDINANCE

BEING CHAPTER XXVII
OF THE CODE
OF ORDINANCE
OF SUGARLOAF TOWNSHIP

OCTOBER 2005

PART 4

DISTRICT REGULATIONS

§27-401. S-1 Conservation District.

1. Specific Intent. It is the purpose of this district to encourage the preservation of certain rural areas within the Township in order to conserve natural features such as water courses, watersheds and wooded areas and discourage intensive development in those areas of the Township not well suited to intensive development because of factors including, but not limited to, slope, depth to bedrock and high water table.
2. Principal Permitted Uses. (Refer to Table No. 1)
3. Uses Permitted by Special Exception. (Refer to Table No. 1)
4. Area, Yard and Height Regulations. (Refer to Schedule I)
5. General Regulations. All applicable requirements of Part 5 shall apply to the S-1 District.

§27-402. A-1 Agricultural District.

1. Specific Intent. It is the purpose of this district to provide areas for low density residential development and for farming activities and certain other nonresidential uses. Lots must be of sufficient size to provide for both onsite sewage disposal and water supply.
2. Principal Permitted Uses. (Refer to Table No. 1)
3. Uses Permitted by Special Exception. (Refer to Table No. 1)
4. Area, Yard and Height Regulations. (Refer to Schedule I)
5. General Regulations. All applicable requirements of Part 5 shall apply to the A-1 District.

§27-403. R-1 Residential District.

1. Specific Intent. It is the purpose of this District to maintain existing residential areas and to permit the expansion of the residential areas at low to medium densities. Except where sanitary sewers and/or central water supplies are provided, lots shall be of sufficient size to provide for on-site sewage disposal and on-site water supply.

ZONING

2. Principal Permitted Uses. (Refer to Table No. 1)
3. Uses Permitted by Special Exception. (Refer to Table No. 1)
4. Area, Yard and Height Regulations. (Refer to Schedule I·R)
5. General Regulations. All applicable requirements of Part 5 shall apply to the R-1 District.

§27·404. C-1 Highway Commercial.

1. Specific Intent. It is the purpose of this district to accommodate commercial activities which are principally based on automobile use and traffic as well as to accommodate commercial facilities which provide goods and services to nearby residential neighborhoods.
2. Principal Permitted Uses. (Refer to Table No. 1)
3. Uses Permitted by Special Exception. (Refer to Table No. 1)
4. Area, Yard and Height Regulations. (Refer to Schedule I·C)
5. General Regulations. All applicable requirements of Part 5 shall apply to the C-1 District.

§27·405. C-2 Highway Interchange Commercial

1. Specific Intent. It is the purpose of this district to accommodate commercial uses, including structures with a mix of residential and commercial uses, especially those uses that would benefit from proximity to high volumes of vehicular traffic on interstate highways. Development standards are designed to encourage a high quality of visually attractive development.
2. Principal Permitted Uses. (Refer to Table No. 1)
3. Uses Permitted by Special Exception. (Refer to Table No. 1)
4. Area, Yard and Height Regulations. (Refer to Schedule I·C)
5. General Regulations. All applicable requirements of Part 5 shall apply to the C-2 District.

§27-406. I-1 General Industrial and Mining District.

1. Specific Intent. It is the purpose of this district to provide for an area where a wide variety of industrial uses may be located. Because of the physical nature of the land included within this district, all uses permitted within the district, with the exceptions of communications antennas, communication equipment buildings and communications towers are permitted only after a special exception has been granted.
2. Principal Permitted Uses. (Refer to Table No. 1)
3. Uses Permitted by Special Exception. (Refer to Table No. 1)
4. Area, Yard and Height Regulations. (Refer to Schedule I)
5. General Regulations. All applicable requirements of Part 5 shall apply to the I-1 District.

§27-407. Table No. 1, Land Use Classifications

§27-408. Zoning Districts Building Regulations, Schedule I, Schedule I-C, Schedule I-R, and Schedule I-CD

(27, PART 4)

TABLE NO. 1
SUGARLOAF TOWNSHIP
LAND USE CLASSIFICATIONS

APPROVAL LEVELS X/PRINCIPAL PERMITTED SE/SPECIAL EXCEPTION A/ACCESSORY USE

ZONING DISTRICT

USE - RESIDENTIAL AND OTHER	A-1	S-1	R-1	C-1	C-2	I-1	REFERENCE SEC.
Accessory Uses (Residential)	A	A	A				507
Agricultural Uses	X	X					402
Assisted Living Facilities			SE	X			201
Bulk Fuel Storage, Accessory Use	A			A	A		201,511
College/University Housing			SE	SE			201
Conversions	SE	SE	SE				201,527
Dwelling, Single-family Detached	X	X	X				201,403,527,529
Dwelling, Single-family Semi-attached	X	X	X				403,529
Dwelling, Two-family, Duplex/Semi-attached			X				529
Dwelling Groups, Townhouse, 2F, G. Apt.			X				529
Essential Services-enclosed	SE	SE	SE	X	X	X	201
Essential Services-open	X	X	X	X	X	X	201
Forestry	X	X	X	X	X	X	401.2
Group Homes For Handicapped	X	X	X		SE		201
Home Occupations	SE	SE	SE				201,401,402,524
Large Scale Residential Development	X	X					201,529
Mobile Home Park	SE	SE					201,402
Mixed Use					SE		531
Multi-family			X				201,403
No-impact Home Based Occupation	X	X	X		X		201, 524
Nurseries and Greenhouses, Residential	A	A	A				405
Recreation, Open Space	X	X	SE				201,529.5
Rooming and Boarding			SE		x		201
Telecommunications Facility, Residential	X	X	X		X		201, 401.7.J
Temporary Use, Residential	X	X	X				604.3

(27, PART 4)

TABLE NO. 1
(Continued)
SUGARLOAF TOWNSHIP

LAND USE CLASSIFICATIONS

APPROVAL LEVELS X/PRINCIPAL PERMITTED SE/SPECIAL EXCEPTION A/ACCESSORY USE

ZONING DISTRICT

USE	A-1	S-1	R-1	C-1	C-2	I-1	REFERENCE SECTION
COMMERCIAL AND OTHER							
Accessory Uses (Commercial)				A	A	A	201, 508
Adult Day Care			SE	X	X		201
Adult Entertainment						SE	
Amusement Arcade				X	X		
Animal Hospitals and Kennels				X	SE	X	405
Appliance Stores/Repair				X	X	X	405
Athletic Club/Gymnasium				X	X	X	
Auto, Recreation Vehicle or Boat Sales				X	X	X	
Automobile Sales and Service							
-Gas Station				X	X	X	201
-Laundry/Car Wash				X	X	X	535
-Sales, New & Used				X	X	X	
-Service Station				X	X	X	534, 536
-Supplies				X	X	X	534
Bakery				X	X	X	534
Banks & Other Financial Services				X	X		
Billiard/Pool Rooms				X	X		
Bowling Alley				X	X		
Bulk Fuel Storage, Principal Use						X	201
Catering Establishments				X	X		524.I.9
Cemeteries and Mausoleums	SE	SE					
Child Day Care Facilities	SE	SE	SE	X	X	X	201
Civic & Religious Organizations	SE	SE	SE	X	X		
Clubs, Lodges, and Other Social Organizations				X	X		201

(27, PART 4)

TABLE NO. 1
(Continued)
SUGARLOAF TOWNSHIP

LAND USE CLASSIFICATIONS

APPROVAL LEVELS X/PRINCIPAL PERMITTED SE/SPECIAL EXCEPTION A/ACCESSORY USE

ZONING DISTRICT

USE COMMERCIAL AND OTHER (Continued)	A-1	S-1	R-1	C-1	C-2	I-1	REFERENCE SECTION
Contractors' Yards					X	X	
Convenience Stores				X	X	X	
Country Club-Public/Private Golf, Tennis and Other	X	X					
Crematories		SE					
Drive-in Commercial Uses				X	X	X	
Dry Cleaning and Laundry				X	X		
Farm Equipment Sales				X	X	X	...
Feed and Grain Sales	X			X	X		
Flea Markets				X	X		
Golf Driving Range	X	X					
Greenhouses and Nurseries, Commercial	X			X	X	X	
Heavy Equipment Sales and Storage					X	X	
Helicopter Landing Pad	SE					SE	
Hospital	SE						
Hotel/Motel	X			X	X	X	201
Junk Yards						SE	201,538
Laboratory, Testing						SE	201
Large Scale Commercial Development					SE	SE	201
Laundromat				X	X	X	
Lumber Yard					X	X	
Machine Shop						X	
Manufacturing, Garment & Other Needle-Type						X	
Medical/Dental Clinics/Offices				X	X		201

(27, PART 4)

TABLE NO. 1
(Continued)
SUGARLOAF TOWNSHIP

LAND USE CLASSIFICATIONS

APPROVAL LEVELS X/PRINCIPAL PERMITTED SE/SPECIAL EXCEPTION A/ACCESSORY USE

ZONING DISTRICT

USE	A-1	S-1	R-1	C-1	C-2	I-1	REFERENCE SECTION
COMMERCIAL AND OTHER (Continued)							
Methadone Treatment and Other Drug Treatment						SE	201
Millwork and Other Wood Products	SE					X	
Miniature golf				X	X		
Mixed Use Structures (Retail & Residential)					SE		531
Mobile Home Sales					X		
Mortuaries				X	X		
Printing and publishing establishment				X	X	X	
Night Clubs				X	X		
Nursery Schools			SE	X	X		
Nursing Homes			SE	X	X		201
Outdoor Storage (Principal Use)					SE	X	201, 511.2.7.B.(!0)
Personal Services							
-Barber, Beauty Parlor, Tailor, and Other Similar Services				X	X		405.2.C.
-Massage, Physical Therapy (Licensed or Certified only)				X	X		
Professional Services/Offices							
-Accounting, Legal and Other Similar Services				X	X	X	201
Radio/TV Studios	SE	SE		X	X	X	
Railroad Yards						X	--
Recreation, Nonresidential & Recreation, Private	SE	SE					201
Restaurants				X	X	X	
Retail Stores				X	X	X	

(27, PART 4)

**TABLE NO. 1
(Continued)
SUGARLOAF TOWNSHIP**

LAND USE CLASSIFICATIONS

APPROVAL LEVELS X/PRINCIPAL PERMITTED SE/SPECIAL EXCEPTION A/ACCESSORY USE

ZONING DISTRICT

USE COMMERCIAL AND OTHER (Continued)	A-1	S-1	R-1	C-1	C-2	1-1	REFERENCE SECTION
Riding Stables	SE	SE					
Schools · Private and Public	SE	SE	SE	SE	SE	SE	
-Trade/Business Schools				X	X		
-Colleges	SE				SE		
Self-Storage Buildings	SE			X	X	X	539
Shooting Range, Indoor		SE				SE	
Shooting Range, Outdoor		SE				SE	
Shopping Centers				X	X		
Signs, Outdoor Advertising					X		201
Skating Rinks, Commercial	SE			X	X	X	
Storage of Hazardous Materials						SE	406.2.(9), 511.7.(10)
Storage, Heavy Equipment						X	517
Tavern, Bar, etc.				X	X		
Telecommunications Facilities, Commercial	SE	SE				SE	201
Theatre				X	X		
Temporary Nonresidential Uses				SE	SE	SE	201
Truck/Freight Terminal/Distribution Center					SE	SE	532
Truck/Trailer Storage Area						X	532
Warehousing						SE	
Wholesale Offices and Showrooms						SE	
Woodland and Game Preserve, Fish Hatchery, Game Propagation Farm and Wildlife Sanctuary	X						

(27, PART 4)

TABLE NO. I
(Continued)
SUGARLOAF TOWNSHIP

LAND USE CLASSIFICATIONS

APPROVAL LEVELS X/PRINCIPAL PERMITTED SE/SPECIAL EXCEPTION A/ACCESSORY USE

ZONING DISTRICT[illegible]

SCHEDULE I
BUILDING REGULATIONS
S-1, A-1 AND I-1 ZONING DISTRICTS

<u>REGULATED STANDARDS</u>	<u>S-1</u>	<u>A-1</u>	<u>I-1</u>
Minimum Lot Size (Sq.Ft.)	43,560	43,560	217,800
Min. Lot Area per D.U (Sq.Ft_)	43,560	43,560	N.A.
Minimum Lot Width	150	150	250
Minimum Lot Depth	300	300	400
Minimum Yards			
Front	50	50	50
Rear	40	30	50
Side (Total)	40	40	100
One Side	20	20	50
Maximum Impervious Coverage	20%	20%	80%
Maximum Building Height (1)			
Stories	2.5	2.5	2.5
Feet	35	35	35

NOTE:

- (1) Barns, silos, and other agricultural buildings do not have a maximum building height.

SCHEDULE I-C
BUILDING REGULATIONS
COMMERCIAL ZONING DISTRICTS

	PRIVATE WATER AND ON SITE SEWER	PRIVATE WATER AND PUBLIC SEWER	PUBLIC WATER AND PUBLIC SEWER
Maximum Building Height	35 feet	35 feet	35 feet
Maximum Impervious Coverage	50%	50%	50%
<u>Minimum Regulations</u>			
Lot Size			
Per Construction Site	1 acre	20,000 sq.ft.	20,000 sq.ft.
Per Principal Use	1 acre	20,000 sq.ft.	5,000 sq.ft.
Lot Width (Construction Site)			
At Front Yard Setback Line	150 feet	100 feet	100 feet
Rear Yard	30 feet	20 feet	20 feet
Side Yard (Construction Site and Individual Buildings)			
Total	24 feet	12 feet	12 feet
One Side	12 feet	6 feet	6 feet
Distance Between Highway Access Points	75 feet	75 feet	75 feet
Front Yard Setback Line	30 feet	30 feet	30 feet

SCHEDULE I-R
BUILDING REGULATIONS
R-1 ZONING DISTRICT

R-1	Private Water and On Site Sewer (7)					Private Water and Public Sewer				
	<u>Detach</u>	<u>Semi-detach</u>	<u>2-F</u>	<u>M-F(3)</u>	<u>T-H</u>	<u>Detach</u>	<u>Semi-detach</u>	<u>2-F</u>	<u>M-F (4)</u>	<u>T-H</u>
Minimum Lot Size (6)	43,560	43,560	87,120	130,680	130,680	21,780	21,780	21,780	130,680	130,680
Min.Lot Area per DU (sq.ft.)(6)	43,560	43,560	43,560	43,560	43,560	21,780	21,780	10,000	8,000	6,000
Minimum Lot Width (1)	150	200	200	200	200	100	100	100	100	125
Minimum Lot Depth	300	300	300	400	400	150	150	150	400	400
Minimum Yards										
Front Setback Line	50	50	50	50	50	40	40	40	40	40
Rear	30	30	30	30	30	20	20	20	20	20
Side (both/one)(5)	40/20	40/20	40/20	40/20	40/20	30/15	30/15	30/15	30/15	30/15
Max Impervious Coverage	20%	20%	20%	20%	20%	25%	25%	25%	25%	25%
Maximum Building Height										
Stories	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Feet	35	35	35	35	35	35	35	35	35	35

<u>R-1</u>	<u>Public Water and Public Sewer</u>				
	<u>Detach</u>	<u>Semi-detach</u>	<u>2-F</u>	<u>M-F (4)</u>	<u>T-H</u>
Minimum Lot Size (6)	15,000	15,000	15,000	43,560	43,560
Min..Lot Area per DU (sq.ft.)(6)	15,000	15,000	7,500	(2)	(2)
Minimum Lot Width (1)	100	100	100	100	125
Minimum Lot Depth	125	125	125	125	125
Minimum Yards					
Front Setback Line	40	40	40	40	40
Rear	20	20	20	20	20
Side (both/one) (5)	20/10	20/10	20/10	20/10	20/10
Max Impervious Coverage	35%	35%	35%	35%	35%
Maximum Building Height					
Stories	2.5	2.5	2.5	2.5	2.5
Feet	35	35	35	35	35

NOTES:

- (1) At front yard setback line.
- (2) Refer to Section 404 2.C.
- (3) Not more than three families
- (4) Three or more families
- (5) Measured at the end of the row for townhouses.
- (6) Except as otherwise determined by percolation tests for unsewered areas.
- (7) Minimum isolation distance between on-lot well and septic system: 100 feet minimum.

PART 5

GENERAL REGULATIONS

§27-501. Intent.

This Part lists specific controls over certain aspects of land utilization. These controls are important to the accomplishment of the purpose of this Chapter and shall be strictly applied.

§27-502. Applicability.

These controls shall apply when they are specifically referred to in regulations of the applicable zoning district, elsewhere within this Chapter.

§27-503. Reserved.

§27-504. Access to Structures.

Every principal building shall be on lots which have safe and convenient access for servicing, fire protection and required off-street parking/loading, and shall be built upon a lot with frontage upon a public or private street improved to meet Township standards or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Subdivision and Land Development Ordinance.

§27-505. Erection of More Than One Principal Structure on a Lot.

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Chapter shall be met for each structure as though it were on an individual lot.

§27-506. Animals in Residential Zones.

1. Except as otherwise provided in this section, only customary household pets (as defined herein) shall be permitted in Residential zones.

ZONING

2. The keeping of horses in residential zones is prohibited.
3. Horses.
 - A. A horse is only permitted in S-1 and A-1 Zones on sites of not less than 3 acres.
 - B. If more than one horse is to be kept, there shall be not more than one horse per each additional 1 acre.
 - C. A corral shall be provided to enclose the area where horses are to be kept; and such a corral shall not be closer than 100 feet to any residential zone lot or any dwelling other than the horse owner's dwelling.
 - D. Where more than three horses are to be kept on a site, a manure management plan shall be prepared with the assistance and concurrence of the Luzerne County Soil Conservation Service and the Pennsylvania State University Cooperative Extension Office. The applicant shall submit the Plan to the Township's Zoning Officer.
 - (1) All manure management plans shall, at a minimum, follow the guidelines and comply with the criteria set forth in the Pennsylvania Department of Environmental Protection publication entitled "Manure Management for Environmental Protection", dated October 1986, and all technical supplements thereto, as revised and amended as of the date the manure management plan is submitted.
 - (2) The Manure Management Plan shall include provisions for control of runoff, odor, vectors, and other nuisances. When wastes are stored outdoors, waste material shall not be less than two hundred (200) feet from any property line, potable water supply, surface water body, storm water drainage channel, or occupied residential dwelling, excluding the subject property owner's or tenant's residence. Any land application of treatment of wastes shall be done in accordance with accepted practices recommended by the County Conservation District. Such application shall be prohibited on lands exceeding fifteen percent (15%) in slope and where bedrock lies less than 2 feet below the ground surface.
 - (3) The manure management plan shall include a statement that periodic inspections by the Township's Zoning Office will be permitted to verify that conditions of the Plan have been met and continue to be in compliance.
 - (4) When the manure management plan includes the use of leased or rented land for disposal of manure, a lease or rental agreement specifically stating that manure disposal is permitted on the leased or rented property shall be included.

- (5) Disposal of dead animals on all land including that land intended for manure management is expressly prohibited. Dead animals must be disposed of by rendering.

§27-507. Accessory Uses (Residential) and Projections.

1. General.

- A. No accessory structure shall be permitted within any front yard; and, no accessory structure shall be nearer to any side property line or rear property line than ten (10) feet except as otherwise provided herein.
- B. No activities shall be permitted which create a public nuisance or interfere with the use of adjacent residential lots.
- C. The maximum height of any accessory building, except one located on a farm, shall not exceed 20 feet or the height of the principal structure, whichever is less
- D. The minimum distance between any accessory buildings shall be 10 feet. The minimum distance between any accessory building not attached to the principal building and a principal building shall be 10 feet.
- E. On any residential lot with an area of less than 15,000 square feet there shall be not more than two accessory structures. On any residential lot with an area of more than 15,000 square feet there shall be not more than four (4) accessory structures.
- F. Accessory uses include, but are not limited to, animal shelters, tool sheds, private detached garages, noncommercial greenhouses and noncommercial tennis courts. Noncommercial swimming pools and related structures used solely by the occupants of the principal use of the property on which it is located and their guests shall not be included in the tabulation of the maximum allowed number of accessory buildings.

2. Use Regulations.

- A. Swimming Pools. No swimming pools shall be erected or installed unless a permit has been obtained from the Township. Private swimming pools, permanent and portable, which shall be accessory to a principal noncommercial dwelling use shall be regulated as follows:
 - (1) Such use may be erected only on the same zone lot as the principal structure.

- (2) Swimming pools including any walks or paved areas or accessory structures adjacent thereto may not be located, closer than 10 feet to any property line of the property on which they are located, and shall not be located within a required front yard.
 - (3) The swimming pool shall be used solely for the enjoyment of the occupants of the principal use of the property on which it is located, and their guests, and no fee shall be charged for the use thereof.
 - (4) The swimming pool, or the entire property on which it is located, shall be so walled or substantially fenced so as to prevent uncontrolled access by children from the street or from adjacent properties, said fence or wall to be not less than 6 feet in height and maintained in good condition. Pools beyond 200 feet of any public road need not be fenced. Above-ground pools shall be exempt from the provisions of this subsection (4) to protect against uncontrolled access by children, when equivalent protection is provided, such as:
 - (a) The above-ground pool has a deck/fence combination and the height of the fence above the entrance level of the pools is not less than 30 inches; and
 - (b) The fence is equipped with a gate that can be closed when the pool is not in use.
 - (5) All pumping, cleaning, filtering and screening devices shall be of a type and source approved by local and/or State Health Department authorities.
- B. Detached Garages. There shall be not more than 1200 square feet of accessory garage space on any residential lot. No temporary structure shall be permitted.
- C. 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 residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.

- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - (5) The business activity may not use any equipment or process with creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - (6) The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
 - (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 - (8) The business may not involve any illegal activity.
3. Apartment and Townhouse Accessory Uses. Apartment and townhouse accessory uses shall be restricted to uses designed for residents of the dwelling units and may include areas for washing machines and dryers, lockers or storage areas and recreational rooms and lounges.
4. Projections.
 - A Patios may not be located closer than 10 feet to any adjacent property line.
 - B. Chimneys, leaders, cornices, eaves, gutters, bay windows and the like may extend not more than 24 inches into any required yard.

§27-508. Uses Accessory to Commercial and Industrial Uses.

1. General. No structure shall be located within any required front or side yard or within 20 feet of the rear property line.
2. Regulations.
 - A Storage Areas. Shall be located in an area which has direct access to a street or driveways.
 - B. Living Quarters. Shall be permitted for proprietors and for watchmen, caretakers or similar employees.
 - C. Accessory Restaurants and Cafeterias. Shall be for the use of employees only.

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§27-509. Highway Frontage Development in Commercial and Industrial Districts.

1. All areas for off-street parking, off-street unloading and loading and the storage or movement of motor vehicles shall be physically separated from the public street or highway by a raised curb, planting strip or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary access ways or access roads which supply entrance to and egress from each parking, loading or storage area.
2. Each use with less than 100 feet of frontage on a public street shall have not more than one accessory to each such street. No use with 100 feet or more frontage on a public street shall have more than two access ways to any one street for each 300 feet of frontage. Where practicable, movement into and out of parking areas shall avoid direct access to or from an arterial street or major collector.
3. Where there is more than one driveway to a parking area, the driveways, whenever possible, shall be limited to one-way travel either as an entrance to or an exit from the parking area. The width of such entrances and exits, measured at the street property line, shall conform to the following schedule:

	WIDTH IN FEET	
	MINIMUM	MAXIMUM
One Way	12	26
Two Way	24	36

Each lane provided shall be minimum of 12 feet in width.

The radius of the edge of the driveway apron shall be at least 15 feet and no more than 50 feet.

4. The location and width of exit and entrance driveways shall be planned to interfere as little as possible with the use of adjacent property and with pedestrian and vehicular traffic on adjacent streets. The centerline of the access driveway to any public street shall be located at least 75 feet from the intersection of any street lines.
5. Access ways shall enter a public road at not less than 60 degree angle to the public road centerline.

§27-510. Landscaping, General Requirements.

1. General Requirements.
 - A. Where district regulations require buffer yards, screening, planting strips and the like, these shall be subject to approval of the Zoning Officer prior to planting. The type and density of planting shall adequately provide the screening effect required in accordance with the standards set forth in §27-510.3. hereof.

- B. Plant materials used in screen planting shall be at least 4 feet in height when planted, and shall be of such species as will provide, within 3 years, a complete year round visual screen. Plant materials shall be as set forth in §27-511 hereof.
- C. The screen planting shall be maintained permanently and plant material which does not live shall be replaced within 6 months.
- D. Any portion of a site which is not used for buildings, other structures, loading or parking spaces, and aisles, sidewalks and designated storage areas shall be planted with an all season ground cover and shall be landscaped according to an overall plan.

2. Landscaping Standards.

- A. Areas Required to be Landscaped. Areas that are required to be landscaped in accordance with the standards set forth herein shall be:

Off-street Parking and Road Areas

Areas where buffers and/or screening is required to assure privacy and/or to block the view of unattractive development or other features.

3. Landscaping, Screening and Buffer Standards.

- A. Off-street Parking and Loading Areas.

(1) Location of Off-street Parking and Loading Areas.

- (a) No parking space shall be nearer to any property line or right-of-way line than the minimum setback required for a principal building on the subject lot, but in no case less than 10 feet.
- (b) Parking lots shall be provided at the side or to the rear of nonresidential buildings that are visible from public roads; provided, however, that when such placement is not desirable or practicable the off-street parking may be provided between the front of the building and the right-of-way; in such cases, the parking area shall be setback not less than the minimum setback required for the front yard of the principal building, but, not less than 25 feet; and the front yard area shall be developed to form a buffer as follows: a thickly vegetated buffer shall be provided; and, the width, length and planting materials shall be sufficient to visually screen the view of parked vehicles from the public right-of-way. The buffer shall not consist of or contain any paved areas, except for pedestrian walkways.

- (2) Landscaping Off-street Parking Lots.
- (a) Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, head lights, and parking lot lights; to delineate driving lanes; and define rows of parking. Furthermore, parking lots should be adequately landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots. At least one (1) shade tree shall be provided for each 300 square feet (or fraction thereof) of interior landscaping.
 - (b) The use of small, ornamental trees in parking lots should be avoided, since these trees will never grow tall enough to provide shade and will block store signs and clear sight triangles. Canopy trees will grow tall enough so that signs can be seen under their branches.
 - (c) All parking lots with 10 or more stalls shall be landscaped according to the following regulations:
 - (i) One planting island shall be provided for every ten parking stalls. There shall be no more than ten contiguous parking stalls in a row without a planting island.
 - (ii) The ends of all parking rows shall be divided from drives by planting islands.
 - (iii) In residential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 40 stalls.
 - (iv) In nonresidential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 100 stalls.
 - (v) Planting islands shall be a minimum of nine feet by eighteen feet (9' x 18') in area, underlain by soil (not base course material); mounded at no more than a 4:1 slope, nor less than a 12:1 slope; and shall be protected by curbing or bollards. Each planting island shall contain one shade tree plus shrubs and/or ground cover to cover the entire area.
 - (vi) All planting strips shall be a minimum of nine (9) feet wide. Strips shall run the length of the parking row, underlain by soil, and shall be mounded at no more than a 4:1 slope, nor less than a 12:1 slope, and shall be protected by curbs, wheel stops, or bollards. Planting strips shall contain plantings of street-type shade trees at intervals of 30 to 40 feet, plus shrubs and/or ground cover to cover the entire area at

maturity. Where planting strips shall exceed a width of twelve (12) feet, the herein described shrubbery and ground cover requirements may be reduced to lawn grass ground cover.

(vii) Plant materials shall be in accordance with the provisions of §27-510 3. hereof.

(viii) All parking lots shall be screened from public roads and from adjacent properties as required in §27-5103.B. and 3.C. hereof.

(3) Lighting Off-street Parking Lots.

- (a) For all parking areas, driveways and walkways, all pole mounted luminaries shall be low maintenance poles and fixtures; and, all branch circuiting for lighting shall be installed below grade.
- (b) The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures.
- (c) Lighting shall be directed away from adjacent residential uses and residential zones, and shall be shielded from fugitive skyward emissions.

B. Buffer and Screening Requirements. All subdivisions and land developments shall provide the following types of buffer/screening treatment that is applicable to the use and the environment of the subject development, as follows:

- (1) Property line buffers that act to integrate new development with its surroundings and to separate incompatible land uses.
- (2) Site element screens that act to minimize or eliminate views to certain site elements located within 100 feet of property lines or road right-of-way (either public or private).

(3) Property Line and Right-of-way Line Buffer Requirements.

Property line and right-of-way line buffers shall be required for the following types of development and as otherwise specified herein.

- (a) All nonresidential development adjoining a Residential District.
- (b) Storm water basins are permitted in the buffer area.
- (c) All mobile home parks.

- (d) An on-site investigation by the applicant shall determine the adjacent land uses along each property boundary. In the case of vacant land, the existing zoned uses shall be used. The existing or zoned uses shall be noted on the plan. In the case of several permitted uses on a site, the most restrictive requirements shall apply. The Zoning Officer shall have final approval of interpretation of land uses or zoning map.
- (e) Buffer Area Location and Dimensions
- (f) A buffer area of not less than 25 feet in wide shall be established along all property lines, and right-of-way lines unless otherwise specified herein.
- (g) The buffer area may be included within the front, side, or rear yard setback.
- (h) The buffer area shall be a continuous pervious planting bed consisting of trees and shrubs, grass or groundcover.
- (I) Parking is not permitted in the buffer area.
- (j) Site element screens are permitted in the buffer area.

C. Site Element Screens.

- (1) Site element screens shall be required in all proposed land developments around the following site elements:
 - (a) Parking lots.
 - (b) Dumpsters, trash disposal, or recycling areas.
 - (c) Service or loading docks.
 - (d) Outdoor storage.
 - (e) Vehicle storage.
 - (£) Sewage treatment plants and pump stations.
 - (g) Other unenclosed uses of a similar nature, and enclosed uses such as rear facades facing public right-of-way.

- (2) Screen Location. The site element screen shall be placed between the site element and the property line or right-of-way, and shall be designed to block vies to the maximum extent possible. The screen shall be located as close as possible to the site element and shall surround the element without impeding function or encroaching on clear sight triangles.
- (3) Screen Types. Any of the following types of screen may be utilized in those cases where they will achieve the objective of blocking certain uses from public view.
 - (a) Evergreen or Deciduous Shrubs
 - (b) Double Row of Evergreen Trees
 - (c) Opaque Fence - A six-foot opaque fence surrounding the site element on at least 3 sides.
 - (d) Architectural Extension of the Building · An eight-foot minimum height architectural extension of the building (such as a wing wall) shall enclose service or loading docks. The building materials and style of the extension shall be consistent with the main building.
 - (e) Berm with Ornamental Trees or Grass· A two-to three-foot-high continuous curvilinear berm with ornamental trees. The maximum slope of the berm shall be 3:1.
 - (f) Evergreen Hedge
 - (g) Low Wall - A wall of brick or stone (not concrete block), at least 50 percent opaque, not less than three nor more than four feet in height.
 - (h) Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material at the discretion of the governing body. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.
 - (i) Existing topographic conditions, such as embankments or berms, may be substituted for part or all of the required property line buffers at the discretion of the Zoning Officer. The minimum visual effect shall be equal to or exceed that of the required screen.
 - (j) The applicant may propose the use of alternative screen types or changes in plant materials or designs which fulfill the intent of this Chapter, with the approval of the Zoning Officer.
 - (k) Plant materials shall meet the specifications of §27-510.3. hereof.

D. Plant Materials.

(1) General Location Requirements.

- (a) The location, dimensions, and spacing of requirement plantings should be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements such as wind, soil, moisture, and sunlight.
- (b) Plantings should be selected and located where they will not contribute to conditions hazardous to public safety. Such locations include, but are not limited to, public street right-of-way, underground and aboveground utilities, and sight triangle areas required for unobstructed views at street intersections.

(2) Design Criteria.

- (a) The required plant material shall be distributed over the entire length and width of the buffer area.
 - (b) Buffer plant material may be arranged symmetrically (formal) or asymmetrically (informal) and may be grouped to form plant clusters. However, informal groupings that reflect the natural character of the region are encouraged.
 - (c) Plants shall be spaced to provided optimum growing conditions.
 - (d) A variety of tree species is required.
- (3) Substitutions. In accordance with the following guidelines, wherever possible, existing vegetation shall be retained and utilized as a buffer or a screen in accordance with the following guidelines:
- (a) Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material at the discretion of the Zoning Officer. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.
 - (b) Existing topographic conditions, such as embankments or berms, in conjunction with existing vegetation, may be substituted for part or all of the required property line buffers at the discretion of the Zoning Officer. The minimum visual effect shall be equal to or exceed that of the required buffer or screen.

E. Plant Material Specifications. The following requirements are minimum standards which shall apply to all plant materials or transplanted trees as

required under this Chapter; additional plant materials, berms, or architectural elements may be included in the plan at the applicant's discretion.

- (1) All plants shall meet the minimum standards for health, form and root condition as outlined in the American Association of Nurserymen (AAN) Standards.
- (2) All plant material shall be hardy and within the USDA Hardiness Zone applicable to Luzerne County, Pennsylvania.
- (3) Canopy trees, sometimes called shade trees, shall reach a minimum height and spread of 30 feet at maturity as determined by the AAN Standards and shall be deciduous. New trees shall have a minimum caliper of two and a half inches at planting.
- (4) Ornamental trees or large shrubs shall reach a typical minimum height of 15 feet at maturity, based on AAN Standards. Trees and shrubs may be deciduous or evergreen and shall have a distinctive ornamental character such as showy flowers, fruit, habit, foliage, or bark. New ornamental trees shall have minimum height of 6 feet or one and half inch caliper. New large shrubs shall have a minimum height of two and a half to three feet at time of planting.
- (5) Small shrubs may be evergreen or deciduous and shall have a minimum height at maturity of 4 feet based on AAN Standards. New shrubs shall have a minimum height of 18 inches at time of planting.
- (6) Evergreen trees shall reach a typical minimum height of 20 feet at maturity based on AAN Standards for that species and shall remain evergreen throughout the year. New evergreens shall have a minimum height at planting of six feet.

F. Additional Plant Material Guidelines. Plant material features should be:

- (1) Able to thrive in the existing soil or soil that can be amended to reasonable specifications.
- (2) Strong wood, not prone to breakage in wind or ice storms.
- (3) Fruitless or otherwise free of parts that fall and could damage vehicles, clog drains, or make pavement slippery.
- (4) Tolerant to excessive heat, de-icing salt and air pollution.
- (5) Free of unacceptable levels of disease or insect pests, including aphids that coat objects below with sticky "honeydew."
- (6) Fits the site aesthetically and serves an intended function (shade, screen, focal point, etc.)

§27-511. Environmental Performance Standards.

1. Prohibited Uses. No building may be erected, altered or used and no lot or premises may be used for any activity which is continuously noxious, injurious or offensive by reason dust, smoke, odor, fumes, noise, vibration, gas, illumination or similar substances or conditions provided that any uses may be maintained in a way which creates no danger to the public health or safety of neighboring residential uses. All uses shall be subject to the following environmental performance standards. The fact that a farm use creates an annoyance or inconvenience shall not be deemed a danger to public health or safety.
2. General Compliance Requirements. When required, the applicant shall demonstrate that adequate provisions will be made to reduce and minimize any objectionable elements. Nothing in these performance standards shall take precedence over any applicable current State or Federal law governing air management, waste water management, solid waste management or noise as enforced by the Federal Environmental Protection Agency and the Pennsylvania Department of Environmental Protection or their successors.
3. Procedures Prior to Construction and Operation. Any application for a building permit for a nonresidential use shall be accompanied by a sworn statement by the owner of such property that said use will be operated in accordance with the performance standards set forth herein. Such application shall further be accompanied by a report prepared by a licensed professional engineer describing the methods or procedures to be undertaken to assure compliance with the Performance Standards specified herein; provided, however, that the Zoning Hearing Board will consider requests for a waiver of this requirement and may waive this requirement for uses which are not considered likely to violate any of the standards set forth herein.
4. Continued Compliance. Continued compliance with performance standards is required and enforcement of continued compliance with these performance standards shall be the responsibility of the Zoning Officer.
5. Determination of Violation. The Zoning Officer shall investigate any purported violation of performance standards and, if there is reasonable ground for the same, shall initiate the procedures set forth in Part 8 hereof.
6. Definition of Elements. No land or building in any District shall be operated in such a manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; electrical or other disturbance; glare: or other nuisance, condition or element in such amount as to adversely affect the surrounding area of premises (referred to herein as "Dangerous or objectionable elements"); provided that any use permitted by this Chapter may be undertaken and maintained in any District if it conforms to the regulations of this Subsection limiting dangerous and objectionable elements at the specified point or points of the determination of their existence.

7. Locations Where Determinations Are to be Made for Enforcement of Performance Standards. The determination of the existence of any dangerous and objectionable elements shall be made at:

- A. The point or points where such elements shall be most apparent for fire and explosion hazards, for radioactivity and electrical disturbances, for smoke and other forms of air pollution.
- B. The property lines of the use creating such elements for noise, for vibration, for glare and for odors.

(1) Liquid and Solid Wastes.

No operation shall discharge wastes of any kind into a surface water or a groundwater source. All methods of waste disposal shall be approved by the Pennsylvania Department of Environmental Protection. Such evidence of approval shall be provided to the Township. The owner of any parcel governed by this Chapter may be required at the discretion of the Township to monitor the ground water and surface water in the vicinity of his premises. Water testing shall be conducted at an interval deemed appropriate by the governing body on any stream located on the premises or any stream within five hundred (500) feet of any area used for storage of liquid or solid wastes. In addition, the well located on the premises shall also be sampled at an interval to be deemed appropriate by the governing body. The sample shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the governing body and results shall be provided to the Township. If samples exceed the limits established by the Pennsylvania Department of Environmental Protection, remedial action shall be taken in accordance with this Chapter.

(2) Heat.

No activity or use shall produce heat perceptible beyond its property lines and no use shall be permitted that would cause the ambient water temperature, as defined by the Pennsylvania Department of Environmental Protection, or its successor agency, to rise or fall more than five (5) degrees Fahrenheit (2.8 degrees Celsius) during the ten (10) year, seven (7) day low flow in any natural pond, stream, river, or other watercourse.

(3) Electromagnetic.

No electromagnetic radiation shall be emitted that does not comply with the regulations of the FCC (Federal Communication Commission) or which interferes with radio or television reception or the operation of other equipment beyond the lot lines.

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- (4) Visual.
 - (a) No lighting shall be utilized in a manner which produces glare perceptible at or beyond the lot boundaries.
 - (b) Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the property lines of the lot on which the operation is located.
 - (c) No advertising displays shall be utilized in a manner which produces periodic flashing or other intensity changes.
- (5) Vibration. No physical vibration shall be perceptible without use of instrument at or beyond the lot boundaries.
- (6) Air Management.
 - (a) The emission of any smoke at a density greater than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines shall not be permitted, except that smoke of a density of No. 2 may be emitted for not more than 4 minutes in any 30 minutes period. These provisions applicable to gray smoke shall also apply to visible smoke of a different color but with equivalent apparent opacity. This standard shall not be applied to emissions where the presence of uncombined water is the only reason for the failure of the emission to meet the opacity limits. (Uncombined water produces a white "smoke" which vanishes a short distance from the stack).
 - (b) The only gas or vapor producing operations permitted are those necessary for heating or processing.
 - (c) Open burning is not permitted.
 - (d) Incineration shall be permitted only when required for the purpose of abating air pollution, and only by permit issued by the Pennsylvania Department of Environmental Protection.
 - (e) No radioactive vapors or gases shall be emitted from the facility in harmful amounts as defined by the U.S. Nuclear Regulatory Commission Regulations.
- (7) Noise.

At no point on the boundary of a residential district, or property line other than a residential district boundary, shall the sound pressure level of any individual operation or plant (other than background noises produced by sources not under the control of this Chapter, such as the

operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designed octave bands shown for the districts indicated:

Octave Band Frequency (Hz)		Residential District (Decibels)	Non-Residential (Decibels)
>	<		
20	75	72	79
75	150	67	74
150	300	59	66
300	800	52	59
800	1200	46	53
1200	2400	40	47
2400	4800	34	41
4800		32	39

If the noise is not smooth and continuous and is not radiated between the hours of 10 P.M. and 7 A.M. one or more of the corrections in the following table shall be applied to the octave band levels given above.

Type or Location of Operations or Character of Noise	Correction in Decibels
1. Daytime operation only	5
2. Noise source operates less than*	
a. 20% of any one-hour period	5
b. 5% of any one-hour period	10
3. Noise of impulsive character, hammering, etc.	-5
4. Noise of periodic character, hum, screech, etc.	-5
5. Property is located in an "I" District and is not within 500 feet measured horizontally or vertically of any R District	10

*Apply one of these corrections only.

- (8) Odor. No emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the tract. Any process which may involve the creation or emission of any odorous shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors. Table 3 (Odor Thresholds) in Chapter 5 "Air Pollution Abatement Manual," copyright 1951, by Manufacturing Chemist Association, Inc., Washington, D.C. Where said publication give a range of figures, the highest figure shall be used.

- (9) Toxic Gases. The emission of gases or fumes injurious to persons or property beyond the lot occupied by the use is prohibited. No activity in any industrial district shall be reactivated, established, modified, constructed, or operated without having obtained valid permits and/or certificates from the Pennsylvania Department of Environmental Protection or its successor agency for airborne emissions. Such proof of compliance shall consist of duplicate copies of such permits and/or certificates for the current time period. In addition to the requirements of the Department of Environmental Protection or its successor agency, the following requirements shall apply:
 - (a) Particular Matter. No use shall exceed the national ambient air quality standards established in the federal Clean Air Act or the requirements of Titles 25 and 35 of the Pennsylvania Code as they are amended and adopted for particulate matter.
 - (b) Smoke or Steam. No use may emit from a vent, stack, chimney, or combustion process any smoke that exceeds a density or equivalent capacity of Ringelmann No. 1, except that an emission that does not exceed a density of equivalent capacity of Ringelmann No. 2 is permissible for a duration of not more than four minutes during any eight-hour period if the source of such emission is not located within 250 feet of a residential district. All measurements shall be taken at the point of emission of the smoke. [For the purpose of determining the density of equivalent opacity of smoke, the Ringelmann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines Information Circular 8333, May 1967, shall be used. The Ringelmann number referred to in this section refers to the number of the area of the Ringelmann Chart that coincides most nearly with the visual density of equivalent opacity of the emission of smoke observed. For example, a reading of Ringelmann No. 1 indicates a 20 percent density of the smoke observed.]
 - (c) Toxic Matter and Hazardous Material. Emissions of chemicals, gases, components, or elements, listed as being toxic matter or hazardous material by the American Conference of Governmental Industrial Hygienists, the Pennsylvania Department of Environmental Protection or the U.S. Environmental Protection Agency, or their successor agencies, shall not exceed any stated Threshold Limit Value in any industrial district. No emission of toxic matter shall exceed fifty percent (50%) of the Threshold Limit Value in any adjacent residential or commercial district.

- (10) Storage or Explosive. No explosive may be stored in agriculture, residential or commercial districts, except that commercial fertilizers may be stored in agricultural districts. Explosives may be stored in industrial districts provided that the storage area is no closer than 200 feet to any property line and provided the requirements of all applicable local, State and Federal regulations are met.
- (a) Tanks meant for or used for the permanent or temporary storage of liquid propane gas, for any use, including storage for commercial sale and distribution shall have full fenced enclosure including a gate or other entrance device which is capable of being secured against intrusion.
 - (b) LPG tanks shall be placed no closer than 10 feet from the property line on a residential lot and 15 feet from the property line on commercial or industrial lots. In addition, where the lot abuts a lot a lot whereon a residential use is existing at the time such tank is installed, visual screening shall be provided using either vegetation or fencing which accomplishes that purpose.
 - (c) No LPG tank shall be placed within the front yard of any property regardless of use.
 - (d) All outdoor storage facilities for fuel shall be enclosed by an approved safety fence to prevent access thereto by unauthorized individuals.
 - (e) All materials or wastes which might cause fumes, constitute a fire hazard, or attract rodents or insects may only be stored if enclosed in building or containers which are adequate to eliminate such hazards.
 - (f) No materials, fuels, wastes, or flammable substances may be deposited or stored on a lot in such a manner as to allow them to be transferred off the lot by natural causes or forces. No substances, including but not limited to gasoline, oil, waste oil, and chemicals which can contaminate a stream or water course or render such stream or water source unusable or undesirable as a source of water supply, or recreation or which will destroy or damage aquatic life shall be stored in such a location so that it could be introduced into the said stream or water course by natural causes or force or by rupture of storage containers or accidental discharge.

- (11) Lighting. When the property of which any activity is conducted is illuminated at night, such illumination shall be so designed and located that the light sources are shielded from adjoining residences and streets and shall not be of excessive brightness nor cause a glare hazardous or noxious to pedestrians or drivers at or beyond the lot boundaries. No lighting shall be utilized in such a manner to produce a light intensity greater than 10 foot candles beyond the lot boundaries when the adjacent land is included within an A-1, S-1 or R-1 Zoning District. No direct beams of light shall be directed toward adjacent properties.

§27-512. Signs.

Signs may be erected and maintained only when in compliance with the provisions of this Chapter and all other ordinances and regulations relating to the erections, alteration or maintenance of signs.

A. General.

- (1) Signs shall not contain moving parts nor use flashing or intermittent illumination. The source of light shall be steady and stationary.
- (2) No sign shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic. No sign shall be so placed, lighted or designed as to imitate or produce the illusion of traffic control devices.
- (3) No sign other than official traffic signs shall be erected within the right-of-way lines of any street.
- (4) Every sign must be constructed of durable material and be kept in good condition. Any sign which is allowed to become dilapidated shall be removed at the expense of the owner or lessee. The Township Building Inspector shall make such determination as to the state of repair.
- (5) No sign shall cast objectionable light upon any activity or building beyond the property lines of the property on which it is located.
- (6) The distance from the ground to the highest part of any sign shall not exceed 10 feet in residential districts. The distance from the ground to the highest part of any free standing sign in a commercial or industrial district shall not exceed 25 feet. In commercial and industrial districts no portion of a sign which is attached to a building or supported by a building shall extend above the height of the building.
- (7) No sign shall be erected or located as to prevent free ingress to or from any window, door or fire escape.

B. Signs Permitted in Agricultural and Residential Districts.

- (1) Official traffic signs.
- (2) Identification signs or bulletin or announcement boards for schools, churches, hospitals or similar institutions, and for clubs, lodges, farms, estates or similar uses, provided that:
 - (a) No more than two such signs shall be erected on any frontage of any one property.
 - (b) The area on one side of any such sign shall not exceed 12 square feet.
 - (c) No such sign shall be closer than 10 feet to the front lot line.
- (3) Professional, home occupation or name sign indicating the name, profession or activity of the occupant of a dwelling provided:
 - (a) No side any such sign shall exceed 2 square feet in area.
 - (b) No such sign shall be located within 10 feet of the front lot line.
 - (c) One such sign shall be permitted for each permitted use of dwelling.
 - (d) Signs indicating a permitted nonresidential use shall be erected on the property where that use exists.
- (4) Real estate signs, including signs advertising the rental or sale of premises, provided that:
 - (a) The area on any one side of any such sign shall not exceed 12 square feet.
 - (b) A sign shall be located on the property to which it refers.
 - (c) No sign shall be located within 10 feet of the front lot line.
 - (d) No more than one such sign shall be placed on any one street frontage.
- (5) Temporary signs of contractors, architects and the like provided that:
 - (a) Such signs shall be removed promptly upon completion of the work.
 - (b) The area of such signs shall not exceed 12 square feet.

- (c) Such signs shall be located on the property of which the work is being done.
 - (d) Such signs shall be no closer than 10 feet to the front lot line.
 - (6) Signs advertising a lawful nonconforming use, provided that:
 - (a) The area on one side of such sign shall not exceed 12 square feet.
 - (b) The sign shall be erected only on the premises on which such nonconforming use is located.
 - (c) No more than two such signs shall be erected on any one street frontage.
 - (7) Signs necessary for the identification and protection of public utility facilities, provided that the area of one side of such sign shall not exceed 4 square feet.
 - (8) Within an A-1, R-1 or S-1 District, a sign advertising the sale of farm products, nursery products or livestock produced or raised on the premises, provided:
 - (a) Signs within a residential subdivision to direct persons to a rental office or sample unit within that subdivision provided that the area on one side of any such sign shall not exceed 2 square feet.
 - (b) Trespassing signs and signs indicating the private nature of premises. The area of any one side of such signs shall not exceed 2 square feet and the signs shall be placed at intervals of not less than 50 feet along any street frontage.
- C. Signs in Commercial and Industrial Districts. Signs may be erected and maintained, provided that:
- (1) No sign advertising a use not conducted or goods not sold on the premises shall be permitted, except for directional signs, and outdoor advertising signs subject to the following regulations:
 - (a) Outdoor advertising signs shall be permitted only in Industrial Districts.
 - (b) No free standing sign shall be nearer to any property line than the height of the sign, but in no case less than twenty five (25) feet.
 - (c) No outdoor advertising sign shall be permitted within 200 feet of any residential district, nor facing any public or parochial school, library, church, hospital, or similar institutional use.

- (d) No two outdoor advertising signs shall be closer to one another than 1000 feet. Double outdoor advertising signs shall be treated as a single sign regarding the minimum distance between signs.
 - (e) Such signs shall conform with all yard space requirements for the district within which they are located.
 - (f) No one side of any such sign shall exceed an area of 672 square feet.
- (2) No signs shall be readable from the rear of any property when the rear of that property abuts a residential district, nor shall any sign be readable from the side of any property when the side of that property abuts a residential district.
 - (3) Except as otherwise provided for Outdoor Advertising signs, as specified in Section 512 C.(1) hereof, the total area on one side of all signs placed on or facing on any one street frontage of any one premises shall not exceed an area of 100 square feet.
 - (4) The area on one side of a directional sign shall not exceed 15 square feet.
 - (5) No part of any sign shall be located within 10 feet of the front lot line.
 - (6) No more than one free standing sign shall be allowed on any one property.
 - (7) No more than one directional sign shall be allowed on any one street frontage of any one property.
 - (8) No more than two separate signs shall face any one street frontage on any one premises.
 - (9) In the case of a building housing more than one commercial or industrial use, one permanent identifying sign for the building, the area on one side of which shall not exceed 100 square feet, may be erected. In addition, for each commercial or industrial use located within the building, one sign, the area of which shall not exceed 20 square feet, may be attached to that portion of the building housing the use.

§27-513. Loading Areas.

- 1. Paved off-street loading and unloading spaces, with proper access from a street or common driveway, shall be provided on any lot on which a building for trade, business or manufacturing is hereafter erected or substantially altered. All such areas for the loading and unloading of vehicles, and for the servicing of establishments or shops by refuse collection, fuel and other service vehicles, shall be

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of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities or pedestrian ways. All loading areas shall be paved. Loading areas shall not be located within required front yards.

2. All such spaces shall have dimensions not less than 12 feet by 45 feet with a clearance of not less than 14 feet in height. Spaces required shall be determined by the following table and shall be located exclusive of any public right-of-way or required parking area:

OFF-STREET LOADING SPACE REQUIREMENTS

USES	SQ. FT. FLOOR AREA	REQUIRED OFF-STREET LOADING BERTHS
1. Schools	15,000 or more	1
2. Hospitals (in addition to space for ambulances)	10,000 - 300,000 (For each additional 300,000 or major fraction thereof)	1 1 additional
3. Undertakers and Funeral Parlors	5,000 (For each additional 5,000 or major fraction thereof)	1 1 additional
4. Hotels and Offices	10,000 or more	1
5. Commercial, Wholesale, Manufacturing and Storage	10,000 - 25,000 25,000 - 40,000 40,000 - 60,000 60,000 - 100,000 For each additional 50,000 or major fraction thereof	1 2 3 4 1 additional

§27-514. Off-Street Parking.

1. Off-street parking facilities shall be provided whenever:
 - A. A building is constructed or a new use established.
 - B. The use of an existing building is changed to a use requiring more parking facilities.

- C. An existing building is altered so as to increase the amount of parking space required.
2. Each parking space shall have a minimum area of 180 square feet and minimum dimensions of 9 feet by 20 feet. In addition, appropriate driveways, aisles and maneuvering space shall be provided to permit safe and convenient access to and use of the area provided for parking purposes, as well as for public safety equipment such as fire protection equipment. Proper access from a street or driveway shall be provided.
 3. Parking spaces for residential uses shall be located on the same lot as the use served and shall be located behind the street right-of-way line. Parking spaces for other uses shall be provided for on the same lot as the use being served or in parking facilities within the 300 feet of the use, except in the case of a shopping center, industrial park or similar grouping of buildings entirely within the lot lines of the property. In industrial districts, off-street parking shall not be permitted between the street line and building setback line, except visitor parking.
 4. Joint parking facilities for two or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use. Required spaces provided off-site shall be in the same ownership as the use to which they are accessory and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs or assigns to maintain the required number of spaces throughout the life of such use.
 5. All parking spaces and means of access, other than those relating to a dwelling, shall be adequately illuminated during night hours of use. The illumination must be designed and located so that the light sources are shielded from adjoining residences and public and private streets. The illumination shall not be of excessive brightness and shall not produce a glare noxious at or beyond the boundaries of the parking area.
 6. The surface of all parking areas shall consist of an asphaltic or portland cement binder pavement (or similar durable and dustless surface) and shall be graded to provide convenient vehicular access and proper drainage. The maximum grade of the parking area shall not exceed 5%. Surface water shall not discharge onto public sidewalks or other premises.
 7. No areas necessary to fulfill the off-street parking requirements of this Chapter shall be used for the sales, dead-storage, repair, dismantling or servicing of vehicles.
 8. Off-street parking facilities existing at the effective date of this Chapter shall not be subsequently reduced to an amount less than that required under this Chapter for a similar new building or use.
 9. When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below 1/4 may be disregarded and any fraction over 1/4 shall necessitate the provision of a full parking space.

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10. Off-street parking requirements shall be as follows:

Residential uses	Two parking spaced per dwelling unit. *
Industrial, wholesaling or warehouse establishment	One space per two employees on the combined employment of the two largest successive shifts.
Restaurant, tavern or similar use	One space for each three seats plus one space for each full-time employee on the largest shift.
Retail and service establishments	One space for each 150 square feet of gross floor area.
Office buildings	One space for each 200 square feet of gross floor area.
Motel, hotel, tourist or rooming home or similar establishment	One space for each rental unit plus one space for each employee.
Medical, dental and paramedical offices and clinics	Five spaces for each person engaged in practice plus one space for each employee.
Nursing home, convalescent home or home for the aging	One space for each employee plus one space for each three beds.
Hospital	One and ½ spaces per bed.
Funeral home	One space for each three seats.
Roadside farm stand	Not less than five spaces.
Drive-in eating establishment (no indoor seating provided)	One space for each 1,000 square feet of lot area, the required number of space not to exceed 20.
Bowling alley	Five spaces per alley.
Auditorium, sports arena, theater, municipal building, place of worship, club or lodge or other place of public assemblage	One space for every three seats.
Library or museum	One space per 300 square feet of gross floor area.

* Off-street parking spaces in private garages shall not be included as meeting this minimum requirement.

Nursery schools	One space per employee plus one space for loading and unloading of children for each five children accommodated in the school.
Elementary and junior high schools	One space per employee.
High schools	One space per four students.
Skating rink, swimming pool, dance hall, indoor recreational establishment	One space per 50 square feet devoted to patron use.
Driving ranges and miniature golf	One space for each tee.
Service Station	Two spaces for each service bay.
Trailer or monument sales	One space for each 500 square feet of lot area.
Auction	One space for each 500 square feet of lot area.
Automobile sales and service garage	One space for each 400 square feet of floor area.

11. For any building or use not covered above, the Zoning Officer shall apply the standard for off-street parking spaces in the above schedule deemed to most closely approximate the proposed building use.

§27-515. Private Residential Driveways.

1. Private driveways on corner lots shall be located at least 40 feet from the point of intersection of the nearest street curb lines.
2. No driveway shall be less than 10 feet in width.

§27-516. Truck and Trailer Parking in Residential Districts.

Trucks and trailers may be parked in residential districts provided that there shall be not more than one truck or one trailer parked on any residential zone lot; and provided further that any such vehicle parked on a residential zone lot shall conform with the following requirements:

- A. No such vehicle shall be visible from a public right-of-way.
- B. The motor of such vehicle shall not be left running for more than 1 hour during any 24 hours period.

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- C. No refrigeration units on such vehicles shall be operated on a residential zone lot.

§27-516.1. Storage of Vehicles.

Automotive vehicles or vehicular dwellings of any type without current license plates shall not be parked or stored in S-1, A-1, and R-1 Districts other than in completely enclosed accessory buildings.

§27-517. Parking, Storage or Use of Major Recreational Equipment.

No major recreational equipment (including boats and boat trailers, travel trailers, pick up campers or coaches, motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment) shall be parked or stored on any lot in an R-1 District except in a car port or enclosed building or in a rear yard. No such equipment shall be used for permanent living, sleeping or housekeeping purposes when parked or stored in any location not approved for such use.

§27-518. Nonconforming Buildings or Uses.

1. Registration. In order to facilitate the administration of this Chapter, the Zoning Officer shall maintain an accurate listing of these nonconforming uses which are not permitted as a use by right in the district in which they are located and for which no special exception or variance has been granted. Such listing shall be a matter of public record and shall constitute sufficient notice to any transferee acquiring any right to use or own such property.
2. Abandonment. No nonconforming use may be re-established if the use is discontinued for a continuous 12 month period. Vacation of land or buildings or the nonoperative status of the use normally carried on upon the property shall be evidence of discontinuance.
3. Continuation. Any lawful use of a building or land existing at the effective date of this Chapter may be continued although such use does not conform to the provisions of this Chapter.
4. Change. No nonconforming use shall be changed to a use permitted in less restrictive zone than the zone in which the current use is first permitted. The most restrictive zone is the S-1 zone. All other zones are less restrictive, in the following order: R-1, A-1, C-1, C-2 and I-1
5. Expansion.
 - A. No nonconforming use shall be enlarged or increased upon ground not owned, leased or under option to purchase at the time of the passage of this Chapter.

- B. No nonconforming use shall be enlarged or increased in a manner which will further violate any yard, area and height regulations imposed by the zoning district in which it is located.
 - C. No nonconforming use shall be expanded by more than 25% of the building floor area used at the time this Chapter became effective.
 - D. The proposed expansion shall not cause an increased detrimental effect on surrounding properties.
6. Damage or Destruction.
- A. A nonconforming building wholly or partially destroyed by fire, explosion, flood or other phenomenon, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that:
 - (1) The reconstructed building shall not exceed in height, area and volume the building reconstruction which legally existed prior to its damage or construction. The reconstruction shall be commenced within one (1) year from the date the building was destroyed or condemned and shall be carried on without interruption.

§27-519. Nonconforming Lots.

1. Lot Included in Approved Plans. Any lot shown on a subdivision plan which has been recorded or approved either preliminary or finally by the Township authorities on the effective date of this Chapter which does not meet the minimum area and size requirements of the zoning district in which it is located may be used for any use permitted in that district provided that all yard, height and open space requirements shall be met. The Zoning Hearing Board may grant a variance from the yard and open space requirements as long as water supply and sewage disposal facilities have been certified as adequate by the Township Engineer; provided, however, that no land shall be hereafter subdivided to create a nonconforming lot.
2. Lots Held in Single and Separate Ownership. Any lot held in single and separate ownership at the effective date of this Chapter which does not meet the minimum area and size requirements of the zoning district in which it is located may be used for any use permitted in that district provided that all yard, height and open spaces requirements are met. If the plans for the proposed use shall be approved by the Zoning Hearing Board, after review of such plans to assure reasonable compliance with the spirit of the zoning regulations for the district, and the water supply and sewage disposal facilities are certified as adequate by the Township Engineer, a variance from the yard and open space requirements may be granted; provided, however, that the Zoning Hearing Board makes its findings in accordance with the provisions of §27-706 hereof.

§27-520. Public Utility Corporation.

The restrictions of this Chapter shall not apply to any existing or proposed building or extension thereof used by any 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.

§27-521. Obstructions.

1. On a corner lot, no wall, fence or other structure may be erected or altered, and no hedge, tree, shrub or other growth shall be maintained which may cause danger to the drivers or vehicles on a public road by obscuring the driver's view.
2. Clear sight-triangles shall be provided at all street intersections. Within such triangle, no object shall be permitted which obscures vision above the height of 3 feet and below 10 feet, measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of 75 feet from the point of intersection of the centerlines of the intersecting streets.

§27-522. Steep Slope Development.

No structure shall be erected on any site having a grade of 15% or more, except as follows:

1. Application shall be made to the Zoning Hearing Board. Such application shall consist of a statement prepared by a registered architect or a licensed engineer describing the proposed method of mitigating the development constraints of such a steep slope and certifying as to the efficacy of such a procedure regarding such concerns as foundation and other structural problems, prevention of soil erosion, and maintenance of the natural watershed.
2. Uses Permitted by Right.
 - A. Parks and outdoor recreational uses when permitted by the prevailing zoning district regulations and carried out in accordance with the regulations of the prevailing zoning district.
 - B. Open areas or yards, subject to the restrictions of this Chapter.
 - C. Buildings, permitted by the prevailing zoning district regulations provided that no portion of the building is constructed on a slope whose grade exceeds 25%.
 - D. Agricultural uses when conducted in conformance with conservation practices that ensure sufficient protection against soil erosion, and when permitted by the prevailing zoning district regulations and carried out in accordance with the regulations of the prevailing zoning district.

- E. Woodland preserve, wildlife sanctuary, game preserve or other similar use when permitted by prevailing zoning district regulations and carried out in accordance with the regulations of the prevailing zoning district.
- 3. Uses by Special Exception. Buildings constructed on a grade exceeding 25% and constructed in accordance with the regulations of the prevailing zoning district, provided that the applicant submits to the Zoning Hearing Board for review a statement prepared by a registered architect with an explanation of the building methods to be used in overcoming foundation and other structural problems, and including an explanation of the manner by which the natural watershed will be maintained and soil erosion prevented.
- 4. Boundary Disputes and Procedures.
 - A. Should a dispute concerning the boundaries of those areas subject to slope controls arise, an initial determination of the boundaries shall be made by the Zoning Officer, using the criterion listed in subsection 1, above.
 - B. Any person aggrieved by this decision, claiming that the criterion listed in subsection 1, above, is incorrect, may appeal to the Zoning Hearing Board.
 - C. The burden of proof shall be on the person appealing the decision of the Zoning Officer.
 - D. If it is determined that the Soil Survey Maps are inaccurate regarding the land in question, and that the area in question should not be subject to slope controls, the Zoning Officer shall be notified that slope controls will not apply to the land in question.
 - E. All boundary changes which are approved shall be made on the map of areas subject to slope controls which is maintained by the Township Planning Commission and the Zoning Officer.

§27-523. Floodplain Controls.

- 1. General Provisions.
 - A. Purpose. The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
 - (1) Regulating uses, activities and development which acting alone or in combination with other existing or future uses, activities and development will cause unacceptable increases in flood heights, velocities and frequencies.

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- (2) Restricting or prohibiting certain uses, activities and development from locating within areas subject to flood.
 - (3) Requiring all those uses, activities and developments that do occur in flood prone areas to be protected and/or flood proofed against flooding and flood damage.
 - (4) Protecting individuals from buying lands and structures which are unsuitable for intended purposes because of flood hazards.
 - B. **Applicability.** These provisions shall apply to all lands within the jurisdiction of Sugarloaf Township and shown as being located within the boundaries of the designated floodplain districts which are considered as a part of the Official Zoning Map.
 - C. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this Chapter and any other applicable ordinances of the Township.
 - D. **Warning and Disclaimer of Liability.** The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damage. This Chapter shall not create liability on the part of Sugarloaf Township or any administrative decision lawfully made hereunder.
- 2 **Definitions.** As used in this Section, except where the context clearly indicate otherwise, the following words or phrases shall have the meanings indicated below:

COMPLETELY DRY SPACE - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

DEVELOPMENT - any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavating, mining, dredging or drilling operations, and the subdivision of land.

ESSENTIALLY DRY SPACE - a space which will remain dry during flooding, except for the passage of water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

FLOOD - a temporary inundation of normally dry land areas.

FLOODPLAIN -

- (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation.
- (2) An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN DISTRICTS - those floodplain districts specifically designated on the Sugarloaf Township FIRM Flood Insurance Rate Map as being inundated primarily by the 100 year flood. Included are areas identified as Floodway District (FW), Flood-Fringe District (FF) and General Floodplain District (FA).

FLOODPROOFING - any combination of structural and nonstructural additions, changes or adjustments which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

LOWEST FLOOR - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

MANUFACTURED HOME - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

MANUFACTURED HOME PARK or SUBDIVISION - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

OBSTRUCTIONS - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse of designated floodplain district, which may impede, retard or change the direction of the flow of water either by itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

ONE HUNDRED (100) YEAR FLOOD - a flood that, on the average, is likely to occur once every 100 years (i.e., that has a 1% chance of occurring each year, although the flood may occur in any year.)

REGULATORY FLOOD ELEVATION - the 100 year flood elevation plus a freeboard safety factor 1½ feet.

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [Publ L. 97-348] includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations nor the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

3. Establishment of Zoning Districts.

A Description of District.

- (1) **Basis of District.** The various floodplain districts shall include areas subject to inundation by waters of the 100 year flood. The basis for the delineation of these districts shall be the FIRM Flood Insurance Rate Map for Sugarloaf Township prepared by the Federal Insurance Administration.
 - (a) The Floodway District (FW), is delineated for the purpose of this Chapter using criteria that a certain area within the floodplain must be capable of carrying the waters of the 100 year flood without increasing the water surface elevation of that flood more than 1 foot at any point. The areas included in this district are specifically defined in the Floodway Data Table of the above referenced Flood Insurance Study and shown on the accompanying FIRM Flood Insurance Rate Map on file in the Sugarloaf Township Municipal Building.
 - (b) The Flood Fringe District (FF) shall be that area of the 100 year floodplain not included in the Floodway District. The basis for the outermost boundary of this district shall be the 100 year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study as shown on the accompanying FIRM Flood Insurance Rate Map on file in the Sugarloaf Township Municipal Building.
 - (c) The General Floodplain District (FA) shall be that floodplain area for which no detailed flood profiles or elevations have been provided. They are shown on the maps accompanying the Flood Insurance Study prepared by the Flood Insurance Administration.

Where the specific 100 year flood elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey - Floodprone Quadrangles, etc., then the applicant for the proposed use, development or activity shall determine this elevation in accordance with hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by Sugarloaf Township.

(2) Overlay Concept.

- (a) The floodplain districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as supplements to the underlying district provisions.
- (b) Where conflict exists between the provisions or requirements of any of the floodplain districts and those of any underlying district, the more restrictive provisions shall apply.
- (c) In the event any provision concerning a floodplain district is declared inapplicable as a result of legislative, administrative or judicial action, the basic underlying district provisions shall remain in effect.

B. FIRM Flood Insurance Rate Map. The boundaries of the floodplain districts are established on the FIRM Flood Insurance Rate Map which is declared to be part of this Chapter and which shall be kept on file at the Township Office.

C. District Boundary Changes. The boundaries of any of the floodplains districts may be revised by the Board of Supervisors where a natural or manmade changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, a River Basin Commission or other qualified agency or individual document such changes. However, prior to any such revision, approval must be obtained from the Federal Insurance Administration.

D. Interpretation of District.

- (1) Initial determination of the boundaries of the floodplain districts shall be made by the Zoning Officer.
- (2) Any person aggrieved by his decision may appeal to the Zoning Hearing Board.

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- (3) The burden of proof shall be on the applicant.
- (4) If it is determined that the boundaries of the floodplain districts are incorrect regarding the land in question, the area subject to floodway control shall be determined on the basis of a 100 year flood and all calculations shall be subject to approval by the Township Engineer.

4. District Provisions.

- A. General. All uses, activities and development proposed within the floodplain districts shall be undertaken only in strict compliance with the provisions of this Chapter and all other applicable ordinances of the Township, the Commonwealth of Pennsylvania and the United State Government. Prior to any proposed alteration or relocation of any stream or watercourse, a permit shall be obtained from the Pennsylvania Department of Environmental Protection, Dam Safety, Obstructions and Stormwater Management Division. Furthermore, notification of the proposal shall be given by the applicant to Sugarloaf Township and all affected adjacent municipalities, and copies of such notification shall be forwarded by the applicant to the Pennsylvania Department of Community and Economic Development and the Federal Insurance Administration.

(1) Uses Permitted by Right.

- (a) Agricultural uses when permitted by the prevailing zoning district regulations according to recognized soil conservation practice.
- (b) Woodland preserve, wildlife sanctuary, game preserve, fish hatchery or other use devoted to the protection and propagation of wildlife, when permitted by the prevailing zoning district regulations.
- (c) Open areas or yards, subject to the restrictions of this Chapter and provided such yards are not used for on lot sewage disposal systems.

(2) Uses Permitted by Special Exception.

- (a) Outlet installations for sewage treatment plants or sewage pumping stations.
- (b) Public or private recreational areas such as parks, picnic grounds, riding trails, biking trails, camps, boating and fishing, not to include enclosed structures, except toilet facilities which must be connected to public water and sewer systems, when permitted by the prevailing zoning district regulations and in accordance with the regulations of the prevailing zoning district.

- B. Flood Fringe District (FF). In the Flood Fringe District the development and use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities and development shall be undertaken in strict compliance with the floodproofing and related provisions contained in this Chapter.
 - C. General Floodplain District (FA). In the General Floodplain District, the development and use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities and development shall be undertaken in strict compliance with the floodproofing and related provision contained in this Chapter.
5. Special Exceptions and Variances. In passing upon applications for special exceptions and variances, the Zoning Hearing Board shall consider all relevant factors and procedures specified in other Sections of this Chapter and the following:
- A. The danger of life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development or activity that will cause any increase in flood levels in the Floodway District.
 - B. The danger that materials may be swept onto other lands or downstream to the injury of others.
 - C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - E. The importance of the services provided by the proposed facility to the community.
 - F. The requirements of the facility for a waterfront location.
 - G. The availability of alternative locations not subject to flooding for the proposed use.
 - H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - K. The expected height, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

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The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception or variance to the Township Engineer or other qualified person or agency for technical assistance in evaluating the proposed project. Special exceptions or variances shall only be granted after the Zoning Hearing Board has determined that the granting of such will not result in:

- (1) Unacceptable or prohibited increase in flood heights.
 - (2) Additional threats to public safety.
 - (3) Extraordinary public expense.
6. Administration. In order to prevent excessive damage to buildings and structures due to flooding, the following provisions shall apply to all proposed construction or development occurring in any of the floodplain districts designated in this Section:
- A. General.
- (1) Residential Structures. Within any designated Floodway, Flood Fringe or General Floodplain District, the lowest floor (including basement) of any new or improved residential structure shall be at least 1 ½ feet above the 100 year flood elevation.
 - (2) Nonresidential Structures. Within any designated Floodway, Flood Fringe or General Floodplain District, the lowest floor (including basement) of any new or improved nonresidential structure shall be at least 1½ feet above the 100 year flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height. Any structure or part thereof which will not be completely or adequately elevated shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Floodproofing Regulations" (U.S. Army Corps of Engineers, June, 1972) or some other equivalent standard for that type of construction.
 - (3) The local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, as criteria for requiring that new construction, substantial improvements or other development in Zone A, comply with the requirements of this Section.
 - (4) All new construction and substantial improvements, any fully enclosed area below the lowest floor that is subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit offload waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria. A minimum of two openings having a total net area of not less than 1

square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than 1 foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

B. Design and Construction Standards.

- (1) **Drainage Facilities.** Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure drainage at all points along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- (2) **Sanitary Sewer Facilities.** All new or replacement sanitary sewer facilities and private sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into the flood waters. In addition, they shall be located and constructed to minimize flood damage and impairment.
- (3) **Water Facilities.** All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters in the systems and shall be located and constructed to minimize or eliminate flood damage.
- (4) **Streets.** The finished elevation of proposed new streets shall be no more than 1 foot below the regulatory flood elevation.
- (5) **Utilities.** All utilities such as gas lines and electrical and telephone systems being placed in floodprone areas shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- (6) **Fill.** If fill is used, it shall:
 - (a) Extend laterally at least 15 feet beyond the building line from all points.
 - (b) Consist of soil or small rock materials only; sanitary landfill shall not be permitted.
 - (c) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
 - (d) Be no steeper than one vertical or two horizontal unless information justifying steeper slopes is submitted to and approved by appropriate Township officials.

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- (e) Be used to the extent to which it does not adversely affect adjacent properties.
- (7) Placement of Buildings or Structures. All buildings and structures shall be constructed and placed on the lots so as to offer the least obstruction to the flow of water.
- (8) Anchoring. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or other movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse. All air ducts, large pipes and storage tanks located at or below the regulatory flood elevation shall be firmly anchored in accordance with accepted engineering practices to prevent flotation.
- (9) Floors, Walls and Ceilings. Where located at or below the regulatory flood elevation:
 - (a) Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.
 - (b) Plywood shall be of an "exterior" or "marine" grade and of a water-resistant or waterproof variety.
 - (c) Walls and ceilings in nonresidential structures shall have sufficient wet strength and be so installed as to survive inundation.
 - (d) Window frames, door frames, door jams and other components shall be constructed of metal or other water-resistant material.
- (10) Electrical System.
 - (a) All electrical water heaters, electric furnaces, electric air conditioning and ventilation systems and other electrical equipment or apparatus shall be permitted only at elevations above the regulatory flood elevation.
 - (b) No electrical distribution panels shall be allowed at an elevation less than 3 feet above the level of the 100 year flood elevation.
 - (c) Separate electrical circuits shall be serve lower levels and shall be dropped from above.

(11) **Plumbing.**

- (a) Water heaters, furnaces and other mechanical equipment or apparatus shall be permitted only at elevations above the regulatory flood elevation.
- (b) No part of any onsite sewage disposal system shall be constructed within any designated floodplain districts.
- (c) Water supply systems and sanitary sewage systems shall be designed to preclude infiltration of flood waters into the system and discharges from the system into flood waters.
- (d) All gas and oil supply systems shall be designed to preclude the infiltration of flood waters into the systems and discharges from the systems into flood waters.

(12) **Paints and Adhesives.** Where located at or below the regulatory flood elevation:

- (a) Adhesives shall have a bonding strength that is unaffected by inundation (i.e., "marine" or water-resistant quality).
- (b) All wooden components (doors, trim, cabinets, etc.) shall be sealed with a "marine" or water-resistant quality or similar product.
- (c) Paints and other finishes shall be capable of surviving inundation (i.e., "marine" or water-resistant quality).

(13) **Storage.** No materials that are buoyant, flammable, explosive or in time of flooding could be injurious to human, animal or plant life, shall be stored below the regulatory flood elevation.

C. **Manufactured Homes.**

- (1) All manufactured homes and any additions thereto shall be anchored to resist flotation, collapse, lateral movement by providing over-the-top and frame ties to ground anchors as follows:
 - (a) Over-the-top ties at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations for units 50 feet or more in length, and one additional tie per side for units less than 50 feet in length.
 - (b) Frame ties at each corner of the manufactured home, with five additional ties per side at intermediate locations for units 50 feet or more in length, and four additional ties per side for units less than 50 feet in length.

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- (c) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds per square inch.
 - (2) All manufactured homes and any additions thereto shall also be elevated in accordance with the following requirements:
 - (a) The stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the regulatory flood elevation.
 - (b) Adequate surface drainage shall be provided.
 - (c) Adequate access for a hauler shall be provided.
 - (d) Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil to more than 10 feet apart; reinforcement shall be provided for pilings that will extend for 6 feet or more above the ground level.
 - (3) An evacuation plan indicating alternate vehicular access and escape routes for manufactured home parks and manufactured home subdivisions shall be filed with Township officials.
 - (4) No manufactured home shall be placed in any Floodway District(FW).
- D. Existing Structures in Designated Floodplain Districts. Structures existing in any designated floodplain district prior to May 27, 1980, but which are not in compliance with these provisions may continue to remain subject to the following:
 - (1) Existing structures located in a designated Floodway District (FW) shall not be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
 - (2) Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, need not comply with the provisions of subsection (6) (B) of this Section relating to design and construction standards, but said modification, alteration, reconstruction or improvement shall be undertaken with a good faith effort to elevate or floodproof the structure to the greatest extent possible.
 - (3) Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall be undertaken only in full compliance with the provisions of this Chapter.

- (4) All manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored in accordance with the provisions of this Section.

K Variances.

- (1) If compliance with the elevation or floodproofing requirements stated above would result in an exceptional hardship for a prospective builder, developer or landowner, upon application, the Zoning Hearing Board may grant relief from the strict application of the requirements. In so doing, consideration shall be given to their affect upon the flow and the height of the flood waters.
- (2) In addition to those considerations set forth in subsection (5) of this Section, requests for variances may be granted in accordance with the following criteria:
 - (a) No variances shall be granted for any construction, development, use or activity within any designated Floodway District (FW) that would cause any increase in the 100 year flood elevation.
 - (b) In granting any variance, the Zoning Hearing Board may attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare, and to achieve the objectives of this Chapter.
 - (c) Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that the granting of the variance may result in increased premium rates for flood insurance and that it may increase the risk to life and property.
- (3) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures and effects of buoyancy of the 100 year flood.

F. Building Permit Applications.

- (1) In addition to that information normally required under this Chapter in an application for a building permit, where construction is contemplated in a designated floodplain district, the Zoning Officer shall require the following specific information to be included as part of the application:
 - (a) Existing and proposed contours and/or elevation of the ground and the lowest floor of proposed construction.
 - (b) One hundred year flood elevations.

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- (c) Other associated factors such as pressure and impact forces.
 - (d) Storage elevations.
 - (e) Size of the structures.
 - (f) Location and elevations of streets, water supply and sanitary facilities.
 - (g) Soil types.
 - (h) Floodproofing measures including specific reference to the level of floodproofing in relation to the 100 year flood.
- (2) A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the flood depths, pressures, velocities, impact and uplift forces, and other hydrostatic, hydrodynamic and buoyancy factors associated with the 100 year flood shall be attached to the application for building permit.
 - (3) A copy of all applications and plans for construction or development in any designated floodplain district shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a building permit.
 - (4) Prior to the issuance of any building permit the Zoning Officer shall review the application to determine if all other necessary governmental permits such as those required by State and Federal Law have been obtained. No permit shall be issued until this determination has been made.

7. Development Which May Endanger Human Life.

- A. The provisions of this subsection shall be applicable, in addition to any other applicable provisions of this Chapter.
- B. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, and new or substantially improved structure which:
 - (1) Will be used for the production or storage of any of the following dangerous materials or substances.
 - (2) Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises.

- (3) Will involve the production, storage or use of any amount of radioactive substances.

Shall be subject to the provisions of this Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- (a) Acetone.
 - (b) Ammonia.
 - (c) Benzene.
 - (d) Calcium carbide.
 - (e) Carbon disulfide.
 - (f) Celluloid.
 - (g) Chlorine.
 - (h) Hydrochloric acid.
 - (i) Hydrocyanic acid.
 - (j) Magnesium.
 - (k) Nitric acid and oxides of nitrogen.
 - (l) Petroleum products (gasoline, fuel oil, etc.).
 - (m) Phosphorus.
 - (n) Potassium.
 - (o) Sodium.
 - (p) Sulphur and sulphur products.
 - (q) Pesticides (including insecticides, fungicides and rodenticides).
 - (r) Radioactive substances, insofar as such substances are not otherwise regulated.
- C. Within any Floodway District any structure of any kind described in subsection (B), above, shall be prohibited.
- D. Where permitted within Flood Fringe District or General Floodplain District, any structure of the kind described in subsection (B) above, shall be:

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- (1) Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100 year flood.
 - (2) Designed to prevent pollution from the structure or activity during the course of a 100 year flood. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.
 - E. Within any General Floodplain District, any structure of the kind described in subsection (B), above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
 - F. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this subsection.
8. Activities Requiring Special Permits.
- A. The provisions of this subsection shall be applicable, in addition to any other applicable provision of this Chapter.
 - B. Identification of Activities Requiring a Special Permit. In accordance with the Pennsylvania Floodplain Management Act (Act 1978-166) and regulations adopted by the Department of Community and Economic Development as required by the Act, the following obstructions and activities are permitted only by special permit, if located partially or entirely within any Floodplain District:
 - (1) The commencement of any of the following activities; or the construction, enlargement or expansion of any structure used, or intended to be used, or intended to be used, for any of the following activities:
 - (a) Hospitals
 - (b) Nursing homes
 - (c) Jails or prisons
 - (2) The commencement of or any construction of a new manufactured home park or manufactured subdivision, or substantial development to such existing development.
 - C. Application Requirements. Applicants for special permits shall provide five copies of the following items.
 - (1) A written request including a completed building permit application form.

- (2) A small scale map showing the vicinity in which the proposed site is located.
- (3) A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following:
 - (a) North arrow, scale and date.
 - (b) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of 2 feet.
 - (c) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
 - (d) The location of all existing streets, drives, other accessways and parking areas, with information concerning widths, pavement types and construction, and elevations.
 - (e) The location of any existing bodies of water or watercourses, building, structures and other public or private facilities, including railroad tracks and facilities, and any other natural manmade features affected by the proposed activity of development.
 - (f) The location of the floodplain boundary line, information and spot elevations concerning the 100 year flood elevations, and information concerning the flow of water including direction and velocities.
 - (g) The location of all proposed buildings, structures, utilities and any other improvements.
 - (h) Any other information which the Township considers necessary for adequate review of the applications.
- (4) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
 - (a) Sufficiently detailed architectural or engineering drawings including floor plans, sections and exterior buildings elevations, as appropriate.
 - (b) For any proposed buildings, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.
 - (c) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other facts associated with the 100 year flood.

- (d) Detailed information concerning any proposed floodproofing measures.
 - (e) Cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-way, and pavement.
 - (f) Profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades.
 - (g) Plans and profiles of all proposed sanitary and storm sewer system, water supply systems and any other utilities and facilities.
- (5) The following data and documentation:
- (a) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client herepresents.
 - (b) Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100 year flood.
 - (c) A statement certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100 year flood, including a statement concerning the effects such pollution may have on human life.
 - (d) A statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100 year flood elevations and flows.
 - (e) A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the kind and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100 year flood elevations and flows.
 - (f) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - (g) Where any excavation or grading is proposed, a plan to implement and maintain erosion and sedimentation control. Said plan shall meet the requirements of the Department of Environmental Protection and the Luzerne Conservation District.

- (h) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under §302 of Act 1978-166.
 - (i) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100 year flood.
- D. Application Review Procedures. Upon receipt of an application for a special permit by the Township, the following procedures shall apply in addition to all other applicable permit procedures which are already established:
 - (1) Within 3 working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.
 - (2) If an application is received that is incomplete, the Township shall notify the applicant, in writing, stating in what respects the application is deficient.
 - (3) If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
 - (4) If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered mail, within 5 working days after the date of approval.
 - (5) Before issuing the special permit, the Township shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the applications and the decision made by the Township.
 - (6) If the Township does not receive any communication from the Department of Community and Economic Development during the 30 days review period, it may issue a special permit to the applicant.
 - (7) If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the special permit.
- E. Technical Requirements for Development Requiring a Special Permit. In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a special permit. If there is any conflict

between any of the following requirements or other applicable provisions, the more restrictive provision shall apply:

- (1) No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - (a) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:
 - (i) The structure will survive inundation by waters of the 100 year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100 year flood elevation.
 - (ii) The lowest floor elevation (including basements) will be at least 1 ½ feet above the 100 year flood elevation.
 - (iii) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100 year flood.
 - (2) All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review of the Township and the Department of Community and Economic Development.
- F. Within any floodplain district any structure of the kind described in subsection (B), above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
- G. Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this subsection.

§27-524. Home Occupation Regulations.

Permitted home occupations operated in any dwelling unit may be operated only if it complies with all of the following conditions:

- A. Only a resident of the dwelling unit shall be employed to practice an occupation carried out in any dwelling unit. Except as otherwise provided herein, no more than two persons shall be employed by the practitioner of the occupation to provide secretarial, clerical or other similar assistance.

- B. A home occupation may only be operated within a single dwelling unit.
- C. There shall be no outside advertising other than one unanimated, non-illuminated sign of no more than 2 square feet in area on any one side.
- D. Except as otherwise provided herein, there shall be not more than one home occupation, and it shall not utilize more than 20% of the gross floor area of the dwelling unit, (except foster family care), and except that professional offices may utilize not more than 33% of the gross floor area of the dwelling unit.
- E. For those occupations which serve patrons, one off-street parking space shall be provided for each 150 square feet of floor area devoted to patron use except in the case of dental, medical or paramedical offices four off-street parking spaces shall be provided for each person engaged in dental, medical or paramedical practice.
- F. No storage of materials or products in open areas shall be permitted.
- G. No display of products made shall be visible from the street.
- H. No noise, odor, dust, vibration, electromagnetic interference, smoke, heat or glare shall be perceptible at or beyond the lot boundaries.
- I. Permitted home occupations shall be not more than one of the following uses:
 - (1) Professional offices.
 - (2) Rooming and/or boarding of not more than two unrelated persons.
 - (3) Custom dressmaking, tailoring, millinery.
 - (4) Foster family care (for not more than four children simultaneously).
 - (5) Commercial photography and other similar used, excluding studios for individual and group portraits.
 - (6) Barber shop and beauty parlor with not more than one nonresident employee.
 - (7) Tutoring for not more than four students simultaneously, provided that the sound produced is not audible at any property line and that it is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
 - (8) Licensed family day care homes for not more than six nonresident children. No nonresident employees shall be permitted.
 - (9) Antique repair and refinishing, catering, mail order, quilting, taxidermy service, T.V. repairs and upholstering.

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§27-525. Fences.

1. In all residential districts no fence or wall may be erected over 6 feet in height except a retaining wall, and as required for swimming pools. In any event, no solid fence shall exceed a height of 4 feet within any required front yard. No solid fence shall exceed 4 feet within a front yard, including the area along the front yard line or the side yard lines extending from the front yard setback line to the front property line.
2. In all agricultural districts, no fence or wall, except a retaining wall, over 10 feet in height may be erected.
3. In all districts, no fence, wall, or hedge may be erected or planted within the right-of-way lines of any street, nor may they encroach upon any right-of-way at any time. Any fence or wall, except a retaining wall, placed within the front yard of any property shall be limited to a maximum height of 4 feet.
4. All storm water detention ponds are required to be fenced with a minimum 4 feet high chain linked fence with locking gate.

§27-526. Corner Lot Restrictions.

On every corner lot there shall be provided a yard, equal in depth to the front yard requirements of the particular zoning district in which the corner lot is located, on each side of the lot which is adjacent to a street.

§27-527. Conversion of Single-Family Detached Dwellings.

Where 2-family dwellings are permitted, they may be created by converting a single-family dwelling to a 2-family dwelling only as a Special Exception authorized by the Zoning Hearing Board; provided, however, that:

1. The lot area per dwelling unit shall not be reduced to less than the minimum required in the zone where it is situated
2. The yard and building area requirements for the subject zone shall be maintained
3. The minimum requirements for off-street parking shall be maintained for each dwelling unit.
4. On lot water and sewage.
 - (a) Adequate sewage disposal and potable water supply must be provided by utilization of the existing facilities servicing the principal residence or installation of separate systems. If existing on lot facilities are to be used, the applicant shall certify that they will be adequate for both dwellings.
 - (b) If the owner has not cleaned the septic tank within the previous 24 months, he shall do so before an occupancy permit is issued.

§27-528. Community or Club Swimming Pools.

Community or club swimming pools shall be any pool constructed by an association of property owners, or by a private club solely for use and enjoyment by members of the association or members and their families and guests of members. Community and club swimming pools shall comply with the following conditions and requirements:

- A. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 100 feet to any property line of the property on which it is located.
- B. The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than 6 feet in height, and maintained in good condition. The area surrounding the enclosure, except parking areas, shall be suitably landscaped with grass, hardy shrubs and trees and maintained in good condition.

§27-529. Planned Residential Development Regulations.

- 1. The minimum amount of land in the proposed development shall be five acres.
- 2. The development shall be served by public or community sewage disposal and water supply facilities.
- 3. The overall density of the development shall not exceed eight dwelling units per acre.
- 4. Permitted uses shall include single-family detached dwellings, single-family semi-detached dwellings, two-family detached dwellings, two-family semi-detached dwellings, townhouses and apartment buildings.
- 5. No less than 20% of the gross land area contained within the development shall be permanently set aside for noncommercial common open space purposes, such as recreation or conservation of natural features. These noncommercial common open space areas shall be suitable for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. Common open spaces shall not include land included within street rights-of-way nor shall they include land included within building lots. No more than 50% of the common open space shall be land with slope of over 15% subject to flooding, or with a high water table. Common open space areas may be reserved for private use or dedicated to the Township. For land which is not dedicated to the Township, written agreements approved by the Township Supervisors shall be made for the perpetual preservation and maintenance of the undedicated common open space areas.
- 6. No more than 15% of those portions of the tract with a slope of between 15% and 35% shall be covered by impervious surfaces.

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7. No more than 15% of those areas of the tract which have a high water table (as mapped by the Soil Conservation Service) shall be covered by impervious surfaces.
8. A system for pedestrian circulation within the tract shall be provided. This system shall provide access to community facilities and recreation areas.
9. The plan for the development must be submitted to the Township Planning Commission for review and receive final approval from the Township Supervisors in accordance with the procedures established in the Township subdivision regulations. [Chapter 22].
10. Those areas of the tract designated for apartments shall have:
 - A. At least 3,630 square feet of land provided for each dwelling unit with one bedroom.
 - B. At least 4,356 square feet of land provided for each dwelling unit with two bedrooms.
 - C. At least 5,445 square feet of land provided for each dwelling unit with three or more bedrooms.
11. Reserved.
12. Those areas of the tract designated for a mixture of apartments and townhouses shall have at least 5,445 square feet of land provided for each dwelling unit.
13. The maximum length of an apartment building shall be 200 feet.
14. No apartment building shall be closer than 50 feet to another dwelling.
15. The number of townhouse units within a continuous grouping shall not exceed eight.
16. No townhouse within a continuous row of townhouses shall be closer than 50 feet to a dwelling unit not in that row of townhouses.
17. Within any continuous group of townhouses there shall be at least two different architectural plans having substantially different designs, building materials and exterior elevations. In addition, no more than three continuous townhouses shall have the same front setback and the variations in front setback shall be at least 4 feet.
18. All structures shall be a minimum of 50 feet from the property lines of the development.
19. No building shall have a height exceeding 35 feet.

20. No apartment building shall be located within 50 feet of any street of right-of-way line.
21. No townhouse shall be located within 30 feet of any street of right-of-way line.
22. Parking shall be provided on the lot of the townhouse or in a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities.
23. Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash and rubbish shall be contained in air-tight, vermin-proof containers.
24. Common parking areas for townhouses or apartments shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate areas in which cars parked in the end stalls of the lots may turn around.
25. Common parking areas and access drives for townhouses or apartments shall be located a minimum of 20 feet from all structures and form the exterior lot lines of the development. Common parking areas shall be a minimum of 20 feet from all roads.
26. Entrance and exit ways to parking areas shall have a minimum width of 12 feet for each lane of traffic entering or leaving the areas.
27. Parking areas shall be designed to prevent through traffic to other parking areas. No more than 60 parking spaces shall be accommodated in any one parking area and all parking areas shall be landscaped.
28. Entrances to an exits form common parking areas shall be located a minimum of 50 feet from the point of intersection of the nearest street curb lines.
29. Within areas designated for apartments and townhouses, impervious coverage shall not exceed 25% of the land area.
30. The applicant shall submit a plan, at the scale of his preliminary and final subdivision plans, to the Township Supervisors which shall show existing natural features of the site, including soil types, watercourses, tree masses, drainage ways and slopes.
31. Regulations for single-family detached dwellings and single-family semi-detached dwellings shall be as follows:

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	SINGLE-FAMILY DETACHED DWELLING	SINGLE-FAMILY SEMI-DETACHED DWELLING
Maximum Lot Coverage Minimum Regulations	35%	35%
Lot Size	8,000 square feet	12,000 square feet
Building Setback Line	30 feet	30 feet
Minimum With at Building Setback Line	70 feet	80 feet
Rear Yard	20 feet	20 feet
Side Yard	10 feet	10 feet

§27-530. ECHO Housing.

1. Statement of Intent. This Section authorizes, upon issuance of a special permit, the temporary installation of small removable homes, to be known as "Elder Cottage Housing Opportunity" units, hereinafter referred to as "ECHO units," on the same lots with existing single family homes. Such ECHO housing units shall be considered to be accessory residential uses.
2. Purpose.
 - A. To permit adult children to provide small temporary residences for their aging parents who are in need of support, while maintaining as much of the independence of the two generations as possible.
 - B. To permit families to provide security and support for non-elderly relatives with serious health problems or physical or developmental disabilities.
 - C. To reduce the degree to which frail elderly homeowners have to choose between increasing isolation in their own homes and institutionalization in nursing homes.
 - D. To develop housing types that are appropriate for households at a variety of stages in the life cycle.
 - E. To permit ECHO housing in a manner that will protect property values by insuring that the units are compatible with the neighborhood and are easily removed.

3. Permit Requirements. A permit shall be issued for a temporary ECHO unit to lot owners of record, provided the following requirements are satisfied:
- A. A site plan will be presented to the Zoning Officer which sets forth a minimum floor area of 280 square feet for one occupant and 400 square feet for two occupants for each ECHO unit. Said unit will not exceed a floor area of 850 square feet nor a height of 16 feet. All ECHO units shall be one story only. Only one ECHO unit may be placed on each lot.
 - B. An ECHO unit shall only be placed upon a lot that is conforming to the requirements of its respective zoning district.
 - C. The placing of the ECHO unit shall be in conformity with the maximum lot coverage for building and for total impervious cover for the respective district. The total areas of all buildings including the ECHO Unit, the main house and all the other outbuildings shall be used to determine lot coverage capacity for the respective zoning district.
 - D. The ECHO unit must be located within the legal rear setbacks required by the Zoning Ordinance for the respective zoning district. No ECHO unit shall be placed in any front yard. The ECHO unit shall be located so as to allow clear access to equipment to place and remove it. Its location shall address aesthetic and community character concerns, especially those of adjoining neighbors.
 - E. Adequate parking shall be provided for any ECHO unit vehicles. The number of spaces that are required will be determined by the Zoning Officer.
 - F. Access must be provided to the unit separate from that of the primary residence. Walkways from parking areas and the principal residence to the ECHO unit shall be suitable for wheelchair and stretcher access, as determined by the Zoning Officer. The ECHO unit shall be planned for future installation of a wheelchair ramp.
 - G. **Safety and Security.**
 - (1) It is recommended that all ECHO units, which are "manufactured/modular" or "stick-built" follow the "Recommended Construction and Installation Standards" published by the American Association of Retired Persons.
 - (2) All ECHO Units shall have at least two exit doors.
 - (3) The applicant shall certify that each ECHO unit shall at a minimum meet the requirements of Subpart C-Fire Safety, Department of HUD's "Manufactured Home Construction Safety Standards", 24 CFR, Part 3280, or the State wide building code.

H. Water and Sewage.

- (1) Adequate sewage disposal and potable water supply must be provided by utilization of the existing facilities servicing the principal residence or installation of separate systems. If existing on lot facilities are to be used, the applicant shall certify that they will be adequate for both dwellings.
- (2) If the owner has not cleaned the septic tank within the previous 24 months, he shall do so before an occupancy permit is issued.

I. Occupancy.

- (1) The record owner(s) of the principal residence and lot must live in one of the dwelling units on this lot.
- (2) At least one occupant of the principal residence and at least one occupant of the ECHO unit must be related by blood, marriage or adoption.
- (3) In no case shall there be more than two occupants of an ECHO unit.
- (4) At least one occupant of the ECHO unit must be over 62, or unable to live independently because of mental or physical illness or disability. Confirmation of mental or physical illness or disability shall be provided by a certified statement by a licensed, practicing physician.

J. Removability.

- (1) The ECHO unit's foundation should be of easily removable materials so that the lot may be restored to its original use after removal, with as little expense as possible.
- (2) No permanent fencing, walls, or other structures shall be installed that will hinder removal of the ECHO unit.
- (3) In the event there is a sewage failure and there is no repair within 30 days after notice by the Township, the use of the ECHO unit will be discontinued immediately until corrected and the township may revoke said permit and proceed with removal without any liability.

4. Application Procedures.

- A. Submission of Application. Property owners who want to install an ECHO unit on the same lot with their principal residence must submit a written application with an attached sketch plan to the Zoning Officer which addresses the requirements for issuance of a special permit and includes the following information with adequate proof thereof.

- (1) The names and addresses of all owners of record and proposed occupants of the ECHO unit.
 - (2) The relationship of the proposed occupant(s) to owner(s) and an agreement that occupant(s) will meet the eligibility standards of subsection (3) of this Section.
 - (3) A sketch plan of the lot shall be drawn to scale and shall show:
 - (a) The location and dimensions of all structures.
 - (b) The location of parking for all vehicles.
 - (c) The square footage of the ECHO unit and principal residence.
 - (d) The location of on-lot water and sewage systems.
 - (e) The tax map parcel number.
 - (f) The property description of the lot, including total acreage.
 - (4) The floor plan for ECHO unit (which may be the manufacturer's or builder's plan).
- B. Agreement to Special Conditions. Also included in the application will be a notarized written agreement by the property owner(s):
- (1) To adhere to the terms and conditions of this Section and any other conditions required by the Zoning Officer or the Board of Supervisors and to execute any and all documents that may be required to ensure that the terms and conditions imposed are fulfilled and that the intent and policy of this Ordinance is fulfilled.
 - (2) To renew the special permit, if granted, on an annual basis until this Section is removed.
 - (3) To acknowledge that when the ECHO unit is no longer a legally permitted use, the owner(s) will be responsible for its removal from the lot and for restoration of the property to its original condition within 6 months.
 - (4) That if the owner(s) should not remove the ECHO unit within six months after it is no longer a permitted use, the township may remove the unit at the cost of owner(s) and charge the costs of removal as a lien against the property. The Township may salvage the ECHO unit and sell it to defray the costs incurred.

- (5) That only the original occupant(s) will remain in the ECHO unit and in the event there is any change in the occupant(s), then a new application will be submitted. (See following subsection (6)).
 - (6) To remove the ECHO unit from the premises upon the death of the occupant(s) for whom permitted, unless one occupant remains and the resident in the principal dwelling specifically requests from the Zoning Officer continuation of the permit; or upon a permanent change of residence, defined as absence from ECHO unit for 6 months, of the said occupant or occupants. Removal shall be completed within 6 months of such event. The site shall be restored so that no visible evidence of the unit remains.
 - (7) That in the event of a sewage or water malfunction, the residents of the premises and record property owner(s) shall repair the same within 30 days after notice by the township.
- C. Petition for Variance to the Zoning Hearing Board. Should the landowner(s) be unable to meet the conditions of this Section, and feel that a petition for an exception is justified, such petition may be made to the Zoning Hearing Board in accordance with normal procedures.
- D. Application Sequence:
- (1) Submission of application (See subsection(4)(A)(l) through subsection (5)).
 - (2) Agreement to special conditions (See subsection (4)(B)(l) through (7)).
 - (3) Zoning Officer of approval (or disapproval) (Subject to Sewage Enforcement Officer report)
 - (4) Board of Supervisors approval (or disapproval)
 - (5) Special permit issued.

§27-531. Mixed Use Structures.

Dwelling units in mixed-use structures shall not have more than two (2) bedrooms.

§27-532. Truck/Trailer Parking in Commercial and Manufacturing Zones

Trucks/trailers, accessory to a principal use, awaiting loading or unloading, may be stored on the same lot as the principal use to which they are accessory, if waiting to be loaded or unloaded; provided, however, that such trucks/trailers may not be stored on such sites for a period of more than 48 hours. Such trucks, if they require a wait of more than 48 hours may only be stored for such periods beyond 48 hours if they are stored in designated areas not less than 200 feet distant from any public right-of-way.

The use of trucks/trailers as a warehouse, for future display and/or future sale shall be permitted only in enclosed structures.

The materials that are permitted to be stored shall be subject to the same limitations as specified for self-storage buildings in Section 5.539.

§27-533. Mobile Home Parks

Mobile home parks are subject to the following:

1. The minimum area of a mobile home park shall be five acres.
2. When the mobile home park is served by either a public or community sewage disposal system and by either a public or community water system, there shall be a maximum gross density of five dwelling units per acre the minimum dimensions of a mobile home space shall be 50 feet by 120 feet. Where on lot sewage disposal is used, each mobile home shall be placed on a lot which shall meet the requirements of a lot for a single-family detached dwelling when on lot sewage disposal is used. Where a public or community sewage disposal system and an on lot water supply is used, each mobile home shall be placed on a lot which shall meet the requirements of a lot for a single-family detached dwelling when a public or community sewage disposal system and an on lot water supply is used.
3. No less than 10% of the total area of the mobile home park shall be devoted to recreation areas for the use of all residents of the park. Provision shall be made by the owner of the mobile home park for the development installation and maintenance of such recreation area.
4. Mobile homes shall be located at least 50 feet from any street located outside the property lines of the park and 25 feet from streets located within the property lines of the mobile home park.
5. The minimum required distance between any mobile home, service or accessory building or parking facility and a boundary line of the mobile home park shall be 50 feet. The minimum required distance between any mobile home and another mobile home, service or accessory building or common parking facility shall be 30 feet.
6. Two off-street parking spaces shall be provided for each mobile home.
7. The limits of each mobile home lot shall be clearly marked on the grounds by permanent flush stakes, markers or other suitable means.
8. The mobile home park shall be permanently landscaped and maintained in good condition.
9. A mobile home park shall not include a mobile home sales establishment.

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10. Skirting around the mobile home is required in order to conceal all supports and utility connections.
11. All mobile homes shall be properly connected to water, sewage and electrical systems approved by the Township.
12. Each mobile home space shall be provided with a hard surfaced mobile home stand providing a foundation which will not heave, shift, settle or move due to frost action, inadequate drainage, vibration or other force acting on the structure.

§27-534. Motor Vehicle Service Stations

Motor vehicle service station subject to the following:

1. Fuel pumps shall be at least 20 feet from any right-of-way line.
2. All activities except those required to be performed at the fuel pumps shall be performed within a completely enclosed building, when practical.
3. All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
4. In no case shall the lot size be less than 20,000 square feet.

§27-535 Car Washing Facility

Car washing facility, subject to the following:

1. Minimum lot size, in all instances, shall be one acre.
2. No structure shall be located less than 40 feet from any lot line.
3. The approach drive or parking area shall be constructed to accommodate a minimum of four cars per bay; provided, however, that in the case of a facility where only one bay is provided the approach drive or parking area shall be constructed to accommodate a minimum of eight cars.

§27-536. Repair Garage Facility

Repair garage facility, subject to the following:

1. In no case shall the lot size be less than 40,000 square feet.
2. No building shall be closer than 25 feet to any lot line.

3. All repair activities shall be performed within a completely enclosed building.
4. All outdoor storage of dismantled vehicles, automobile parts, and similar items shall be adequately screened from view in such a manner that the outdoor storage of materials is not visible from adjoining properties.

§27-537. Solid Waste Disposal Facilities

All solid waste disposal facilities, transfer stations, and staging areas are herein referred to as "the facility."

1. Within this district, siting, design, construction and operations shall be as regulated by the Pennsylvania Department of Environmental Protection.
2. All weather access roads shall be provided to the facility.
3. All facility sites shall be located a minimum 400 feet from any residential district boundary line.
4. All facility sites shall be located a minimum of 200 feet from any street not located within the lot and 200 feet from any adjoining property line.
5. Minimum lot size shall be ten acres.
6. A fence shall be maintained along all property lines. This fence shall have a minimum height of six feet.
7. All areas where operations are conducted shall be screened from view from the lot boundaries.
8. No such activity shall be conducted earlier than 7:00 A.M. or later than 7:00 P.M. during each day, and such activities shall not be performed on Sundays, or legal holidays as designated under Federal law.
9. In approving a special exception for a facility, the zoning hearing board shall ascertain that such activities shall not be or potentially be hazardous to the health and safety of any resident of Sugarloaf Township or its environs. Towards this end, the Zoning Hearing Board shall require the submission of an environmental assessment in accordance with Federal and State requirements, and such environmental assessment shall include, but not be limited to a traffic study and plan. Such traffic study and plan shall comply with the following requirements;
 - (a) Any facility located adjacent to a Federal Highway shall comply with all regulations of the Federal Highway Administration.
 - (b) Any facility located adjacent to a Federal Highway shall comply with all regulation of the Pennsylvania Department of Transportation.

- (c) The traffic study and plan shall establish the most direct proposed route or routes for vehicles carrying solid waste to the facility. This route shall minimize impacts on any hospital, residential home, retail commercial establishment, public school, or religious institution.
- (d) The traffic study and plan shall include proposed remedial actions to be taken in the event of a solid waste spill or an accident involving a vehicle transporting solid waste.

§27-538. Junk Yards and Similar Storage Areas-Including Automobile Wrecking

Junk yards shall only be allowed as a special exception in the I-1 zone, and shall be subject to the following requirements: Such uses existing at said date of adoption may continue their operations as nonconforming uses, but shall terminate within one year unless they shall be completely enclosed by a solid fence, screen or wall of sufficient height so as to obscure all view of such use.

No operations shall be conducted which shall cause a general nuisance or endanger the public health of the surrounding neighborhood.

No highly inflammable or explosive material shall be stored in bulk above ground, with the exception of fuel tanks or drums which are directly connected with heating appliances. Inflammable and explosive material storage shall be in compliance with all applicable Federal and State laws and regulations.

All materials or wastes causing fumes or dust, constituting a fire hazard, or attractive to rodents or insects, may be stored outdoors only in enclosed containers.

Existing junk yards shall also be subject to the above-described requirements; and, such uses, legally existing at the time of the adoption of this amendment may continue their operations as nonconforming uses; provided, however, that such uses shall be terminated within one (1) year unless they shall be completely enclosed by a solid fence, screen, or wall of sufficient height so as to obscure all view of the materials stored at the site.

§27-539. Self-Storage Facilities

1. Prohibited materials. Storage of the following hazardous materials is prohibited;
 - a. Inflammable solids
 - b. Oxidizing materials
 - c. Highly toxic materials
 - d. Radio-active materials
 - e. Potentially explosive materials
 - f. Pesticides or insecticides
 - g. Corrosive liquid

2. Records Requirements. It shall be the responsibility of the owner to ascertain that the identified hazardous materials are not stored on the subject premises. This shall be accomplished by the owner securing an affidavit from the tenant attesting to the fact that such materials are not being stored in the tenant's rented space. A copy of said affidavit shall be retained on the premises by the owner and a copy shall be submitted to the Borough zoning officer.
3. The storage of boats, campers, and trailers, and similar large recreational vehicles is also prohibited unless the area where such vehicles are stored shall be screened in accordance with Section 516 and 517 hereof.

§27-540. Outdoor Recreation Area

Outdoor recreational area of a private nature for use by the general public. Permissible uses are parks, picnic grounds, riding trails or academy, hiking trail, boating, fishing, hunting, nature center, swimming area and ski area; provided, that:

1. The lot on which any such use is conducted shall not be less than four acres in size.
2. The use shall include only necessary accessory structures and no commercial activity shall be permitted except for charging of admission, sale of refreshments, rental of athletic equipment, or such other purpose as is clearly incidental to the permitted outdoor recreational use.
3. No more than 10% of the lot shall be covered by impervious surfaces.

§27-541. Club, Fraternal Organization or Lodge

Club, fraternal organization or lodge provided that the principal activity shall not be one which is customarily carried on as business, and provided that all services shall be for members and their guests only.

§27-542. Reserved

§27-543. Reserved

§27-544. Apartments and Townhouses

1. The minimum lot size shall be three acres.
2. The development shall contain at least 3,630 square feet of land for every apartment or townhouse with one bedroom 4,356 square feet of land for every apartment or townhouse with two bedrooms and 5,445 square feet of land for every apartment or townhouse with three or more bedrooms.

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3. The development shall be served by public or community sewage disposal or water supply facilities.
4. Not less than 20% of the gross land area contained within the development shall be permanently set aside for noncommercial common open space purposes, such as recreation or conservation of natural features. These noncommercial common open space areas shall be suitable for the designated purpose and contain no structure or parking facility except as related to an incidental to open space uses. Common open spaces shall not include land included within street rights-of-way nor shall they include land included within building lots.

Common open space areas may be reserved for private use or offered for dedication to the Township. The Township may accept or reject such offer of dedication. For land for which the Township does not accept dedication, written agreements approved by the Township Supervisors shall be made for the perpetual preservation and maintenance of the undedicated common open space areas.

5. A system for pedestrian circulation within the tract shall be provided. This system shall provide access to community facilities and recreation areas.
6. The plan for the development must be submitted to the Township Planning Commission for review and receive final approval from the Township Supervisors in accordance with the procedures established in the Township Subdivision and Land Development Ordinance, and the requirements of this Chapter.
7. No building shall have a height exceeding 35 feet.
8. No more than 5% of those areas of the tract with a slope of 25% or greater shall be covered by impervious surfaces.
9. No more than 15% of those portions of the tract with a slope of between 15% and 25% shall be covered by impervious surfaces.
10. No more than 15% of those areas of the tract which have a high water table (as mapped by the Soil Conservation Service) shall be covered by impervious surfaces.
11. No apartment building shall be closer than 40 feet to the townhouse, another apartment building, street right-of-way or property line of the development.
12. No townhouse shall be closer than 40 feet to a townhouse not in that row of townhouses, street right-of-way or property line of the development.
13. Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash and rubbish shall be contained in vermin proof containers.

14. Common parking areas for townhouses or apartments shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall be provided adequate areas in which cars parked in the end stalls of the lots may turn around.
15. Common parking areas and access drives for townhouses or apartments shall be located a minimum of 20 feet from all structures and from the exterior lot lines of the development. Common parking areas shall be a minimum of 20 feet from all roads.
16. Entrance and exit ways to parking areas shall have a minimum width of 12 feet for each lane of traffic entering or leaving the areas.
17. Parking area shall be designed to prevent through traffic to other parking areas. No more than 60 parking spaces shall be accommodated in any one parking area and all parking areas shall be landscaped.
18. Entrances to and exits from common parking areas shall be located a minimum of 50 feet from the point of intersection of the nearest street curb lines.
19. The maximum length of an apartment building shall be 200 feet.
20. The number of townhouse units within a continuous grouping shall not exceed eight.
21. The applicant shall submit a plan, showing existing natural features of the site, including soil types, watercourses, tree masses, drainage ways and slope.
22. Building coverage shall not exceed 20% of the area of the development.
23. The paved area shall not exceed 30% of the area of the development.

§27-545. Mining

Mining, subject to all State and Federal laws, rules and regulations and such additional reasonable rules, regulations and requirements as the Zoning Hearing Board may determine.

§27-546. Quarry and Surface Mining

Quarry and surface mining, subject to the following conditions:

1. Environmental and Operational Conditions:
 - A. Demonstrated documentation as part of the special exception application that the proposed use complies with all the applicable provisions of State and Federal laws and Acts including, but not limited to:

- (1) Surface Mining Conservation & Reclamation Act
- (2) Bituminous Mine subsidence & Land Conservation Act
- (3) Coal Refuse Disposal Control Act
- (4) Non Coal Surface Mining Conservation & Reclamation Act
- (5) Clean Stream Act

2. Location Conditions:

- A. The proposed use shall conform to the following conditions that guide the location of quarry and surface mining uses:

- (1) A minimum tract area of 200 acres.
- (2) A direct and safe access to a public road with a functional classification of "collector or arterial" as defined by the Sugarloaf Township Comprehensive Plan or as listed here:
Interstate I-80
State Route 93
Tomhicken Road A3770
- (3) A Traffic Impact Study shall be submitted with the Special Exception application. The study shall indicate the traffic to be generated by the proposed use, the impact on the existing roads and traffic, and contain proposals to offset any condition that adversely impacts the existing conditions. The proposed use shall not cause the deterioration to any degree of the existing road and traffic conditions.
- (4) The application and diagrams for access permits to any public road shall be submitted with documentation that the proposed access is safe and adequate to handle the traffic resulting from the proposed use.
- (5) Access roads shall be paved for a distance of 200 feet from the public road and designed to prevent any material from being tracked onto the public roadway.
- (6) A report that establishes a base line measurement of the existing water quality and quantity of ground waters and surface waters impacted by the proposed use.
- (7) The proposed use may not be located above or over any aquifer used as a source for public water supply.
- (8) The proposed site shall not contain any perennial surface stream or water course.
- (9) The proposed use shall be located a minimum distance of 300 feet from any zoning district that permits residential uses.
- (10) The proposed use shall be located a minimum of 300 feet from any surface stream used as a source for a public water supply.
- (11) The area created by required setbacks shall be retained in a natural condition that provides buffer or screening, or provided with raised earth berm landscaped to provide year round screening and buffer to public roads and residential uses or areas.
- (12) A site plan that shows the location of all existing and proposed improvements and extraction areas, and contours appropriate to show the land characteristics.

- (13) As a condition for approval of a Special Exception application, the applicant agrees to submit to the Township Zoning Officer within the first 30 days of each year of operation a progress report that indicates that inspection and maintenance of equipment, fences, signs, state of reclamation has been done, and verification is included that the operation comply to all State and Federal requirements.

§27-547. Communication Towers

1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.
2. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
3. Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations.
4. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a ¼ mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:
 - A. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 - B. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 - C. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - D. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

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- E. A commercially reasonable agreement could not be reached with the owners of such structures.
- F. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length.
- G. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
- H. Recording of a plat of subdivision or land development shall be required for a lease parcel on which a communications tower is proposed to be constructed.
- I. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
- J. The maximum height of any communications tower shall be 150 feet.
- K. The foundation and base of any communications tower shall be set back from a property line (not lease line) at least 100 feet.
- L. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from any abutting properties.
- M. The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for any accessory structure.
- N. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Township's building code.
- O. The applicant shall submit a copy of its current Federal Communications Commission license, the name, address and emergency telephone number for the operator of the communications tower and 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 communications tower and communications antennas.

- P. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- Q. The site of a communications tower shall be secured by a fence with a minimum height of 8 feet to limit accessibility by the general public. Such fence shall be a distance of not less than fifty (50) feet from all sides of the tower. If the site is a leased area, then only the leased area need be fenced.
- R. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.
- S. Communications towers shall be protected and maintained in accordance with the requirements of the Township's building code.
- T. If a communications tower remains unused for a period of 15 consecutive months, the owner or operator shall dismantle and remove the communications tower within 6 months of the expiration of such 15 month period.
- U. One off-street parking space shall be provided within the fenced area.
- V. Minimum lot size shall be calculated by using the height of the tower plus fifty feet in all directions from the center of the tower. All existing features within this area shall be shown in case of tower failure. Furthermore, no lot or lease shall be less than the minimum lot size requirements for the zoning district where it is located but in no case less than one (1) acre.

PART6

ADMINISTRATION

§27-601. Interpretation and Application.

The provisions of this Chapter, in their interpretation and applications, shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals and general welfare of the Township. Any use, structure, building or sign shall conform with all provisions of this Chapter except for which an exception or variance may be granted. Nothing in this Chapter shall require any change in the plans or construction of a building for which a building permit has been issued by the Township prior to the effective date of this Chapter.

§27-602. Zoning Officer.

1. Appointment. The provisions of this Chapter shall be administered and enforced by the Zoning Officer who shall be appointed by, and serve at the pleasure of, the Board of Supervisors. He may be provided with the assistance of such persons as the Board of Supervisors may from time to time direct.
2. Qualifications. The Zoning Officer shall, by adequate professional training and experience, be familiar with the building procedures and terminology with the responsibilities and proper application of the power and duties of his office. The Zoning Officer shall demonstrate proficient knowledge and understanding of the requirements of this Chapter prior to appointment. The Zoning Officer shall not hold any elective office within the Township.
3. Compensation. The compensation of the Zoning Officer shall be determined by the Board of Supervisors and re-evaluated on an annual basis.
4. Duties. The Zoning Officer shall have all the duties and powers conferred on him by this Chapter in addition to those reasonably implied for the purpose. He shall not issue a building permit or certificate of use and occupancy in connection with any proposed erection, construction, alteration, extension, replacement, conversion and/or use of any building, structure and/or land unless it first conforms with the requirements of this Chapter and all other pertinent ordinances of the Township. It shall be his duty and he shall have the power to:
 - A. Receive all applications for building permits and issue permits within 10 calendar days when there is compliance with the provisions of this Chapter, other applicable Township and County regulations, and with the laws of the Commonwealth.

- B. Upon issuance of a building permit, to notify such other Township and County officials as may be affected by such issuance.
 - C. Conduct investigations to determine compliance or noncompliance with the terms of this Chapter. In performing such duties, the Zoning Officer shall have the authority, including entry during daylight business hours, to inspect land, buildings and structures built or altered under this Chapter, and upon satisfactory completion of said inspection, to issue a certificate of use and occupancy within 10 calendar days.
 - D. Order, in writing, the correction of all conditions found to be in violation of the provisions of this Chapter. Such written order shall be served personally, or by registered mail, upon persons, firms or corporations deemed by the Zoning Officer to be in violation of this Chapter.
 - E. Institute, upon approval of the Board of Supervisors, proceedings in courts of proper jurisdiction for the enforcement of this Chapter.
 - F. Maintain and keep all records pertinent to all zoning matters in the Township. Such records shall include, but not be limited to, all applications received, copies of all permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of this Chapter and all amendments thereto, the Official Zoning Map and all other related information.
 - G. Upon the request of the Township Planning Commission, the Zoning Hearing Board or the Board of Supervisors, present to such body facts, records, data and any other related information to assist such body in its deliberations and decisions.
 - H. Perform such other duties that are assigned to the Zoning Officer by this Chapter.
5. Relief From Personal Responsibility. The Zoning Officer, or any employee charged with the enforcement of this Chapter, while acting for the Township, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties, shall be defended by the legal representative of the Township. In no case shall the Zoning Officer or any of his staff be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this Chapter when he and/or his subordinates perform their duties in good faith and without malice.

§27-603. Building Permits.

1. Requirements. A building permit shall be obtained from the Zoning Officer:
 - A. For any erection, construction, structural alteration, extension; replacement, relocation or conversion of any building or structure.
 - B. For the change of use of a building, structure and/or land.

No permit shall be issued until:

- A. All State sanitation requirements have been met.
 - B. In the case of public buildings, the required permit has been obtained from the Pennsylvania Department of Labor and Industry.
 - C. Proof is provided that the developer has recorded the development plan in the office of the Recorder of Deeds of Luzerne County.
2. Application Procedures. Application for a building permit shall be submitted, in writing, on a form prescribed by the Zoning Officer, by the owner or lessee of any building, structure or land or the agent of either: provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent, and shall contain the following:
 - A. A map of the lot in question drawn to scale, indicating the lot size, and showing all dimensions of lot lines and the exact location(s) on the lot of all proposed buildings, fences, structures and alterations to buildings or structures.
 - B. A statement indicating the use, height, length, width and proportion of the total area covered of all proposed and/or existing buildings, structures or additions or alterations to a building.
 - C. A statement indicating the number of families and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot. In the case of apartment buildings, a breakdown of units by number of bedrooms shall be given.
 - D. Where applicable, the number, location and design of parking and loading areas, recreation areas, signs, buffer yards and landscaping, means of egress from and ingress to the lot and routes for pedestrian and vehicular traffic, and outdoor lighting throughout the tract.
 - E. Method of proposed water supply and sewage disposal and the location of any on lot facilities.

3. Approval or Disapproval. Upon receipt of the application, the Zoning Officer shall examine same to determine compliance with this Chapter and all other Chapters of the Code. Within 10 days of receipt of the application, the Zoning Officer shall either approve or disapprove the application and return one copy of the application containing the Zoning Officer's decision to the applicant. The other copy shall be retained by the Zoning Officer. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons therefore and informing the applicant of his rights to appeal to the Zoning Hearing Board. If the applicant fails to obtain a building permit from the Zoning Officer within 3 months after the date of approval of the application, the approval of the application shall be considered null and void.
4. Issuance and Posting of Permit. Upon approval of the application by the Zoning Officer and the payment of the fees established from time to time by resolution of the Board of Supervisors, the Zoning Officer shall issue a building permit placard which shall be visibly posted on the site of operations during the entire time of construction. Not more than 2½ years shall elapse between the issuance of the original building permit and the completion of the exterior of the structure.
 - A. The fees for building permits shall be published annually in a schedule to be approved by the Board of Supervisors.
5. Rights of Permit Holders. The permit shall be license to proceed with the work described on the approved application in accordance with Township ordinances. The Zoning Officer shall revoke a permit or approval issued under the provisions of this Chapter where it can be determined that the work is not in compliance with the requirements of this Chapter.

§27-604. Certificate of Use and Occupancy.

1. Requirements. It shall be unlawful to use and/or occupy any building, structure or land or portion thereof for which a building permit is required until a certificate of use and occupancy has been issued by the Building Code Inspector. The Building Code Inspector shall not issue a certificate of use and occupancy unless he has inspected such building, structure or land and has determined that all provisions of this Chapter and all other pertinent ordinances of the Township have been complied with.
2. Issuance. Upon the receipt of written notification that the work for which a building permit has been issued has been completed, the Building Code Inspector shall inspect the premises within 10 days to determine that the work has been performed in accordance with the approved application and ordinances of the Township. If he is satisfied that the work has been completed in accordance with the approved application, he shall issue a certificate of use and occupancy to the permit holder for the use indicated on the approved application. A copy of the certificate of use and occupancy to the permit holder for the use indicated on the approved application. A copy of the certificate of use occupancy shall be retained

by the Building Code Inspector as part of the Township records. If he finds that the work has not been performed in accordance with the approved application, the Building Code Inspector shall refuse to issue the certificate of use and occupancy and, in writing, give the reasons therefore and inform the permit holder of his rights of appeal to the Zoning Hearing Board.

3. Temporary Certificate of Use and Occupancy. Upon request of the holder of a permit, the Building Code Inspector may issue a temporary certificate of use and occupancy for a building, structure, sign and/or land, or portion thereof before the entire work covered by the permit shall have been completed. Such portion or portions may be used and/or occupied prior to full completion of the work provided life or the public welfare is not endangered. The Building Code Inspector shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, for religious and other public and semi-public purposes or other temporary use and/or occupancy upon order of the Board of Supervisors. Such temporary certificates shall be for the period of time to be determined by the Supervisors, but in no case shall any certificate be issued for more than 6 months.

§27-605. Sign Permits.

1. Scope. No sign other than a sign indicating the name, profession or activity of the occupant of a dwelling or the private nature of premises or a sign of which no side exceeds 2 square feet in area shall hereafter be erected, rebuilt, altered, relocated or enlarged until a permit is issued by the Zoning Officer for such purposes.
2. Application Procedures. Applications shall be made, in writing, to the Zoning Officer on a form specified for such purpose and shall contain the following:
 - A. A detailed scale drawing of the sign showing its intended location and stating the method by which it will be affixed.
 - B. A statement indicating the type of construction and the manner of installation and the materials to be used.
 - C. The signature of the applicant. When the applicant is not the owner of the premises on which the sign will be erected, both the applicant and the owner of the premises shall sign the application.
 - D. A statement that the sign will be erected according to the accompanying plans and specifications.
3. Free Standing Signs. If a sign is to be supported by a separate structure erected for that purpose, then the applicant shall furnish a map of the lot indicating the location of the proposed sign and the relative distances to a point perpendicular to the lot lines. A scaled diagram or photograph of a similar sign shall also be attached.

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4. Review Procedure. Permits shall be granted or denied within 10 calendar days from the date of application. All approved permits together with the accompanying information shall be a public record. A certificate of use and occupancy shall be required for all permanent signs.
5. Application and Annual Fee. All applications for the initial permit as above provided shall be accompanied by a payment of the application fee in an amount as established from time to time by resolution of the Board of Supervisors. All such fees shall be paid to the Township of Sugarloaf, the initial fee accompanying the application and the annual fee paid by January 20, of each year after the initial application. The said fees shall be paid to and remain the property of the Township of Sugarloaf and in no case shall the same be refunded to the applicant, the payment constituting reasonable costs incurred by the Township for the filing and investigation of the initial application and the investigation annually for conformity of signs with the requirements of this Chapter and for the general health, safety and welfare of the people of the Township. The Township Supervisors may, by resolution duly passed, change the application fee and annual fee provided by this Section.
6. Denial. No sign permit shall be granted unless the application conforms to all requirements of this Chapter and all other pertinent Chapters of the Township Code. If the application is denied, the Zoning Officer shall attach a statement to the application explaining the reasons thereof and informing the applicant of his rights of appeal to the Zoning Hearing Board.

§27-606. Stop Order.

1. Scope. A stop order shall be issued in the following instances:
 - A. If activities regulated by this Chapter are undertaken without an effective building permit, sign permit or certificate of use and occupancy being granted.
 - B. If an activity undertaken under an effective building permit or sign permit deviates from the application either during or after completion of the work.
 - C. If a use is conducted in a way which is in violation of the use requirements, area, yard and height regulations, performance standards or general regulations of this Chapter.
 - D. If an activity permitted by special exception or variance is not conducted in accordance with the terms of the granting of the special exception or variance.
2. Notice To Owner. A stop order shall be issued by the Zoning Officer and delivered to the owner of any property or his agent. Delivery shall include certified mail or posting on the property.

3. Contents. A stop order shall be in writing and state the nature of the violation and under which conditions work or use may continue. A time not to exceed 5 days may be permitted to allow for the required corrections.
4. Unlawful Continuance. Any person who shall continue in violation of any stop order shall be in violation of this Chapter subject to the penalties of Part 8 of this Chapter.

PART 7

ZONING HEARING BOARD

§27-701. Creation and Membership.

There is hereby created a Zoning Hearing Board. As used in this Chapter, unless expressly indicated otherwise, the term "Board" shall refer to the Zoning Hearing Board. Members of the Board shall be appointed by the Board of Supervisors. The Board shall consist of three members, one of whom shall be designated to serve until January 1, following the adoption of this Chapter, one until the first day of the second January thereafter, and one until the first day of the third January thereafter. Their successors shall be appointed upon the expiration of their respective terms to serve 3 years. Appointments to vacancies shall be only for the unexpired portion of the term. Members shall be residents of the Township and shall hold no other office in the Township. Members shall be removable for cause by the Board of Supervisors in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, as amended.

§27-702. Organization.

1. 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 of but where two members are disqualified to act in a particular matter, the remaining member may act for 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 further action by the Board as provided in §1407(2)(l)(d). The Board may make, alter and rescind rules and forms for its procedures, consistent with the ordinances of the Township and laws of the Commonwealth of Pennsylvania. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors once a year.
2. Appointment of Alternate Members. The Governing Body may appoint up to three (3) alternate members of the Zoning Hearing Board in accordance with the provisions of Section 903(6) of Act 247 as amended. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 906 of Act 247 as amended, 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 act and as otherwise provided by law. Alternates shall hold no other office in the Municipality, including membership on the Planning Commission and Zoning Officer. 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 Section 907 of Act 247 as amended unless designated as a voting alternate member pursuant to Section 906 of Act 247 as amended.

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3. 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.

§27-703. Expenditures.

Within the limits of funds appropriated by the Board of Supervisors, 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 Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

§27-704. Hearings.

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.
 - A. 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.
 - B. 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 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.

- C. The hearings shall be conducted by the board or the board may appoint any member or an independent attorney 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.
- D. 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 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.
- E. 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.
- F. 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.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. 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.

- I. 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 advise 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.
 1. 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 act 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 Pennsylvania Municipalities Planning Code 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 207-704.1.B., 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 ten days from the last day it could have met to render a decision in the same manner as provided in subsection 27-704.1. 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.
- J. 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.

§27-705. Jurisdiction.

1. Zoning Hearing Board's Jurisdiction. 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 this Chapter, except those brought before the Board of Supervisors pursuant to §27-905, "Procedure for Landowner Curative Amendments," and §27-710, "Validity of Ordinance; Substantive Questions."
 - B. Challenges to the validity of this Chapter raising procedural questions or alleged defects in the process of enactment or adoption which challenge shall be raised by an appeal taken within 30 days after the effective date of this Chapter.
 - C. 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.
 - D. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard provisions within this Chapter.
 - E. Applications for variances from the terms of this Chapter and the flood hazard provisions herein, pursuant to §27-706 (1) and §27-523 (6) (E).
 - F. Applications for special exceptions under this Chapter or floodplain or flood hazard provisions within this Chapter, pursuant to §27-706 (2).
 - G. Appeals from the Zoning Officer's determination of preliminary opinion pursuant to the requirements of §27-711.
 - H. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any provision of this Chapter with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving the Subdivision and Land Development Ordinance [Chapter 22] or planned residential development applications.
2. Board of Supervisors Jurisdiction. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - A. All applications for approvals of planned residential developments under §27-529.

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- B. All applications for approval of subdivision or land developments pursuant to §27-804 (4) of the Subdivision and Land Development Ordinance [Chapter 22].
 - C. Applications for curative amendment to this Chapter pursuant to the procedures set forth in §27-905.
 - D. All petitions for amendments to this Chapter pursuant to the procedures set forth in Part 9.
 - E. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any provision of this Chapter with reference to sedimentation and erosion control and the Sugarloaf Township Stormwater Management Ordinance [Chapter 21] insofar as the same relate to development involving the Subdivision/Land Development Ordinance [Chapter 22] or planned residential development applications.
3. Applicability of Judicial Remedies. Nothing contained in this Part shall be construed to deny the applicant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure 1091 (relating to action in mandamus).

§27-706. Zoning Hearing Board's Functions.

1. Variances. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant.
- A. That there are unique physical circumstance 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 appellant.
 - 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.
 - F. In granting any variance, the Zoning Hearing 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.
2. Special Exceptions. The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with the following standards and criteria:
- A. That the use is a permitted Special Exception as set forth in Article IV hereof.
 - B. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
 - C. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
 - D. That the use shall be compatible with adjoining development and the character of the zone district where it is proposed to be located.
 - E. That adequate landscaping and screening is provided as required herein.
 - F. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
 - G. That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale development.
 - H. That such use shall not result in unsafe traffic conditions, traffic congestion or other dangerous traffic conditions.
 - I. That such use shall be located on a site where the soils are suitable to safely support any structure to be erected; and, where soils are not deemed suitable, a plan shall be submitted describing proposed methods to compensate for such unsafe soils conditions; provided, however, that no such conditions and safeguard shall relate to offsite transportation or offsite road improvements.

In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed herein as it may deem necessary to implement the purposes of this Chapter and of the Pennsylvania Municipalities Planning Code.

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When an application for a special exception has been filed with the Zoning Hearing Board and the subject matter of such application would ultimately constitute either a "land development" or a "subdivision," no change or amendment of this Chapter, Subdivision of other governing ordinance or plans shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application be approved by the Zoning Hearing Board the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of 6 months, or longer as may be approved by the Zoning Hearing Board, following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before the Zoning Hearing Board. If either land development or subdivision plan is so filed within said period, such plan shall be subject to the relevant provisions of §§508(1) through 502(4) the Pennsylvania Municipalities Planning Code, as amended.

§27-707. Parties Appellant Before the Zoning Hearing Board.

Appeals under §27-706(1) may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under §27-706(2) and §27-523(6)(E) and may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

§27-708. Time Limitations.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after any application for development, preliminary or final, has been approved by an appropriate Township 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. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Section 709 of the Pennsylvania Municipalities Planning Code as it may be amended from time to time, or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or Zoning Map pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code as it may be amended from time to time shall preclude an appeal from the final approval except in the case where the final submission substantially deviates from the approved tentative approval.
2. All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination.

3. Expiration of Approvals. The approval of a variance, special exception, or conditional use will automatically expire after a period of one (1) year, from date of approval, if construction has not reached completion. If said construction has not reached completion in one (1) years time from date of approval, the applicant may apply for not more than one (1) ninety (90) day extension. All such applications shall be accompanied by an additional fee of \$100.00 payable to the Township of Sugarloaf.

§27-709. Stay of Proceedings.

1. Upon filing of any proceeding referred to in §27-707 and during its pendency before the Zoning Hearing 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 Zoning Hearing 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 Zoning Hearing 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 Zoning Hearing 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 Zoning Hearing Board.
2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After the consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
3. 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. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

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§27-710. Validity of Ordinance; Substantive Questions.

1. A landowner who, on substantive grounds, desires to challenge 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 shall submit the challenge either:
 - A. To the Zoning Hearing Board under §27-705(1) (A) and (1) (B).
 - B. To the Board of Supervisors under Section 909.1(b)(4) of the Pennsylvania Municipalities Planning Code as it may be amended from time to time together with a request for a curative amendment under §27-905 hereof.
2. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desire to challenge its validity on substantive ground shall first submit their challenge to the Zoning Hearing Board for a decision thereon under §27-705(1)(A).
3. The submissions referred to in subsections (1) and (2), shall be governed by the following:
 - A. In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment, under §27-905, his application to the Board of Supervisors shall contain, in additions to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting this challenge.
 - B. If the submission is made by the landowner to the Board of Supervisors under subsection 1.B., above, the request also shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects therein.
 - C. If the submission is made to the Board of Supervisors, the Township Solicitor shall represent and advise it at the hearing or hearings referred to in §27-905.
 - D. The Board of Supervisors may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.

- E. Based on the testimony presented at the hearing or hearings, the Board of Supervisors or the Zoning Hearing Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by the Board of Supervisors is found to have merit, the Board of Supervisors shall proceed as provided in §27-905. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provision of the ordinance or map.
 - (3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features.
 - (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
- F. The Board of Supervisors or the Zoning Hearing Boards, as the case may be, shall render its decision within 45 days after the conclusion of the last hearing.
- G. If the Board of Supervisors or the Zoning Hearing Board, as the case may be, fails to act on the landowner's request within the time limits referred to in subsection 3.F., above, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
- 4. The Zoning Hearing Board or Board of Supervisors, as the case may be, shall commence its hearings within 60 days after the request is filed unless the landowner requests or consents to an extension of time.
- 5. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.

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6. The challenge shall be deemed denied when:
 - A. The Zoning Hearing Board or Board of Supervisors, as the case may be, fails to commence the hearing within the time limits set forth in subsection 4., above.
 - B. The Board of Supervisors notifies the landowner that it will not adopt the curative amendment.
 - C. The Board of Supervisors adopts another curative amendment which is unacceptable to the landowner.
 - D. The Zoning Hearing Board or Board of Supervisors, as the case may be, fails to act on the request 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and the Township.
7. Where a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors pursuant to §27-905 or a validity challenge is sustained by the Zoning Hearing Board pursuant to §27-706 or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have 2 years from the date of such approval to file an application for preliminary or tentative approval pursuant to the requirements for subdivision/land development or planned residential development. Within the 2 year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of §508(4) of the Pennsylvania Municipalities Planning Code shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any Subdivision or Land Development Ordinance [Chapter 22], the developer shall have 1 year within which to file for a building permit. Within the 1 year period, no subsequent change or amendment in this Chapter, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be deemed necessary.
8. A landowner who has challenged on substantive grounds the validity of a zoning ordinance or map either by submission of a curative amendment to the governing body under subsection 916.l(a)(2) of the Pennsylvania Municipalities Planning Code or to the zoning hearing board under section 909. l(a)(1) of the Pennsylvania Municipalities Planning Code shall not submit any additional substantive challenges involving the same parcel, group of parcels or part thereof until such time as the status of the landowner's original challenge has been finally determined or withdrawn; provided, however that if after the date of the landowner's original challenge the municipality

adopts a substantially new or different zoning ordinance or map, the landowner may file a second substantive challenge to the new or different zoning ordinance or zoning map under subsection 27-710.1. hereof

§27-711. Procedure to Obtain Preliminary Opinion.

1. In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge *to* the ordinance or map will run under §27-708 by the following procedure.
2. The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinance and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.
3. If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for 2 successive weeks in a newspaper of general circulation in the Township. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under §27-708 and the time therein specified for commencing a proceeding with the Zoning Hearing Board shall run from the time when the second notice thereof has been published.

PART 8

ENFORCEMENT

§27-801. Enforcement Notice.

1. Whenever the Zoning Officer or other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, or of any regulation adopted pursuant thereto, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person as requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the Township intends to take action.
 - B. The location of the property in violation.
 - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
 - D. The date before which the steps for compliance must be commenced, not to exceed 30 days from receipt of notice, and the date before which the steps must be completed.
 - E. An outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter, or any part thereof, and with any regulations adopted pursuant thereto.
 - F. A statement indicating 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 procedures set forth elsewhere in this Chapter.
 - G. A statement indicating 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.

ZONING

§27-802. Causes of Action.

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 or other Township ordinances, Code or regulation, the Board of Supervisors, or with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property or person who 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 conducted, 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 Supervisors. No such action may be maintained until such notice has been given.

§27-803. Jurisdiction.

District justices shall have initial jurisdiction over proceedings brought under §27-804.

§27-804. Enforcement Remedies.

1. Any person, partnership or corporation who or which as violated or permitted the violation of the provision 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 fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. 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 district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation 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 district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township.
2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Part shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action for enforcement pursuant to this Part.

PART 9

AMENDMENTS

§27-901. Powers.

The Board of Supervisors may from time to time amend, supplement, change, modify or repeal this Chapter, including the zoning map. Such shall be done in accordance with the following procedure.

§27-902. Definitions.

The words "amend," "amendments" or "amended" in this Chapter shall be deemed to include any modification of the text or phraseology of any provisions or amendments thereof, or any repeal or elimination of any such provision or part thereof, or any addition to the ordinance or to an amendment thereof, and shall also be deemed to include any change in the number, shape, boundary or area of any district or districts, any repeal or abolition of any part of such map and, in addition to such map, any new map or maps or any other change in the maps or any map.

§27-903. Initiation of Amendments.

Proposals for amendment, supplement, change, modification or repeal may be initiated by the Board of Supervisors on its own motion, by the Township Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

- A. **Submission Dates.** The Board of Supervisors shall refer every proposed amendment, supplement, change, modification or repeal originated by them to the Township Planning Commission. Within 30 days of the submission of said proposal, the Planning Commission shall submit to the Board of Supervisors a report containing the Commission's recommendations, including any additions or modifications to the original proposal.
- B. **Proposals Originated by the Board of Supervisors.** The Board of Supervisors may on its own motion prepare proposal for amendment, supplement, change, modifications or repeal of this Chapter.
- C. **Proposals Originated by the Township Planning Commission.** The Township Planning Commission may at any time transmit to the Board of Supervisors any proposal for the amendment, supplement, change, modification or repeal of this Chapter.

- D. Proposals Originated by a Citizen's Petition. A petition by one or more owners of property or other residents may be submitted to the Township Supervisors. A fee, to be determined by resolution of the Supervisors, shall be paid at the time of submission of a written request for the amendment in order to cover the costs incurred by the Township. The Supervisors shall refer the proposal to the Township Planning Commission, which shall report to the Supervisors regarding the proposal within 30 days of the submission of the proposal. Within 30 days after receipt of the Planning Commission report and recommendation, the Board of Supervisors shall either fix a time for public hearing or notify the petitioner of its decision not to consider the proposal.
- E. Referral to the County Planning Commission. At least 30 days prior to the public hearing on the amendment by the Board of Supervisors, the Board of Supervisors shall submit the proposed amendment to the Luzerne County Planning Commission for recommendations.

§27-904. Enactment of Zoning Ordinance.

- 1. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon. No such amendment shall become effective until after such hearing, at which parties in interest and citizens shall have an opportunity to be heard.
- 2. Public notice, as defined in by law, shall be given of the time, place, and the general nature of such hearing and shall be published in a newspaper of general circulation in the Township. Said notice shall be published once each week for 2 successive weeks. The first publication shall not be more than 30 days not less than 7 days from the date of the hearing. Public notices of proposed amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place where copies of the proposed amendment may be examined, in addition to the time and place of hearing.
- 3. When such hearing concerns a zoning map change, written notice shall be given to parties in interest, who shall be at least those persons whose properties adjoin or are across the street from the property in question.
 - A. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least 1 week prior to the date of the hearing.

- B. In addition to the requirement that notice be posted under subsection 904.3.A, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty days prior to the date of the hearing by first class mail to the addressees 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.
- 4. No hearing shall be held before or during the 30 day period in which the Township Planning Commission has been directed to review and report its recommendations to the Board of Supervisors.
- 5. At least 30 days prior to the public hearing on the proposed amendment, the Township Planning Commission shall submit the amendment to the County Planning Commission for review and recommendations.
- 6. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- 7. The vote on the enactment by the Board of Supervisors shall be within 90 days after the last public hearing. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the County Planning Commission.

§27-905. Curative Amendments.

A curative amendment may be initiated by either a landowner or by the Board of Supervisors.

- A Procedure for Landowner Curative Amendments. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of and in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §27-710.
 - (1) The Board of Supervisors shall commence a hearing thereon within 60 days of the request as provided in §27-710. The curative amendment and challenge shall be referred to the Township and County Planning Commissions as provided in §27-904 and notice of the hearing thereon shall be given as provided in §27-904(2).

- (2) The hearing shall be conducted in accordance with §27-704 and all references therein to the Zoning Hearing Board shall, for the purposes of this Section be references to the Board of Supervisors; provided, however, that the provisions of Section 908 (.2) and (9) of the PA Municipalities Planning Code shall not apply and the provisions of Section 916.1 of the PA Municipalities Planning Code shall control. If the Board of Supervisors does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- (3) If the Board of Supervisors determines that a validity challenge has merit, the Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the alleged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - (a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - (b) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes or persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.
 - (c) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features.
 - (d) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - (e) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

B. Procedure for Municipal Curative Amendments.

- (1) If the Board of Supervisors determines that this Chapter or any portion thereof is substantially invalid, the Board of Supervisors shall declare by formal action, this Chapter or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal the Board of Supervisors shall:
 - (a) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:
 - (i) References to specific uses which are either not permitted or not permitted in sufficient quantity.
 - (ii) Reference to a class of use or uses which require revision.
 - (iii) Reference to the entire ordinance which requires revisions.
 - (b) Begin to prepare and consider a curative amendment to this the zoning ordinance to correct the declared invalidity.
- (2) Within 180 days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate, or reaffirm the validity of the zoning ordinance.
- (3) Upon initiation of the procedures, as set forth in §27-905(B), the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under §27-905(A) nor shall the Zoning Hearing Board be required to give a report requested under §27-710 subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by §27-905 (B)(1), no rights to a cure shall, from the date of declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended zoning ordinance for which there has been a curative amendment pursuant to this Section.
- (4) The Board of Supervisors, having utilized the procedures as set forth in §27-905(A) and (B) may not gain utilize said procedure for a 36 month period following the date of the enactment of a curative amendment, or reaffirmation of §27-905(B); provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of the Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to prepare a curative amendment to this Chapter to fulfill said duty or obligation.

§27-906. Publication, Advertisement and Availability of Ordinances.

1. Proposed zoning ordinance 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 Township where copies of the proposed amendment may be examined without charge or obtained for charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one newspaper of general circulation in the Township not more than 60 days nor less than 7 days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the Township 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 Township 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 ordinance.
2. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Board of Supervisors shall at least 10 days prior to enactment re-advertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
3. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

PART 10

APPEALS TO COURT

§27-1001. Land Use Appeals.

The procedures set forth in this Part shall constitute the exclusive mode for securing review of any decision rendered pursuant to Part 7 or deemed to have been made under this Chapter.

§27-1002. Jurisdiction and Venue of Appeal; Time for Appeal.

All appeals from all land use decisions rendered pursuant to Part 7 shall be taken to the Court of Common Pleas of the Judicial District wherein the land is located and shall be filed within 30 days after entry of the decision as provided as in 42 Pa.C.S. §5572 (relating to time of entry of order) or in the case of deemed decision within 30 days after the date upon which notice of said deemed decision is given as set forth in §27-704 (J) of this Chapter.

§27-1003. Appeals to Court; Commencement; Stay of Proceedings.

1. Land use appeals shall be entered as of course by the Prothonotary or Clerk upon filing of a land use appeal notice which concisely sets forth the grounds on which the appellant relies. The appeal notice need not be verified. The land use appeal notice shall be accompanied by a true copy thereof.
2. Upon filing of a land use appeal, the Prothonotary or Clerk shall forthwith, as of course, send to the Board of Supervisors, Zoning Hearing Board or agency whose decision has been appealed, by registered or certified mail, the copy of the land use appeal notice, together with a writ of certiorari commanding said Board of Supervisors, Zoning Hearing Board or agency, within 20 days after receipt thereof, to certify to the court its entire record in the matter in which the land use appeal has been taken, or a true and complete copy thereof, including any transcript of testimony in existence and available to the Board of Supervisors, Zoning Hearing Board or agency at the time it received the writ of certiorari.
3. If the appellant is a person other than the landowner of the land directly involved in the decision or action appealed from, the appellant, within 7 days after the land use appeal is filed, shall serve a true copy of the land use appeal notice by mailing said notice to the landowner or his attorney at his last known address. For identification of such landowner, the appellant may rely upon the record of the Township and, in the event of good faith mistakes as to such identity, may make such service nunc pro tunc by leave of court.

4. The filing of an appeal in court under this Section shall not stay the action appealed from, but the appellants may petition the court having jurisdiction of land use appeals for a stay. If the appellants are persons who are seeking to prevent a use or development of the land of another, whether or not a stay is sought by them, the landowner whose use or development is in question may petition the court to order the appellants to post bond as a condition in proceeding with the appeal. After the petition for posting bond is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the landowners to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for posting a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question of the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the respondent to the petition for posting a bond to post a bond shall be interlocutory. If an appeal is taken by a respondent to the petition for posting a bond from an order of the court dismissing a land use appeal for refusal to post a bond, such responding party, upon motion of petitioner and after hearing in the court having jurisdiction of land use appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

§27-1004. Intervention.

Within the 30 days first following the filing of a land use appeal, if the appeal is from a board or agency of the Township, the Township and any owner or tenant of property directly involved in the action appealed from may intervene as of course by filing a notice of intervention, accompanied by proof of service of the same, upon each appellant or each appellant's counsel of record. All other intervention shall be governed by the Pennsylvania Rules of Civil Procedure.

§27-1005. Hearing and Argument of Land Use Appeal.

If, upon motion, it is shown that proper consideration of the land use appeal requires the presentation of additional evidence, a judge of the court may hold a hearing to receive additional evidence, may remand the case to the body, agency or officer whose decision or order has been brought up for review, or may refer the case to a referee to receive additional evidence, provided that appeals brought before the court pursuant to §27-710 shall not be remanded for further hearings before any body, agency or officer of the Township. If the record below includes findings of fact made by the Board of Supervisors, Zoning Hearing Board or agency whose decision or action is brought up for review and the court does not take additional evidence or appoint a referee to take additional evidence, the findings of the Board of Supervisors, Zoning Hearing Board or agency shall not be disturbed by the court if supported by substantial evidence. If the record does not include findings of fact, or if additional evidence is taken by the court or by a referee, the court shall make its own findings of fact based on the record below as supplemented by the additional evidence, if any.

§27-1006. Judicial Relief.

1. In a land use appeal, the court shall have power to declare any ordinance or map invalid and set aside or modify any action, decision or order of the Board of Supervisors, agency or officer of the Township brought upon on appeal.
2. If the court finds that an ordinance or map, or a decision or order thereunder, which has been brought up for review unlawfully prevents or restricts a development or use which has been described by the landowner through plans and other materials submitted to the Board of Supervisors, agency or officer of the Township whose action or failure to act is in question on the appeal, it may order the described development or use approved as to all elements or it may order it approved as to some elements and refer other elements to the Board of Supervisors, agency or officer having jurisdiction thereof for further proceedings, including the adoption of alternative restrictions, in accordance with the court' opinion and order.
3. Upon motion by any of the parties or upon motion by the court, the judge of the court may hold a hearing or hearings to receive additional evidence or employ experts to aid the court to frame an appropriate order. If the court employs an expert, the report or evidence of such expert shall be available to any party and he shall be subject *to* examination or cross-examination by any party. He shall be paid reasonable compensation for his services which may be assessed against any or all of the parties as determined by the court. The court shall retain jurisdiction of the appeal during the pendency of any such further proceedings and may, upon motion of the landowner, issue such supplementary orders as it deems necessary to protect the rights of the landowner as declared in its opinion and order.
4. The fact that the plans and other materials are not in form or are not accompanied by other submissions which are required for final approval of the development or use in question or for the issuance of permits shall not prevent the court from granting the definitive relief authorized. The court may act upon preliminary or sketch plans by framing its decree to take into account the need for further submissions before the final approval is granted.

PART 11

INTERPRETATION AND VALIDITY

§27-1101 Interpretation

In the interpretation and the application of the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the health, safety morals, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this Ordinance imposes greater restrictions 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 Ordinance shall control.

§27-1102 Exemptions

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania 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.

§27-1103 Severability

If any section, subsection, sentence, clause, or phrase of this Ordinance or the location of any district boundary shown on the Zoning Map that forms a part hereof is for any reason held by a Court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance or Zoning Map. The Governing Body of the Township of Sugarloaf hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

§27-1104 Repealer

All ordinances and resolutions of the Township of Sugarloaf inconsistent herewith or with any part thereof are hereby repealed *to* the extent of such inconsistency.

§27-1105 Effective Date

This Ordinance shall become effective at the earliest period allowed by law.

ZONING

§27-1106 Enactment

Enacted and ordained into an Ordinance this 11 day of October
2005 .

BOARD OF SUPERVISORS OF
THE TOWNSHIP OF SUGARLOAF

Signature on File

Chairman

ATTEST:

Earl T. Miller

Secretary

