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OFFICE OF COMMUNITY PLANNING AND GRANTS

ADMINISTRATIVE AGENCY
FOR THE
BRADFORD COUNTY PLANNING COMMISSION

North Towanda Annex No. 1
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April 11, 2012

Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

2012 APR 13 AM 10:39
P.U.C.
SECRETARY'S BUREAU

Re: *North Towanda Township Proposed Zoning Ordinance/Bradford County, PA
Natural Gas Related Development Terminology & Provisions*

Dear PUC Secretary:

My name is Raymond J. Stolinas, Jr., AICP, Planning Director for the Bradford County Planning Commission. Our office implements the *2003 Bradford County Subdivision and Land Development Ordinance* within 45 of the 51 municipalities in Bradford County. We also coordinate with the thirteen municipalities that have previously adopted local zoning regulations. North Towanda Twp. is one of the thirteen zoned communities that intend to update their original 1985 Zoning Ordinance and include Natural Gas Related Development terminology and general provisions consistent with Act 13 of 2012. We are assisting the township supervisors and planning commission updating the current ordinance with standards for natural gas related uses that do not exceed other industrial use standards within the municipality while allowing for the reasonable development of oil and gas resources.

The North Towanda Township Planning Commission members requested that I forward a copy of the proposed *"DRAFT" 2012 North Towanda Zoning Ordinance* as stipulated under Section 3305 (a) of Act 13, where, *"prior to the enactment of a local ordinance, in writing, request the commission to review a proposed local ordinance to issue an opinion on whether it violates the MPC, this Chapter or Chapter 32 (related to development)"*. We also understand that Commonwealth Court Senior Judge Keith Quigley issued a 120-day injunction yesterday on zoning provisions within the Act that may or may not affect the PUC Request for Advisory Opinion. We are very close to recommending the proposed Ordinance for the Township Supervisors to consider adoption and would like to receive a response of your review at your earliest convenience.

PLANNING COMMISSION MEMBERS

• Glenn Aikens • Raul Azpiazu • Andrew Bishop • Robert Kendall • Warren Knapp • Don Murray • Mary Neiley • Steve Westbrook • Scott Williams •

I have enclosed a copy for your convenience with the proposed Natural Gas definitions, terminology and standards highlighted in "yellow". If you have any specific questions regarding this update, please do not hesitate to contact me.

Sincerely,



Raymond J. Stolinas Jr., AICP
Bradford County Planning Director

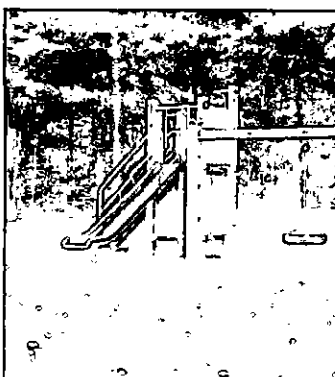
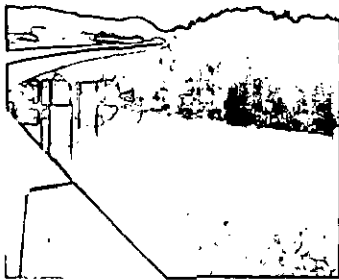
RJS

Enclosure (PUC)

cc: North Towanda Twp. Supervisors & Planning Commission
Jonathan P. Foster, Esq., N. Towanda Twp. Solicitor
file

NORTH TOWANDA TOWNSHIP BRADFORD COUNTY, PA

ZONING ORDINANCE



AMENDED
AND
ADOPTED

NORTH TOWANDA TOWNSHIP SUPERVISORS

ROBERT SHEETS

DAVID BRUBAKER

CHARMAINE STEMPEL

SECRETARY'S BUREAU

2012 APR 13 AM 10:39

SECRETARY

- ACKNOWLEDGEMENTS -

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INTRODUCTION

The North Towanda Township Supervisors adopted their original Zoning Ordinance in June of 1985 under Ordinance # 85-010 to direct growth and development in accordance with local needs and desires. Since that time, North Towanda Township, Towanda Borough and Towanda Township have jointly developed and adopted the *Central Bradford Region Comprehensive Plan* that updates anticipated goals and objectives for the region and its individual municipalities. The township Planning Commission has been charged in updating the previous Ordinance and intends to provide consistency between the recognized plan goals and the standards set forth within this Ordinance Amendment.

Legal Basis for Zoning

The *Pennsylvania Municipalities Planning Code* (MPC) is the enabling legislation for local governments to zone and adopt Zoning Ordinances. According to the MPC, Zoning Ordinances should reflect the policy goals and community objectives of any adopted municipal Comprehensive Plan, and give consideration to the character of the municipality, the needs of the citizens and the suitabilities and special nature of particular parts of the municipality.

Under the MPC, Zoning Ordinances are regulated as follows:

Except where in conflict with other regulations, Zoning Ordinances may permit, prohibit, regulate, restrict and determine:

- (1) Uses of land, watercourses and other bodies of water;
- (2) Size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures;
- (3) Areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures;
- (4) Density of population and intensity of use;
- (5) Protection and preservation of natural and historic resources and prime agricultural land and activities;

Zoning Ordinances may contain:

- (1) Provisions for Special Exceptions and variances administered by the Zoning Hearing Board in accordance with the MPC;
- (2) Provisions for Conditional Uses to be allowed or denied by the Board of Township Supervisors, pursuant to public notice and hearing and recommendations by the Planning Commission and pursuant to express standards and criteria set forth in the Zoning Ordinance;
- (3) Provisions for regulating transfer of development rights, on a voluntary basis, including provisions for the protection of persons acquiring the same in accordance with the MPC;
- (4) Provisions for the administration and enforcement of the Zoning Ordinance;
- (5) Such other provisions as may be necessary to implement the purposes of the MPC;

(6) Provisions to encourage innovation and to promote flexibility, economy and ingenuity in development, including subdivisions and land developments;

(7) Provisions authorizing increases in the permissible density of population or intensity of a particular use based upon expressed standards and criteria set forth in the Zoning Ordinance;

(8) Provisions to promote and preserve prime agricultural land, environmentally sensitive areas and areas of historic significance.

Zoning Ordinances may include provisions regulating the siting, density and design of residential, commercial, industrial and other developments in order to assure the availability of reliable, safe and adequate water supplies to support the intended land uses within the capacity of available water resources.

Zoning Ordinances may not unduly restrict the display of religious symbols on property being used for religious purposes.

Zoning Ordinances may not unreasonably restrict forestry activities. Forestry activities, including, but not limited to, timber harvesting, shall be a permitted use by right in all zoning districts in every municipality.

Zoning Ordinances shall protect prime agricultural land and may promote the establishment of Agricultural Security Areas.

Zoning Ordinances shall provide protection of natural and historic features and resources.

Zoning Ordinances shall encourage the continuity, development and viability of agricultural operations.

Zoning Ordinances may not restrict agricultural operations or changes to or expansions of agricultural operations in geographic areas where agriculture has traditionally been present, unless the agricultural operation will have a direct adverse effect on the public health and safety.

Zoning Ordinances shall provide for the reasonable development of minerals within the Township.

Zoning Ordinances shall permit No-Impact Home-Based businesses in all residential zones of the Township as a use Permitted by Right, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community.

Preparation and Enactment of the Zoning Ordinance

The specific procedures for the preparation, enactment and amendment of a Zoning Ordinance are set forth in the *Pennsylvania Municipalities Planning Code* (MPC). Following these procedures is extremely important since they set precedents to the validity of a Zoning Ordinance. Failure to abide by the MPC requirements could result in a Zoning Ordinance being declared null and void by a court-of-law in any legal challenge to the ordinance.

Purpose of Zoning

The *Pennsylvania Municipalities Planning Code* (MPC) sets forth the purpose of a Zoning Ordinance as follows:

(1) To promote, protect and facilitate any or all of the following: the public health, safety, morals and the general welfare; coordinated and practical community development and proper density of

population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading spaces, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

(2) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

(3) To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

(4) To provide for the use of land within the township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, mobile homes and mobile home parks.

(5) To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

Adoption of the Zoning Ordinance

The responsibility for the preparation of a Zoning Ordinance is granted to the Planning Commission by the MPC. Under instruction from the North Towanda Board of Supervisors, the Planning Commission shall prepare the text and map of the proposed Zoning Ordinance, and surveys preliminary thereto. The Planning Commission shall hold at least one public meeting pursuant to public notice. Upon completion of its work, the Planning Commission shall present to the Township Supervisors the proposed Zoning Ordinance, together with recommendations and explanatory materials. Prior to enactment of a Zoning Ordinance, the Township Supervisors shall hold a public hearing, pursuant to public notice. At least 45 days prior to the public hearing, the Township Supervisors shall submit the Zoning Ordinance to the County Planning Agency for comments and/or recommendations.

Procedures vary slightly for amendment to a Zoning Ordinance and are found in the MPC.

ARTICLE I

AUTHORITY, TITLE, PURPOSE OF ENACTMENT, COMMUNITY
DEVELOPMENT GOALS AND OBJECTIVES, INTERPRETATION,
APPLICABILITY, MUNICIPALITY LIABILITY, DISCLAIMER, SEVERABILITY &
REPEALER

AN ORDINANCE

PERMITTING, PROHIBITING, REGULATING, RESTRICTING AND DETERMINING THE USE
OF LAND, WATERCOURSES, SIZE, BULK, LOCATION, ERECTION, CONSTRUCTION,
REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES;
AREAS AND DIMENSIONS OF LAND TO BE OCCUPIED BY USES AND STRUCTURES. AS
WELL AS AREAS, COURTS, YARDS AND OTHER OPEN SPACES AND DISTANCES TO BE
LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND
INTENSITY OF USE; AND PROVIDING FOR REPEAL AND VARIANCES; FOR SPECIAL
EXCEPTIONS, FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE,
AND SUCH OTHER PROVISION AS MAY BE NECESSARY TO IMPLEMENT THE
PURPOSES OF THIS ORDINANCE.

Section 100. Authority. This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "*The Pennsylvania Municipalities Planning Code*", July 31, 1968, as amended.

The Supervisors of North Towanda Township, Bradford County, PA, under the authority cited above, do hereby ordain that this Zoning Ordinance was enacted in order to promote and protect the health, safety, morals and general welfare of the residents of the Township.

Section 101. Title. This Ordinance shall be known and may be cited as "The North Towanda Township Zoning Ordinance of 2011" and intends to serve as a comprehensive revision of the North Towanda Zoning Ordinance dated June 1985, Ordinance # 85-010.

Section 102. Purpose of Enactment. The Zoning Ordinance is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, the provision of adequate light and air, and other public requirements.
- B. To prevent one or more of the following: overcrowding, blight, loss of health, life or property from fire, flood or other dangers.
- C. To adopt a Zoning Map dividing North Towanda Township into zoning districts with varying regulations.
- D. To permit, prohibit, regulate and determine the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of buildings and structures, as well as yards and other open areas to be left unoccupied.
- E. To establish the maximum density and intensity of uses.

- F. To protect prime agricultural land.
- G. To provide for the protection of natural and historic features and resources.
- H. To encourage the viability of agricultural operations.
- I. To protect existing residential neighborhoods.
- J. To promote innovative residential design and encourage the creation of a sense of community.
- K. To provide diverse housing opportunities, including housing that is affordable.
- L. To encourage adaptive reuse and infill development.
- M. To provide for the reasonable development of minerals.
- N. To act as an overall plan for the orderly growth and development of North Towanda Township and as such seek to implement the components of the *Central Bradford Region Comprehensive Plan*.
- O. Facilitate appropriate development of the Township, protect the tax base and encourage economy in public expenditures.

Section 103. Community Development Goals and Objectives.

This Ordinance provides a legal basis and framework for future development in North Towanda Township. Its provisions were guided by the policy recommendations set forth in the *2008 Central Bradford Region Comprehensive Plan*, adopted by resolution of the North Towanda Township Board of Supervisors on May 20, 2008. The following list of Goals and Objectives were taken, verbatim, and represent the Township's legislative findings with respect to land use; density of population; the need for housing, commerce and industry; the location and function of streets and other community facilities and utilities; the need for preserving agricultural land and protecting natural resources and other factors which the Board believes relevant in guiding the future development of the municipality.

Goal #1 – Enhance and maintain the Towanda region's role as an economic and community center in the Pennsylvania Northern Tier.

Objectives:

1. Encourage the ongoing cooperation between industry and the government sectors as well as between the individual local government units.
2. Provide utility systems and services in a manner that is responsive to business and community needs.
3. Continue to provide utility services on a regional basis, maintain a compact development pattern centered on the utility network.
4. Encourage the use of the preferential tax assessment for rural landowners, Act 319 – Clean and Green Program.

5. Do not develop excessive land use controls for agriculture and forestry; regulations should be clearly tied to community health, welfare and safety benefits.
6. Carefully consider the location impact of sewer and water utility systems on quality farmland and on other unique lands.
7. Employ nuisance regulations to control problems with noise, uncontrolled burning, lack of maintenance, junk accumulations, and substandard building practices that would degrade the natural environment.
8. Orient land use regulatory techniques toward preservation and conservation of agricultural and open space lands.
9. Consider the use of joint municipal zoning as a means of directing higher density development to areas best suited for such development.
10. Consider the use of cluster development regulations to maximize preservation of farmlands and open space and maximize cost effective use of utility systems.

Goal #2 - Develop and sustain an appropriate level of community facilities and services for the greater Towanda community including roads, sanitary, storm sewer and water systems, medical and health services, education, cultural, recreation, and public safety concerns.

Objectives:

1. Analyze the existing mix of community and municipal services including the need to improve or construct facilities; use capital programming to schedule and prioritize major expenditures.
2. Provide appropriate levels of support and cooperation to volunteer fire, ambulance and other community organizations.
3. Maintain existing municipal facilities to maximize their useful life, thus avoiding premature capital outlays.
4. Maintain a strong on-lot sewage facilities permitting program to avoid future environmental problems.
5. Expand sewer and water services to identified priority areas.
6. Operate existing facilities and services effectively and with cost efficiency in mind.
7. Insure that all new development is provided with up-to-date road and utility facilities provided by the developer to avoid additional financial burdens on the municipality.
8. Investigate and participate in intergovernmental cooperative efforts for joint purchasing and for the delivery of community facilities and services, provided that an economy of scale is realized.

9. Develop and maintain up-to-date standards and environmental controls to minimize future problems and costs for water and sewer, storm water management and erosion control.
10. Insure that water supply sources are adequately protected to insure water quality and that adequate future supply is available.
11. Identify potential sources for additional supply; bring the preferred solution on line.

Goal #3 – Develop programs or solutions to land use issues that the community is facing, including expanded housing types for all income levels, need to upgrade older residential structures, rehabilitation and reuse of commercial districts and floodplain mitigation concerns.

Objectives:

1. An education campaign will be needed to overcome community resistance to townhouses or other housing options needed to diversify the local housing market.
2. Encourage the private sector to perform a market analysis for non-subsidized townhouses.
3. Recognize the importance of a positive community image in motivating the private sector to invest in the rehabilitation of older residential structures.
4. Identify suitable locations for housing options; make sure that utilities are available at these sites.
5. Building conversions should be made in strict conformance with building codes and based on sensitivity to the building design.
6. Develop housing rehabilitation programs, make improvement grants available, encourage private rehabilitation.
7. Develop incentive programs, e.g. grants and loans for first time homebuyers.
8. Maintain strong code enforcement efforts to insure property maintenance.
9. There is a great need for commercial building rehabilitation, however viable building uses will be required to achieve this.
10. The Borough should consider re-establishing the Main St. program to address downtown issues.

Goal #4 – Investigate and pursue opportunities afforded by Sugar and Towanda Creeks and the Susquehanna River through a re-orientation of the community to these outstanding natural features.

Objectives:

1. Recognize that our streams are a great natural resource with scenic, recreation and environmental benefits that can be utilized and enjoyed provided that we respect the periodic threat from flooding.
2. Maintain a strong floodplain management program to prevent future damage.
3. Undertake flood mitigation projects for frequently flooded properties.
4. Increase beautification of stream or riverbanks.
5. Develop flood proof access points.
6. Promote greenways and trails along the Susquehanna River and stream corridors.
7. Improve boat launches, e.g. docks, more picnic areas, boat rentals.
8. Promote biking use of trails along the streams. bike rental.
9. Promote river and trail access with signage, including historical river theme.
10. Invest in community kiosks for publicizing events and/or selling space to advertisers.

Goal #5 – Gateways, Community Image and Heritage: Develop attractive community gateways in suitable locations; develop appropriate community heritage themes including opportunities to showcase them.

Objectives:

1. Tell the story of the evolution of transportation systems and the associated industrial development of Towanda.
2. Identify and develop gateway sites.
3. Work with PENNDOT concerning removal of negative image signage.
4. Encourage industries to document and present their heritage to the general public, e.g. on site museums
5. School tours, career night for school students to learn about their community and potential employers.
6. Continue to work on signage in Historic District.
7. Identify threatened structures, identify feasible adaptive reuse solutions.
8. Develop video histories.
9. Add/enhance industrial theme at Bradford County Historical Society Museum.
10. Identify industrial sites in our historic district.

Goal #6 - Maintain and improve all facets of region's transportation network including roads, rail, air, water, pedestrian and cycling to insure the mobility of people and goods within the municipality and to bring residents of outlying areas to the region for employment, commerce and services.

Objectives:

1. Develop a highway classification system for the municipality.

2. Inventory problem intersections, curves, bridges and roadway sections.
3. Use the highway classification system as key factor in the design of the future land use scheme.
4. In order to maintain the adequacy of the existing road network, require new developments to meet standards for off-street parking and loading and driveway design criteria.
5. Set standards for new roads to be dedicated to the municipality so that new fiscal burdens are avoided.
6. Participate in available PENNDOT and joint municipal programs that are advantageous to the Townships/Borough.
7. Utilize a capital improvements program to prioritize future equipment purchases and highway improvement projects.
8. Support the implementation of the Airport Master Plan to provide the highest possible level of service to the community.
9. Expand trails and bikeways for recreation and fitness benefits.
10. Monitor the programs and routes of the EMTA to insure the adequacy of public transit in the community.
11. Monitor rail services to insure their adequacy.

Section 104. Interpretation. In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of North Towanda Township. Any use permitted subject to the regulations prescribed by the provisions of this Ordinance shall conform with all the regulations of the zoning district in which it is located and with all other pertinent regulations of this and other related ordinances. This Ordinance is not intended to interfere with, abrogate, annul, supersede, or cancel any easements, covenants, restrictions or reservations contained in deeds or other agreements, but if this Ordinance imposes more stringent restrictions upon the use of buildings, structures and land than are elsewhere established, the provisions of this Ordinance shall prevail. Wherever and whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted laws, rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the adopted language, in favor of the property owner and against any implied extension of the restriction.

Section 105. Applicability.

- A. Any of the following activities or any other activity regulated by this Chapter shall only be carried out in conformity with this Ordinance:
 1. Use, occupation, erection, construction, reconstruction, movement, alteration, razing, demolition, removal, placement of extension (vertical or horizontal) of a structure, building or sign, unless relief is granted by the Zoning Hearing Board.
 2. Change of the type of use or expansion of the use of a structure, building or area of land.
 3. Creation of a lot or alteration of lot lines.

4. Creation of a new use.

- B. This Ordinance shall not apply to an 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. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and North Towanda Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings.

Section 106. Municipal Liability. The granting of a Zoning Permit for the erection and/or use of a structure, building or lot shall not constitute a representation, guarantee or warranty of any kind or nature by North Towanda Township, or an official or employee, thereof, of the safety of any structure, building, use or other proposed plan from cause whatsoever, and shall create no liability upon or a course of action against such public official or employee for any damage that may be pursuant thereto.

Section 107. Disclaimer. It is recognized that: the Act of June 22, 1937 (P.L. 1987, NO. 394) known as "The Clean Streams Law"; the Act of May 31, 1945 (P.L. 1198, No 418) known as the "Surface Mining Conservation and Reclamation Act"; the Act of April 27, 1966 (1st Special Session, P.L. 31, No. 1) known as "The Bituminous Mine Subsidence and Land Conservation Act"; the Act of September 24, 1968 (P.L. 1040, No. 318) known as the "Coal Refuse Disposal Control Act"; the Act of December 19, 1984 (P.L. 1140, No. 223), known as the "Oil and Gas Act"; the Act of December 19, 1984 (P.L. 1140, No. 223) known as the "Noncoal Surface Mining Conservation and Reclamation Act"; the Act of June 30, 1981 (P.L. 128, No. 43) known as the "Agricultural Area Security Law"; the Act of June 10, 1982 (P.L. 454, No. 133) entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances"; and the Act of May 20, 1993 (P.L. 12, No 6) known as the "Nutrient Management Act" preempt zoning ordinances. In addition, provisions set forth by the Act 13 of 2012, known as the "Unconventional Gas Well Impact Fee Act" under Chapter 33 "Local Ordinances Related to Oil and Gas Operations" shall be adhered to. Therefore, suggestions, recommendations, options or directives contained herein are intended to be implemented only to the extent that they are consistent with and do not exceed the requirements of those Acts. This Zoning Ordinance shall mandate nothing contrary to those Acts.

Section 108. Severability. The provisions of this Ordinance are severable and if any provisions, sentence, clause, section, part or application thereof shall be held illegal, invalid or unconstitutional, by a court of competent jurisdiction, such legality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or applications. It is hereby declared to be the legislative intent of the Township Supervisors, that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

Section 109. Repealer. The pre-existing North Towanda Township Zoning Ordinance, as amended, is hereby expressly repealed; provided, further that nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Ordinance. All ordinances or parts of ordinances and all resolutions or parts of resolutions, which are inconsistent herewith by virtue of references, or incorporation of requirements contained in the pre-existing Zoning Ordinance as amended shall, as nearly as possible, be construed to reference this Ordinance.

Section 110. Effective Date. This Ordinance shall take effect upon its enactment by the Board of Township Supervisors of North Towanda Township.

ARTICLE II

DEFINITION OF TERMS

Section 200. Definition of Terms. The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board. Unless otherwise expressly stated, the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future tense. The singular includes the plural.

The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. The terms "shall and will", "will" and "must" are always mandatory. The words "should" or "may" are permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged or designed to be used or occupied". The word "erected" shall be inclusive of the words "constructed, altered or moved."

ABANDONMENT: The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property of another owner nor of resuming the use of the property.

ABANDONED: The visible or otherwise apparent discontinuance of a nonconforming use of a building or premises, or the removal of characteristic equipment or furnishings used in the performance of a nonconforming use without its replacement by similar equipment or furnishings, or the replacement of the nonconforming use or structure.

ACCESS DRIVE: A way or means of approach, other than a street, which provides vehicular or pedestrian physical entrance to a property from a street or a public road.

ACCESSORY BUILDING: A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

ACCESSORY STRUCTURE: A structure subordinate to and detached from the main building on the same lot, the use of which is customarily incidental to that of the principal structure on the lot. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or the main building and located on the same lot with such principal use or main building. If no principal use exists on a lot with a lawful accessory use, than such accessory use shall be considered a principal use.

ACRE: A measure of land containing 43,560 square feet.

ACT: The latest version of the Pennsylvania Municipalities Planning Code as amended or reenacted.

ADAPTIVE REUSE: The development of a new use for an older building or for a building originally designed for a special or specific purpose.

ADDITION: Any construction which increases the size of a building, such as a porch, attached garage or carport, or a new room or wing.

ADULT BOOK STORE: Establishment, which offers for sale, for rent, for lease, for review on the premises or for loan, pictures, photographs, drawings, sculptures, motion-picture film, or similar visual representation of sexual conduct or sexual excitement, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts of sexual conduct or sexual excitement, or which offers for sale devices, equipment, stimulants or other materials for use in sexual conduct or sexual excitement.

ADULT CABARET: A nightclub, theater, bar, or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

ADULT DAYCARE CENTER: A use providing supervised care and assistance primarily to persons who are over age sixty (60) and/or mentally challenged and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer's disease, mental abilities or mental retardation. 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 sixty (60) hours per week per person.

ADULT MASSAGE ESTABLISHMENT: Any establishment or business, which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, professional physical therapist, or massage therapist, who is both nationally certified in therapeutic massage by the National Certification Board for Therapeutic Massage and Bodywork, and who is a professional member with active status in good standing of the American Massage Therapy Association. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

ADULT MINI-MOTION PICTURE THEATER: An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE ARCADE: Any place to which the public is permitted or invited wherein coin or slug-operated, or electronically- or mechanically-controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOVIE THEATER: An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER: A theater, concert hall, auditorium, or other similar establishment, either indoor or outdoor in nature, which regularly features live performances, which are distinguished or characterized by an emphasis on specified sexual activities, or by exposure of specified anatomical areas for observation by patrons.

AGRICULTURE: The use of land, which shall include, but not be limited to, the tilling of the soil, the raising of crops, horticulture, apiculture, floriculture, viticulture and gardening. The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

AGRICULTURE, INTENSIVE: (Intensive Agricultural Use): Specialized agricultural activities including certain concentrated animal feeding operations (CAFO) and certain concentrated animal operations (CAO), which due to the intensity of production necessitate special control of operation, raw material storage and processing, and the disposal of liquid and solid wastes.

AGRICULTURAL/ LAWN EQUIPMENT SALES AND SERVICE: The sale, lease or rental of new or used commercial or private farming, forestry or lawn equipment; including the servicing and maintenance of such equipment.

AGRICULTURAL MARKET: Any fixed or mobile retail food establishment, which is engaged primarily in the sale of raw agricultural products, but may include as accessory to the principal use, the sale of factory-sealed or prepackaged food products that normally do not require refrigeration. (See FARM STAND)

AGRICULTURAL OPERATION (MPC): An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops.

livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.

ALLEY: A public or private right-of-way other than a side street, which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

AIR RIGHTS: The right to use space above ground level.

AIR TRANSPORTATION: Establishments engaged in domestic and foreign transportation by air including airports, flying fields, as well as terminal services.

AIRPORT: A place where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair and various accommodations for passengers.

AISLE: The traveled way by which cars enter and depart parking spaces.

AMENDMENT: A change in use in any district or change in zoning district, which includes revisions to the zoning text and/or the official zoning map.

AMORTIZATION: A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

AMUSEMENT ARCADE: An establishment which has as its principal business offering to patrons mechanical or electrical amusement devices or games such as pinball machines, ping pong, darts, shooting galleries or similar devices and games.

AMUSEMENT FACILITY: An outdoor area or structure, open to the public, which contains coin operated games, and similar entertainment and amusement devices.

AMUSEMENT PARK: An outdoor facility, which may include structures and buildings, where there are various devices for entertainment including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

ANIMAL CLINIC/HOSPITAL: A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

ANIMAL EQUIVALENT UNIT: One thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. (See PA Nutrient Management Regulations for standard animal weights).

ANIMAL FEEDING OPERATION (AFO): Federal regulations define an AFO as a facility where animals have been, are/or will be stabled or confined and fed or maintained for a total of 45 days or more in any twelve-month period, and where crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

ANIMAL HUSBANDRY: The care, raising, and keeping of livestock (animals such as cattle, sheep and swine) and poultry with the intent of producing capital gain or profit or the intent of selling any livestock or poultry products, provided that the keeping of livestock or poultry as farm pets or for domestic purposes pursuant to the regulations of this chapter shall not be construed as animal husbandry.

ANIMAL WASTE (MANURE) STORAGE FACILITIES: A detached structure or other improvement built to store manure for future use or disposal. Types of storage facilities are as follows: underground storage, in-ground storage, trench silo, earthen bank, stacking area, and above ground storage.

ANTENNA, STANDARD: A device, partially or wholly exterior to a building that is used for receiving electronic signals (other than a satellite dish antenna which is defined separately) or for transmitting short-wave or citizens band

radio frequencies. This shall include antennas used by an amateur ham radio operator or by a contracting business or utility to communicate with its employees, but shall not include a "Commercial Communications Antenna." This term includes any accessory supporting structures.

ANTENNA HEIGHT: The measurement of the overall vertical length of antenna and its support structure above the average finished grade. If such system is located on a building or other structure, the overall vertical length shall be measured and shall include the height of the building upon which the antenna and its structure is situated.

ANTENNA SUPPORT STRUCTURES: Any structure, mast, pole, tripod or tower, including any guy wires and braces utilized for the purpose of supporting an antenna or antennas.

APARTMENT, ACCESORY: An independent dwelling unit incorporated within an existing single-family detached dwelling without any substantial external modification.

APARTMENT BUILDING: A structure containing three or more dwelling units, excluding townhouses.

APARTMENT, CONVERSION: A multi-family dwelling constructed by converting an existing dwelling into apartments for no more than three (3) families without substantially altering the exterior of the building.

APARTMENT, GARDEN: Four (4) or more dwelling units accommodating four (4) or more families which are located one over the other and which, when more than four (4) units are utilized, are attached side-by-side through the use of common party walls, and which shall have side yards adjacent to each first story end unit.

APPLICANT (MPC): A landowner or developer (as hereinafter defined) who has filed an application for development including his personal representatives, heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT (MPC): 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, or for the approval of a subdivision plat or plan or for approval of a development plan.

APPOINTING AUTHORITY (MPC): The mayor in cities; the board of commissioners in counties; the council in incorporated towns and boroughs; the board of commissioners in townships of the first class; and the board of supervisors in townships of the second class; or as may be designated in the law providing for the form of government.

ARCADE: A continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing, and accessible and open to the public.

AREA, BUFFER: A strip of land, which is planted and maintained in shrub, bushes, trees, grass or other landscaping materials, and within which no structure is permitted except a wall or fence.

AREA, BUILDING: The total of area, in square feet, of all floors, excluding basement, of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

AREA, GROSS: The total lot area, including public right-of-way.

AREA, LOT: The area contained within the property lines of a lot as shown on a subdivision plan, including the area of any easement.

AREA, NET: The total lot area, less public right-of-way.

ASSISTED LIVING FACILITY: Coordinated and centrally managed housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

ATTIC: That part of a building that is wholly or partly within the roof framing.

AUTHORITY (MPC): A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authorities Act of 1945".

AUTO BODY SHOP: Any structure or any building or part thereof, that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers, and/or accessories of automobiles and other vehicles for conveyance.

AUTO, BOAT AND/OR MOBILE/MANUFACTURED HOME SALES: An area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard.

AUTOMATIC CAR WASH: A structure containing facilities for washing automobiles using a chain conveyor or other method of moving the cars along, and automatic or semi-automatic application of cleaner, brushes, rinse water and heat for drying.

AUTOMOBILE MAINTENANCE/REPAIR GARAGE: An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "automobile service station". An automobile repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "automobile service station" is also permitted as part of an "automobile repair garage".

AUTOMOBILE SERVICE STATION: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

AUTOMOBILE WRECKING: The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles of their parts.

AUTOMOBILE WRECKING YARD: An establishment that cuts up, compresses, or otherwise disposes of motor vehicles. (See Junkyard)

AWNING: A roof-like cover that is temporary or permanent in nature and projects from the wall of a building for the purpose of shielding a doorway or window from the elements and can be periodically retracted onto the face of a building.

BAFFLE: A freestanding, randomly located structure, fence-like in nature and materials of construction, except that it is not normally attached to any building, does not particularly follow lot lines, nor enclose a particular area, but rather screens one (1) segment of one (1) property from another for the primary purpose of assuring privacy; a baffle or screen of this nature may also be utilized for the support of various types of living plant materials such as vines, climbing roses or espaliered trees and shrubs.

BAKERY: A building or structure utilized for the baking of breads and/or pastries for sale on or off the premises.

BAR: Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

BASE FLOOD ELEVATION: The elevation above sea level, based on the vertical datum in the current Flood Insurance Rate Maps for (municipality) of the 100-year flood.

BASEMENT: A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half (6½') feet.

BED AND BREAKFAST (HOME): An owner-occupied residence where not more than five (5) guest rooms are rented to not more than ten (10) overnight guests on a daily basis for periods not exceeding one (1) week.

BED AND BREAKFAST (INN): An owner-occupied residence where not more than ten (10) guest rooms are rented to not more than twenty (20) overnight guests on a daily basis for periods not exceeding one (1) week.

BERM: A mound of soil, either natural or man-made, used to obstruct views.

BEST MANAGEMENT PRACTICE (BMP): State-of-the-art technology as applied to a specific problem. The BMP presents physical, institutional, or strategic approaches to environmental problems, particularly with respect to

non-point source pollution control.

BILLBOARD: See "SIGNS".

BLOCK: An area bounded by streets, railroad rights-of-way, waterways and other definite barriers.

BOARD (MPC): Any body granted jurisdiction under a land use ordinance or under this Act to render final adjudications.

BOARDING HOUSE (INCLUDING "ROOMING HOUSE"): A residential use in which: (a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or (b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a motel, dormitory, hotel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for five (5) or more consecutive days.

BOARDING STABLE: A structure designed for the feeding, housing and exercising of horses not owned by the owner of the premises, and for which the owner of the premises receives compensation.

BUFFER AREA: See AREA, BUFFER.

BUFFER YARD: An open area whose dimensions normally exceed the normal building setback or yard requirements used to protect low-density uses and zoning districts from adjacent higher-density uses and districts.

BUILDABLE AREA: The area of lot remaining after the minimum yard and open space requirements of the zoning ordinance has been met.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

BUILDING COVERAGE: The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total gross lot area.

BUILDING, DETACHED: A building surrounded by open space on the same lot.

BUILDING HEIGHT: The vertical distance from the average finished grade, in front of the building where the address is taken, to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. (BOCA National Building Code, slightly modified)

BUILDING INSPECTOR: An individual designated by the appointing authority to enforce the provisions of the Pennsylvania Uniform Construction Code that may include a code enforcement officer or zoning officer.

BUILDING LINE: A line parallel to the front, side or rear lot line set so as to provide the required yard.

BUILDING SETBACK LINE: The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required.

BUILDING, NON-CONFORMING: See NON-CONFORMING STRUCTURE or BUILDING.

BUILDING PERMIT: Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

BUILDING, PRINCIPAL: A building in which is conducted the primary use of the lot on which it is located, and which is not an accessory building.

BULK RECYCLING CENTER: A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

BUSINESS PARK: A high quality, mixed use campus development containing a number of separate business and office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis to ensure compatibility for circulation, parking, utility needs and aesthetics.

BUSINESS SERVICES: Those activities limited to the service and repair of furniture, office equipment, medical supplies and equipment and commercial appliances; the supply and servicing of vending machines; frozen food lockers; the painting and assembly of signs; printing, copy and photocopying services; arts, crafts, drafting and stationary supplies; food catering; interior decorating; taxidermy; upholstering and personal dry cleaning services. Uses which shall not be interpreted to be business service establishments are retail shops and stores; gasoline and motor vehicle stations; vehicular sales, service and repair; mortuaries; warehouses and distribution facilities; and contractor's offices.

CAMPER: Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

CAMP OR CAMPGROUND: A state-permitted facility, through the Pennsylvania Department of Health, in which a portion of land is used for the purpose of providing a space for trailers or tents for camping purposes, regardless of whether a fee has been charged for the leasing, renting or occupancy of the space, in accordance with the Pennsylvania Code, Title 28, Chapter 19. The campground may be an organized camp which includes a combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth and adults with social, recreational, and educational objectives and operated and used for five (5) or more consecutive days during one (1) or more seasons a year.

CAMP SITE: Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

CAMPING UNIT: Any tent, trailer, cabin, lean-to, recreation vehicle, or similar structure established or maintained and operated in a campground as a temporary living quarters for recreation, education, or vacation purposes.

CANOPY: See Article VIII – SIGNS, SIGN, CANOPY.

CARPORT: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides, and accessory to a main or accessory building.

CARTWAY: That portion of a street or alley, which is improved, designed, or intended for vehicular use.

CAR WASH: A building on a lot designed and used primarily for the washing and polishing of automobiles and which may provide accessory services.

CELLAR: A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and a half (6½') feet.

CEMETERY: A parcel of land used as a burial ground for human or animal remains.

CERTIFICATE OF USE AND OCCUPANCY: The certificate issued by a duly authorized Township officer which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

CHANGE OF USE: Any use that substantially differs from the previous use of a building or land.

CHILD DAY CARE: A use involving the supervised care of children under age sixteen (16) outside of the children's own home(s) primarily for periods of less than eighteen (18) hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school" or "Head Start" programs.

CHIMNEY: A structure containing one or more flues for drawing off emissions from stationary sources of combustion.

CHRISTMAS TREE FARM OR TREE FARM: A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale from November 15th to December 30th of trees that were produced on the premises.

CHURCH: A building or structure, or groups of buildings or structures that by design and construction is primarily intended for conducting organized religious services and associated accessory uses. For the purpose of this Ordinance, the word "CHURCH" shall include: chapels, cathedrals, temples and similar designations, as well as, parish houses, convents and such accessory uses.

CLEAR-SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines. Within this clear-sight triangle nothing is to be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

CLINIC: An establishment where patients are admitted for examination and treatment on an outpatient basis by one (1) or more physicians, dentists, other medical personnel, psychologists, or social workers; and where patients are not usually lodged overnight.

CLUB, CLUBHOUSE OR LODGE: A building, structure, or part thereof, used to house an organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership or fundraising of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. This definition does not include "night clubs." The private clubs or lodges, as defined, shall not be an adjunct to, operated by or in connection with a tavern, café or other public place.

CLUSTER: A development technique that concentrates building in specific areas on the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features.

CLUSTER SUBDIVISION: A form of development that permits a reduction in lot area and bulk requirements, provided that unless otherwise authorized, there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active or passive recreation, preservation of environmentally sensitive areas, or agriculture.

COLLEGE OR UNIVERSITY: See "SCHOOL, COLLEGE".

COMMERCIAL GREENHOUSE: A structure in which plants, vegetables, flowers, and similar materials are grown for sale.

COMMERCIAL VEHICLE: Any motor vehicle licensed by the state as a commercial vehicle.

COMMON AREA: The area in a subdivision or planned residential development, including common open space, owned or leased and maintained by an association or other combination of persons for the benefit of the residents of the residential development and, if owned under the Pennsylvania Unit Property Act, including all common elements designated for the use of all dwelling unit owners.

COMMON FACILITIES: When referring to a development, these facilities are common or community open space, recreational facilities, community sewage facilities, community water supply facilities, stormwater management facilities, common parking areas and driveways, preservation areas, private streets, or other community facilities.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water, within a development plan, designed and intended for the use or enjoyment of residents of the development plan and, where designed, the community at large. Common open space does not include rights-of-way, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures, but may contain such improvements as approved in the development plan that are appropriate to recreational and other open space areas of any schools or churches to be included within the proposed development.

COMMUNITY CENTER: A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center".

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 two hundred and fifty (250 ft.²) square feet.

COMMUNICATIONS FACILITIES (NON-PUBLIC REGULATED): Including telephone or telegraph exchanges, communications antenna, which are not regulated by the Pennsylvania Utilities Commission (PUC).

COMMUNICATIONS FACILITIES (PUBLICLY REGULATED): Including telephone or telegraph exchanges, communications antenna, which are regulated by the Pennsylvania Utilities Commission (PUC).

COMMUNICATIONS TOWER: A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antenna.

COMMUNICATIONS TRANSMITTING AND RECEIVING FACILITY: A communications tower or other facility which transmits or receives a radio, television or other communications signal.

COMMUNITY SEWAGE SYSTEM: Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two (2) or more lots and the treatment and/or disposal of the sewage or industrial waste on one (1) or more of the lots or at any other site, and which shall comply with all applicable regulations of the Pennsylvania Department of Environmental Protection.

COMMUNITY WATER SUPPLY SYSTEM: A public or private utility system designated to transmit potable water from a common source to multiple users. Such systems shall be in compliance with the regulations of the Pennsylvania Department of Environmental Protection, the Public Utilities Commission (PUC) or the Township, whichever is more stringent.

COMPREHENSIVE PLAN: The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.O. 805, No. 247, as amended and reenacted, consisting of maps, charts and textual material, that constitutes decisions about the physical and social development of a Borough, City, or Township, as amended from time to time. Also known as the *Central Bradford Region Comprehensive Plan*.

COMPOSTING: The mixing of decomposing refuse matter for the purpose of creating fertilizer material.

COMPRESSOR STATION: The station where once the natural gas is extracted will be pressurized and filtered prior to being sent to market. The purpose of this station is to pressurize the natural gas prior to flowing through a gas pipeline: this process is repeated occasionally along the pipeline as the natural gas travels through it at intervals typically ranging between forty (40) and one hundred (100) miles. As the natural gas must be pressurized before traveling through the pipelines, the compressor station typically removes any other liquid or particles in the natural gas in order to filter the gas (making it as pure as possible.)

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO): An animal feeding operation where two hundred and fifty (250) or more Animal Equivalent Units (AEUs) are housed inside buildings or in confined feed lots.

CONDITIONAL USE: A use permitted (and approved by the governing body) in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance.

CONDOMINIUM: A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a shared interest in the remainder of the real estate, which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

CONDOMINIUM ASSOCIATION: The community association that owns, administers and maintains the common property and common elements of a condominium.

CONSERVATION DISTRICT: A geographic area, usually a county, in which professionals provide advice to communities, agencies, and individuals within the jurisdiction and review development proposals. Also known as the Bradford County Conservation District.

CONSERVATION AREA: Environmentally sensitive areas with characteristics such as steep slopes, wetlands, flood plains, high water tables, forest areas, endangered species habitat, dunes, or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance, or character.

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile (manufactured) homes.

CONTIGUOUS: Next to, abutting, or touching and having a boundary, or portion thereof, that is conterminous. To physically touch or border upon, or to share a common property line, but not overlap.

CONTINUING CARE RETIREMENT COMMUNITY: An age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee.

CONTRACTOR'S YARD: A tract of land where a dealer stores new and/or used material, machinery, equipment and other supplies for use by builders, developers, erectors, excavators and other artisans. Such material, machinery, equipment and other supplies may be made available for wholesale or retail purposes or rental programs.

CONVENIENCE STORE: A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant.

COURT: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two (2) or more sides by the walls of such building.

COURT, INNER: A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, and that the court does not extend to a street, alley, yard or other outer court.

COURT, OUTER: A court enclosed on not more than three (3) sides by exterior walls and lot lines on which walls are allowable, with one (1) side or end open to a street, driveway, alley or yard.

COVERAGE: That portion or percentage of the lot area covered by all impervious materials.

CUL-DE-SAC: A street intersecting another street at one end terminating at the other in a vehicular turn around.

CURB: A stone, concrete, or other improved boundary usually marking the edge of the roadway or paved area.

CURB CUT: The opening along the curb line at which point vehicles may enter or leave the roadway.

DAIRY: A commercial establishment for the manufacture or processing of dairy products.

DECISION (MPC): Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district wherein the municipality lies.

DECK: Any constructed flat surface capable of supporting weight, similar to a floor, but constructed outdoors and usually (though not always) connected to a building. A deck shall not be completely enclosed, except for any side, which may adjoin a structure, or for any fences, walls, shrubs, or hedges.

DEED RESTRICTION: A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction usually runs with the land and is binding upon subsequent owners of the property. The governing body is not responsible for enforcing a deed restriction, unless the restriction resulted from a condition or stipulation of the subdivision or land development approval process.

DENSITY: The number of families, individuals, dwelling units, or housing structures per gross acre of land.

DEP: Pennsylvania Department of Environmental Protection.

DERRICK: Any portable framework, tower, mast and/or structure which is required or used in connection with drilling or re-working a well for the production of natural gas.)

DETERMINATION (MPC): Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- (1) the governing body;
- (2) the zoning hearing board; or
- (3) the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPER (MPC): Any landowner, agent of such landowner or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

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

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

DEVELOPMENT PLAN (MPC): 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 Act shall mean the written and graphic materials referred to in this definition.

DISTRIBUTION CENTER: An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

DISTRICT: A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply.

DISTRICT, ZONE: A district includes all buildings, lots, and surface areas within certain designated boundaries as indicated on the Zoning Map.

DOG KENNEL: Any premises, accept where accessory to agricultural use, where four (4) or more dogs, six (6) months in age or older are kept or boarded with proper licensing.

DORMITORY STYLE HOUSING: For the purpose of this Ordinance, a Dormitory Style Housing Facility shall be defined as a housing facility providing space for sleeping, eating, training and recreation for a large group of individuals who are associated for a common overall function. (e.g. educational purposes or temporary workers)

DRILLING: The digging or boring a new well either vertically or horizontally for the purpose of exploring for, developing or producing oil and gas or other hydrocarbons, or for the purpose of injecting gas, water or any other fluid or substance into the earth.)

DRILLING EQUIPMENT: The derrick or rig, together with all parts of and appurtenances to such structure, every piece of apparatus, machinery or equipment used or erected or maintained for use in connection with drilling.)

DRIVE-THRU FACILITY: Any commercial business, including an eating establishment, offering refreshments, entertainment or services to patrons, who purchase and/or consume such refreshments, entertainment or services on the premises and/or outside of the building, including patrons who may be served in their automobiles.

DRIVE WAY: A private access for vehicles to park in a parking space, garage, dwelling or other structure commercial, industrial or institutional in nature, limited to persons residing, employed or otherwise visiting the parcel in which it is located.

DUMP: A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

DUPLEX: (Two Family; Single Family Semi-Detached): A freestanding building containing two (2) dwelling units for two (2) families, arranged in a side-by-side or over-and-under configuration. Those units placed on common grounds shall have one (1) front and rear yard and two (2) side yards. Those units constructed on individual lots shall have one (1) front, rear and side yard.

DWELLING: A building or structure designed for living quarters for one or more families, including trailers and mobile homes which are supported by a foundation of mortared masonry or concrete construction and permanently affixed to the land and which have the area between the ground and body of the trailer or mobile home completely enclosed to prevent the accumulation of debris and to provide additional stability and safety to the trailer or mobile home, but shall not include hotels, rooming houses or other accommodations used for transients.

DWELLING, EARTH SHELTERED: Any completed building or structure that was designed to be built partially or wholly underground. A completed building or structure, which was not intended to serve as a substructure or foundation for a building.

DWELLING, GROUP: A group of two (2) or more single-family, two-family or multi-family dwellings occupying a lot in one (1) ownership.

DWELLING, INDUSTRIALIZED HOUSING: Any structure designed primarily for residential occupancy, except a manufactured home, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

DWELLING, MULTIPLE: A building used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels or houses, flats, townhouses and group houses.

DWELLING, MULTI-FAMILY: A building designed, occupied or used by three (3) or more families living independently of each other, wherein each dwelling unit or apartment shall contain private bath and kitchen facilities; including apartment houses.

DWELLING, MANUFACTURED HOUSING: Any structure designed primarily for residential occupancy, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation of assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

DWELLING, SINGLE FAMILY ATTACHED: A building used by one (1) family and having two (2) party walls in common with other buildings (such as row house or town house), except that end units have only one (1) party wall.

DWELLING, SINGLE FAMILY, DETACHED: A building used by one (1) family, having only one (1) dwelling unit and having two (2) side yards.

DWELLING, TWO FAMILY, DETACHED: A building used by two (2) families, with one (1) dwelling unit arranged over the other and having two (2) side yards.

DWELLING, UNIT: One (1) or more rooms used for living and sleeping purposes and having a kitchen(s) with fixed cooking facilities, toilet and bathroom facilities and arranged for occupancy by not more than one (1) family.

EASEMENT: A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

EASEMENT, CONSERVATION: A legal agreement granted by a property owner that limits the types, locations and amounts of development that may take place on the owner's property. Such easement may restrict the original

and all subsequent property owners, lessees and all other users of the land.

EASEMENT, DRAINAGE: An easement required for the installation of storm water sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

EASEMENT, UTILITY: A right-of-way granted for limited use of land for public or quasi-public purpose.

ECHO HOUSING (Elder Cottage Housing Opportunities): Also known as "granny flat" or elder cottage housing. It permits a family member, related by blood, marriage or adoption, to live independently but close to relatives on the same lot. The housing consist of one bedroom, a bathroom, living room and kitchen and is connected to the utility system of the main dwelling unit.

EDUCATIONAL INSTITUTION: A college or university giving general academic instruction, as prescribed by the Commonwealth of Pennsylvania, included within this term are areas or structures used for (a) administration; (b) housing of students or faculty; (c) dining hall; (d) social or athletic activities, when located on the institution's land that is not detached from that portion of the campus where classroom facilities are maintained, by more than street and/or other property owned by the institution.

ELECTRIC SUBSTATION: An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES: Public utilities transmission distribution facilities including substations.

EMERGENCY MEDICAL TREATMENT FACILITY: Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing emergency health service to people on an outpatient basis.

EMPLOYEES: The highest number of workers (including both part-time and full-time) both compensated and volunteer and both employees and contractors present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

ENGINEER, MUNICIPAL (MPC): A professional engineer licensed as such in the Commonwealth of Pennsylvania duly appointed as the engineer for a municipality, planning agency, or joint planning commission.

ENLARGEMENT: An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

ENTERTAINMENT FACILITY: Any establishment that is operated, maintained, or devoted to amusement of the general public, whether privately or publicly owned, where entertainment is offered by the facility. Entertainment facilities shall include, but not be limited to, theaters, bowling alleys, movie theaters, dance halls, video arcades, skating rinks, batting cages, and miniature golf courses. Entertainment facilities shall not include adult entertainment businesses, clubs, bars, pubs, golf courses, or parks.

ENVIRONMENTAL CONSTRAINTS: Features, natural resources or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

EROSION: The removal of surface materials by the action of natural elements.

ESSENTIAL SERVICES: Public utility facilities that do not require enclosure within a building, including electrical, gas, steam, telephone or water distribution systems; and including related equipment such as poles, towers, wires, mains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment.

EXCAVATION: Any act by which earth, sand, gravel, rock or any other similar materials are dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

EXISTING USE: An activity or use of land occurring on a lot or parcel as of the effective date of this Ordinance.

FACADE: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

FAMILY: One (1) or more persons related by blood, marriage, legal guardianship, licensed or court-appointed foster care or legal adoption, including any domestic servants or gratuitous guests thereof, who maintain one (1) common household and reside in one dwelling unit; or no more than four (4) persons who are not related to each other by blood, marriage, legal guardianship, licensed or court-appointed foster care, or legal adoption. A roomer, boarder or lodger is not considered a family member; any number of persons possessing a handicap within the meaning of the Fair Housing Act (42 USC Section 3602(h), or successor legislation) who reside in one (1) dwelling unit and live and cook together as a single housekeeping unit.

FAMILY DAY CARE HOME: A resident offering baby-sitting services and child care services for four (4) to six (6) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare. A family day care home is a permitted Accessory Use in any Residential District.

FARM: Any parcel of land which is used for gain in raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures, within the prescribed limits and the storage of equipment customarily incidental to the primary use. For the purpose of this Chapter, a farm shall not include the raising of fur-bearing animals, a riding academy, livery, boarding stables or dog kennels.

FENCE: Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination, erected for the purpose of screening or dividing one (1) property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line. For the purpose of this Ordinance, a freestanding masonry wall when so located is considered to be a fence; also, for the purpose of this ordinance, when the term "lot line" is used in relation to fences, it shall be synonymous with "rear yard lot lines", "side yard lot lines" and "front yard lot lines".

FILL: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make fill, which is in turn used to elevate, or floodproof a building or structure.

FINANCIAL INSTITUTION: An establishment primarily involved with monetary, not material, transactions and that has routine interactions with the public.

FINISHED GRADE: The elevation of the land surface of a site after completion of all site preparation work.

FLARING: To dispose of surplus combustible vapors by igniting them in the atmosphere from a fractured gas well. This process may include the use of a series of secured piping to facilitate flow of gas and a combustion chamber to ignite the gas.

FLOOD: A temporary inundation of normally dry land.

FLOOD, ONE-HUNDRED-YEAR (BASE FLOOD): A flood, which is likely to be equaled or exceeded once every 100 years (i.e. that has a 1% chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study as necessary to define this flood.

FLOOD, FIVE-HUNDRED-YEAR: A flood, which is likely to be equaled or exceeded once every 500 years (i.e. that has a 1/5 of 1% chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study as necessary to define this flood.

FLOOD BOUNDARY, ONE-HUNDRED-YEAR: The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e., that has a 1% chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the

Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define its boundary.

FLOOD BOUNDARY, FIVE-HUNDRED-YEAR: The outer boundary of an area of land that is likely to be flooded once every 500 years (i.e., that has 1/5 of 1% chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this boundary.

FLOOD HAZARD BOUNDARY MAP: An official floodplain map issued by the Federal Insurance Administration.

FLOODPLAIN: A floodplain may be either or a combination of: (a) a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse, during a one hundred-year-design-frequency storm; or (b) any area subject to the unusual and rapid accumulation of runoff or surface waters from any source.

FLOODPLAIN DISTRICT: The zoning district that regulates the channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater.

FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. With regard to nonresidential structures, the term "floodproofing" shall also mean that the structure, together with attendant utility and sanitary facilities, be designed so that any space below the regulatory flood elevation is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydromatic loads and effects of buoyancy.

FLOODWAY: The areas identified as floodway in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in the other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

FLOODWAY FRINGE: Those portions of land within the Floodplain District subject to inundations by the one-hundred year flood, beyond the floodway in areas where detailed study and profiles are available.

FLOOR AREA: The total enclosed area in the horizontal plan of a structure, measured from the faces of the exterior walls.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

FLOOR AREA, NET: The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

FLOOR AREA, HABITABLE: The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half (½) of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

FLOOR AREA RETAIL, NET: All that space relegated to use by the customer and the retail employee to consummate retail sales; and to include display area used to indicate the variety of goods available for the customer, but not to include office space, storage space and other general administrative areas.

FLORIST: One who sells or grows for sale flowers and ornamental plants.

FLOW BACK OPERATIONS: Activities and processes used to expel water from a natural gas well in order to facilitate the production of natural gas.

FORESTRY (TIMBER HARVESTING) (MPC): 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 land development.

FRACTURE STIMULATION/HYDRAULIC FRACTURING (FRACKING): A method of stimulating production from a well by increasing the permeability of the producing formation. Fracturing can be accomplished by the injection of fluid carrying propping agents under extremely high hydraulic pressure downward into a well to cause pressure that "cracks" or opens up fractures already present in the formation.

GARAGE, PRIVATE: An accessory enclosed or covered space for the storage of one (1) or more vehicles, provided that no business, occupation, or service is conducted for profit therein nor space therein.

GARAGE, PUBLIC: Any garage other than a private garage which is used for parking or storage of motor vehicles.

GARDENING: The cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

GAS: Any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature and pressure conditions and or the gaseous components or vapors occurring in or derived from petroleum or natural gas.

GAS WELL: Any well drilled for the intent of extracting gas or other hydrocarbon from beneath the surface of the earth.

GAS STORAGE WELL: A well located and used in a gas storage reservoir for injection withdrawal purposes or an observation well.

GASOLINE SERVICE STATION: See "AUTOMOBILE SERVICE STATION".

GATHERING LINE: A pipeline and equipment described below that transports gas from a production facility to a natural gas processing plant or transmission line or main. The term "gathering line" includes valves, metering equipment, communication equipment, cathodic protection facilities and pig launchers and receivers, but does not include dehydrators, treaters, tanks, separators or compressors located downstream of the final production facilities and upstream of the natural gas processing plants, transmission lines or main lines.

GENERAL RETAIL BUSINESS: Retail business shall include variety stores, apparel stores, florists, drugstores, grocery stores, eating and drinking establishments, liquor stores, antique shops, music shops, sporting goods stores, book stationary, magazines, candy and tobacco shops, and other outlets that sell merchandise on a retail basis.

GOLF COURSE: Any regulation 18-hole, 9-hole or executive (par 3) golf course, including any driving ranges, chip-n-putt, 9-hole, or miniature golf courses.

GOVERNING BODY (MPC): The council in cities, boroughs and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second class through eighth class or as may be designated in the law providing for the form of government.

GRADE: The degree of rise or descent of a sloping surface.

(1) GRADE, STREET: The elevation of the centerline of an existing or proposed street; the percentage of slope.

(2) GRADE, FINISHED: The final elevation of the ground surface after development.

GREENHOUSE: A building that contains a roof and sides largely made of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GREENWAY: A greenway may be any one or combination of the following: (1) a linear open space established along either a natural corridor, such as a riverfront, stream valley or ridgeline, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; (2) a natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector linking parks, natural reserves, cultural features or historic sites with each other and with populated areas; and (4) strip or linear parks designated as a parkway or greenbelt.

GROSS BUILDING AREA: The total area of a building available for construction or use, as measured from the

exterior walls of the building. Gross building area should be used in computing all square footage measurements for buildings as well as dimension requirements.

GROUND FLOOR: The floor of a building nearest the mean grade at the front of the building.

GROUP CARE FACILITY: A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimum level of supervision but do not require medical or nursing care or general supervision. A Group Care Facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP HOME: A dwelling inhabited by handicapped persons, as identified and provided for by the Fair Housing Act and this Chapter. This definition does not include persons occupying a hotel, dormitory, lodge, halfway house, boardinghouse or institution. A group home involves persons functioning as a common household unit, providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution because of physical disability, old age, or mental retardation/developmental disability, or that the applicant proves to the satisfaction of the Zoning Officer meets the definition of "handicap", as defined by applicable federal law. (NOTE: The Federal Fair Housing Act amendments define "handicap" as follows: "(1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans with Disabilities Act to address certain situations related to substance abuse treatment.)

GROUP QUARTERS: Any dwelling or portion thereof, which is designed or used for persons, unrelated to each other occupying the dwelling unit and having common eating facilities. Group quarters include, but are not limited to, boarding- or lodging houses, fraternity and sorority houses, theme houses and other quarters of an institutional nature. Such Group Quarters must be associated with or owned and operated by a parent religious, educational, charitable or philanthropic institution. Group quarters shall exclude hotels, motels, dormitories, emergency shelters, student housing, nursing facilities and personal care facilities. In zoning districts where group quarters are permitted, other than institutional, group quarters shall be limited to no more than ten (10) persons.

HALFWAY HOUSE: A non-institutional living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The halfway house (community corrections center) operates under the rules and regulations of the Pennsylvania Department of Health or Department of Corrections or similar authorities. The residents are provided full-time supervision and counseling on employment, vocations, finances and community living.

HAZARDOUS MATERIAL: Materials which are classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection as having the potential to damage health or impair safety. Hazardous materials, including, but are not limited to, inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic and their common salts, lead, coal tar acids, such as phenols and cresols and their salts, petroleum products, and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks and large containers, located in flood prone areas.

HAZARDOUS WASTE: Any substance classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection or the Township as having the potential to damage health or impair safety, including garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution facility, and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or any combination of the above, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or,
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. (NOTE: "Hazardous Waste" shall also include any added components from the Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, as amended).

The term "Hazardous Waste" shall not include coal refuse as defined in the act of September 24, 1968 (P.L. 1040, No.318), known as the "Coal Refuse Disposal Control Act". "Hazardous Waste" shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to the act of June 22, 1937 (P.L. 1987, No. 394), known as the "Clean Streams Law", solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Section 1342), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C.A. Section 2011-2394).

HAZARDOUS WASTE FACILITY: Any structure, group of structures, above ground or under ground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Township.

HEALTH CARE FACILITY: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, or outpatient clinic.

HEARING (MPC): An administrative proceeding conducted by a board pursuant to section 909.1.

HEIGHT: The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

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

HELIPORT: An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

HELISTOP: A heliport but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

HISTORIC AREA: A district or zone designated by a local authority or state or federal government within which the buildings, structures, appurtenance, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form, and architectural detail; or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

HOME OCCUPATION: Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit. See "NO-IMPACT HOME BASED BUSINESS".

HOMEOWNERS ASSOCIATION: A community association, which is organized in a development in which individual owners share common interests in open space or facilities.

HOSPITAL: A building or part thereof used for medical, psychiatric, obstetrical, or surgical care on a twenty-four (24) hour basis. The term "hospital" shall include facilities used for medical research and training for health-care professions, general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such other facilities which provide inpatient care. The term "hospital" shall not include any facility in which is conducted the housing of the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of a felony. A hospital shall be licensed as such by the Commonwealth of Pennsylvania.

HOTEL: A building designed for occupancy primarily as the temporary abiding place of individuals who are lodged with or without meals. A conference/convention center may be part of the hotel.

HORTICULTURE: The growing of fruit, vegetables, flowers, ornamental plants or trees for a profit. Such use may be within a building or structure or outdoors.

HORTICULTURAL NURSERY: A place where plants are propagated and grown to usable size for wholesale or sales to the general public.

HOUSEHOLD: Persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

HUB HEIGHT: The distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

HYDRAULIC FRACTURING CHEMICAL: Any chemical substance or combination of substances, including any chemicals and proppants that are intentionally added to a base fluid for purposes of preparing a stimulation fluid for use in hydraulic fracturing.)

IMPERVIOUS MATERIAL (SURFACE): Any substance placed on a lot which covers the surface in such a fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to consist of impervious material: buildings, sidewalks, driveways, parking lots, swimming pools and ground surfaces.

IMPROVEMENTS: Those physical additions, installations and changes required to render land suitable for the use intended, including, but not limited to, grading, paving, curbing, streetlights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities and street shade trees, and improvements to existing water courses.

INACTIVE WELL: Any shut-in well from which no production has been sold for a period of twelve (12) consecutive months; (any well which has been temporarily abandoned for a period of six (6) consecutive months; or, any injection well which has not been utilized for a period of twelve (12) consecutive months.)

INCINERATOR: An approved device in which combustible material, other than garbage, is burned to ashes.

INDOOR RECREATION: A type of "recreation" use that (a) does not meet the definition of "OUTDOOR RECREATION", and (b) is used principally for active or passive recreation, such as a bowling, roller skating, ice skating, commercial batting practice use and similar uses.

INDUSTRY: The manufacturing, compounding, processing, assembly, or treatment of materials, articles, or merchandise.

INDUSTRIAL PARK: A tract of land laid out in accordance with an overall plan for a group or community of industries, including the servicing of those industries, with separate building designed and arranged to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks and use requirements.

INOPERABLE MOTOR VEHICLE: A vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that shall be without a valid current registration plate or valid current certificate of inspection, or any vehicle in a major or severe state of disrepair.

INSTITUTIONAL FACILITY: A public or private benevolent establishment devoted to the shelter, maintenance or education and care of minor children, homeless, aged or infirm persons, or members of a religious community. This classification shall not include almshouses, penal or reformatory institutions, nursing homes, hospitals or institutions for the custody, care or treatment of persons suffering from dementia, mental derangement or drug or alcoholic addiction.

JUNK: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

JUNK YARD: Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

JUNK VEHICLE: Includes any vehicle or trailer that meets any of the following conditions:

- (1) Cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
- (2) Cannot be towed, in regards to a trailer designed to be towed.

(3) Has been separated from its axles, engine, body or chassis, and/or

(4) Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

KENNEL: A state-licensed facility through the Department of Agriculture, containing indoor and outdoor housing facilities for the sheltering of four (4) or more canines in accordance with the Pennsylvania Code, Title 7, Chapter 21, as amended or revised.

LAND DEVELOPMENT (MPC): Any of the following activities:

(1) The improvement of one (1) or more contiguous lots, tracts or parcels of land for any purpose involving,

(a) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure, or;

(b) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;

(2) A subdivision of land.

(3) The following are exempted from the definition of Land Development:

(a) The conversion of an existing single family detached dwelling or single family semidetached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;

(b) The addition of an accessory building, including a farm building, on a lot or lots subordinate to an existing principal building; or

(c) The addition or conversion of a building for rides within the confines of an enterprise, which would be considered an amusement park. For the purpose of this Subsection, an amusement park is defined as a tract or area used principally as a location for a permanent amusement structures or rides. This exclusion shall not comply to newly acquired acreage by an amusement park until initial land for the expanded area have been approved by the proper authorities.

LAND FILL: A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan. See "SANITARY LANDFILL".

LANDOWNER (MPC): 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 conditions), 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.

LANDSCAPE PLAN: A component of a development plan, if required, on which is shown proposed landscape species (such as number, spacing, size at time of planting, and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features, grade changes, buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by North Towanda Township.

LAND USE ORDINANCE (MPC): Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI, VII of the PA Municipalities Planning Code.

LAUNDERETTE: A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house.

LAUNDRY AND DRY CLEANING ESTABLISHMENT: A business premises equipped with large-scale clothes washing and dry cleaning equipment.

LAUNDRY AND DRY CLEANING ESTABLISHMENT (PERSONAL): A business premises equipped with individual clothes washing equipment for the use of retail customers or the drop off and pick up of clothing for dry cleaning by retail customers.

LCD: Liquid crystal display.

LEASE: A contractual agreement for the use of lands, structures, buildings, or parts thereof for a fixed time and consideration.

LED: Light emitting diode.

LIBRARY: A place in which literary, musical, artistic or reference material (such as books, manuscripts, recordings or films) are kept for use but not for sale.

LIGHT: Radiant energy that is capable of exciting the retina and producing a visual sensation. The visible portion of the electromagnetic spectrum extends from about 380 to 770 nanometers in wavelength.

LIGHTING:

- (1) Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade.
- (2) Direct or Flood: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
- (3) Indirect: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LIVESTOCK: Any wild or domestic animal of the bovine, swine or sheep family.

LIVESTOCK (AND POULTRY), RAISING OF: The raising and keeping of livestock, horses, poultry or insects beyond what is allowed under the "Keeping of Pets" and the definition of "kennel". Raising of livestock shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

LOADING SPACE: An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts in or has access to a street.

LONG TERM CARE NURSING FACILITY: A facility defined and licensed by the Commonwealth of Pennsylvania Department of Health in accordance with Title 28 of the Pennsylvania Code, Chapter 201. The facility provides skilled or intermediate nursing care services twenty-four (24) hours a day and seven (7) days a week to individuals who do not require more intensive hospital-based care.

LOT (MPC): 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. The following types of lots are considered for this ordinance:

- (1) LOT AREA: The area contained within the property lines of a lot as shown on a subdivision plan, excluding space within any street right-of-way, but including the area of any easement.
- (2) LOT, CORNER: A lot at the junction of and abutting on two or more intersecting streets or private roads.
- (3) LOT, DEPTH: The horizontal distance measured between the street right-of-way and the closest rear property line on a corner and reverse frontage lot, the depth shall be measured from the street right-of-way line of the street address to the directly opposite property line.
- (4) LOT, FLAG: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.
- (5) LOT FRONTAGE: The length of the front lot line measured at the street right-of-way.
- (6) LOT, IMPERVIOUS COVERAGE: A lot that has a surface of any material that prevents the absorption of stormwater into the ground. The total of impervious area includes the building area, inclusive of rooftop, lot,

sidewalks and access drive divided by lot total net area.

- (6) LOT INTERIOR: A lot other than a corner lot.
- (7) LOT, MINIMUM WIDTH: The horizontal distance between the sidelines of a lot measured at the front lot line.
- (8) LOT, MOBILE HOME: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.
- (9) LOT, NONCONFORMING: See "NONCONFORMING LOT".
- (10) LOT OF RECORD: A lot that exists as shown or described on a plat or deed in the records of the Bradford County Recorder of Deeds.
- (11) LOT, REVERSE FRONTAGE (DOUBLE FRONTAGE, THROUGH): A through lot that is not accessible from one (1) of the parallel or non-intersecting streets upon which it fronts. In the case of a lot fronting on streets of different classifications, access to the lot shall be from the lower classified roadway.

LOT LINE, FRONT: The lot line separating a lot from a street right-of-way. In the case of corner lot abutting a street right-of-way on more than one (1) side there shall be two (2) front lot lines, one (1) side line and one (1) rear line.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. A corner lot shall have two (2) front lot lines and two (2) side lot lines

LOT LINE, SIDE: Any lot line other than a front or rear lot line. A corner lot shall have two (2) front lot lines and two (2) side lot lines.

LUMEN: The unit of luminous flux. Photometrically, it is the luminous flux emitted within a unit solid angle (one (1) steradian) by a point source having a uniform luminous intensity of one (1) candela.

MALL: An enclosed commercial area designed as a single unit with enclosed walkways and adequate off-street parking.

MANUFACTURING: The processing and/or converting of raw unfinished or finished materials, or products, or any, or either of them, into an article or substance of different character, or for use for a different purpose: industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

MANUFACTURED HOME: Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401) commonly known as the HUD (U.S. Department of Housing and Urban Development) code.

MANUFACTURED HOME LOT: A parcel of land in a manufactured home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home. See "MOBILE HOME LOT".

MANURE: The fecal and/or urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

MARQUEE: Any hood, canopy, awning or permanent construction that projects from a wall of a building, usually above an entrance.

MASSAGE THERAPY: An establishment whose business emphasis is the administration of nonsexually oriented massage to patrons by employees.

MEAN: The average of a series of figures computed by adding up all the figures and dividing by the number of figures.

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

MEDICAL CENTER: Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other healthcare practitioners, medical and dental laboratories, out-patient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

MEMBERSHIP CLUB: An area of land or building used by a recreational, civic, social, fraternal, religious, political, or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, but not including members of the general public. These uses are restricted to those not conducted primarily for gain, although a restaurant may be operated primarily to serve members and their guests. This use shall not include boardinghouse, a tavern, restaurant open to the general public, or an auditorium, unless that particular use is permitted in that district and the applicable requirements of that use are met.

MIDSTREAM OPERATION: Compressors, compressor stations, meters and processing plants that support more than one (1) well pad.)

MINERAL BATCHING AND MIXING PLANT: A facility where extracted materials are amassed, sorted, mixed, crushed and/or ground for the production of materials to be used in the construction industry including, but not limited to concrete, blacktop, asphalt and amecite.

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

MINING: The extraction of minerals including: solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation milling, such as crushing, screening, washing and floatation; and other preparation customarily done at the mine site or as part of a mining activity.

MINI SELF-STORAGE UNITS: A facility, usually one or more buildings divided into units, providing for the enclosed storage of household items or recreational equipment, where said items are retained for direct use by their owner, who shall have direct access thereto without intermediate handling by the proprietor of the facility.

MINOR REPAIR: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangements of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition or alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MIXED USE: Occupancy of a building or land for more than one (1) use.

MIXED-USE DEVELOPMENT: The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

MOBILE HOME (MPC): A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) 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 (MPC): A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK (MPC): A parcel or contiguous parcels of land, which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MOBILE HOME SALES LOT: An open lot for the outdoor display of new or used mobile homes.

MOBILE HOME STAND OR PAD: That part of an individual mobile home space which has been reserved for the placement of a mobile home and appurtenant structures and connections.

MODULAR HOME: A type of dwelling that is in a substantial part but not wholly produced in sections off the site and then is assembled and completed on the site. This shall not include any dwelling that meets the definition of mobile home, nor shall it include any dwelling that does not rest on a permanent foundation, nor any dwelling

intended to be able to be moved to a different site once assembled, nor any dwelling that would not fully comply with any and all applicable building codes. A modular home also shall not include a building that includes only one (1) substantial piece prior to delivery on the site.

MORTUARY OR UNDERTAKING FACILITY: A place in which human remains are prepared and stored prior to burial.

MOTEL: A building or group of buildings whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances, and designed for temporary occupancy by primarily transient automobile travelers and providing for accessory off-street parking facilities.

MOTOR FREIGHT TERMINAL: A terminal that is primarily centered around the storage and distribution of motor freight.

MULTIMUNICIPAL PLAN (MPC): A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by this Act, except that all the municipalities participating in the plan need to be contiguous, if all of them are within the same school district.

NATURAL AREA RESOURCES INVENTORY (NRI): A survey of existing natural elements relating to land, water, air, plant, and animal life of an area or a community and the interrelationship of these elements. The NRI usually includes data on soils, geology, topography (including watershed and flood areas), and vegetation. Also known as the 2005 Bradford County Natural Areas Inventory.

NATURAL FEATURE: A component of a landscape existing or maintained as part of the natural environment and having ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wild life, human recreation, reduction of climatic stress or energy costs. Such features include those, which, if disturbed, may cause hazards or stress or energy costs.

NATURAL GAS PROCESSING PLANT: a permanent facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

NATURAL GAS PRODUCTION: The period after the fracturing and flow back operations have been completed and natural gas has been run thru a series of separators and tank batteries to metering devices and in to the pipeline.

NATURAL GAS WELL: Any well drilled, to be drilled or used for the intended or actual production of natural gas.

NEWSPAPER AND PRINTING ESTABLISHMENTS: Any establishment that is engaged in the printing of newspaper or similar material on a regular basis.

NEW USE: Any new activity or use of land in a lot or parcel that was not occurring as of the effective date of this Ordinance.

NIGHT CLUB: Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment can be offered. For the purposes of this definition, "live entertainment" is meant to include the use of disc jockeys for the purposes of supplying musical entertainment. Nightclubs can offer the retail sale of carry-out beer and consumption of food. Additionally, nightclubs can offer the retail sale of carry-out beer and wine as an accessory use. Nightclub includes an "Under 21" club, which features entertainment.

NO IMPACT HOME-BASED BUSINESS (MPC): 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 the 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 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.

NONCONFORMING BUILDING: See "NONCONFORMING STRUCTURE".

NONCONFORMING LOT (MPC): A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, 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 SIGN: Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NONCONFORMING STRUCTURE (MPC): A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE (MPC): A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NURSERY, HORTICULTURE: See "HORTICULTURE NURSERY".

NURSING OR CONVALESCENT HOME: A facility licensed by the Commonwealth of Pennsylvania for the housing and intermediate or fully skilled nursing care of three (3) or more persons.

OBSERVATION WELL: A well used to monitor the integrity and conditions in a gas storage reservoir, the reservoir protective area or strata above or below the gas storage horizon.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse or flood prone area, which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same down the stream to the damage of life and property.

OFFICE: A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall not include retail or industrial uses, but may include business offices, medical offices, laboratories, photographic studios and/or television or radio broadcasting studios.

OFFICES, PROFESSIONAL: Including, but not limited to, offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, physicians, lawyers, clergymen, teachers, dentists, architects, engineers, insurance agents, opticians, banks, financial institutions, contractors (excluding storage) and similar office-oriented uses.

OFFICIAL MAP (MPC): A map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code.

OFF-STREET PARKING: A temporary storage (surface or structure) for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedication right-of-way, and is located upon the same lot as a principal

use or, in the case of joint parking, within close proximity.

OIL: Any one of a great variety of unctuous combustible substances, not miscible with water; as olive oil, whale oil, rock oil, etc. They are of animal, vegetable or mineral origin and of varied composition, and they are variously for food, for solvents, for anointing, lubrication, illumination, etc., by extension, any substance of an oily consistency; as, oil of vitriol.

OIL AND GAS OPERATIONS: The term includes the following:

- (1) Well location assessment, including seismic operations, well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth;
- (2) Water or other fluid storage or impoundment areas used exclusively for oil and gas operations;
- (3) Construction, installation, use, maintenance, and repair of:
 - (a) Oil and gas pipelines;
 - (b) Natural gas compressor stations; and
 - (c) Natural gas processing plants or facilities performing equivalent functions.
- (4) Construction, installation, use, maintenance and repair of all equipment directly associated with the activities identified above, to the extent that:
 - (a) The equipment is necessarily located at or immediately adjacent to the well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant; and
 - (b) The activities are authorized and permitted under the authority of a Federal or State agency.

OIL AND GAS METERING STATIONS: A permanent structure that is used as midstream operation for the purpose of metering or measuring the flow and/or volume of gas and includes associated equipment, tanks and site disturbance.

OIL AND GAS WELL: A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

OIL AND GAS WELL PAD DEVELOPMENT: The area of surface operations surrounding the surface location where facilities, structure, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells. Such area shall not include an access road to the drilling site.

ON-SITE WATER SERVICE: A potable supply of water used for the consumption by a single-family user from a private well.

OPEN PIT MINING: Open pit mining shall include all activity which removes from the surface or beneath the surface, of the land some material mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedication, designed, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

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 designated 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.

OPEN SPACE, PRIVATE: Open space held in private ownership, the use of which is normally limited to the occupants of a single dwelling or building.

OPEN SPACE, PUBLIC: Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

OUTDOOR LIGHTING: An illumination source outside any building, including, but not limited to, an incandescent bulb, mercury, sodium or neon-filled bulb, and the hardware containing the illumination source and supporting it.

Lighting fixtures underneath a roof of an open-sided building, including but not limited to storage sheds, canopies and gas station marquees over gas pumps, are deemed to be "OUTDOOR LIGHTING."

OUTDOOR RECREATION: A type of "recreation" use that is used principally for active and passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses.

OUTDOOR STORAGE: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

OVERLAY ZONE: A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements above that required by the underlying zone.

OWNER: See "LANDOWNER".

PARCEL: A lot, plot or tract of land designated by any legally recorded or approved means as a single unit. The term includes, but is not limited to, tax parcels, lots or deeded areas.

PARK: A tract of land, designated and used by the public for active and passive recreation.

PARKING LOT: Any lot, municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee.

PARKING GARAGE: A building where passenger vehicles may be stored for short-term, daily or overnight off-street parking.

PARKING, SHARED: Joint use of a parking area for more than one (1) use.

PARKING SPACE: The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile.

PARTY WALL: A common shared wall between two (2) separate structures, buildings, or dwelling units.

PATIO: An unroofed area or courtyard, which shall not be completely enclosed, except for any side that may adjoin a structure or for any fences, walls, shrubs, or hedges. Outdoor areas covered by a roof, trellis, or fixed awning shall be considered to be a structure.

PEDESTRIAN WALKWAY: A specified easement, walkway, path, sidewalk or other reservation, which is designed and used exclusively by pedestrians.

PERMITTED BY RIGHT USES: Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.

PERSON: A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PERSONAL CARE HOME: A facility defined and licensed by the Commonwealth of Pennsylvania Department of Public Welfare in accordance with Title 55 of the Pennsylvania Code, Chapter 2620. A personal care home is a premises in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) 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. A "HALFWAY HOUSE" is not a Personal Care Home.

PERSONAL CARE HOME CENTER: See "ASSISTED LIVING FACILITY".

PERSONAL SERVICE ESTABLISHMENT: Service activities shall include and be similar to barbershops, beauty salons, health spas, massage parlors; photographic studios; self-service laundry and dry-cleaning establishments, laundromats; radio and television repair, repair shops for home appliances and tools, bicycles, guns, locks, shoes and watches; tailor and dressmaking shops; and pet grooming with no overnight boarding. Personal service establishments shall not be construed to be adult regulated facilities as defined herein.

PERVIOUS SURFACE: Any material that permits full or partial absorption of stormwater.

PIPELINE: All parts of those physical facilities running through which gas, hazardous liquids, fresh water, salt water or chemicals move in transportation, including but not limited to pipes, valves, and other appurtenance attached to pipe, whether or not laid in a public or private easement or public or private right-of-way within the Township, including but not limited to, gathering lines, production lines or transmission lines. This definition does not include pipelines associated with franchise utilities.)

PLANNED RESIDENTIAL DEVELOPMENT (MPC): 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 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 a municipal zoning ordinance.

PLAN: See "PLAT".

PLAN, SKETCH: An informal plan indicating salient existing features of a tract and its surroundings and the general layout of proposed subdivision or land development. The sketch plan does not constitute a formal submission of a preliminary or final plan and is voluntarily offered to all applicants for guidance.

PLANNING AGENCY (MPC): A planning commission, planning department, or a planning committee of the governing body. For the purposes of this Ordinance, the North Towanda Township Planning Commission and the Bradford County Planning Commission shall be the identified local planning agencies.

PLAT (MPC): The map or plan of a subdivision or land development whether preliminary or final. (For the purpose of this Ordinance, the terms "plat" and "plan" have the same meaning.)

POWER GENERATION FACILITY: A facility that generates electric power for the purpose of transmission of such electricity to other users not located on the site where the electricity is generated.

PRE-APPLICATION CONFERENCE: An initial meeting between developers and the Zoning Officer/Code Enforcement Official and/or Township Engineer, which affords applicants and/or developers the opportunity to present their proposals informally.

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

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

PRINCIPAL USE: The primary or predominant use of any lot or parcel of land.

PRINCIPAL WASTE HANDLING FACILITY: A principal use whereby waste is brought to the site for storage, processing, treatment, transfer or disposal.

PRIVATE: Not publicly owned, operated, or controlled.

PRIVATE KENNEL: any property, including any building or structure thereon, where five (5) or more dogs over the age of four (4) months, are kept, maintained and owned by the property owner, up to a maximum of ten (10) dogs for the primary purpose of sporting and hunting activities.

PRIVATE RECREATIONAL FACILITY: A privately owned facility for recreational purposes, including, but not limited to, such uses as parks, nature trails and wildlife sanctuaries and excluding uses which would commonly be considered a nuisance because of noise, pollution, etc., such as racing, touring and promotion of motor vehicles.

PRIVATE STREET/ROAD: A non-public right-of-way, which provides vehicular access to one (1) or more lots.

PRIVATE CLUB: A club operated for members only and not for profit.

PRODUCTION FACILITIES: All storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowline, and other equipment directly associated with oil wells, gas wells or injection wells.)

PRODUCTION WELL: Any gas or oil well that has been brought on line to provide the material to market after a successful exploration step.)

PUBLIC GROUNDS (MPC): includes:

- (1) Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned and operated facilities;
- (3) Publicly owned or operated scenic and historic sites.

PUBLIC LAND: Owned, operated or controlled by a government agency (Federal, state, or local) including a corporation created by law for the performance of certain specialized governmental functions or any public school district.

PUBLIC AND OTHER TRANSMISSION AND DISTRIBUTION FACILITIES: Public, semi-public and private utility transmission and distribution facilities including substations, pump stations, booster facilities, etc.

PUBLIC ENTERTAINMENT FACILITIES: An activity operated as a gainful business open to the public for entertainment or recreation, including, but not limited to, motion-picture theaters, health clubs and miniature golf courses.

PUBLIC HEARING (MPC): A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING (MPC): A forum held pursuant to notice under 65. C.S. CH7 (Relating to Open Meetings).

PUBLIC NOTICE (MPC): A notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. The 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 thirty (30) days and the second publication shall not be less than (7) days from the date of the hearing.

PUBLIC PARKS AND RECREATION AREAS: Locations for leisure-time activities, including but not limited to sports and entertainment that are open to anyone without restriction, except for the rules and standards of conduct and use.

PUBLIC RECREATION FACILITY/PUBLIC GROUNDS: Recreation facilities owned and/or operated by an agency of the municipality or other governmental body, including, but not limited to, sports parks, swimming pools, golf courses, etc.

PUBLIC STREET/ROAD: A street ordained or maintained or dedicated and accepted by a borough, city, township, county, state or federal governments and open to public use.

PUBLIC USE: A use or activity which is open to or available for enjoyment by the general public, including facilities owned or operated by federal, state, county or municipal governments, or other non-profit groups, e.g. state game or forest lands, state parks, municipal swimming pools, boat launch areas, etc.

PUBLIC UTILITY FACILITY: Any structure, which belongs to a public utility for uses such as electrical, telephone, gas, water and sewer which are regulated by the PUC or any other governmental agency.

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: A lot or land or part thereof used for the purpose of extracting stone, sand, clay, gravel, or top soil for sale, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

RADIOACTIVE MATERIAL: Any natural or artificially produced substance which emits radiation spontaneously.

RECREATION: Any activity, whether structured or not, in which individuals voluntarily engage during their leisure, including but not limited to:

- (1) Sports (individual, dual, team, coed recreational, and combative), athletics; both land and water based.
- (2) Arts and crafts, spectating, picnicking, nature study, and board games.
- (3) Dance, drama, music, games, social recreation, special events, hiking/walking, cycling, hobbies, outdoor educational activities, and cultural activities.

RECREATION, ACTIVE: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

RECREATION, OPEN SPACE: The area of land suitable for the development of specific active recreation facilities for leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields, including, but not limited to, baseball fields, soccer fields, football fields, tennis, basketball and other court games, hockey facilities, multipurpose fields and community swimming pools and attendance.

RECREATION, PASSIVE: Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar table games.

RECREATION AREA, ACTIVE: Any area developed in such a manner as to be conducive to those activities that fall within the range of active recreation. Examples: athletic fields and hard-surfaced courts, pools, large dams, bicycle and walking trails, open turf areas, and apparatus areas.

RECREATION AREA, PASSIVE: Any area developed in such a manner as to be conducive of those activities that fall within the range of passive recreation. Examples: scenic vistas, natural areas, craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking, and spectating areas.

RECREATIONAL VEHICLE: A vehicle-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

RECREATIONAL VEHICLE PARK OR CAMP GROUND: A parcel of land which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping or travel use, on recreational vehicle or camp ground lots rented for such use.

RECREATIONAL VEHICLE PARK OR CAMP GROUND LOT: A parcel of land abutting a street or private road occupied by one recreational vehicle or camping equipment for temporary living quarters, for recreational, camping or travel use.

RECYCLABLE MATERIALS: For the purpose of this Ordinance, recyclable material shall be defined as those designated waste products that are collected at approved recycling drop-off centers within the Township for transformation into new and/or different products at another location.

RECYCLING DROP-OFF CENTERS: Facilities intended for the collection of recyclable materials, not including municipal, residual or hazardous waste transfer stations.

RECYCLING YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

RENEWABLE ENERGY SOURCE (MPC): 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 energy and excluding those sources of energy used in the fission and fusion processes.

REPAIR SERVICES: Shops for the repair of appliances, watches, guns, bicycles and other household items.

REPORT (MPC): Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESEARCH LABORATORY: An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

RESIDENTIAL TREATMENT FACILITY: Staff secure, twenty-four (24) hour Counseling Center and Residential Placement Facility for middle school and high school students (age ten (10) through high school completion) who have behavior or emotional problems. Said facility shall have a minimum of three (3) acres of land and will not exceed twenty (20) residents.

RESIDUAL WASTE: Garbage, refuse, other discarded material or waste, including solid, liquid semi-solid or contained gaseous materials resulting from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, if it is not hazardous. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act, nor treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Act.

RESIDUAL WASTE LANDFILL: A facility for disposing of residual waste. The term does not include a residual waste impoundment or a facility for the land application or residual waste. The term does not include a facility at which municipal waste, other than industrial lunchroom or office waste generated by the operator, construction/demolition waste generated by the operator, or certain special handling, is disposed.

RESORT LODGE: A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals, and a conference/convention center. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.

RESTAURANT: A commercial establishment devoted to the sale and consumption of food and beverages to patrons within an enclosed building, while the patrons are seated at counters, booths, or tables. A restaurant may contain an accessory area or use devoted to outdoor eating, retail sales, social quarters, meeting rooms, bars, taverns, taprooms, and similar uses, provided the cumulative total area of the accessory use does not exceed fifty (50%) percent of the gross floor area of the restaurant.

RETAINING WALL: A structure that holds back earth or water from a building or other structure. Retaining walls stabilize soil and/or rock from down slope movement or erosion and provide support for vertical or near-vertical grade changes. Retaining walls are generally made of masonry, stone, brick, concrete, vinyl, steel or timber. A professional engineer must certify retaining wall designs.

RETIREMENT COMMUNITY: Planned development designed to meet the needs of, and exclusively for, the residence of senior citizens.

RIDING ACADEMY OR BOARDING STABLE: An establishment where horses are kept for riding, or are stabled for compensation, or incidental to the operation of any club, association, ranch, or similar establishment.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

RIPARIAN BUFFER AREA: An area of land adjacent to a perennial or intermittent stream.

RIPARIAN LAND: Land that is traversed or bounded by natural watercourse or adjoining tidal lands.

RIPARIAN RIGHTS: Rights of a landowner to the water on or bordering his or her property, including the right to make use of such waters and to prevent diversion or misuse of upstream water.

ROAD: See "STREET".

ROADSIDE STAND: A temporary or permanent booth, stand or shelter, located along a roadway, but off the road right-of-way, from which farm, nursery or greenhouse products or other merchandise is offered for sale to the general public.

SANITARY FACILITY, LANDFILL OR INCINERATOR: Land, structures and other appurtenances or improvements where municipal or residual waste disposal or processing is permitted or takes place or where hazardous waste is treated, stored or disposed. The term includes land thereby used or affected during the lifetime of operations, including areas where solid waste management actually occurs, support facilities, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities, contiguous borrow areas and other activities in which the natural land surface has been disturbed or used as a result of or incidental to operation of the facility. A waste facility must meet the requirements of Title 25 of the Commonwealth of Pennsylvania Code, Articles VII to Article IX, and any state or federal act or laws, as applicable and amended, such as the Solid Waste Management Act, the Clean Streams Law, and all applicable federal regulation, such as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sections 6901 to 6992 and 40 CFR Parts 260 to 279. A waste disposal or processing plant may include landfills, incinerators, impoundment, transfer facilities, composting facilities or resource recovery facilities, as defined in the Pennsylvania Code.

SANITARY SEWAGE: Any liquid waste containing animal or vegetable matter in suspension or solution or the water-carried waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or any other source of water-carried waste of human origin or containing putrescible material.

SATELLITE DISH ANTENNA: A device incorporating a reflective surface, which is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia, and including its pedestal and other attachments. Such device shall be used to transmit and/or receive radio or other electromagnetic waves between terrestrially and/or orbital based uses. This definition is meant to include, but not be limited to, what are commonly referred to as "satellite earth stations," "television receivers only" or TCROs, and "satellite microwave antennas."

SEISMIC TESTING: Testing conducted on the earth's surface or shallow subsurface for the purpose of evaluating subsurface geological conditions)

SEWER FACILITY: A system of sewage collection, conveyance, treatment and disposal, which will prevent the discharge of, untreated or inadequately treated sewage or other waste into waters of the Commonwealth or otherwise provided for the safe and sanitary treatment and disposal of sewage or other wastes.

SEWER SYSTEM, COMMUNITY: A sewage facility, whether publicly or privately owned, for the collection of sewage from two (2) or more equivalent dwelling units and the treatment and disposal, or both, of the sewage on one (1) or more of the lots or at another site.

SEWER SYSTEM, INDIVIDUAL: A sewage facility, whether publicly or privately owned, located on a single lot and serving one (1) equivalent dwelling unit and collecting, treating and disposing of sewage in whole or in part into the soil or into waters of the Commonwealth or by means of conveyance of retaining tank wastes to another site for final disposal.

SCHOOL: Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

SCHOOL, COLLEGE: Same as elementary and secondary school except general education is provided above the level of the secondary school and may include junior college, college, or university and is authorized to grant academic degrees.

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

SCHOOL, ELEMENTARY: Any school having regular sessions with employed instruction, which teaches those subjects that are fundamental and essential in general education for elementary grades.

SCHOOL, NONPUBLIC: An educational facility not operated by a public agency.

SCHOOL, NURSERY: Any place designed and operated to provide regular instruction and daytime care for four (4) or more children under the age of elementary school, and where tuition or other forms of compensation for the instruction and care of the children is charged. Such facility employs licensed personnel and is licensed by the Commonwealth of Pennsylvania.

SCHOOL, PAROCHIAL: A school supported and controlled by a church or religious organization.

SCHOOL, PRIVATE: Any building or group of buildings the use of which meets state requirements for primary, secondary or higher education and which use does not secure the major part of its funding from any governmental agency.

SCHOOL, PUBLIC: A public place of instruction other than a commercial school operated by a public agency.

SCHOOL, SECONDARY: Same as Elementary School except general education is provided for secondary grades.

SCHOOL, TRADE/PROFESSIONAL: See "SCHOOL, COMMERCIAL."

SCHOOL, VOCATIONAL: Same as elementary and secondary school except that the primary activity is training in a trade or vocation.

SCREENING: The provision of a barrier to visibility, air borne particles, glare and noise between adjacent Properties, uses and/or districts composed entirely of trees, berms, shrubs, sight-tight fences, walls and/or other similar type materials.

SCREEN PLANTING: A vegetative material of sufficient height and density to conceal from the view of property owners on adjoining residential districts the structures and uses on the premises on which the screen planting is located.

SEPTIC SYSTEM: An underground system with a septic tank for the decomposition of wastes.

SETBACK: The distance between the building and any lot line.

SETBACK LINE: See "BUILDING SETBACK LINE".

SEWAGE DISPOSAL SYSTEM (ON LOT): Any system designed to eliminate sanitary sewage within the boundaries of the lot the system serves.

SEWAGE DISPOSAL SYSTEM (PUBLIC OR COMMUNITY): A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to the central treatment and disposal plant.

SHADOW FLICKER: Alternating changes in light intensity caused by the moving Wind Rotor blade casting shadows on the ground and stationary objects.

SIDEWALK: A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

SIDEWALK AREA: That portion of the right-of-way that lies between the right-of-way line and curb line, regardless of whether the sidewalk exists.

SIGHT DISTANCE: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SIGHT TRIANGLE: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIMILAR USE: A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele. See "CHANGE OF USE".

SITE: A parcel of land located in a municipality, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one (1) lot.

SITE PLAN: An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

SKETCH PLAN: See "PLAN, SKETCH".

SKILLED OR INTERMEDIATE NURSING CARE: Professionally supervised nursing care and related medical and other health services provided for a period exceeding twenty-four (24) hours to an individual not in need of hospitalization, but whose needs are above the level of room and board and can only be met in a long-term-care nursing facility or an inpatient basis because of age, illness, disease, injury, convalescence or physical or mental infirmity.

SLOPE: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100') feet of horizontal distance.

SOLID WASTE TRANSFER FACILITY: Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill or septage or sludge application.

SOLAR ENERGY SYSTEM: An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user. This definition shall include rooftop, building mounted, ground-mounted and freestanding solar collectors and arrays.

SPOT ZONING: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive zoning plan.

SPECIAL EXCEPTION (MPC): A use permitted in a particular zoning district and approved by the Zoning Hearing Board pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code.

SPECIAL OCCASION HOME: An owner-occupied residence of historical and/or architectural significance which is available for private rental for occasions such as business meetings, weddings, receptions, banquets, private parties, fund-raising events, conferences and similar functions, although not otherwise open to the general public. The rental use must be as secondary and subordinate to the residential use.

SPECIFIED ANATOMICAL AREAS: (1) Less than completely and opaquely covered human genitals, pubic regions; buttocks; and female breasts below a point immediately above the top of the areola; and (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: (1) Human genitals in a state of sexual stimulation or arousal; (2) Acts of human masturbation, sexual intercourse or sodomy; and (3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

STABLE, PRIVATE: An accessory building in which horses are kept for private use and not for hire, remuneration, exhibition, or sale.

STABLE, PUBLIC: A building in which horses are kept for remuneration, hire, exhibition, or sale.

STEEP SLOPE: Land with a fifteen (15') feet or greater change in elevation one hundred (100') feet or less in horizontal distance or, in other terms, fifteen (15%) percent or greater on the average. The following formula is the acceptable method of determining average slope:

$$S = \frac{0.0023 \cdot I \cdot L}{A}$$

S = Average percent slope of site

I = Contour interval in feet

L = Sum of the length of contours in feet

A = Land area in areas of parcel being considered

STOOP: A covered or uncovered area at the front, side or rear door.

STORAGE SHED: A structure not intended for residential occupancy which is accessory to the principal use of the property as a place to store personal property.

STORAGE TRAILER (TEMPORARY): A vehicular, portable structure built on a chassis, designed to be used for storage and transportation of goods. This definition shall apply to all such trailers with dimensions in excess of six (6') feet in width and nineteen (19') feet in length.

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 next above it and including those basements used for the principal use.

STORY, HALF: A space under a sloping roof that has the line of intersection of the roof and wall face not more than three (3') feet above the floor level and in which space the possible floor area with head room of five (5') feet or less occupies at least forty (40%) percent of the total floor area of the story directly beneath.

STREAM: A watercourse having banks and a channel through which waters flow at least periodically.

STREET (MPC): includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET, COLLECTOR: A major street or highway, which carries traffic from minor streets to arterial streets, including the principal entrance streets of a residential development and the streets for circulation within such a development.

STREET, CUL-DE-SAC: See CUL-DE-SAC.

STREET, DEAD-END: A street with a single common ingress and egress.

STREET, MAJOR ARTERIAL: A street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials.

STREET, MARGINAL ACCESS: A minor street which is parallel and adjacent to a limited access highway or arterial street, which provides access to abutting properties and protection from through traffic. Also known as a Service Road.

STREET, MINOR ARTERIAL: A street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets.

STREET, PAPER: A street that has never been built shown on an approved plan, subdivision plat, tax maps, or official map.

STREET, PRIVATE: A legally established right-of-way other than a public street not offered for dedication or accepted for municipal ownership and maintenance.

STREET GRADE: The officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade. Includes established grade.

STREET LINE: The dividing line between the street and the lot, also known as right-of-way line.

STREET WIDTH: The distance between street lines measured at right angles to the center line of the street.

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

STRUCTURE, ACCESSORY: A structure detached from a principle structure, but located on the same lot, which is customarily incidental and subordinate to the principal building, structure or use.

STRUCTURE, NON-CONFORMING: See "NONCONFORMING STRUCTURE".

STRUCTURE, PRINCIPAL: The main or primary structure on a given lot, tract, or parcel.

STRUCTURE, TEMPORARY: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

STUDIO: A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

STUDIO, DANCING OR MUSIC: The use of a premises by a teacher of music or dancing where students are taught these arts for a fee, and where more than one (1) student may be taught in a class at one time.

STUDENT: An individual registered for instruction from an educational institution, whether public or private, within a given calendar year.

STUDENT HOUSING: A living arrangement for no more than four (4) students located in a dwelling having a floor area of at least one thousand five hundred (1,500 ft²) square feet, not including basement, garages and accessory buildings. Students living in student housing shall mean students, typically unrelated, living independently from parents or guardians while attending an education institution.

SUBDIVIDER: The owner or authorized agent of the owner of a lot, tract or parcel of land to be subdivided for sale or land development under the terms of this Ordinance.

SUBDIVISION (MPC): The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50%) percent or more of the market value of the structure before the damage occurred.

SUBSTANTIALLY COMPLETED (MPC): Where, in the judgment of the municipal engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the PA MPC) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SUBSTANTIAL IMPROVEMENT: Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds fifty (50%) percent of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

SUPPLY YARDS: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

SWALE: A low-lying stretch of land characterized as a depression used to carry surface water runoff.

SWIMMING, BATHING OR OTHER POOL: A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18") inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30") inches, designed, used and maintained for swimming and bathing. Farm ponds and/or lakes are not included provided that swimming was not the primary purpose for their construction.

TAVERN: An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food.

TEMPORARY STRUCTURE: See "STRUCTURE, TEMPORARY".

TEMPORARY USE: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

THEATER: A building or part of a building devoted to the showing of motion pictures or theatrical productions on a commercial basis.

THEATER, OUTDOOR DRIVE-IN: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles, or on outdoor seats.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (MPC): An area of land developed for a compatible mixture or 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 public park, commons, plaza, square, or prominent intersection of two (2) 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 origin to destination and are appropriately designed to serve the needs of pedestrians and vehicles equally.

TRAILER: See "MOBILE HOME".

TRANSFERABLE OF DEVELOPMENT RIGHTS (TDR) (MPC): The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

TRANSFORMER SUB-STATION: An electric substation containing an assemblage of equipment for the purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching and modifying its characteristics to meet the needs of the general public, provided that in a residential district, an electric substation shall not include rotating power equipment, storage of materials, trucks or repair facilities or housing of repair crews.

TRANSPORTATION TERMINAL: Land and buildings used as a relay station for the transfer of a load from one (1) vehicle to another or one (1) party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. The terminal may also serve as a passenger station that is central to an area and serves as a junction at any point with another line. A bus terminal would be a central point for passengers, and a truck terminal would be a central point for freight.

TREATMENT CENTER: A use (other than a prison or a hospital) providing housing for three (3) or more unrelated persons who need specialized housing, treatment and/or counseling because of:

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

TRUCK TERMINAL: Land and buildings used primarily for the storage and maintenance of trucks and/or trailers and to transfer freight from one truck and/or trailer to another. The terminal shall not be used for storage of freight. The terminal may include storage areas for trucks, and buildings for the repair of trucks associated with the terminal.

TURBINE HEIGHT: The distance measured from the surface of the tower foundation to the highest point of the Wind Rotor.

UNDEVELOPED LAND: Any lot, tract or parcel of land, which has not been graded, or in any other manner prepared for the construction of a building.

UNCONVENTIONAL FORMATION: A geological shale formation existing below the base of the Elk Sandstone or its geologic (equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic) (volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well) (bores or other techniques to expose more of the formation to the well bore.)

UNCONVENTIONAL WELL: A well bore drilled or being drilled for the purpose of or to be used for the production of natural (gas from an unconventional formation.)

USE: The specific purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

USE, ACCESSORY: See "ACCESSORY USE".

USE, NONCONFORMING: See "NONCONFORMING USE".

USE, PRINCIPAL: See "PRINCIPAL USE".

UTILITY LINE: A line built and maintained in order to transport materials, utilities or services by underground or above ground means, including gas, electric, oil, cable, water, sewage, telephone, fiber optic cables, stormwater, computer lines and other lines.

VARIANCE: A departure from the provisions of a zoning ordinance relating to setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property. The hardship variance can be granted when the strict enforcement of the zoning ordinance as it applies to a specific lot would present practical difficulties in the use of the property. The hardship relates to the physical characteristics of the property, and without the variance, the property becomes unusable.

VEGETATIVE COVER: An area covered with a vegetative material: grass, shrubs, vines and trees.

VEHICLE BODY SHOP: A building on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of motor vehicles, provided that all repair and paint work is performed within an enclosed building and all motor vehicle parts, refuse and similar articles are stored within a building or enclosed area. Mechanical repairs, the sale of lubricants, etc., may or may not be included as accessory uses.

VEHICLE, DISMANTLED OR NONOPERABLE: A vehicle, which does not display the current Pennsylvania state inspection certificate and is manifestly incapable of being locomotive in its existing condition. This does not include agricultural machinery and equipment.

VEHICLE, MOBILE/MANUFACTURED HOME AND/OR TRAILER SALES LOT: An open lot used for the outdoor display or sales of new or used automobiles, for mobile homes and where minor and incidental repair work (other than body and fender) may be done.

VEHICLE, REPAIR GARAGE: A building on a lot designed and/or used primarily for mechanical repairs, storage, rental or servicing of automobiles, trucks and similar motor vehicles.

VENTILATING SHAFTS: Any structure designed to furnish air and/or power, including transformation and conversion of said power, to underground coal mines.

VETERINARIAN: A qualified professional trained in the care and treatment of animals and in particular domestic animals. For the purpose of this Zoning Ordinance the term "veterinarian" includes the office, waiting room, examination room, treatment area and overnight quarters for the usual house pets (dogs, cats, birds, hamsters and the like).

VETERINARY: See "ANIMAL CLINIC/HOSPITAL".

VIEWSHED: That portion of the landscape, which can be readily viewed by the observer from one (1) or more vantage points. The extent of area that can be viewed is commonly delineated by landform, vegetation and/or distance.

VESTED RIGHT: A right that cannot be changed or altered by changes in regulation.

WAREHOUSING AND DISTRIBUTION CENTERS: A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

WATER COURSE: A stream of water, river, brook, creek, or channel or ditch for water, whether natural or manmade.

WATER FACILITY: Any waterworks, water supply works, water distribution system or part thereof, designed, (intended or constructed to provide or distribute potable water.)

WATER IMPOUNDMENT: includes wastewater treatment settling ponds, surface mining ponds, detention and retention (ponds, artificial lakes and ponds, and similar water features.)

WATER PURVEYOR: Any of the following:

(1) The owner or operator of a public water system as defined in Section 3 of the PA Safe Drinking Water Act (P.L. 206, No. 43); or

(2) Any person subject to the Water Rights Law (P.L. 842, No. 365).

WATER SOURCE: Any of the following:

(1) Waters of the Commonwealth;

(2) A source of water supply used by a water purveyor;

(3) Mine pool and discharges; or,

(4) Any other waters that are used for drilling or completing a well in an unconventional formation.

The term does not include flowback or production waters or other fluids:

(a.) Which are used for drilling or completing a well in an unconventional formation; and,

(b.) Which do not discharge into waters of the Commonwealth.

WATER SURVEY (MPC): An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.

WATER SYSTEM: A water facility providing potable water to individual lots or the public for human consumption.

(1) WATER SYSTEM, NON-PUBLIC: All water systems that are not public water systems.

(2) WATER SYSTEM, OFF-LOT: An approved system in which potable water is supplied to a dwelling or other building from a central water source, which is not located on the lot with the dwelling or building.

(3) WATER SYSTEM ON-LOT: A well or other approved system designed to provide potable water to a dwelling or other building located on the same lot as the source.

(4) WATER SYSTEM, PUBLIC: A water system as defined by the PA Department of Environmental Protection, which has at least fifteen (15) service connections or regularly services an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

WATER TREATMENT FACILITY: A facility used for treating the flowback water and solutions used in the process of hydraulic fracturing in order to extract natural gas from the Marcellus Shale. The treatment facility is where the flow back water and solutions will be taken once the process of hydraulic fracturing is done in order to ensure that the water will be treated, properly removing any harmful chemicals, compounds and radionuclides prior to being hauled off-site for reuse or released into a major tributary. Typical Water Treatment Facilities will include, but are not limited to, multi-bay truck loading/unloading station, skim ponds for oil/water separation, water clarifiers, sludge dewatering facilities, reverse osmosis units, evaporators, chemical feed equipment, pumps and other appurtenances.

WATER WITHDRAWAL AND DISTRIBUTION FACILITY: A facility immediately adjacent to a river, tributary, or stream that typically contains a submerged suction line, pumps, water main, multiple hydrants, truck loading and staging area, and water storage tanks, storing water on a temporary basis that is intended to be transferred by vehicle to a natural gas well pad for the purpose of hydraulic fracturing.

WELL BORE: The surface location of the center of the drill hole.

WETLANDS: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. [Definition used by U.S. Environmental Protection Agency and U.S. Army Corps of Engineers.]

WIND ENERGY FACILITY: An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WIND TURBINE: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

YARD, REQUIRED: An open space located on the same lot with a building unoccupied and unobstructed from the ground up, except for permitted accessory buildings or such projections as are expressly permitted. The minimum depth or width of a required yard shall consist of the horizontal distance between the lot line and the required building setback line.

YARD, BUFFER: See "BUFFER YARD".

YARD, DEPTH: The shortest distance between a lot line and a required setback line.

YARD, FRONT: A space parallel to the front lot line and extending the full width of the lot between a required front setback line and the front lot line.

YARD LINE: See "BUILDING SETBACK LINE".

YARD, INTERIOR: An open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side or rear yard.

YARD, REAR: A space parallel to the rear lot line and extending across the full width of the lot between the required rear setback line and the rear lot line.

YARD, SIDE: A space parallel to the rear lot line and extending from the front yard to the rear yard between the required side setback line and the side lot line.

YARD SALE: The display of personal possessions, and those of friends, relatives and neighbors for the sale to the general public upon the property of one's residence.

ZERO LOT LINE: The location of a building on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.

ZONE: Same as "ZONING DISTRICT".

ZONING: A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as well as regulations governing lot size, building bulk, placement and other development standards.

ZONING DISTRICT: A section of a municipality designated in the Zoning Ordinance text and delineated on the Zoning Map, in which requirements for the use of land and building and development standards are prescribed.

ZONING HEARING BOARD: The Zoning Hearing Board of North Towanda Township, Bradford County, PA appointed by the Township Supervisors.

ZONING MAP: The map setting forth the boundaries of the Zoning Districts of the North Towanda Township which shall be part of this Ordinance.

ZONING OFFICER: The administrative officer appointed by the North Towanda Township Supervisors to administer the zoning ordinance and issue zoning permits.

ZONING PERMIT: A document signed by a zoning officer, as required in the zoning ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, that acknowledges that such use, structure or building complies with the provisions of the municipal zoning ordinance or authorized variance therefrom.

ARTICLE III

DESIGNATION OF ZONING DISTRICTS, DISTRICT PURPOSE STATEMENTS, THE ZONING MAP, INTERPRETATION OF BOUNDARIES, ANNEXATION AND USES NOT PROVIDED FOR AND DISTRICT USE TABLES

Section 300. Designation of Districts. For the purpose of implementing the goals and objectives of this Ordinance and the *2008 Central Bradford Region Comprehensive Plan*, North Towanda Township is hereby divided into Districts that will be designated as follows:

R-S	-	Residential-Single
R-R	-	Residential-Rural
R-MF	-	Residential-Multifamily
C-C	-	Commercial-Community
C-H	-	Commercial-Highway
M	-	Manufacturing
A-B	-	Agricultural Business
FP	-	Floodplain

Section 301. District Purpose Statements.

- A. Residential-Single (R-S): The purpose of this District is to provide for low density residential development in appropriate areas in close proximity to typical public and quasi-public uses compatible with residential neighborhoods. This District also coincides with planned sewer and water utility service areas; however, the actual availability of these services is likely to occur at different times, in different areas. Limit activities of a commercial or industrial nature and any activities not compatible with residential development, promoting a safe, family home environment and meeting minimum standards for health and safety against hazards and nuisances.

- B. Residential-Rural (R-R): The intent of this District is to allow residential development at a rural density while encouraging agricultural uses and preservation of open space, not interfering with those uses. Protect existing natural resources and other environmental features by providing a range of low-density residential uses accompanied by large amounts of open space. Public or community sewage treatment and public or community water supplies are generally not available and are not contemplated for the near future. Therefore, higher density development and *incompatible non-residential uses* are not appropriate for this District.

- C. Residential-Multifamily (R-MF): The purpose of the Residential-Multifamily zone provides for higher density residential use with consideration for diversity of housing type and character to accommodate a variety of income levels. The zone also provides for the orderly expansion of urban-type residential development in areas that can feasibly be supplied with public sewer and water facilities, public, quasi-public, recreational uses and compatible neighborhood retail uses.

- D. Commercial-Community (C-C): The intent of this District promotes stable commercial development, providing for a full range of choices consisting of apartments, business and professional offices, small-scale retail and other uses and accessory uses compatible with higher density housing and medical facilities. In addition, encourage the clustering of mixed commercial establishments to minimize traffic hazards and undue congestion for public

convenience. Uses within the District can feasibly be supplied with public sewer and water facilities.

- E. Commercial Highway (C-H): The purpose of this District is to provide reasonable standards for the promotion of economically viable commercial and highway-oriented retail uses oriented in the direction of through traffic. The standards of this District are designed to minimize traffic congestion and requiring adequate off-street parking and unobstructed loading/unloading areas. Uses within the District can feasibly be supplied with public sewer and water facilities.
- F. Manufacturing (M): The intent of this District promotes the stability and expansion of manufacturing and industrial operations within appropriate areas designated within the Township for a variety of Manufacturing/Industrial uses and potential employment opportunities. The areas identified under the Manufacturing District were chosen in an attempt to maximize utilization of existing facilities, public utilities and services, and to minimize the negative affects, which may be caused by intensive manufacturing processes. Uses within the District can feasibly be supplied with public sewer and water facilities.
- G. Agricultural Business (A-B): The primary purpose of this District is to promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. It is also the intent to conserve larger parcels for efficient commercial farm operations, crop production and animal husbandry activities. Areas contained within the District have been specifically identified as possessing valuable and nonrenewable natural and cultural resources. However, there are opportunities for selected non-agricultural, permitted uses where the continuation and preservation of agricultural activities are no longer viable.
- H. Floodplain (FP): Floodplain District includes the areas of North Towanda Township, which are subject to periodic inundation by floodwaters. This inundation results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, impairment of the tax base and other adverse effects on the public health, safety and general welfare. The intent of this Section shall be to protect areas of floodplain subject to and necessary for the containment of flood waters, and to permit and encourage the retention of open space land uses which will be so located and utilized as to constitute a harmonious and appropriate aspect of the continuing physical development of the Township. It is therefore determined that the special and paramount public interest in the floodplain justifies the regulation of property located therein as provided in this Section, which is in the exercise of the police power of the municipality, for the protection of the persons and property of its inhabitants, and for the preservation of the public health, safety and general welfare.

Section 302. The Zoning Map.

- A. The locations and boundaries of the above districts are shown upon the map attached to and made a part hereof this Ordinance, which shall be designated "The North Towanda Zoning Map". This Zoning Map and all notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.
- B. If changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be entered promptly on the said map. All changes shall be certified by initialing by the Board of Supervisors, together with a brief description of the changes and the date of the enactment of such changes, under the word "Revised". No amendment to this Chapter, which involves matter portrayed on the Zoning Map, shall become effective until after such change and entry has been shown on the said map.

Section 303. Interpretation of Zoning District Boundaries. The boundaries between districts are shown by District Boundary Lines on the Zoning Map. Where uncertainty exists as to boundaries of any districts shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated, as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximate following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township limits shall be construed as following such Township limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines and, in the event the stream or other body of water moves, the boundary shall move with the centerline of such.
- F. Boundaries indicated as parallel to or extensions of features indicated in A. through E. above, shall be so construed. The scale of the map shall determine distances not specifically indicated on the Zoning Map.
- G. Where physical features existing on the ground are alleged to be at variance with those illustrated on the Zoning Map, or in other circumstances not covered by A. through E. above, it shall be the function of the Zoning Officer to interpret and apply the map.
- H. In the case of any uncertainty as to Zoning District boundaries on the Zoning Map, the Zoning Officer shall determine the Zoning District Boundaries, however, the Zoning Officer's determination may be appealed to the Zoning Hearing Board.
- I. Where one or more district boundary lines divides a lot held in single ownership, the regulations of one of the districts on either side of any such boundary line may be chosen by the owner to apply to the portion of such lot in the district on the other side of such line for a distance of not more than fifty (50') feet beyond the district boundary line.

Section 304. Annexation. All territory, which may hereafter be annexed by North Towanda Township, shall be automatically included in the District that most nearly corresponds to the zoning classification of the land at the time of Annexation, unless otherwise specified in the Ordinance of Annexation.

Section 305. Uses Not Provided For. If a use is neither specifically permitted nor prohibited under this Ordinance and a Landowner makes an application to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Township Supervisors to hear and decide such request as a Conditional Use. The Board of Township Supervisors shall permit the use or deny the use in accordance with the standards for the consideration of Conditional Uses contained herein. The use may be permitted if the particular use meets all five criteria listed below:

- (1) Is of the same general character as the enumerated permitted uses in the zone;
- (2) Is in accordance with the intended purpose of the zone;
- (3) Is compatible with the permitted uses in the zone;

(4) Is not permitted in any other zone by the Ordinance; and

(5) Will comply with all Performance Standards applicable to permitted uses in the zone.

The duty to present evidence and the burden of proof shall be on the applicant to demonstrate that the proposed use is of the same general character as the enumerated permitted uses in the zone, is in accordance with the intended purpose of the zone, is compatible with the permitted uses in the zone, is not permitted in any other zone, will comply with all Performance Standards set forth in Article VI, applicable to permitted uses in the zone and will not be detrimental to the public health, safety and welfare of the neighborhood.

Section 306. District Use Table. The tables illustrated on pages 50, through 54, list the types of uses permitted by this Zoning Ordinance by District using the designations listed below:

- PR:** "Permitted by Right" (Zoning Decision by Zoning Officer)
- SE:** "Permitted by Special Exception" (Zoning Decision by Zoning Hearing Board)
- CD:** "Permitted by Conditional Use" (Zoning Decision by the North Towanda Township Supervisors)
- AC:** "Permitted as an Accessory Use" (Zoning Decision by Zoning Officer).
- N:** "Designates uses that are "Not Permitted" within each specified district.

Proposed uses located within the Floodplain District shall comply with the underlying zoning district and associated North Towanda Township Floodplain regulations.

TABLE 306.1 NORTH TOWANDA TOWNSHIP ZONING DISTRICT USE TABLE

TYPES OF USES	Residential Single (R-S)	Residential Rural (R-R)	Residential Multifamily (R-MF)	Commercial Community (C-C)	Commercial Highway (C-H)	Manufacturing (M)	Agricultural Business (A-B)
ADULT RELATED USES							
ADULT BOOKSTORE/RETAIL	N	N	N	N	N	CD	N
ADULT CABARET	N	N	N	N	N	CD	N
ADULT MASSAGE ESTABLISHMENT	N	N	N	N	N	CD	N
ADULT MINI-MOTION PICTURE THEATER	N	N	N	N	N	CD	N
ADULT MOTION PICTURE THEATER	N	N	N	N	N	CD	N
ADULT MOVIE THEATER	N	N	N	N	N	CD	N
ADULT THEATER	N	N	N	N	N	CD	N
ADULT CARE FACILITIES							
ADULT DAY CARE CENTER	N	PR	PR	PR	PR	N	PR
GROUP CARE FACILITY	N	CD	N	CD	PR	N	PR
NURSING HOMES	N	N	N	PR	PR	N	CD
PERSONAL CARE HOMES	N	PR	N	PR	PR	N	PR
AIRPORT / HELIPORT / HELISTOP							
AIRPORT / HELIPORT / HELISTOP	N	N	N	N	CD	CD	CD
AGRIBUSINESS							
AGRIBUSINESS	N	N	N	N	PR	PR	PR
AGRICULTURE, INTENSIVE (CAFO)							
AGRICULTURE, INTENSIVE (CAFO)	N	N	N	N	N	N	PR
AMUSEMENT ARCADE							
AMUSEMENT ARCADE	N	N	N	PR	PR	N	N
ANIMAL CLINICS/HOSPITALS, VETERINARY CARE							
ANIMAL CLINICS/HOSPITALS, VETERINARY CARE	N	N	N	PR	PR	PR	PR
ANTENNAS (STANDARD), RADIO AND TELEVISION							
ANTENNAS (STANDARD), RADIO AND TELEVISION	AC	AC	AC	AC	AC	AC	AC
APARTMENT, ACCESSORY							
APARTMENT, ACCESSORY	N	PR	PR	N	PR	N	PR
APARTMENT COMPLEX							
APARTMENT COMPLEX	N	CD	PR	N	N	N	N
APARTMENT, CONVERSION							
APARTMENT, CONVERSION	N	PR	PR	N	PR	N	N
APARTMENTS, GARDEN							
APARTMENTS, GARDEN	N	N	PR	N	N	N	N
AQUACULTURE, FISHERIES & APIARIES							
AQUACULTURE, FISHERIES & APIARIES	N	AC	N	N	N	N	PR
AUTOMATIC/MANUAL CAR WASH							
AUTOMATIC/MANUAL CAR WASH	N	N	N	PR	PR	N	CD
AUTOMOTIVE							
BODY SHOP							
BODY SHOP	N	N	N	N	PR	N	N
MAINTENANCE/REPAIR GARAGE							
MAINTENANCE/REPAIR GARAGE	N	N	N	N	PR	N	PR
CAR SALES, NEW & USED							
CAR SALES, NEW & USED	N	N	N	PR	PR	N	N
SERVICE STATION							
SERVICE STATION	N	N	N	N	PR	N	N
TRAILER & COACH SALES							
TRAILER & COACH SALES	N	N	N	N	PR	N	N
BAKERY (RETAIL/WHOLESALE)							
BAKERY (RETAIL/WHOLESALE)	N	N	N	PR	PR	PR	CD
BANKS / FINANCIAL INSTITUTIONS							
BANKS / FINANCIAL INSTITUTIONS	N	N	N	PR	PR	PR	N
BARS / TAVERNS							
BARS / TAVERNS	N	N	N	CD	CD	N	N
BED & BREAKFAST HOMES AND INNS							
BED & BREAKFAST HOMES AND INNS	N	PR	N	N	PR	N	PR
BOARDING HOMES (INCLUDE ROOMING & LODGING HOUSES)							
BOARDING HOMES (INCLUDE ROOMING & LODGING HOUSES)	N	PR	PR	N	N	N	PR
BOARDING OR RAISING OF LIVESTOCK OR POULTRY (COMMERCIAL)							
BOARDING OR RAISING OF LIVESTOCK OR POULTRY (COMMERCIAL)	N	N	N	N	N	N	PR
BUSINESS PARK							
BUSINESS PARK	N	N	N	N	CD	CD	N
CONSTRUCTION BUILDING SUPPLIES							
CONSTRUCTION BUILDING SUPPLIES	N	N	N	N	PR	PR	PR
CAMPGROUNDS							
CAMPGROUNDS	N	CD	N	N	N	N	PR
CEMETERIES / CREMATORIALS							
CEMETERIES / CREMATORIALS	N	N	N	N	N	N	CD
CHEESE PLANTS							
CHEESE PLANTS	N	N	N	N	N	CD	N
CHEMICAL MANUFACTURING							
CHEMICAL MANUFACTURING	N	N	N	N	N	CD	N

TYPES OF USES	Residential Single (R-S)	Residential Rural (R-R)	Residential Multifamily (R-MF)	Commercial Community (C-C)	Commercial Highway (C-H)	Manufacturing (M)	Agricultural Business (A-B)
CHILD / YOUTH CARE FACILITIES							
CHILD DAY CARE	CD	PR	CD	PR	N	N	PR
NURSERY SCHOOL	N	PR	N	N	N	N	PR
NURSERY WITH MORE THAN FIVE (5) STUDENTS	N	PR	N	N	N	N	PR
CHRISTMAS TREE FARM/TREE FARM	N	N	N	N	N	N	PR
CHURCHES, PLACES OF WORSHIP AND CHURCH-RELATED EDUCATIONAL AND DAY CARE FACILITIES	N	N	N	N	PR	N	PR
CLUBS, LODGES, SOCIAL HALLS, GRANGES & FRATERNAL ORGANIZATIONS	N	N	N	PR	PR	N	PR
CLUSTER SUBDIVISION	N	PR	N	N	N	N	PR
COMMUNICATIONS ANTENNAE (COMMERCIAL), TOWERS AND/OR EQUIPMENT BUILDINGS	N	N	N	N	CD	CD	CD
(COMPRESSOR AND METERING STATIONS)	(CD)	(CD)	(CD)	(CD)	(CD)	(PR)	(PR)
CONTRACTOR'S YARD	N	N	N	N	PR	PR	PR
CONVENIENCE STORES WITH GAS DISPENSING	N	N	N	PR	PR	N	N
COMMERCIAL FACILITIES SELLING CARPENTRY, CABINETS, FURNITURE REPAIR AND UPHOLSTERY, ELECTRIC, METAL WORKING, TIN SMITH, WELDING SHOPS, PLUMBING, GAS, STEAM OR HOT WATER FITTING SHOPS (COMPLETELY ENCLOSED BUILDINGS, PRIMARILY SALE AND NOT MANUFACTURING)	N	N	N	PR	PR	PR	CD
CORRECTIONAL INSTITUTIONS	N	N	N	N	N	N	CD
DISPOSAL FACILITIES (LANDFILL)	N	N	N	N	N	N	CD
DORMITORY STYLE HOUSING FACILITY	N	N	N	N	CD	N	CD
DRIVE-THRU FACILITIES FOR PERMITTED COMMERCIAL USES	N	N	N	PR	PR	N	N
ECHO HOUSING ("GRANNY FLAT")	N	AC	N	N	N	N	AC
EDUCATIONAL INSTITUTIONS, PUBLIC OR PRIVATE	N	N	N	N	PR	N	PR
ENTERTAINMENT FACILITIES	N	N	N	PR	PR	N	N
ESSENTIAL SERVICES	AC	AC	AC	AC	AC	AC	AC
FARMER'S/FLEA MARKET	N	N	N	N	PR	N	PR
FARM RELATED OCCUPATIONS	N	N	N	N	N	N	AC
FARM/ROADSIDE STAND	N	AC	N	N	N	N	AC
FITNESS CENTER	N	N	AC	PR	PR	AC	PR
FUEL STORAGE/DISTRIBUTION CENTER	N	N	N	N	CD	CD	CD
FUNERAL HOMES/MORTUARY	N	N	N	PR	PR	N	CD
GENERAL RETAIL AND PERSONAL SERVICE BUSINESSES	N	N	N	PR	PR	PR	PR
GOLF COURSES & DRIVING RANGES	N	N	N	N	N	N	PR
GOVERNMENT OR PUBLIC SERVICE BUILDINGS	N	N	N	PR	PR	N	PR
GROUP QUARTERS	N	N	PR	CD	PR	N	CD
GREENHOUSES & NURSERIES (COMMERCIAL)	N	N	N	N	PR	N	PR
HAZARDOUS WASTE FACILITIES	N	N	N	N	N	CD	CD
HOME OCCUPATIONS	AC	AC	AC	N	N	N	AC
HORSE BOARDING & RIDING STABLES	N	PR	N	N	N	N	PR
HORTICULTURE ACTIVITIES (GREENHOUSES FOR PERSONAL USE)	N	AC	N	N	N	N	PR
HOSPITALS	N	N	N	PR	PR	N	N
HOUSEHOLD, OFFICE EQUIPMENT & MACHINE REPAIRS	N	N	N	PR	PR	N	PR

<u>TYPES OF USES</u>	<u>Residential Single (R-S)</u>	<u>Residential Rural (R-R)</u>	<u>Residential Multifamily (R-MF)</u>	<u>Commercial Community (C-C)</u>	<u>Commercial Highway (C-H)</u>	<u>Manufacturing (M)</u>	<u>Agricultural Business (A-B)</u>
HOUSING FOR TEMPORARY FARM EMPLOYEES	N	N	N	N	N	N	AC
INDUSTRIAL COMPLEXES OR BUSINESS PARKS	N	N	N	N	PR	PR	N
JUNK/SALVAGE YARDS	N	N	N	N	CD	CD	CD
KENNELS	N	PR	N	N	PR	N	PR
LAND CULTIVATION (CROPS ONLY)	N	PR	N	N	N	N	PR
LAUNDRAMAT/ DRY CLEANERS	N	N	N	PR	PR	N	N
LIVESTOCK AUCTION AND SALES YARDS	N	N	N	N	N	N	PR
LUMBER YARDS	N	N	N	PR	PR	PR	PR
MACHINE SHOPS	N	N	N	PR	PR	PR	AC
MAINTAINING, BREEDING AND RAISING OF POULTRY AND LIVESTOCK OF ALL KINDS ON A STOCKYARD OR FEEDLOT	N	N	N	N	N	N	PR
MANUFACTURING OR ELECTRIC AND ELECTRONIC INSTRUMENTS AND DEVICES: TELEVISION, RADIO AND OTHER PHONOGRAPHIC EQUIPMENT	N	N	N	N	PR	PR	N
MANUFACTURING USE INVOLVING PRIMARY PRODUCTION FROM RAW MATERIALS (INCLUDING THE BREWING AND DISTILLING OF LIQUORS, BRICKS, POTTERY, MANUFACTURING, STONE OR MONUMENT WORK	N	N	N	N	N	PR	PR
MANUFACTURING, ASSEMBLY OR PACKING OF PRODUCTS FROM PREVIOUSLY PREPARED MATERIALS: CLOTH, PLASTIC, PAPER, LEATHER, PRECIOUS OR SEMI-PRECIOUS METALS OR STONES	N	N	N	N	N	PR	N
MANUFACTURING OF FOOD PRODUCTS, PHARMECEUTICALS AND RELATED PRODUCTS	N	N	N	N	N	PR	N
MASSAGE THERAPY	N	N	N	PR	PR	N	CD
MEDICAL/DENTAL OFFICE BUILDINGS AND TESTING LABRATORIES	N	N	N	PR	PR	PR	N
METAL APPLIANCE MANUFACTURING AND ASSEMBLY, STRUCTURAL STEEL FABRICATING SHOPS, MACHINE SHOPS, FORGES AND FOUNDARIES	N	N	N	N	N	PR	CD
MINERAL BATCHING OR MIXING PLANTS	N	N	N	N	CD	CD	CD
MINI SELF STORAGE UNITS	N	N	N	PR	PR	N	PR
MOBILE HOME COURTS / PARKS	N	PR	N	N	N	N	PR
MOBILE HOME/MANUFACTURED HOME SALES	N	N	N	N	PR	N	PR
MOBILE HOMES ON INDIVIDUAL LOTS	PR	PR	N	N	N	N	PR
MOTELS, HOTELS & SIMILAR LODGING FACILITIES	N	N	N	PR	PR	N	N
MULTI-FAMILY DWELLING STRUCTURES (APARTMENT BUILDINGS)	N	N	PR	PR	PR	N	N
MUNICIPAL WASTE LANDFILL	N	N	N	N	N	N	CD
MUSEUMS, LIBRARIES AND CULTURAL FACILITIES	N	N	N	PR	PR	N	CD
(NATURAL GAS PROCESSING PLANT)	(N)	(N)	(N)	(N)	(N)	(PR)	(CD)
NEWSPAPER PUBLISHING	N	N	N	PR	PR	PR	N
NIGHT CLUB	N	N	N	CD	CD	N	N
NO IMPACT HOME-BASED BUSINESS	PR	PR	PR	N	N	N	PR
NURSERY/FLOLISTS	N	N	N	PR	PR	N	PR

TYPES OF USES	Residential Single (R-S)	Residential Rural (R-R)	Residential Multifamily (R-MF)	Commercial Community (C-C)	Commercial Highway (C-H)	Manufacturing (M)	Agricultural Business (A-B)
OFFICE COMPLEXES/BUSINESS PARKS	N	N	N	N	PR	PR	N
OFFICES, PROFESSIONAL	N	N	N	PR	PR	AC	CD
OFF-STREET PARKING FACILITIES	N	N	N	PR	PR	PR	N
OFF-STREET PARKING AND LOADING	N	N	N	AC	AC	AC	N
(OIL AND GAS WELL PAD DEVELOPMENT)	(PR)	(PR)	(PR)	(PR)	(PR)	(PR)	(PR)
OUTDOOR FUEL BURNING APPLIANCE	N	AC	N	N	N	N	AC
OUTDOOR STORAGE AND/OR DISPLAY	N	N	N	AC	AC	AC	AC
PARKING LOTS	N	N	AC	PR	PR	PR	AC
PERSONAL STORAGE SHEDS	AC	AC	AC	AC	AC	AC	AC
PHILANTHROPIC / ELEEMOSYNARY INSTITUTIONS	N	N	N	PR	PR	N	N
(PIPE YARD AND EQUIPMENT STAGING AREA)	(N)	(N)	(N)	(N)	(PR)	(PR)	(PR)
POWER GENERATION FACILITY	N	N	N	N	N	CD	CD
PRIVATE GARAGES (UNLESS ATTACHMENT REQUIRED BY COVENANT)	AC	AC	AC	N	N	N	AC
PRIVATE SWIMMING POOLS	AC	AC	AC	N	N	N	AC
PRODUCTION OF FISH OR MEAT PRODUCTS, SAURKRAUT, VINEGAR OR THE LIKE OR THE RENDERING OR REFINING OF FATS AND OILS	N	N	N	N	N	CD	CD
PROFESSIONAL, BUSINESS AND TECHNICAL SCHOOLS OR SCHOOLS AND STUDIOS FOR PHOTOGRAPHY, MUSIC, ART AND DANCE	N	N	N	PR	PR	PR	N
PUBLIC OR SEMI-PUBLIC PARKS OR PLAYGROUNDS	N	CD	CD	N	PR	N	PR
PUBLIC UTILITY FACILITIES	PR	PR	PR	PR	PR	PR	PR
PUBLIC OR SEMI-PUBLIC SWIMMING POOLS	N	N	N	N	PR	N	N
QUARRIES AND OTHER EXTRACTIVE RELATES USES	N	N	N	N	N	N	CD
RADIO/TELEVISION TRANSMISSION OR RECEIVING TOWERS AND FACILITIES	N	CD	N	N	CD	CD	CD
RAISING, CULTIVATION, HARVESTING AND SALE OF TREES OR OTHER FORESTRY PRODUCTS WHETHER FOR SOIL CONSERVATION PURPOSES OR COMMERCIAL SALE	N	N	N	N	N	N	PR
RAISING OF LIVESTOCK FOR PERSONAL USE (5 ACRE MINIMUM)	N	PR	N	N	N	N	PR
RAISING OF POULTRY FOR PERSONAL USE	N	PR	N	N	N	N	PR
RECYCLING DROP-OFF CENTERS AND YARDS	N	N	N	PR	PR	PR	CD
REPAIR SERVICE	N	N	N	N	PR	N	PR
RESEARCH AND DEVELOPMENT FACILITIES	N	N	N	PR	N	PR	N
RESTAURANTS	N	N	N	PR	PR	PR	N
RESIDENTIAL TREATMENT FACILITY	N	N	N	N	CD	N	N
RESORT LODGES	N	N	N	N	N	N	CD
RETIREMENT COMMUNITY	N	CD	CD	N	N	N	CD
ROADSIDE SALE OF FARM PRODUCTS	N	N	N	N	N	N	PR
ROOMING HOMES	N	PR	N	N	N	N	PR
SALES AND SHOWROOMS	N	N	N	PR	PR	PR	AC
SAWMILLS	N	N	N	N	N	N	PR
SHOOTING AND ARCHERY RANGES							
INDOOR RANGES	N	N	N	N	PR	N	PR
OUTDOOR RANGES	N	N	N	N	CD	N	PR

TYPES OF USES	Residential Single (R-S)	Residential Rural (R-R)	Residential Multifamily (R-MF)	Commercial Community (C-C)	Commercial Highway (C-H)	Manufacturing (M)	Agricultural Business (A-B)
SIGNS (REFER TO ARTICLE VIII OF THIS ORDINANCE)							
SINGLE FAMILY DETACHED DWELLINGS	PR	PR	N	N	N	N	PR
SLAUGHTERHOUSES AND MEATPACKING, INCLUDING THE HARVESTING, CURING, PROCESSING, PACKAGING, PACKING, SHIPPING AND SELLING OF AGRICULTURAL PRODUCTS PRODUCED ON THE PREMISES, OR WHEN SUCH ACTIVITY IS CARRIED IN CONJUNCTION WITH OR AS A PART OF A BONAFIDE AGRICULTURAL OPERATION	N	N	N	N	N	N	PR
SOLAR COLLECTORS AND ARRAYS	AC	AC	AC	AC	AC	AC	AC
SOLID WASTE TRANSFER FACILITY	N	N	N	N	CD	CD	CD
STABLES, RANCHES AND RIDING ACADEMIES (COMMERCIAL)	N	N	N	N	N	N	PR
STATE LIQUOR STORE	N	N	N	PR	PR	N	N
STORAGE TRAILERS (TEMPORARY)	N	N	N	N	AC	AC	PR
SWIMMING POOLS (PRIVATE)	AC	AC	AC	N	N	N	AC
ROADSIDE STANDS (TEMPORARY)	N	N	N	PR	PR	PR	PR
TATTOO/BODY PIERCING	N	N	N	PR	PR	N	N
TAVERNS/BARS	N	N	N	CD	CD	N	N
TEMPORARY USES (SPECIAL EVENTS)	PR	PR	PR	PR	PR	PR	PR
THRIFT/CONSIGNMENT SHOP	N	N	N	PR	PR	N	PR
TOWNHOUSE / CONDOMINIUM	N	N	PR	N	N	N	N
TRADITIONAL NEIGHBORHOOD DEVELOPMENT	N	N	CD	N	CD	N	N
TRADEPERSON OR CONSTRUCTION COMPANY HEADQUARTERS INCLUDING OUTSIDE STORAGE	N	N	N	N	PR	N	PR
TRANSFORMER SUBSTATION	N	CD	N	N	CD	CD	CD
TRANSPORTATION TERMINALS							
BUS PASSENGER STATION	N	N	N	PR	PR	PR	PR
RAILROAD YARDS/FREIGHT STATIONS	N	N	N	N	PR	PR	PR
TRUCK OR MOTOR FREIGHT TERMINALS	N	N	N	N	PR	PR	PR
TRUCK TRAILER/FARM IMPLEMENT ESTABLISHMENTS	N	N	N	N	PR	PR	PR
WAREHOUSING AND DISTRIBUTION CENTERS	N	N	N	N	CD	PR	N
(WATER IMPOUNDMENT)	(PR)	(PR)	(PR)	(PR)	(PR)	(PR)	(PR)
(WATER TREATMENT FACILITY)	(N)	(N)	(N)	(N)	(CD)	(CD)	(CD)
(WATER WITHDRAWAL AND DISTRIBUTION FACILITY)	(N)	(N)	(N)	(N)	(CD)	(CD)	(CD)
WIND ENERGY FACILITIES							
SMALL WIND ENERGY SYSTEMS	N	CD	N	N	N	N	CD
WIND ENERGY FACILITY	N	N	N	N	N	N	CD
WIRELESS TELECOMMUNICATIONS FACILITIES	N	CD	N	N	CD	N	CD
WINERY (TASTING ROOM AND RETAIL SALES) & VINEYARDS	N	N	N	N	N	N	CD

ARTICLE IV

AREA, WIDTH AND COVERAGE REQUIREMENTS

Section 400. Residential-Single (R-S)

1. Minimum Lot Area

A. Served by Municipal Water and Municipal Sewer Service:

- i. Single-Family Detached Dwellings and other Principal Uses: 15,000 ft.² per dwelling unit or use.

B. All lots must meet the requirements of the PA Sewage Facilities Act and all other state and local water and sewage regulations.

2. Minimum Lots Width

A. Served by Municipal Water and Municipal Sewer:

- i. Single-Family Detached Dwellings and other Principal Uses: One Hundred (100') feet.

3. Maximum Building Coverage

A. Twenty (20%) percent

4. Maximum Impervious Surface

A. Not Applicable

5. Minimum Yard Requirements

A. Front Yard (Measured from the Road Centerline): Sixty (60') feet, no closer than the adjoining property or the average of adjoining properties.

B. Side Yard: Principal Side (One) - Twelve (12') feet; Side (Both) - Thirty (30') feet.

C. Accessory Structure: Five (5') feet from side/rear, but no closer than Ten (10') feet from the Principal Structure and prohibited in the Front Yard.

D. Rear Yard:

- i. Principal Structure: Thirty (30') feet.
- ii. Accessory Structure(s): Five (5') feet.

E. Corner Lots: For both Principal and Accessory Structures, the front setback shall apply to both streets.

6. Maximum Height Requirements

A. Principal Structures: Thirty-five (35') feet or two and one-half (2½) stories, whichever is greater.

B. Accessory Structures: Twenty-five (25') feet or one and one-half (1½) story, whichever is greater.

Section 401. Residential-Rural (R-R)

1. Minimum Lot Area

A. Served by Municipal Water or Private On-Lot Water and Municipal Sewer System:

- i. Single-Family Detached Dwellings and other principal uses: One (1) acre per dwelling unit or use.
- ii. Conversion Apartments or Two-Family Dwellings: One (1) acre per dwelling unit or use.
- iii. Adult Care Facilities or Institutional Residences: One (1) acre plus (+) One Thousand (1,000 ft.²) square feet per resident.
- iv. Cluster Residential Development: Ten (10) acres.
- v. Apartment Complex: Two (2) acres.
- vi. Mobilehome Court: Two (2) acres.

B. Served by Private On-Lot Water and Individual On-Lot Sewer:

- i. Single-Family Detached Dwellings and other principal uses: One (1) acre per dwelling unit or use.
- ii. Conversion Apartments or Two-Family Dwellings: One (1) acre per dwelling unit or use.
- iii. Personal Care Homes, Nursing Homes or Institutional Residences: One (1) acre plus (+) One Thousand (1,000) square feet per resident.
- iv. Cluster Residential Development: Ten (10) acres.
- v. Apartment Complex: Two (2) acres.
- vi. Mobilehome Court: Two (2) acres.

C. All lots must meet the requirements of the PA Sewage Facilities Act and all other state and local water and sewage regulations.

2. Minimum Lot Width

A. Served by Municipal Water or Private On-Lot Water and Municipal Sewer: One Hundred and twenty-five (125') feet.

B. Served by Private On-Lot Water and Individual On-Lot Sewer: One Hundred and fifty (150') feet.

3. Maximum Building Coverage

A. Thirty-five (35%) percent

4. Maximum Impervious Surface

A. Sixty (60%) percent

5. Minimum Yard Requirements

A. Front Yard (Measured from the Road Centerline): Sixty (60') feet, no closer than the adjoining property or the average of adjoining properties.

B. Side Yard: Fifteen (15') feet each side.

C. Rear Yard:

- i. Principal Structure: Thirty (30') feet.
- ii. Accessory Structure(s): Fifteen (15') feet.

6. Agricultural Uses

- A. Gardening/Horticulture: Not within a clear-sight triangle of any public street intersection.

7. Maximum Height Requirements

- A. Principal Structures: Thirty-five (35') feet or two and one-half (2½) stories, whichever is greater.
- B. Accessory Structures: Twenty-five (25') feet or one and one-half (1½) story, whichever is greater.

Section 402. Residential-Multi-Family (R-MF)

1. Minimum Lot Area

A. Served by Municipal Water and Municipal Sewer:

- i. Conversion Apartments or Two-Family Dwellings: Twenty thousand 20,000 ft.².
- ii. Adult Care Facilities, Daycare or Institutional Residences: Fifteen thousand 15,000 ft.² plus (+) One thousand 1,000 ft.² per resident.
- iii. Garden Apartments and Townhouses: Twenty thousand 20,000 ft.².

2. Minimum Lot Width

- A. Served by Municipal Water and Municipal Sewer: Sixty (60') feet.

3. Maximum Building Coverage

- A. Thirty-five (35%) percent.

4. Maximum Impervious Surface

- A. Seventy (70%) percent (Includes Building Coverage).

5. Minimum Yard Requirements

- A. Front Yard (Measured from the Road Centerline): Sixty (60') feet, no closer than the adjoining property or the average of adjoining properties.
- B. Side Yard: Fifteen (15') feet each side.
- C. Rear Yard:
- a. Principal Structure: Thirty (30') feet.
- b. Accessory Structure(s): Fifteen (15') feet.

6. Maximum Height Requirements

- A. Principal Structures: Fifty (50') feet or (5) stories, whichever is greater.
- B. Accessory Structures: Twenty-five (25') feet or one and one half (1½) story, whichever is greater.

Section 403. Commercial-Community (C-C)

1. Minimum Lot Area Minimum lot area for all permitted uses equals fifteen thousand 15,000 ft². In addition, each lot shall be of sufficient size to accommodate all required services, access, parking, loading and open space areas.
2. Minimum Lot Width
 - A. Served by Municipal Water and Municipal Sewer:
 - i. All Principal Commercial Uses: One Hundred (100') feet.
3. Maximum Building Coverage
 - A. Fifty (50%) percent
4. Maximum Impervious Surface
 - A. Seventy (70%) percent (Including Building Coverage).
5. Minimum Yard Requirements
 - A. Front Yard (Measured from the Road Centerline):
 - i. Structures: Fifty (50') feet. (Excludes Sign Dimensions in Article VIII)
 - ii. Non-Residential Parking Areas: Fifteen (15') feet from the edge of the cartway. (No Parking shall be permitted within this setback area or within the clear sight triangle of any intersection. Such space shall be maintained as a planting area.)
 - B. Side Yards:
 - i. Structures: Fifteen (15') feet each side when abutting another lot in the Commercial District; Twenty-five (25') feet when abutting a lot in any other District.
 - ii. Non-Residential Parking or Loading Areas: Ten (10') feet on each side. (No Parking shall be permitted within this setback area and such space shall be maintained as a planting area.)
 - C. Rear Yards:
 - i. Structures: Ten (10') feet when abutting another lot; Thirty (30') feet when abutting a lot in Residential Districts.
 - ii. Non-Residential Parking or Loading Areas: Ten (10') feet. (No Parking shall be permitted within this setback area and such space shall be maintained as a planting area.)
6. Maximum Height Requirements
 - A. Principal Structures: Fifty (50') feet or five (5) stories, whichever is greater.
 - B. Accessory Structures: Twenty-five (25') feet or one and one-half (1½) story, whichever is greater.

Section 404. Commercial-Highway (C-H)

1. Minimum Lot Area

A. Served by Municipal Water and Municipal Sewer System:

- i. Apartments, Conversion or Two-Family Dwellings: Fifteen Thousand 15,000 ft² per dwelling unit.
- ii. Churches and Schools: Two (2) acres.
- iii. Industrial Complex or Park: Ten (10) acres.
- iv. Business Park: Ten (10) acres.
- v. Residential Treatment Center (Conditional Use): Three (3) acres.
- vi. All other permitted uses: Fifteen thousand (15,000 ft.²) square feet.

B. Served by Private On-Lot Water and Individual On-Lot Sewer:

- i. Apartment, Conversion or Two-Family Dwellings: One (1) acre per dwelling unit or use.
- ii. Churches and Schools: Two (2) acres.
- iii. Industrial Complex or Park: Ten (10) acres.
- iv. Business Park: Ten (10) acres.
- v. Residential Treatment Center (Conditional Use): Three (3) acres.
- vi. All other permitted uses: One (1) acre.

C. Served by Private On-Lot Water and Municipal Sewer:

- i. Apartment, Conversion or Two-Family Dwellings: One (1) acre (43,560 ft²) per dwelling unit or use.
- ii. Churches and Schools: Two (2) acres.
- iii. Business Park: Ten (10) acres.
- iv. Residential Treatment Center (Conditional Use): Three (3) acres.
- v. All other permitted uses: Fifteen thousand (15,000 ft.²) square feet.

2. Minimum Lot Width

- A. Served by Municipal Water and Municipal Sewer: One Hundred and twenty-five (125') feet.
- B. Served by Private On - Lot Water and Individual On-Lot Sewer: One Hundred and fifty (150') feet.
- C. Served by Private On - Lot Water and Municipal Sewer: One Hundred and fifty (150') feet.

3. Maximum Building Coverage

- A. Fifty (50%) percent.

4. Maximum Impervious Surface

- A. Seventy (70%) percent (Including Building Coverage).

5. Minimum Yard Requirements

A. Front Yard (Measured from the Road Centerline):

- i. Structures (Measured from the centerline of the road): Sixty (60') feet.
- ii. Non-Residential Parking Areas: Fifteen (15') feet from the edge of the cartway. (No Parking shall be permitted within this setback area or within the clear sight triangle of any intersection. Such space shall be maintained as a planting area.)

B. Side Yards:

- i. Structures: Fifteen (15') feet each side.
- ii. Non-Residential Parking or Loading Areas: Ten (10') feet on each side. (No Parking shall be permitted within this setback area and such space shall be maintained as a planting area.)

C. Rear Yard:

- i. Principle Structures: Twenty-five (25') feet.
- ii. Accessory Structures: Ten (10') feet for Non-Residential and Five (5') feet for Residential.
- iii. Non-Residential Parking Areas: Ten (10') feet. (No Parking shall be permitted within this setback area and such space shall be maintained as a planting area.)

6. Maximum Height Requirements

- A. Principal Structures: Fifty (50') feet or five (5) stories, whichever is greater.
- B. Accessory Structures: Twenty-five (25') feet or one and one-half (1½) story, whichever is greater.

Section 405. Manufacturing (M)

1. Minimum Lot Area

A. Served by Municipal Water and Municipal Sewer System:

- i. Industrial Activities and other principle uses: Two (2) acres (87,120 ft.²), except as listed below.
- ii. Industrial Complexes or Industrial Plants: Ten (10) acres.
- iii. Business Parks: Ten (10) acres.
- iv. Warehousing and Distribution Centers: Five (5) acres
- v. Truck or Motor Freight Terminals: Five (5) acres.
- vi. Mineral Batching or Mixing Plants (Conditional Use): Five (5) acres.
- vii. Junkyard/Salvage Operations (Conditional Use): Five (5) acres.
- viii. Chemical Manufacturing or Hazardous Waste Facilities (Conditional Use): Five (5) acres.
- ix. All lots shall meet the requirements of the PA Sewage Facilities Act and all other State and Local water and sewage regulations. In addition, each lot shall be sufficient size to accommodate all required service, access, parking, loading and open space areas.

2. Minimum Lot Width

- A. Two Hundred (200') feet.

3. Maximum Building Coverage

- A. Sixty (60%) percent.

4. Maximum Impervious Surface

- A. Seventy (70%) percent (Including Building Coverage).

5. Minimum Yard Requirements

A. Front Yard (Measured from the Road Centerline):

- i. Structures: (Measured from the centerline of the road): Sixty (60') feet.
- ii. Non-Residential Parking Areas: Fifteen (15') feet from the cartway. (No Parking shall be permitted within this setback area or within the clear sight triangle of any intersection. *Such space shall be maintained as a planting area.*)

B. Side Yards:

- i. Structures: Twenty (20') feet each side when abutting another lot within the Manufacturing District; Forty (40') feet when abutting a lot within any other District or any existing Residential use.
- ii. Non-Residential Parking or Loading Areas: Ten (10') feet when adjoining a Manufacturing District.
- iii. Non-Residential Parking: Twenty (20') feet or used within any other district or Residential use.

C. Rear Yard:

- i. Structures: Forty (40') feet.
- ii. Non-Residential Loading or Parking Areas: Ten (10') feet.
- iii. Non-Residential Loading or Parking Areas: Twenty (20') feet abutting any other district or Residential use.

6. Maximum Height Requirements

- A. Principal Structures: Fifty (50') feet or five (5) stories, whichever is greater.
- B. Accessory Structures: Twenty-five (25') feet or one and one-half (1½) story, whichever is greater.

406. Agricultural Business (A-B)

1. Minimum Lot Area

A. Served by Private On-Lot Water and Individual On-Lot Sewer:

- i. Single-Family Detached Dwellings and other principal uses: One (1) acre per dwelling unit or use.
- ii. Adult Care Facilities, Nursing Homes or Institutional Residences: One (1) acre plus (+) One Thousand (1,000 ft.²) square feet per resident.
- iii. Churches and Schools: Two (2) acres.
- iv. Cluster Residential Development: Five (5) acres.
- v. Raising of Livestock: Two (2) acres.
- vi. Horticulture: Two (2) acres.
- vii. Mineral Batching or Mixing Plants (Conditional Use): Five (5) acres.
- viii. Concentrated Animal Feeding Operations: Five (5) acres.
- ix. Correctional Institutions (Conditional Use): Ten (10) acres.
- x. All other permitted uses: One (1) acre.

- B. All lots must meet the requirements of the PA Sewage Facilities Act and all other state and local water and sewage regulations.

2. Minimum Lot Width

- A. Served by Private On - Lot Water and Individual On-Lot Sewer: One Hundred and fifty (150') feet.

3. Maximum Building Coverage

- A. Twenty (20%) percent

4. Maximum Impervious Surface

- A. Not Applicable

5. Minimum Yard Requirements

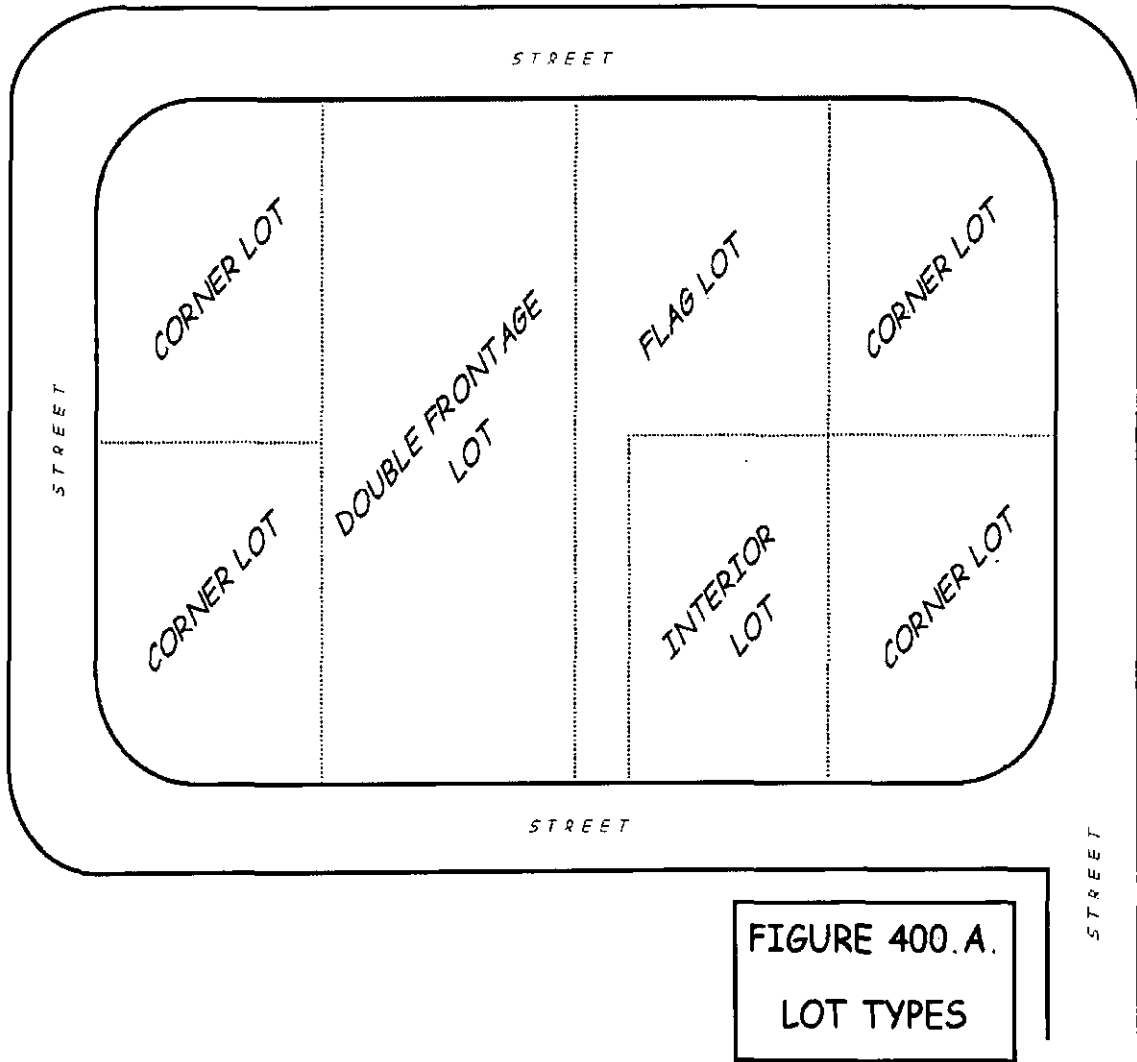
- A. Front Yard (Measured from the Road Centerline); Sixty (60') feet. No closer than adjoining property or the average of both adjoining properties.
- B. Side Yards: Fifteen (15') feet each side.
- C. Rear Yard:
 - i. Principle Structure: Thirty (30') feet.
 - ii. Accessory Structure: Fifteen (15') feet.
- D. Agricultural Uses:
 - i. Cultivation Activities: Not within a clear sight triangle of any public street intersection.
 - ii. Storage and/or Structures: Fifteen (15') feet.

6. Maximum Height Requirements

- A. Principal Structures: Fifty (50') feet or five (5) stories, whichever is greater.
- B. Accessory Structures: Twenty-five (25') feet or one and one-half (1½) story, whichever is greater.
- C. Agricultural Structures: No Maximum.

7. Agricultural Nuisance Disclaimer

All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, "The Right to Farm Law," may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted with this District shall require a note which duplicates this Section and which must be transferred to the purchaser by the seller.



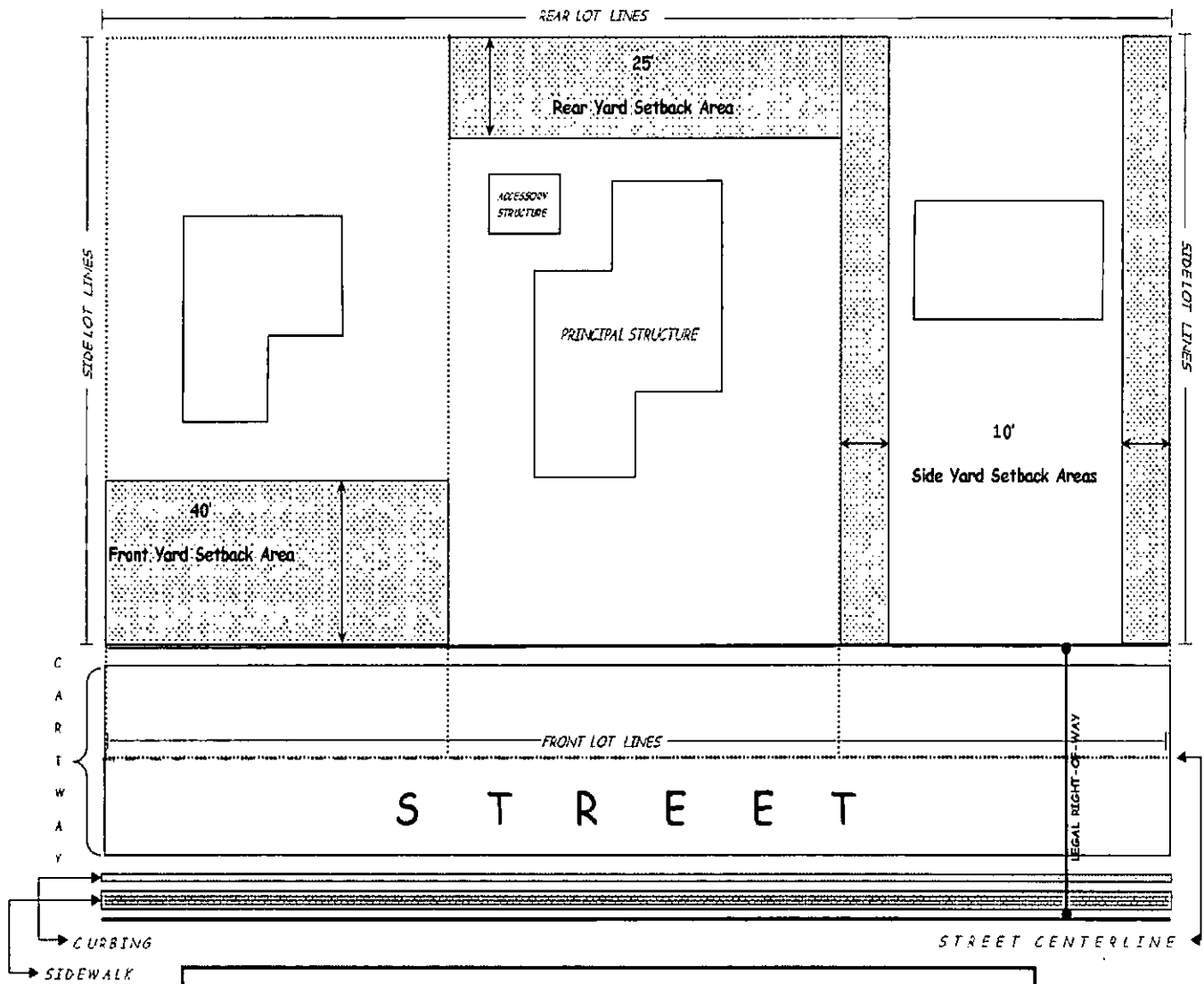


FIGURE 400.B. LOT LINE, SETBACK AND RIGHT-OF-WAY CONFIGURATION

* FOR ILLUSTRATIVE PURPOSES ONLY

ARTICLE V

GENERAL PROVISIONS

Section 500. Use Regulations. The purpose of this Article supplements the District regulations found in Article III with additional requirements applicable to certain specific uses.

1. ADULT DAY CARE CENTER

Adult Day Care Centers are Permitted by Right (PR) within the Rural Residential (R-R), Residential Multifamily (R-MF), Commercial Community (C-C), Commercial Highway (C-H) and Agricultural Business (A-B) zones, subject to the following criteria:

- A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements, water and wastewater requirements and other applicable standards as per Article IV of this Ordinance;
- B. A Buffer Yard and Screen Planting of no less than ten (10') feet in depth shall be established along rear and side lot lines in accordance with Section 604;
- C. Off-street parking shall be provided in accordance with Article VII herein. Off-street parking facilities shall provide a minimum of two (2) handicapped parking spaces or five (5%) percent of the required parking spaces, whichever is greater; and,
- D. The facility shall be conducted and operated in compliance with all Pennsylvania Department of Public Welfare licensing/registration requirements and any other local, state or federal regulations.

2. ADULT-RELATED USES

Adult-Related Uses (Adult Book/Retail Store, Adult Cabaret, Adult Mini-Motion Picture Theater, Adult Motion Picture Theater, Adult Movie Theater, Adult Theater, etc.) are permitted by Conditional Use (CD) within the Manufacturing (M) zone, subject to the following criteria:

- A. Any building or structure used and occupied as an Adult-Related Use shall have an opaque covering over all windows or glass in doors in any area in which materials, merchandise, or film are exhibited or displayed, so that no sale materials, merchandise, or film shall be visible from outside of the building or structure;
- B. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein;
- C. Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter and warning all other persons that they may be offended upon entry;
- D. No Adult-Related Use may change to another Adult-Related Use, except upon approval of an additional Conditional Use;
- E. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate;
- F. No sexual activity or conduct shall be permitted;

- G. No more than one (1) Adult-Related Use may be located within one (1) building and no more than one (1) Adult-Related Use within a thousand (1,000') foot radius;
- H. No person shall operate an Adult-Related Use without first obtaining a Zoning Permit as provided in this Ordinance and all other applicable permits required by law. The permit will be reviewed annually for compliance. The Zoning Officer will also perform regular inspections:
- I. No Adult-Related Use shall be located within six hundred feet (600') of any parcel of land which contains anyone or more of the following specified land uses:
 - 1. Amusement Park
 - 2. Youth Camp (Day or Overnight)
 - 3. Childcare Facility
 - 4. Church or other similar religious Facility
 - 5. Community Center
 - 6. Museum
 - 7. Park
 - 8. Playground
 - 9. School
 - 10. Other lands where minors congregate; and
- J. The North Towanda Township Supervisors may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

3. AGRICULTURE, INTENSIVE (CONCENTRATED ANIMAL FEEDING OPERATIONS - CAFO)

Concentrated Animal Feeding Operations (CAFO) shall be Permitted by Right (PR) in the Agricultural Business (A-B) zone, subject to the following criteria:

This section is intended to provide standards for intensive agricultural operations with animal densities which are likely to create effects on the environment and community which exceed those effects normally associated with typical farming. It is not intended to supercede the Pennsylvania Nutrient Management Act in terms of regulation of the storage, handling or land application of animal manure or nutrients or the construction, location or operation of facilities used for the storage of animal manure or nutrients or practices otherwise regulated by the Act. The definitions and calculations in this section are intended to be consistent with the Nutrient Management Act, and all information and studies required by this section shall, at a minimum include the information required by the Act.

A. CALCULATIONS

- 1. Concentrated Animal Feeding Operation (CAFO) - Any operation which involves the raising of livestock or poultry where the animal density exceeds, on an annualized basis, two (2) animal equivalent units per acre of crop land or land suitable for application of animal manure. Acres suitable for application of manure include owned or rented crop land, hay land or pasture land that (1) is an integral part of the operation and (2) is or will be used for the application of manure from the operation. Farmstead (a minimum deduction of two (2) acres is required) and forestland do not qualify.
- 2. Animal equivalent unit (AEU) - One thousand (1,000) pounds live weight of livestock or poultry, regardless of the actual number of animals. To determine the number of AEU's associated with an operation the following formula shall be used:

$$\frac{\# \text{ of AEU's} = (\text{number of animals}^*) (\text{animal weight in pounds}) (\text{number of production days per year})}{(365 \text{ days per year}) (1,000 \text{ pounds})}$$

*NOTE: average number on a typical production day

- B. The following standards shall be applied to all CAFO's and the Zoning Permit shall not be issued until all required information and plans have been submitted by the applicant and have been approved by the Township Zoning Officer. Failure of the applicant to implement any of the required plans shall constitute a zoning violation subject to the penalties and remedies contained in this Zoning Ordinance:
1. The minimum lot size (contiguous owned or rented acres) for a CAFO shall be twenty-five (25) acres for a CAFO involving poultry and one hundred (100) acres for any other CAFO:
 2. CAFO buildings used for housing of animals shall not be less than two hundred and fifty (250') feet from any property line and not less than five hundred (500') feet from any existing dwelling not located on the land with the CAFO:
 3. A Nutrient Management Plan shall be prepared in accord with the requirements of Title 25, Chapter 83, Subchapter D., Pennsylvania Code:
 4. A Stormwater Management Plan shall be consistent with applicable state and federal statutes:
 5. A Conservation Plan shall be prepared meeting the requirements of the Bradford County Conservation District:
 6. A buffer plan shall be prepared in accord with Section 604 to minimize CAFO visibility from adjoining properties and minimize sound and odor emanating from the property:
 7. Solid and liquid wastes shall be disposed of in a manner to avoid creating insect or rodent problems in conjunction with an insect/rodent abatement plan:
 8. The applicant shall demonstrate that they will meet the operational and management standards as may be set forth in treatises recognized by agricultural authorities or as the same may be produced by the Pennsylvania Department of Agriculture, Department of Environmental Protection, Pennsylvania State University, College of Agricultural Sciences, or similar entity:
 9. No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the standards of local, state and/or federal regulatory agencies:
 10. The applicant shall prepare an Odor Abatement Plan and document the ability to comply with the plan. It is recognized that certain agricultural activities do produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. The plan shall include such steps as may be necessary to abate odors or to allow odors at times to minimize interference with the public health, safety and welfare:

11. The applicant shall document that the use of pesticides will meet state and federal requirements; and,
12. No CAFO buildings shall be erected in the One Hundred-Year Floodplain or within a designated Floodway.

4. AIRPORTS/HELIPORTS/HELISTOPS

Airports/Heliports are permitted by Conditional Use (CD) within the Commercial-Highway (C-H), Manufacturing (M) and Agricultural Business (A-B) zones. Airports/Heliports, subject to the following criteria:

- A. Minimum lot area shall be thirty (30) acres for Airports and three (3) acres for Heliports and Helistops;
- B. The applicant shall submit evidence confirming that the facility will be constructed, operated, and maintained in accordance with applicable rules and regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation, related to the use of Airports and/or Heliports;
- C. No part of the takeoff/landing strip shall be located within three hundred (300') feet from any property line for all Airports;
- D. The applicant shall provide the delineation of the airport or heliport hazard zone to North Towanda Township and all adjoining municipalities with land located within the hazard zone;
- E. All facilities shall not be detrimental to the health, safety and welfare of North Towanda Township residents and their property;
- F. Heliports shall meet the following additional requirements:
 1. The landing pad shall be at least eighty (80') feet square or a circle with an eighty-foot (80') diameter. This pad shall be paved, level, and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate;
 2. At least two (2) approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than ninety (90°) degrees apart. Each approach lane shall be located within forty-five (45°) degrees left or right of the prevailing winds and shall fan out at an angle of ten (10°) degrees from the width of the landing pad to a width of one thousand (1,000') feet, and shall have a glide angle slope of eight (8) to one (1), measured from the outer edge of the pad;
 3. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the Conditional Use application; and,
 4. No part of the take-off/landing pad shall be located closer than fifteen hundred (1,500') feet from any property line.
- G. Helistops shall meet the following additional requirements:
 1. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;

2. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use or special exception application:
 3. The proposed Helistop would not be detrimental to the health, welfare and safety of residents and their property;
 4. The landing pad must be at least eight-five (85') feet square or a circle with an eighty-five (85') foot diameter. The pad must be paved, level, and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate:
 5. At least two (2) approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than ninety (90°) degrees apart. Each approach lane shall be located within forty-five degrees left or right of the prevailing winds and shall fan out at an angle of ten (10°) degrees from the width of the landing pad to a width of one thousand (1,000') feet, and shall have a glide angle slope of eight (8) to one (1) measured from the outer edge of the pad;
 6. An application for the helistop on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure;
 7. The helistop shall be used only for personal or executive use by a firm or individual;
 8. No helicopter over six thousand (6,000 lbs.) pounds gross weight shall use any helistop; and
 9. The helistop shall be located a minimum of one thousand (1,000') feet from any dwelling unit.
- H. It shall be unlawful for any person to land, discharge, load or take off in a Helicopter in any place within North Towanda Township other than at a Heliport or Helistop except:
1. In conjunction with a special event such as an athletic contest, holiday celebration, parade or similar activity, after seven (7) days advance notice has been given to the Zoning Officer and permission obtained to make such landing and takeoff;
 2. When necessary for police and/or fire training or when necessary for law enforcement purposes and for emergencies;
 3. In connection with a construction project where a helicopter is to be used to lift equipment in connection with such project; and,
 4. Spraying and dusting for agricultural purposes and/or insect suppression.

5. AMUSEMENT ARCADES

Amusement Arcades shall be Permitted by Right (PR) in the Commercial Community (C-C) and Commercial Highway (C-H) zones, subject to the following criteria:

- A. All activities shall take place within a completely-enclosed building;

- B. The applicant shall furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the arcade;
- C. A minimum of one (1) parking space for each eighty (80') feet of gross leaseable floor area shall be provided. In addition, any accessory uses (e.g., snack bar) shall also require parking to be provided in accordance with the schedule listed in this Ordinance;
- D. A working plan for the cleanup of litter shall be furnished and implemented by the applicant; and.
- E. In establishments with only one (1) device, these regulations shall not apply.

6. ANIMAL CLINICS/HOSPITALS, VETERINARY CARE

Animal Clinics/Hospitals, Veterinary Care Offices shall be Permitted by Right (PR) within the Commercial Community (C-C), Community Highway (C-H) Manufacturing (M) and Agricultural Business (A-B) zones, subject to the following criteria:

- A. Animal Clinics/Hospitals and Veterinary Care Offices shall have a minimum lot size in accordance with Article IV of this Ordinance;
- B. All areas used for exercise shall be securely fenced;
- C. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be a minimum of twenty-five (25') feet from all property lines and a minimum of two (200') hundred feet from any adjacent residences whose owner is other than the animal building owner; and.
- D. Animals shall be permitted to exercise outside daily between the hours of 8:00 a.m. to 8:00 p.m.

7. ANTENNAS (STANDARD), RADIO AND TELEVISION

Radio and Television Antennas, including but not limited to Satellite Dish Antennas, may be installed, erected and maintained as Accessory Uses (AC) within all zoning districts of the Township, as set forth in this Section in accordance with the Uniform Construction Code. All Antennas shall be subject to the following:

- A. Satellite Dish Antennas - Satellite Dish Antennas shall be permitted as Accessory Structures.
- B. Other Radio and Television Antennas - Other Radio and Television Antennas, subject to licensing and/or regulation by the Federal Communications Commission, shall be permitted as accessory structures provided that:
 1. Any freestanding antenna shall be located at least nine (9') feet from any dwelling unit or principal structure on the lot.
 2. Antennas and associated structures, which do not exceed thirty (30') feet in height, shall be located at least nine (9') feet from any property line.

3. The Antenna and associated supports shall be securely anchored in a fixed position on the ground and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other forces.
4. The Antenna and its associated supports, such as guy wires, or the yard area containing the structure, shall be protected and secured to the guarantee the safety of the general public. Associated supports and guy wires shall not be located any closer than five (5') feet to any property line.
5. Whenever it is necessary to install an Antenna near power lines, or where damage would be caused by its falling, a separate safety wire must be attached to the antenna mast or tower and secured in a direction away from the hazard. Antennas and guy wires must be kept at least four (4') feet clear of telephone or electric wires.
6. Every Antenna must be adequately grounded for protection against a direct strike of lightning, with a ground wire of appropriate design. Ground wires shall be of the type approved for grounding masts and lightning arresters, and shall be installed in a mechanical manner with as few bends as possible, maintaining a clearance of at least two (2") inches from combustible materials. Lightning arresters, approved by the Underwriters' Laboratories, Inc., shall be used. Both sides of the line must be adequately protected with proper arresters to remove static charges accumulated on the line. When lead-in conductors of polyethylene ribbon-type are used, lightning arresters must be installed in each conductor.
7. When coaxial cable of shielded twin lead is used for lead-in, suitable protection may be provided without lightning arresters by grounding the exterior metal sheath.

8. APARTMENT, ACCESSORY

Accessory Apartments are Permitted by Right (PR) in the Residential Rural (R-R), Residential Multi-Family (R-MF), Commercial Highway (C-H) and Agricultural Business (A-B) zones. Where permitted, an Accessory Apartment may be created in a Single Family Detached dwelling existing as of the effective date of the ordinance, provided that:

- A. The apartment will be a complete and separate housekeeping (plumbing, electric meter, sewer, water, etc.) unit that can be isolated from the original unit;
- B. Only one (1) Accessory Apartment will be created within a Single-Family Detached dwelling unit;
- C. The owner(s) of the residence in which the Accessory Apartment is created shall occupy at least one (1) of the dwelling units on the premises, except for bona fide temporary absences;
- D. The Accessory Apartment shall be designed so that, to the degree feasible, the appearance of the building remains that of a Single-Family Detached dwelling. In general, any new entrances shall be located on the side or in the rear of the building, and any additions shall not increase the square footage of the original structure by more than ten (10%) percent;
- E. The design and size of the apartment conforms to all applicable State and Township standards/codes including but not limited to Pennsylvania Uniform Construction Code:

- F. The Accessory Apartment shall be no more than thirty (30%) percent of the structure's total floor area nor greater than eight (800 ft²) hundred square feet;
- G. A minimum of four hundred (400 ft²) square feet of floor area shall be required; and,
- H. At least three (3) Off-Street parking spaces are available for use by the owner-occupant and tenant.

9. APARTMENT, CONVERSION

Conversion Apartments are Permitted by Right (PR) in the Residential Rural (R-R), Residential Multi-Family (R-MF) and Commercial Highway (C-H) zones. Any building existing at the effective date of this Ordinance may be converted to a dwelling for not more than three (3) families, provided that:

- A. The proposed conversion shall conform to the regulations for the district in which it is located. In the case of multi-family dwellings or conversion apartment, each unit must contain a minimum of four hundred (400 ft.²) square feet of habitable space, except for efficiency apartments, where two hundred fifty (250 ft.²) square feet of habitable space must be provided for each unit;
- B. There is no exterior evidence of change in the building except as required by the Pennsylvania Uniform Construction Code;
- C. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street;
- D. Off-street parking shall be provided in accordance with the provisions of Article VII; and,
- E. The plans for the conversion of said building shall be submitted to the North Towanda Township Zoning Officer for review and approval.

10. AUTO MAINTENANCE/REPAIR GARAGE

Auto Maintenance/Repair Garages are Permitted-by-Right (PR) in the Commercial Highway (C-H) and Agricultural Business (A-B) zones, subject to the following criteria:

- A. All paintwork shall be performed within a building with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within two hundred and fifty feet (250') feet of a residential lot line;
- B. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots in accordance with this Ordinance;
- C. Overnight outdoor storage of "junk" other than "permitted junk vehicles" shall be prohibited within view of a public street or a dwelling;
- D. Any "junk vehicle" shall not be stored for more than twenty (20) days. A maximum of four (4) junk vehicles may be parked on a lot outside of an enclosed building at any one time, except that additional numbers of vehicles may be parked outside overnight if they: (1) are screened from view from streets and other lots by landscaping or buildings in compliance with Section 604 of this Ordinance and (2) are actively undergoing repair; and,

- E. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street).

11. AUTOMATIC/MANUAL CAR WASHES

Automatic/Manual Car Washes are Permitted-by-Right (PR) in the Community Commercial (C-C) and Commercial Highway (C-H) zones and as Conditional Uses (CD) in the Agricultural Business (A-B) zone, subject to the following criteria:

- A. Gray water recycling is mandatory:
- B. For automatic, self-service and full service car washes, each washing bay shall provide a minimum one hundred (100') feet long on-site stacking lane, which precedes the washing process area:
- C. For full-service car washes, a post-washing drying area shall be provided for no less than six (6) vehicles per washing lane:
- D. All structures housing washing equipment shall be set back fifteen (15') feet from any street right-of-way, fifty (50') feet from any rear property line, and twenty (20') feet from any side lot line:
- E. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris; and,
- F. The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.

12. AUTOMOBILE SERVICE STATIONS

Automobile Service Stations (Including Minor Incidental Repair) are Permitted-by-Right (PR) in the Commercial Highway (C-H) zone, subject to the following criteria:

- A. The subject property shall have a minimum width of one hundred twenty-five (125') feet:
- B. No Automobile Service Stations shall be within three hundred (300') feet from any lot containing a school, day care facility, park, playground, library, hospital or nursing, rest or retirement home:
- D. The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited:
- E. All structures (including air compressors, kiosks, gasoline pump islands, but not including signs) shall be setback at least fifteen (15') feet from any street right-of-way line:
- F. No outdoor storage of auto parts shall be permitted:
- G. All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100') feet from and oriented away from any adjoining residence; and,
- H. The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

13. BED AND BREAKFAST HOMES AND INNS

Bed and Breakfast Homes and Inns shall be Permitted-by-Right (PR) in the Residential Rural (R-R), Commercial Highway (C-H) and Agricultural Business (A-B) zones, subject to the following specific criteria:

- A. A Bed and Breakfast Home shall be allowed only in an owner-occupied, single-family, detached residential dwelling or buildings accessory thereto. No modification to the external appearances of the building (except fire and safety requirements), which would alter its residential character, shall be permitted;
- B. The owners of a Bed and Breakfast Home or Bed and Breakfast Inn must be in the residence when guests are present;
- C. Accommodations for overnight lodging at a Bed and Breakfast Home shall be limited to no more than five (5) guest rooms and to no more than ten (10) guests at a given time. The guest rooms for both Bed and Breakfast Homes and Inns shall be rented to overnight guests on a daily basis for periods not exceeding one (1) week;
- D. Meals shall be offered only to registered overnight guests;
- E. No cooking facilities shall be provided or permitted in individual guest rooms;
- F. Bed and Breakfast Homes and Inns must conform to all zoning regulations with regard to parking, access, signs, area, setbacks, etc., as are applicable under this Ordinance;
- G. Lighting shall not be shed on adjoining properties;
- H. The use of a residential dwelling for a Bed and Breakfast Home and Inn must be approved, where a septic system is required or modified, by the Bradford County Sanitation Committee Sewage Enforcement Officer or where a municipal sewer connection is available, the municipal sewer authority; and,
- I. All Bed and Breakfast Homes and Inns shall comply with the rules and regulations of the Pennsylvania Department of Labor and Industry, PA Uniform Construction Code and all other applicable building, safety, and fire codes of the federal, state, or local government.

14. BOARDING HOMES (Includes Rooming & Lodging Houses)

Boarding Homes are Permitted by Right (PR) in the Residential Rural (R-R), Residential Multi-Family (R-MF) and Agricultural Business (A-B) zones and subject to the following conditions:

- A. The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used and all other federal and state license requirements have been met;
- B. Accommodations shall be limited to no more than five (5) guest rooms for rent;
- C. Not more than ten (10) guests may be accommodated at any one time;
- D. Meals for compensation shall be provided only to boarding home guests. No cooking facilities shall be provided or permitted in the individual guest rooms;
- E. Guest rooms shall contain a minimum of two hundred fifty (250 ft.²) square feet of habitable floor area per person;

- F. All floors above grade shall have direct means of escape to ground level; and,
- G. Off-street parking shall be provided in accordance with Article VII herein.

15. BUSINESS PARKS

Business Parks are permitted by Conditional Use (CD) in the Commercial Highway (C-H) and Manufacturing (M) zones and subject to the following conditions:

- A. Minimum lot size for shall be ten (10) acres;
- B. The tract of land to be developed shall be in one (1) ownership, or in the case of a multiple ownership, it shall be developed according to a single overall master plan with common authority and responsibility. The Business Park shall be developed as a single integrated unit, having shared access points an internal street system, interconnected off-street parking facilities, common storm water management facilities and other improvements under the control of the applicant;
- C. The Business Park shall contain non-motorized transportation facilities, including but not limited to sidewalks, walking paths, greenway linkages that shall be an integral part of the Business Park. The non-motorized transportation facilities shall connect all proposed lots and building sites within the Business Park and provide linkages to abutting lots and future and existing development. The Conditional Use application shall identify the function or functions of each non-motorized pathway or greenway and shall design such pathway or greenway to adequately perform such function or functions;
- D. Business Parks are encouraged to be serviced with public water and public sewer systems. All utilities shall be installed underground;
- E. Business Park street right-of-way, cartway widths, intersections shall be in compliance with Article IV Design Standards and Article V Improvement and Construction Requirements of the *Bradford County Subdivision and Land Development Ordinance*. The Conditional Use application shall provide a detailed transportation plan that demonstrates these standards to provide adequate access into the Business Park along with its internal street system;
- F. Business Parks shall adhere to Article IV, Area, Width and Coverage and Article VI, Performance Standards with regards to lot size, width, depth, setbacks, lot coverage and building height. In addition, minimum setbacks along the perimeter of the Business Park shall adhere to the following setbacks:
 - a. Fifty (50') feet from external public roads.
 - b. Fifty (50') feet from any agricultural use, industrial use, commercial use or district.
 - c. One hundred (100') feet from any residential use or district; and,
- G. Applicant shall provide an overall landscaping plan for the Business Park which attempts to incorporate and utilize existing natural features and preserves and promotes native species. A natural buffer screening shall also be submitted with the landscaping plan and shall address screening of adjoining residential dwellings or appropriate sensitive areas.

16. CAMPGROUNDS

Campgrounds are Permitted by Right (PR) within the Agricultural Business (A-B) zone, and are permitted by Conditional Use (CD) within the Rural Residential (R-R) zone, subject to the following criteria:

- A. Minimum lot size shall be ten (10) acres;
- B. Setbacks - All campsites shall be located at least fifty feet (50') from any side or rear property line and at least one hundred feet (100') from the street centerline;
- C. Each campsite shall be at least three thousand (3,000 ft.²) square feet in size and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area;
- D. An internal road system shall be provided as per specifications within the *Bradford County Subdivision and Land Development Ordinance*;
- E. All outdoor play areas shall be set back one hundred (100') feet from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors;
- F. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100') feet from any property line and screened from adjoining residentially-zoned properties. Such facilities shall be designed and maintained so as to be secure from native animals such as raccoon, bears, etc.;
- G. Any accessory retail or service commercial uses shall be set back a minimum of one hundred (100') feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the Campground's internal road, rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially-zoned parcels;
- H. All Campgrounds containing more than one hundred (100) campsites shall have vehicular access to an Arterial or Collector Street;
- I. A Campground may construct one freestanding or attached sign containing no more than thirty-two (32 ft²) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least ten (10') feet from the street centerline, at least one hundred (100') feet from any residential zone, and, at least twenty-five (25') feet from adjoining lot lines;
- J. A minimum of twenty (20%) percent of the gross area of the Campground shall be devoted to active and passive recreational facilities, which shall not be located within one hundred (100') feet of any property line. Responsibility for maintenance of the recreation area shall be with the landowner;
- K. During operation every Campground shall have an office in which shall be located the person responsible for operation of the Campground;
- L. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and

vector control shall be approved and maintained in accordance with the requirements of the PA DEP; and,

- M. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties, public streets or in an upward direction.

17. CEMETERIES

Cemeteries shall be permitted by Conditional Use (CD) in the Agricultural Business (A-B) zone, subject to the following criteria:

- A. Minimum lot area shall be five (5) acres;
- B. All burial plots or facilities shall be set back a minimum of twenty (20') feet from any lot line;
- C. No burial plots or facilities are permitted in floodway, floodplain and flood fringe areas;
- D. Adequately funded programs and provisions which meet the approval of the Township Solicitor shall be provided to guarantee perpetual care of all proposed cemetery grounds. This provision shall apply to existing cemeteries for which expansions are proposed; and
- E. All garages, equipment shelters, offices and similar structures shall be screened from adjacent streets and residential properties by appropriate planting or fences approved by the North Towanda Township Supervisors on the basis of design, aesthetic quality and general adequacy and in accordance with Section 604 of this Ordinance.

18. CHILD DAY CARE

Child Day Care shall be Permitted by Right (PR) in the Residential Rural (R-R), Commercial Community (C-C) and Agricultural Business (A-B) zones, and by Conditional Use (CD) in the Residential Single (R-S) and Residential Multifamily (R-MF) zones, subject to the following criteria:

- A. The Child Day Care facility shall meet all state and federal licensing and registration requirements and shall provide proof of compliance with the Commonwealth of Pennsylvania Code, Title 55, Chapter 3270, Child Day Care Centers;
- B. The Child Day Care Center is located at and is accessory to a legally established house of worship, a public or nonpublic school, or a place of employment. Such buildings shall obtain a Pennsylvania Department of Labor and Industry occupancy permit;
- C. Off-street parking shall be provided in accordance with Article VII;
- D. The Child Day Care provides safe off-street pickup and drop-off points in order to minimize traffic congestion. Vehicles shall enter and exit from the pickup and drop-off points at least sixty (60') feet from any intersection. The passenger "pickup" and "drop-off" points shall be arranged so that the passengers do not have to cross traffic. Off-street parking compounds shall not be used as outdoor play areas; and,
- E. *The minimum area of said play area shall be three-hundred (300 ft.²) square feet or ten (10 ft.²) square feet per child, whichever is greater, unless superseded by regulations of any designated State agency of the Commonwealth having jurisdiction over said use by virtue of licensing. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25') feet from all property lines. Outdoor play areas shall be*

completely enclosed by a four (4') foot high fence that shall screen the area from adjoining residential zones or use properties. All outdoor play areas must provide a means of shade such as shade tree(s) or pavilion(s).

19. CHURCHES, PLACES OF WORSHIP AND CHURCH-RELATED EDUCATIONAL AND DAY CARE FACILITIES

Churches and Places of Worship and Church-Related Educational and Day Care Facilities are Permitted by Right (PR) in the Commercial Highway (C-H) and Agricultural Business (A-B) zones and shall meet the following requirements:

- A. Minimum lot size shall be two (2) acres;
- B. The Child Day Care facility shall meet all state and federal licensing and registration requirements and shall provide proof of compliance with the Commonwealth of Pennsylvania Code, Title 55, Chapter 3270, Child Day Care Centers;
- C. The Child Day Care Center is located at and is accessory to a legally established house of worship, a public or nonpublic school, or a place of employment. Such buildings shall obtain a Pennsylvania Department of Labor and Industry occupancy permit;
- D. All residential, educational and day care uses shall be accessory, and located upon the same lot or directly adjacent to a lot containing a House of Worship;
- E. Church-Related Educational and Day Care Facilities enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one time during a seven-day period;
- F. Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site;
- G. The minimum area of said play area shall be three-hundred (300 ft.²) square feet or ten (10 ft.²) square feet per child, whichever is greater, unless superseded by regulations of any designated State agency of the Commonwealth having jurisdiction over said use by virtue of licensing. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25') feet from all property lines. Outdoor play areas shall be completely enclosed by a four (4') foot high fence that shall screen the area from adjoining residential zones or use properties. All outdoor play areas must provide a means of shade such as shade tree(s) or pavilion(s); and,
- H. Off-street parking shall be provided in accordance with Article VII herein.

20. CLUBS, LODGES, AND FRATERNAL ORGANIZATIONS

Clubs, Lodges, and Fraternal Organizations are Permitted by Right (PR) in the Commercial Community (C-C), Commercial Highway (C-H) and Agricultural Business (A-B) zones. These and similar uses are restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members; provided that no permanent sign advertising the sale of food or beverages will be permitted.

- A. Buildings or structures hereafter converted or erected for such use are subject to all applicable district regulations for the district in which the facility is to be located;

- B. A Buffer Yard/Screen Planting of no less than fifteen (15') feet in depth shall be maintained along all property lines abutting a residential use in accordance with Section 604 of this Ordinance;
- C. All outdoor recreation/activity areas shall be set back at least fifty (50') feet from any lot line;
- D. All clubhouses and related facilities (e.g., pavilions, parking lots, etc.) shall be at least one hundred (100') feet from all lot lines; and,
- E. A Club, Lodge or Fraternal Organization serving alcohol may only be established or operated in accordance with the regulation of the Pennsylvania Liquor Control Board or other equivalent assigned agency.

21. COMMERCIAL GREENHOUSES AND NURSERIES

Commercial Greenhouses and Nurseries are Permitted by Right (PR) in the Commercial Highway (C-H) and Agricultural Business (A-B) zones and shall meet the following requirements:

- A. A minimum lot area of twenty thousand (20,000 ft.²) square feet shall be provided in addition to the lot area required for other uses located on the same property. However, in no case shall the lot be less than the minimum lot area permitted in the district in which it is located and in no case shall the yards be less than the minimum yard requirements permitted in the district in which it is located;
- B. A Buffer Yard/Screen Planting shall be provided in accordance with Section 604 of this Ordinance;
- C. Greenhouse heating plants near or within accessory structures may be located to the side or rear of any main building, but not in the required side or rear yard, provided that the heating plant is not hazardous to others and does not create noise, dirt or heat flows of objectionable amounts or intensities; and,
- D. A Greenhouse operated for noncommercial purposes shall be considered as an accessory structure and shall comply with all applicable District provisions.

22. COMMUNICATION ANTENNAE (COMMERCIAL), TOWERS AND/OR EQUIPMENT

Communication Antennae (Commercial), Towers and/or Equipment are permitted as a Conditional Use (CD) in the Manufacturing (M), Commercial Highway (C-H) and Agricultural Business (A-B) zones and shall meet the following requirements:

- A. The applicant must demonstrate that the proposed location is necessary for the efficient operation of the system;
- B. An applicant proposing construction of a new Communications Tower shall demonstrate that such applicant has made a good faith effort to obtain permission to mount the Antennas on an existing structure or Communications Tower. A good faith effort shall require that applicant contact all owners of potentially suitable structures within a one (1) mile radius of the proposed Communication Tower site and that one or more of the following reasons for not selecting such existing structure or Communications Tower apply:

1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure or tower and reinforcement of such existing structure or tower cannot be accomplished at a reasonable cost.
 2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment at that location and that such interference cannot be prevented at a reasonable cost.
 3. Such existing structures or towers do not have adequate location, space, access or height to accommodate the proposed antennas and related equipment or to allow it (them) to perform its (their) intended function.
 4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such location exceeding applicable standards established by the Federal Communications Commission.
 5. Applicant could not reach a commercially reasonable agreement with the owner of such existing structure or tower.
 6. The Applicant shall provide a written commitment that it will rent space on the tower to other communications providers to minimize the total number of towers necessary within the region in order to reduce the number of communications antenna support structures needed in the future, any proposed support structure shall be designed to accommodate other users including, but not limited to, police fire and emergency services:
- C. The applicant shall demonstrate that the communication tower and all communication antennas to be installed on the Communication Tower are the minimum height required to function satisfactorily. In no event shall the height of the Communication Tower and or Antennae exceed the maximum permitted height of the applicable zone by more than forty (40') feet:
 - D. Any Communication Tower shall be setback from each lot line a distance equal to its height but in no circumstances less than fifty (50') feet from any lot line. This setback shall also be applicable to guide wire anchors for the communication tower;
 - E. All towers shall be completely enclosed by an eight (8') foot high fence and self-locking gate:
 - F. The applicant shall furnish expert testimony regarding the construction methods or other measures used to prevent the toppling of any Communication Tower on to adjoining properties and or roads and the wind borne scattering of ice onto adjoining properties and or roads. The applicant shall be required to implement construction methods or standards to prevent such occurrences:
 - G. Communication Towers shall be sited so as to separate them from adjacent activities and structures located on adjoining lots;
 - H. The applicant shall submit notice of approval for the proposed installation from the Federal Aviation Administration/PA Bureau of Aviation and the Federal Communications Commission;
 - I. Communication Towers which contain communication antennas which are capable of transmitting signals shall not create electrical, electromagnetic, microwave or other interference off site;

- J. The applicant shall submit a plan for the removal of the Communication Tower and all Communications Antennas on such Communication Tower and all related equipment and facilities when they become functionally obsolete or are no longer in use. The applicant shall furnish a bond or other guarantee acceptable to the Township Solicitor guaranteeing the removal of the facility within three (3) months from the date the applicant ceases use of the facility or the facility becomes obsolete;
- K. The Township may require the applicant to post a maintenance or performance bond in an amount sufficient to secure the installation and maintenance of the Communication Tower, Communications Antenna and related equipment and facilities during their lifetime;
- L. A communications equipment cabinet or structure shall not contain more than two hundred (200 ft.²) square feet of gross floor area or be more than twelve (12') feet in height;
- M. Towers shall either maintain a galvanized steel finish, or subject to any applicable standards of the Federal Aviation Administration be painted a neutral color so as to reduce visual obtrusiveness. Communication Towers shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must comply with the lighting section of this Ordinance;
- N. At a tower site the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings; and
- O. The following landscaping shall be required to screen as much of the Communications Tower as possible, the fence surrounding the Communications Tower, and any other ground level features (such as equipment cabinets or a building):
 - 1. A landscaping screen with a minimum width of forty (40') feet shall be required to surround the site. The screen shall consist of a variety of low level and high level evergreen and deciduous trees shrubs and ground covers chosen to blend in to the natural setting.
 - 2. Existing vegetation on and around the site shall be preserved to the greatest extent possible.

23. COMPRESSOR AND METERING STATIONS

Compressor Stations and Metering Stations are Permitted by Right (PR) in the Manufacturing (M) and Agricultural Business (A-B) zones and permitted as a Conditional Use (CD) in all other zoning districts intended for the reasonable development of oil and gas resources in North Towanda Township, subject to the following criteria:

A) Minimum lot size shall be ten (10) acres;

B) Building and Noise Control

- 1) Acoustically Designed Building - All Compressors and associated mechanical equipment shall be located within a fully enclosed, acoustically designed building;

- (2.) Noise Control - The Noise Level does not exceed a noise standard of 60 dbA at the nearest property line or the applicable standard imposed by Federal law, whichever is less.
- (C.) The following setbacks shall be maintained for a Compressor Station Buildings:
- (1.) Shall be located seven hundred and fifty (750') feet from the nearest existing building or two hundred (200') feet from the nearest lot line, whichever is greater, unless waived by the owner of the building or adjoining lot.
- (D.) A buffer of undisturbed area of not less than fifty (50') feet in width shall be maintained along all lot lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- (E.) Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25') feet wide.
- (F.) Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the *Bradford County Subdivision and Land Development Ordinance*.
- (G.) It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.
- (H.) The Compressor Station Building perimeter shall be enclosed by a six (6') foot high security fence in compliance with Section 607 of this Ordinance.
- (I.) All operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.
- (J.) For any facility approved by the Township, the operator shall submit to the Township copies of all DEP required or DEP-issued permits, documents and reports associated with the operation.

24. CONVENIENCE STORE WITH GAS DISPENSING

Convenience Stores with Gas Dispensing and/or Gasoline Dispensing Service stations are Permitted by Right (PR) in the Commercial Community (C-C) and Commercial Highway (C-H) subject to the following conditions:

- A. The minimum lot size shall conform to the Zoning District regulations under Article IV:
- B. All height, setback and coverage standards shall be in accordance with the Zoning District in which the use is located:
- C. A site circulation plan shall be provided that depicts the separation of fueling service gasoline service station areas and convenience store areas. The plan shall show the

location and dimensions of all structures, fuel pumps and location of the tank field; the location and dimensions of parking, landscaping areas and signage; and the description of internal circulation and access, in accordance with the standards herein;

- D. Minimum setback for access drives shall meet the following standards:
 - 1. From the intersection of street right-of-way lines: forty (40') feet.
 - 2. From the side lot line: ten (10') feet.
 - 3. Minimum width of access drive: twelve (12') feet.
 - 4. Maximum width of access drive: thirty-five (35') feet.
 - 5. Minimum separation of drives on same lot: twenty-five (25') feet;
- E. Minimum setbacks from street right-of-way lines for structures and/or buildings shall be in accordance with the following underlying zoning district or as listed below, whichever is most restrictive:
 - 1. Pumps: forty (40') feet.
 - 2. Building: fifty (50') feet.
 - 3. Canopies: thirty-five (35') feet.
 - 4. Motor vehicles shall not be permitted to be parked on sidewalk areas;
- F. Minimum setback of fuel pumps from parking areas shall be twenty (20') feet;
- G. Outdoor display: All merchandise, except oil racks, shall be displayed within a building. Vending machines shall be maintained in a semi-enclosed structure or within the building;
- H. Outdoor lighting shall be in accordance with Section 600. D. of this Ordinance; and,
- I. Fuel delivery shall not impede traffic-flow patterns.

25. CREMATORIUM

Crematoriums are permitted as a Conditional Use (CD) in the Agricultural Business (A-B) zone, subject to the following conditions:

- A. Minimum lot size shall be one (1) acre;
- B. All vehicle parking shall be contained on the facility property and comply with Article VII Off-Street Parking and Loading. Loading Areas/Docks shall provide Buffer Yard/Screen Planting of no less than fifteen (15') feet in depth with either landscaping or fencing from neighborhood uses;
- C. Sewage and water facilities shall be sufficient to handle the anticipated loading created by a Crematorium and shall meet all requirements of the PA Department of Environmental Protection and the Bradford County Sanitation Committee;

- D. Any and all odors and smoke generated as part of a crematorium operation shall be in conformance with the regulations set forth in this Ordinance and in compliance with PA Department of Environmental Protection Air Emission Standards and Permitting; and,
- E. No outdoor storage shall be permitted on a lot associated with a Crematorium.

26. DORMITORY STYLE HOUSING FACILITY

Dormitory Style Housing Facilities are permitted as a Conditional Use (CD) in the Commercial Highway (CH) and the Agricultural Business (A-B) zones, subject to the following conditions:

- A. Minimum lot size shall be five (5) acres:
- B. All vehicle parking shall be contained on the facility property and comply with Article VII Off-Street Parking and Loading;
- C. The facility shall be set back from all property lines in accordance with the standards set forth in the respective zoning district area, width and coverage requirements;
- D. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed housing facility and shall meet all requirements of the PA Department of Environmental Protection and the Bradford County Sanitation Committee;
- E. Dormitory Style Housing Facilities shall be designed and constructed to meet all applicable PA Uniform Construction Code requirements and shall be inspected and approved by the North Towanda Township Fire Department Chief prior to being occupied. The applicant shall provide satisfactory evidence to the Township indicating that these requirements have been met:
- F. Residents of Dormitory Style Housing Facilities shall be provided with meals, sleeping accommodations, bathroom facilities and recreational opportunities, and may also be provided with housekeeping services or laundry facilities. There shall be no more than two (2) persons per bedroom;
- G. Arrangements for collection, storage and disposal of solid wastes generated by the facility shall be made by the applicant and submitted to the Township for approval as part of the application for such a use;
- H. Where applicable, ingress, egress and regress off of State Highways shall comply with all applicable PENNDOT, Chapter 441 Access to and Occupancy of Highways by Driveways and Local Roads. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with a PENNDOT Highway Occupancy Permit; and,
- I. All other applicable requirements of this Ordinance, including the Sign standards set forth under Article VIII of this Ordinance.

27. DRIVE-THRU FACILITIES FOR PERMITTED COMMERCIAL USES

Drive-Thru Facilities For Permitted Commercial Uses shall be allowed within the Commercial Community (C-C) and Commercial Highway (C-H) zones subject to the following criteria:

- A. The minimum distance of any driveway to lot line shall be ten (10') feet:
- B. The minimum distance between driveways on the site shall be sixty-five (65') feet, measured from the two closest driveway curbs:

- C. The minimum distance of a driveway into the site from a street intersection shall be sixty (60') feet, measured from the intersection of the street right-of-way to the nearest end of the curb radius;
- D. The angle of driveway intersection with the street shall be based upon safe traffic movements;
- E. Drive-Thru facilities adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center;
- F. All Drive-In facility buildings and structures shall be designed and planned to take advantage of and be compatible with natural features of the site and area;
- I. Outdoor lighting shall be contained on-site in accordance with Section 600. D. of this Ordinance;
- J. All Drive-Thru windows shall be separated from the parking lot's interior driveways and have stacking lanes of at least one hundred (100') feet in length for pharmacies and financial institutions and one hundred and sixty (160') feet for fast-food businesses;
- K. Outside speakers shall not be audible from any residential area; and.
- L. All automated teller machines shall be located so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.

28. ECHO HOUSING (ELDER COTTAGE HOUSING OPPORTUNITIES "GRANNY FLAT")

ECHO Housing is permitted as an Accessory Use within the Residential Rural (R-R) and Agricultural Business (A-B) zones subject to the following criteria:

- A. The ECHO Housing may not exceed nine hundred (900 ft.²) square feet of floor area;
- B. The total building coverage for the principal dwelling, any existing accessory structures and the ECHO Housing together shall not exceed the maximum requirement for the zone in which the ECHO housing is located;
- C. The ECHO Housing shall be occupied by either an elderly, handicapped or disabled person related to the occupants of the principal dwelling by blood, marriage or adoption;
- D. The ECHO Housing shall be occupied by a maximum of two (2) people;
- E. Utilities
 - 1. For public sewer and water supply and all other utilities, the ECHO housing shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards; and
 - 2. If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Zoning Officer showing that the total number of occupants in both the principal dwelling and the ECHO Housing will not exceed the maximum capacities for which the one unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on site sewer system shall comply

with the requirements set forth by the PA DEP and the Bradford County Sanitation Committee:

- F. A minimum of one (1) Off-Street parking space, with unrestricted ingress and egress to the street, shall be provided for the ECHO Housing, in addition to that required for the principal dwelling; and.
- G. The ECHO Housing shall not be permitted in the required front yard setback and shall adhere to all side and rear yard setback requirements for principal uses.

29. FARM-RELATED OCCUPATIONS

Within the Agricultural Business (A-B) zone, Farm-Related Occupations shall include the following Accessory Uses when operated on a farm and where the farm uses continue to operate:

- A. Retail sales of products principally produced on the farm. A minimum of fifty (50%) percent of all products sold shall be produced on the farm.
 - 1. Facilities for the processing, storage and wholesale distribution of goods produced on the farm;
 - 2. Facilities for the service and repair of agricultural equipment and incidental sales of parts and services;
 - 3. Blacksmith and tool sharpening service;
 - 4. Carpentry;
 - 5. Butchering; and.
 - 6. Clothes making.
- B. All related occupations shall comply with the following requirements:
 - 1. Not more than fifty (50%) percent of total structure floor area shall be utilized;
 - 2. Not more than two (2) persons other than residents of the farm shall be employed;
 - 3. Off-street parking shall be provided in accordance with Article VII herein; and.
 - 4. Signs shall be placed in accordance with Article VIII herein.

30. FARM / ROADSIDE STAND

Farm / Roadside Stands shall be permitted as Accessory Uses (AC) within the Agricultural Business (A-B) zone, subject to the following criteria:

- A. The area of where the products are displayed or sold shall not exceed eight hundred (800 ft.²) square feet;
- B. The stand shall be at least fifty (50') feet from an intersection and shall be at least twenty-five (25') feet from the edge of the legal right-of way line of any adjoining street;
- C. The stand shall be portable, shall be maintained in good condition, and shall be removed during seasons when products are not being offered for sale: except that, a stand may remain in place throughout the year if it would be located a minimum of one hundred (100') feet from the existing street right-of-way line; and,
- D. Parking for vehicles shall be provided outside of the existing street right-of-way and in compliance with the provisions of Article VII of this Ordinance. Parking shall be provided for a minimum of five (5) vehicles.

31. FUNERAL HOMES / MORTUARY

Funeral Homes and Mortuaries shall be Permitted by Right (PR) within the Commercial Community (C-C) and Commercial Highway (C-H) zones and as a Conditional Use (CD) within the Agricultural Business (A-B) zone, subject to the following criteria:

- A. The applicant shall furnish evidence that the use of materials and disposal of wastes will be accomplished in a manner which complies with State and Federal regulations;
- B. Sewage and water facilities shall be sufficient to handle the anticipated loading created by a Funeral Home/Mortuary and shall meet all requirements of the PA Department of Environmental Protection and the Bradford County Sanitation Committee;
- C. All rooms available for funerals and viewing shall be located within the lot's principal building;
- D. A Buffer Yard/Screen Planting of no less than fifteen (15') feet in depth shall be maintained along rear and side lot lines abutting a residential use; and
- E. Off-street parking shall be provided in accordance with Article VII herein. Sufficient off-street parking shall be provided to prevent back-ups onto adjoining roads; the applicant shall describe what measure will be used to prevent back-ups (e.g. overflow parking, parking attendants, etc.) to prevent such back-ups.

32. GOLF COURSES AND DRIVING RANGES

Golf Courses and Driving Ranges shall be Permitted by Right (PR) within the Agricultural Business (A-B) zone, subject to the following criteria:

- A. Minimum Lot Area shall be thirty (30) acres;
- B. In no case shall the Golf Course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive or driveway;
- C. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossings of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall be signed warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes and shall be perpendicular to the traffic movements;
- D. All buildings shall be set back seventy-five (75') feet from any adjoining roads and one hundred (100') feet from adjoining residential structures or lot lines;
- E. Golf courses may include the following accessory uses, provided such uses are reasonably sized and located so as to provide incidental service to the golf course employees and users.
 1. Clubhouse which may consist of:
 - i. Administrative Offices
 - ii. Babysitting rooms and connected fence enclosed play lots
 - iii. Game rooms, including card tables, billiards, ping pong, video games, pinball machines and other similar table games
 - iv. Golf cart and maintenance equipment storage and service facilities

- v. Fitness and health equipment including workout machines, spas whirlpools, saunas and steam rooms
- vi. Locker and restrooms
- vii. Proshop
- viii. Restaurant, snack bar, lounge and banquet facilities

2. Accessory recreation amenities located outside of a building, including:

- i. Bocce ball, croquet, shuffleboard, quoits, horse shoe pits and washers courses
- ii. Driving range, provided that the applicant shall furnish expert evidence that all lighting has been arranged to prevent glare on adjoining properties and streets and provide protective fencing from adjoining property and roadways
- iii. Hiking, biking, horseback riding and cross country ski trails
- iv. Picnic pavilions, picnic tables, park benches and barbecue pits
- v. Playground equipment and playground games, including 4-square, dodgeball, tetherball and hopscotch
- vi. Practice putting greens
- vii. Swimming pools
- viii. Tennis, platform tennis, handball, racquetball, squash, volleyball and badminton courts

3. Freestanding maintenance equipment and supply buildings and storage yards

- F. All outdoor storage of maintenance equipment and or golf carts shall be set back at least one hundred (100') feet and screened from adjoining residential properties and roads: and.
- G. All dumpsters and off-street parking and/or loading areas shall be screened from adjoining or nearby residences. In addition, all off-street loading and dumpsters shall be screened from adjoining roads.

33. GROUP CARE FACILITY / HALFWAY HOUSE

Group Care Facilities and Halfway Houses shall be permitted as a Conditional Use (CD) in the Residential Rural (R-R) and Community Commercial (C-C) and Permitted by Right (PR) in the Commercial Highway (C-H) and Agricultural Business (A-B) zone subject to the following criteria:

- A. A Group Care Facility or Halfway House must be licensed where required by an appropriate government agency(s) and shall be in compliance with all applicable rules and regulations of the licensing body(s). A copy of any required license must be delivered to the North Towanda Township Zoning Officer prior to beginning the use:
- B. A Group Care Facility or Halfway House shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the house;
- C. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites;
- D. The residents of the Group Care Facility or Halfway House shall reside on the premises to benefit from the services provided;

- E. The Group Care Facility or Halfway House shall not be located within one thousand (1,000') feet of any religious structure, public recreation facility, school facility, day-care center or public library;
- F. The Group Care Facility or Halfway House shall not be located within one thousand (1,000') feet of another Group Care Facility or Halfway House;
- G. Within the Districts that Group Care Facilities/Halfway Houses are permitted as a Conditional Use (CD), the application shall be accompanied by a statement describing the following:
 - 1. The composition of the Group Care Facility/Halfway House.
 - 2. The policies and goals of the Group Care Facility/Halfway House and the means proposed to accomplish those goals.
 - 3. The characteristics of the residents and number of clients/residents to be served.
 - 4. The operating methods and procedures to be used.
 - 5. Any other facts relevant to the proposed operation of the Group Care Facility/Halfway House; and.
- H. Any use permit granted for the Group Care Facility/Halfway House shall be bound to the type and number of clients/offenders listed on the application. Any change in the type or number of clients/offenders being housed shall require a new hearing before the North Towanda Township Board of Supervisors.

34. GROUP QUARTERS

Group Quarters shall be Permitted by Right in the Residential Multifamily (R-MF) and Commercial Highway (C-H) zones and Conditional Use (CD) in the Community Commercial (C-C) and Agricultural Business (A-B) zones, subject to the following criteria:

- A. A minimum of (250 ft.²) square feet of habitable floor area shall be provided for each occupant.
- B. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require such facilities if the affiliated institution provides them elsewhere.
- C. Each group quarters shall provide 1 off street parking space for each occupant.
- D. All group quarters shall comply with all applicable building, health, and fire codes.
- E. All group quarters shall be connected to water and sanitary sewage facilities approved by the Pennsylvania Department of Environmental Protection.
- F. Group quarters may be an accessory or principal use but must be directly affiliated with a parent religious, educational, charitable, or philanthropic institution.

35. HOME OCCUPATION

Home Occupations shall be permitted as permitted Accessory Use (AC) in the Residential Single (R-S), Residential Rural (R-R), Residential Multi-Family (R-MF) and Agricultural Business (A-B) zones, subject to the following criteria:

It is the intent of this subsection to regulate the operation of Home Occupations so that the average neighbor, under normal circumstances, will not be aware of the existence of the Home Occupation. The burden of proof shall be on the applicant to demonstrate that the standards will be met. Based upon the potential nuisances of a proposed Home Occupation not specifically permitted by this section, the Zoning Officer may determine that a particular type or intensity of use is unsuitable to be a Home Occupation or that the proposed lot area or setbacks are not adequate. The following standards shall apply:

- A. The Home Occupation must be conducted entirely inside a building and shall be clearly incidental and secondary to the use of the dwelling as a residence;
- B. The total area used by all Home Occupations on the premises does not exceed thirty-five (35%) percent of the gross floor area of the dwelling unit, including basement, and six hundred (600 ft.²) square feet of an accessory structure;
- C. No outdoor display or display visible from outdoors, or outdoor storage of materials, goods, products, supplies, or equipment used in the Home Occupation(s) shall be permitted;
- D. There shall be no evidence visible from outside the dwelling (show windows, business displays, advertising, etc.) that the residence is being operated as a Home Occupation except for the required parking area and permitted sign;
- E. No external structural alterations, which are not customary to a residential building, shall be allowed;
- F. Only members of the family residing in the dwelling shall conduct the Home Occupation and not more than two (2) persons other than residents of the dwelling shall be employed on the premises;
- G. Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way under Article VII;
- H. No Home Occupation use shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood;
- I. No goods or items for retail or wholesale sale shall be permitted except for items hand crafted on the premises or goods and items incidental to the operation of an approved Home Occupation with the total display and/or storage area limited to two hundred (200 ft.²) square feet;
- J. The use shall not involve the parking of more than one (1) truck of any type on the lot or on adjacent streets at any period of time. The use shall not require the parking or servicing by a vehicle with more than twenty-six thousand (26,000 lbs.) pounds registered gross vehicle weight, except for deliveries of a maximum of two (2X) times per day;
- K. For Home Occupation Signage, see Article VIII, Section 805. E;
- L. Section 600, Performance Standards shall also apply to Home Occupations;
- M. *The following uses shall not be permitted as Home Occupations:*
 - 1. Adult Related Uses
 - 2. Commercial Stables
 - 3. Veterinarians

4. Commercial Kennels
5. Motor Vehicle or Small Engine Repair Shops
6. Retail or Wholesale Sales
7. Restaurant
8. Funeral Homes; and,

N. The following types of uses shall be permitted as Accessory Uses (AC) in all Districts. All other applications for Home Occupations not specifically enumerated as permitted shall be considered Conditional Uses (CD), except that the uses enumerated in Subsection (M.) above shall be prohibited:

1. Professional Offices for individual practitioners
2. Rooming and/or housing of not more than two (2) persons.
3. Custom dressmaking or tailoring.
4. Foster family care for not more than four (4) children simultaneously.
5. Day care that provides care for six (6) or fewer children at any one time who are not relatives of the caregiver.
6. Tutoring for not more than four (4) children simultaneously.
7. Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises.
8. Businesses involving the use of personal computers for sales or services and which do not involve customer contact on the premises
9. Single chair beauty shops and barbershops.

36. HORSE BOARDING FACILITY & RIDING STABLES

Horse Boarding Facilities and Riding Stables shall be permitted as Permitted by Right (PR) in the Residential Rural (R-R) and Agricultural Business (A-B) zones, subject to the following criteria:

- A. Minimum lot size shall be ten (10) acres:
- B. Any structure for boarding of horses shall be set back two hundred (200') feet from lot lines;
- C. All Boarding Facilities and Stables shall be maintained to minimize odors perceptible at the lot line;
- D. All outdoor Riding Stables or arenas shall be set back one hundred (100') feet from all property lines;
- E. All outdoor training, show, riding, boarding or pasture area shall be enclosed by a minimum five (5') foot high fence;
- F. No manure storage area or facility shall be located nearer than one hundred (100') feet to any lot line; and,
- G. All manure management practices and operations shall comply with the applicable regulations of the Pennsylvania Department of Environmental Protection (DEP) and the Pennsylvania Department of Agriculture.

37. JUNK / SALVAGE YARDS

Junk / Salvage Yards shall be permitted as a Conditional Use (CD) in the Commercial Highway (C-H), Manufacturing (M) and the Agricultural Business (A-B) zones, subject to the following criteria:

- A. Minimum lot size shall be five (5) acres;
- B. Junk / Salvage shall be stored in piles not exceeding eight (8') feet in height and shall be arranged so as to permit easy access for firefighting purposes;
- C. All Junk / Salvage Yards shall be screened from all rights-of-way and adjoining properties by a buffer yard and screen planting of no less than twenty (20') feet in depth established along the perimeter lot line in accordance with applicable District regulations and Section 604 herein;
- D. No open burning shall be permitted;
- E. Junk / Salvage Yards shall be maintained in such a manner as to prevent any public or private nuisance including the emission of offensive or noxious sounds or odors and the breeding or harboring of rats, flies or other vectors;
- F. Junk / Salvage Yards shall be conducted in compliance with Section 600, Performance Standards and other applicable standards established herein. Moreover, residentially zoned lots that contain less than five (5) junk vehicles shall also adhere to Section 600, Performance Standards;
- G. All gasoline, diesel and oils shall be drained from junk or scrapped vehicles into containers in accordance with all applicable state or other regulatory agency regulations; and,
- H. Junk / Salvage Yards shall not abut an existing residential development, residential street or any Residentially zoned district to protect the public health, safety, convenience and general welfare and especially with regard to abutting properties and the occupants thereof.

38. KENNELS

Kennels shall be Permitted by Right (PR) in the Rural Residential (R-R), Commercial Highway (C-H) and the Agricultural Business (A-B) zone subject to the following criteria:

- A. Minimum lot size shall be two (2) acres;
- B. All Kennels shall comply with all applicable State Codes and Regulations;
- C. All buildings in which animals are housed and all runs shall be located at least two hundred (200') feet from all lot lines. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot line;
- D. Off-street parking shall be provided in accordance with Article VII herein;
- E. Outdoor runs may be provided if screening is provided in accordance with Section 604 herein;
- F. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.; and,

- G. Private Kennels, as defined herein, shall be exempt from the above standards, provided that the property owner provides a written statement to the North Towanda Township Zoning Officer that the dogs contained within the Private Kennel will be owned and maintained for sporting and hunting purposes.

39. MEDICAL /DENTAL OFFICE BUILDINGS AND TESTING LABORATORIES

Medical /Dental Office Buildings and Testing Laboratories shall be Permitted by Right (PR) in the Commercial Community (C-C), Commercial Highway (C-H) and the Manufacturing (M) zones, subject to the following criteria:

- A. The building shall be occupied and used only by persons licensed to practice the healing arts in the Commonwealth of Pennsylvania, and their staffs;
- B. A Buffer Yard/Screen Planting shall be provided in accordance with Section 604 herein;
- C. Off-Street parking shall be provided in accordance with Article VII herein; and.
- D. Any accessory services including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic may be permitted as part of the clinic facility subject to the following specific conditions:
 - 1. All entrances to parts of the building in which these accessory services are provided shall be from within the building and shall not be directly accessible without passing through the building.
 - 2. The hours during which these services are provided shall be the same as those during the regular operation hours of the principal clinic.

40. MINERAL BATCHING AND MIXING PLANTS

Mineral Batching and Mixing Plants shall be considered a Conditional Use (CD) in the Commercial Highway (C-H), Manufacturing (M) and Agricultural Business (A-B) zones, subject to the following criteria:

- A. Minimum lot size shall be five (5) acres;
- B. If materials are to be stored they shall be screened sufficiently from adjacent properties and the public right-of-way. Such screening shall be comprised of an earthen berm at least ten feet (10') in height. Such berm shall be located on the subject property and placed so as to maximize the berm's ability to absorb and/or block views of, and the noise, dust, smoke, etc. generated by, the proposed use. The berm shall be completely covered and maintained in an approved vegetative ground cover. Along any adjoining property line and road shall be located a ten (10') foot wide landscape screen;
- C. No such facility shall be closer than seven hundred and fifty (750') feet from any residential dwelling or water well not on the plant property;
- D. All Mineral Batching and Mixing Plants shall have an effective dust collection system approved by the Township;
- E. Supervisors may require the use of wheel washers or other means of cleaning trucks/vehicles before entering public streets;

- F. Mineral Batching and Mixing Plants shall have an approved sediment pond, under the review and approval of the Bradford County Conservation District, before wash out water is discharged into any waterway;
- G. North Towanda Township may require a bond to be posted of sufficient amount to cover the cost of maintenance, repair, and reconstruction of any township roads over which vehicles may travel to and from the approved site. The bond may be reviewed periodically to determine whether the amount is sufficient to cover any maintenance or repair cost;
- H. The Supervisors may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent parcels; and
- I. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.

41. MIXED USES

- A. When two (2) or more Principal Uses occupy the same lot, but not the same building, all parking, lot area, lot width, building setbacks, height, and building area requirements shall be provided so that the requirements pertaining to each use will be met in full; and,
- B. Where applicable, shared parking and shared access shall be encouraged with Mixed Use developments.

42. MINI SELF-STORAGE UNITS

Mini Self Storage Units shall be Permitted by Right (PR) in the Community Commercial (C-C), Commercial Highway (C-H) and Agricultural Business (A-B) zones, subject to the following provisions:

- A. Minimum lot size shall be one (1) acre;
- B. Parking shall be provided by parking driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26') feet wide when cubicles open onto one side of the lane only, and at least thirty (30') feet wide when cubicles open onto both sides of the lane;
- C. Required parking spaces may not be rented as, or used for vehicular storage. However, additional external storage area may be provided for the storage of privately owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially zoned land, residential uses and adjoining roads and is located behind building walls closest to street right-of-way. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked or inoperative vehicles;
- D. All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatus relying upon such fuels shall be stored only in external storage areas as described above;
- E. An on-site manager shall not be required, but recommended, to be on the site on a full-time basis and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances. In addition, full-time surveillance consisting of either security cameras or on-site residence shall be provided. Any dwelling for a resident manager shall comply with all requirements of the

underlying zoning district and shall be entitled to all residential accessory uses provided in this Ordinance:

- F. A Buffer Yard/Screen Planting shall be provided along abutting residentially zoned property(ies) in accordance with Section 604 herein; and,
- G. Mini Self-Storage Units shall be used solely for the dead storage of property. The following examples are uses expressly prohibited upon the site:
 - 1. Auctions, commercial wholesale or retail sales or garage sales;
 - 2. The servicing repair or fabrication of motor vehicles, boats, trailers, lawnmowers, appliances or other similar equipment;
 - 3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - 4. The establishment of a transfer and storage business; and
 - 5. Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations. The applicant shall adequately demonstrate that all Mini Self-Storage Units and/or use contracts shall specifically prohibit these uses.

43. MOBILE HOME COURTS / PARKS

Mobile Home Courts / Parks shall be Permitted by Right (PR) in the Residential Rural (R-R) and Agricultural Business (A-B) zones, subject to the following provisions:

- A. Mobile Home Courts / Parks shall be developed and approved in accordance with regulations set forth in the *Bradford County Subdivision and Land Development Ordinance*, Article VI, Sections 601-606;
- B. Minimum lot size shall be not less than five (5) acres;
- C. Mobile Home Courts / Park lots shall be not less than sixty-five (65') feet wide measured at the minimum required setback line nor less than seventy-two hundred (7,200 ft.²) square feet in area, per manufactured/mobile home unit exclusive of streets and other public areas. Both community or public water supply and sanitary sewerage collection systems shall serve lots;
- D. Minimum building setback line from the cartway line of a private street shall be twenty (20') feet;
- E. The minimum spacing between manufactured/mobile home units, including attached accessory structures, shall be no less than twenty (20') feet. On a corner lot, the side yard abutting the street shall have a width equal to the depth of the front yard required and shall be subject to all front yard requirements of this Ordinance;
- F. The minimum rear yard for each lot shall be ten (10') feet;
- G. Detached accessory structures shall be located on the lot no closer than five (5') feet from a manufactured/mobile home and shall comply with the required front, side, and rear setback lines;
- H. Manufactured/mobile home units shall not be located closer than twenty-five (25') feet from the Court / Park property lines to the side and rear not adjacent to a street. Units adjacent to public streets shall not be located closer than thirty-five (35') feet to the right-of-way line and shall contain a buffer yard in accordance with Section 604 herein;

- I. Both community or public water supply and sanitary sewerage collection systems shall serve lots;
- J. Off-street parking and loading spaces shall be provided in accordance with Article VII herein;
- K. Not less than ten (10%) percent of the total land area shall be provided for usable open space. Such space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents; and,
- L. Such open space shall be maintained with a durable vegetative cover that is capable of preventing soil erosion and the emanation of dust during dry weather.

44. MOTELS, HOTELS & SIMILAR LODGING FACILITIES

Motels, Hotels & Similar Lodging Facilities shall be Permitted by Right (PR) in the Commercial Community (C-C) and Commercial Highway (C-H) zones, subject to the following provisions:

- A. Minimum lot size shall be not less than five (5) acres;
- B. Off-street parking and loading spaces shall be provided for the Motel, Hotel & Similar Lodging Facility, in addition to other accessory facilities developed as part of the Motel / Hotel premises, in accordance with Article VII;
- C. Both public sewer and public water shall be utilized;
- D. The following Accessory Uses may be approved as part of the application:
 - 1. Auditorium
 - 2. Barber and Beauty Shops
 - 3. Gift Shop
 - 4. Meeting Facilities
 - 5. Recreational Uses and Swimming Pools
 - 6. Restaurants
 - 7. Sauna, Spa or Steam Room
 - 8. Solarium
 - 9. Valetshop
 - 10. Other similar retail sales and personal services; and,
- E. The above accessory uses aside from outdoor recreational uses shall be physically attached to the main hotel building except that one (1) freestanding Restaurant shall be permitted on the same lot as a principal hotel subject to the following:
 - 1. The proposed Restaurant shall offer the preparation and serving of food and drink to be consumed on the premises; No drive-thru or take-out services shall be permitted.
 - 2. No additional freestanding signs other than those permitted for the principal hotel use shall be permitted.
 - 3. Sufficient required off-street parking spaces have been provided and located to conveniently serve the freestanding Restaurant without interfering with required off-street parking associated with the Motel / Hotel use.

45. MUNICIPAL USES

In any District, a building may be erected, altered or extended and land may be developed which is arranged, intended or designed for Municipal Uses, including municipal recreation uses, in accordance with applicable District provisions.

46. MUNICIPAL WASTE LANDFILL

A Municipal Waste Landfill may be established, as a Conditional Use (CD) in the Agricultural Business (A-B) zone in accordance with the following provisions:

- A. Minimum lot size shall be not less than fifty (50) acres;
- B. Municipal Waste Landfill facilities for "municipal and residual wastes," as defined by the PA DEP, shall be under the control of the Northern Tier Solid Waste Authority (NTSWA);
- C. Any processing and/or treatment of waste (including but not limited to incineration, composting, steaming, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly enclosed building;
- D. No waste shall be deposited, stored or disposed of, and no building or structure shall be located, within two hundred feet (200') of any property line, and five hundred feet (500') of any land within any other zoning district;
- E. Any external area used for the unloading, transfer, storage, or deposition of waste must be completely screened from view at the lot line. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must also be completely enclosed by an eight-foot (8') high fence, with no openings greater than two (2") inches in any direction;
- F. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations;
- G. The Municipal Waste Landfill property shall be screened from all land within any other zoning district;
- H. All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be weighed and/or unloaded will not back-up onto public roads;
- I. All access drives onto the site shall be paved for a distance of at least two hundred (200') feet from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a fifty (50') foot long gravel section of driveway shall be placed just beyond the preceding two hundred (200') foot paved section to help collect any mud that may have attached to a vehicle's wheels;
- J. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other protective means designed to deny access to the area at unauthorized times or locations;
- K. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to North Towanda Township;
- L. A qualified facility operator shall continuously supervise the unloading, processing, treatment, transfer, and disposal of waste;
- M. Any waste that is to be recycled shall be stored in leak- and vector-proof containers.

Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely enclosed building:

- N. All storage of waste shall be indoors in a manner that is leak- and vector- proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation, but, in no event for more than seventy-two (72) hours;
- O. A contingency plan for the disposal of waste during a facility shutdown, shall be submitted to the Township;
- P. Leachate from the waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, pre-treatment shall be required and appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection's regulations;
- Q. All structures shall be set back at least a distance equal to their height;
- R. The applicant shall submit an analysis of raw water needs from a certified independent laboratory (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

In addition, if the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer.

A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the Township.

A water feasibility study shall include the following information:

1. Calculations of the projected water needs.
 2. A geologic map of the area with a radius of at least one (1) mile from the site
 3. The location of all existing and proposed wells within one thousand (1,000') feet of the site, with a notation of the capacity of all high-yield wells
 4. The location of all existing on-lot sewage disposal systems within one thousand (1,000') feet of the site
 5. The location of all streams within one thousand (1,000') feet of the site and all known point sources of pollution
 6. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined
 7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table
 8. A statement of the qualifications and the signature(s) of the person(s) preparing the study;
- S. A minimum one hundred (100') foot wide landscape strip shall be located along all

lot lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip:

- T. The applicant shall furnish expert testimony regarding emergency preparedness measures provided and/or otherwise available to respond to potential hazards regarding the spill of waste materials during transport to and from the site, and potential hazards regarding firefighting of waste materials upon the site; and.
- U. No Municipal Waste Landfill shall be located within one (1) mile of another, as measured in a straight line between closest lot lines.

47. NATURAL GAS PROCESSING PLANTS

(Natural Gas Processing Plants are Permitted by Right (PR) in the Manufacturing (M) zone and permitted as a Conditional Use (CD) in the Agricultural Business (A-B) zone intended for the reasonable development of oil and gas resources in North Towanda Township, subject to the following criteria:)

- A. (Minimum lot size shall be ten (10) acres:)
- B. (Building and Noise Control)
 - 1. (Acoustically Designed Building - All associated mechanical equipment shall be located within a fully enclosed, acoustically designed building.)
 - 2. (Noise Control -- The Noise Level does not exceed a noise standard of 60 dbA at the nearest property line or the applicable standard imposed by Federal law, whichever is less.)
- C. (The following setbacks shall be maintained for Natural Gas Processing Plant Buildings:)
 - 1. (Shall be located seven hundred and fifty (750') feet from the nearest existing building or two hundred (200') feet from the nearest lot line, whichever is greater, unless waived by the owner of the building or adjoining lot.)
- D. (A buffer of undisturbed area of not less than fifty (50') feet in width shall be maintained along all lot lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. (In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas:)
- E. (Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25') feet wide:)
- F. (Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Bradford County Subdivision and Land Development Ordinance;)
- G. (It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material:)

- (H) The Natural Gas Processing Plant Building perimeter shall be enclosed by a six (6') foot high security fence in compliance with Section 607 of this Ordinance;
- (I) All operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations;
- (J) For any facility approved by the Township, the operator shall submit to the Township copies of all DEP required or DEP-issued permits, documents and reports associated with the operation;

48. NIGHT CLUBS

Night Clubs are permitted by Conditional Use (CD) within the Commercial Community (C-C) and Commercial-Highway (C-H) zones, subject to the following criteria:

- A. Night Club operations shall cease between the hours of 2:00 a.m. and 8:00 a.m. prevailing time, and the establishment may not be open to the public during those hours;
- B. All Night Clubs shall be located in accordance with the provisions and licensing of the Pennsylvania Liquor Control Board;
- C. The owner and operator must provide adequate private security, licensed under the laws of the Commonwealth of Pennsylvania, during events which attract maximum permitted occupancy;
- D. All operations must be conducted within an enclosed building, and doors and windows shall remain closed during hours of normal operation;
- E. No Night Club is permitted within four hundred (400') feet of another Night Club (as measured from lot line to lot line);
- F. A working plan for the cleanup and recycling of litter shall be furnished and implemented by the applicant; and,
- G. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation and shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to loitering outside the building and excessive noise levels that shall not be created.

49. NO IMPACT HOME-BASED BUSINESS

No Impact Home-Based Businesses shall be Permitted by Right (PR) in the Residential Single (R-S), Residential Rural (R-R), Residential Multi-Family (R-FM) and Agricultural Business (A-B), zones subject to the following criteria:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses;
- B. The business shall employ no employees other than family members residing in the dwelling;
- C. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature;

- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights;
- E. 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;
- F. 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;
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area; and
- H. The business may not involve any illegal activity.

50. NURSING HOMES

Nursing Homes shall be Permitted by Right (PR) in the Commercial Community (C-C) and Commercial Highway (C-H) zones and as a Conditional Use (CD) in the Agricultural Business (A-B) zone, subject to the following criteria:

- A. The facility shall be constructed and operated in accordance with all applicable licensing requirements set forth by the Commonwealth of Pennsylvania;
- B. Twenty-four (24) hour staff shall be required;
- C. At least ten (10%) percent of required parking spaces shall be designed for handicapped persons;
- D. Service areas and facilities shall not be located closer than one hundred (100') feet from a residential use;
- E. All living facilities must be connected to the central facilities through internal passageways (i.e. hallways, corridors, etc.); and,
- F. Rooms or suites may be designed for housekeeping purposes; however, a central kitchen, central dining facilities, and central recreational facilities shall be provided.

51. OIL AND GAS WELL PAD DEVELOPMENT

It is intended for the reasonable development of oil and gas resources in North Towanda Township, as Oil and Gas Well Pad Development shall be Permitted by Right (PR) in all zoning districts, except that in the Residential Single (R-S), Residential Rural (R-R) and Residential Multifamily (R-MF), Oil and Gas Well Pad Development shall be considered a Conditional Use (C-D) if the well site cannot be placed so that the well head is at least five hundred (500') feet from any existing building. In addition, the following standards shall also apply in all Residential Zoning Districts:

- A: The outer edge of the Oil and Gas Well Pad must be at least three hundred (300') feet from any existing building.
- B: Oil and Gas Well Pad Development, other than the placement, use and repair of oil and gas pipelines, water pipelines, access road and security facilities must be located at least three hundred (300') feet from any existing building.

- C) ~~No Oil and Gas Well may be drilled within one thousand (1,000') feet of any existing water well, surface water intake, reservoir or other water supply extraction point in the Township without written consent of the applicable water purveyor or unless a variance is granted by the PA Department of Environmental Protection as part of the permit review process, nor shall any Oil and Gas Well be drilled within three hundred (300') feet of any stream, spring, body of water or wetland greater than one (1) acre in size.~~

52. OUTDOOR FUEL BURNING APPLIANCES

Outdoor Fuel Burning Appliances shall be permitted as an Accessory Use (AC) in the Residential Rural (R-R) and Agricultural Business (A-B) zones, subject to the following criteria:

- A. All Outdoor Fuel Burning Appliances shall be operated for the sole purpose of furnishing heat and/or hot water to a dwelling or other structure. Where applicable, it is highly encouraged that Outdoor Fuel Burning Appliances furnish heat and/or hot water to multiple dwellings and/or buildings;
- B. All Outdoor Fuel Burning Appliances shall contain a safe flue or chimney with sufficient height to rise two (2') feet above the elevation of the roof eave, contain a "scrubber" or filter type system and a fan or blower to increase efficiency of the appliance;
- C. All Outdoor Fuel Burning Appliances shall be set back one hundred (100') feet from the lot line and on a lot not less than one (1) acre;
- D. All Outdoor Fuel Burning Appliances shall be (UL) approved;
- E. All Outdoor Fuel Burning Appliances, including the chimney, shall be installed, operated and maintained in strict compliance with the manufacturer's instructions and guidelines for said appliance. In the event that a conflict arises between the manufacturer's instructions and regulations, and the regulations within this Ordinance, the stricter instructions or regulations shall apply;
- F. Only natural wood, coal, heating oil, natural gas, kerosene or wood specifically permitted by the manufacturer in writing may be burned in outdoor furnaces. The burning in Outdoor Fuel Burning Appliances of processed wood products and non-wood products, household or other garbage, recyclable material, rubber tires, railroad ties, leaves, laminated wood, wet or soggy wood, painted or treated wood and any item not specifically permitted by the manufacturer is prohibited; and,
- G. If an Outdoor Fuel Burning Appliance is more than fifty (50%) percent torn down, physically deteriorated or decayed, the appliance must be removed and/or replaced with a new unit.

53. PERSONAL CARE HOMES

Personal Care Homes shall be Permitted by Right (PR) in the Residential Rural (R-R), Commercial Community (C-C), Commercial Highway (C-H) and Agricultural Business (A-B) zones, subject to the following criteria:

- A. Minimum lot size shall be determined per the Zoning District requirements within Article IV herein;
- B. The facility shall be constructed and operated in accordance with all applicable licensing requirements set forth by the Commonwealth of Pennsylvania;

- C. No more than two (2) persons at a time shall reside in any room designated for overnight visits;
- D. The minimum front, side and rear yard setbacks shall be not less than twenty-five (25') feet;
- E. A Buffer Yard of no less than ten (10') feet in width shall be established along rear and side yards abutting residential uses; and.
- F. Off-Street parking shall be provided in accordance with Article VII herein.

54. PIPE YARD AND EQUIPMENT STAGING AREAS

(Pipe Yards and Equipment Staging Areas shall be Permitted by Right (PR) in the Commercial Highway (C-H), Manufacturing (M) and Agricultural Business (A-B) zones, subject to the following criteria:)

- A. (Minimum lot size shall be not less than five (5) acres;)
- B. (Unhoused equipment and piping material shall be enclosed within a chain link fence six (6') feet in height;)
- C. (Repair and maintenance activity requiring use of equipment that will generate noise, odors or glare beyond the property boundaries will be conducted within a building, or outdoors during the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday;)
- D. (No flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except for tanks of fuel directly connected to energy or heating devices;)
- E. (No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by any reasonably foreseeable natural causes or forces;)
- F. (Loading and unloading of vehicles shall be conducted on private property and may not be conducted on any public right-of-way;)
- G. (The Pipe Yard and Equipment Staging Area shall not be situated any closer than three hundred (300') feet from any existing residential dwelling; and.)
- H. (Any lighting of the Pipe Yard and Equipment Staging Area shall be pointed downward and inward to the property center and shaded to prevent direct reflection on adjacent property(ies).)

55. PUBLIC UTILITY FACILITIES

Public Utility Facilities shall be permitted in any district without regard to the use and area regulations with exception to building height; provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:

- A. Front yards shall be provided in accordance, with the regulations of the district in which the facility is located. Side and rear yards shall be a minimum of ten (10') feet;
- B. Height restrictions shall be required by the District regulations;
- C. Unhoused equipment shall be enclosed within a chain link fence six (6') feet in height topped with barbed wire;

- D. When equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the District in which the facility is located; and
- E. The external design of the building shall be in conformity with the buildings in the District.

56. QUARRIES AND OTHER EXTRACTIVE RELATED USES

Quarries and Other Extractive Related Uses shall be permitted as Conditional Uses (CD) in the Agricultural Business (A-B) zone, subject to the following criteria:

- A. General Quarry Operations:
 - 1. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
 - 2. May not adversely affect any public or private water supply source.
 - 3. May not adversely affect the logical efficient and economical extensions of public services, facilities and utilities throughout the Township.
 - 4. May not create any significant damage to the health, safety or welfare of the Township and its residents and property owners.
 - 5. May not result in the land area subject to quarrying being placed in a condition, which will prevent the use of that land for economically and ecologically productive uses upon completion of the quarry operation.
 - 6. Must demonstrate compliance with all applicable State regulations at all times.
- B. As a part of each application, the applicant shall furnish an accurately surveyed site plan on a scale no less than 1:2,400 showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be certified by a registered professional engineer or a registered professional land surveyor with assistance from experts in related fields and shall include the following:
 - 1. The boundaries of the proposed land affected, together with the drainage area above and below the area.
 - 2. The location and names of all streams, roads, railroads, wetlands, floodplains, utility lines on or immediately adjacent to the area.
 - 3. The location of all buildings within one thousand (1,000') feet of the outer perimeter of the area affected, and the names and addresses of the owners and present occupants.
 - 4. The purpose for which each building is used.
 - 5. The name of the owner of the affected area and the names of adjacent landowners, the municipality and the county;
- C. Minimum lot size shall be not less than fifty (50) acres:
- D. A fence measuring at least eight feet (8") in height must enclose the area of actual quarrying. If a chain link fence is used, then said fence shall include a vegetative screen that is provided along the outside of the fence away from the quarry:
- E. The following table identifies minimum setbacks imposed upon specific features of the quarry and other extractive-related uses from adjoining and/or nearby uses:

<u>Quarry Related Feature</u>	<u>Existing Residence</u>	<u>Existing Non-Residential Building</u>	<u>Adjoining Road</u>	<u>Park or Recreation Area</u>	<u>Streambank and Floodway</u>	<u>Adjoining Property</u>
Stock Piles or Spoil Piles	300 ft.	300 ft.	100 ft.	300 ft	100 ft.	100 ft.
Mineral Processing Equipment (Crushers, Sorters, Conveyors, Dryers, etc.)	300 ft.	300 ft.	100 ft.	300 ft	100 ft.	100 ft.
Quarry Pit	300 ft.	300 ft.	100 ft.	300 ft	100 ft.	100 ft.
On-site access Roads and Off-Street Parking, Loading and Vehicle Storage and Weighing Facilities	300 ft.	300 ft.	100 ft.	300 ft	100 ft.	100 ft.
Other Operational Equipment, Structures and/or Improvements	300 ft.	300 ft.	100 ft.	300 ft	100 ft.	100 ft.

- F. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with Major Collector or Arterial roads.
1. All access drives shall be designed and located so as to comply with the North Towanda Township Driveway Ordinance.
 2. All access drives serving the site shall have a paved minimum thirty-five (35') foot wide cartway for a distance of at least two hundred (200') from the intersecting street right-of-way line. In addition, a fifty (50') foot long gravel section of access drive shall be placed just beyond the preceding two hundred (200') feet paved section to help collect any mud that may have attached to a vehicle's wheels. The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the site.
 3. In general, access drives shall intersect public streets at ninety (90°) degrees as site conditions permit, however, in no case shall access drives intersect public streets at less than seventy (70°) degrees. Said angle shall be measured from the centerline of the street to the centerline of the access drive;
- G. The applicant shall furnish a Traffic Impact Report prepared by a professional traffic engineer;
- H. The applicant shall demonstrate compliance with Section 7.(c) of the Pennsylvania Act No. 1984-219 as may be amended. The applicant shall provide a detailed description of the proposed use of the site once reclamation has been completed, including a description of any zoning and /or subdivision approvals or remedies that would be necessary to accommodate the proposed use. Finally, the applicant shall provide written notification to the Township within thirty (30) days, whenever a change in the reclamation plan is proposed to the PA DEP;
- I. Screening: Where the proposed use adjoins a Residential Zoning District, an existing residence and/or a public road screening shall be provided. Such screening shall be comprised of an earthen berm at least ten (10') feet in height. Such berm shall be located on the quarry site and placed so as to maximize the berm's ability to absorb and/or block views of and the noise, dust, smoke, etc. generated by the proposed use.

The berm shall be completely covered and maintained in an approved vegetative groundcover. In addition, a landscape screen shall consist of evergreen shrubs and trees arranged to form both a low level and a high level screen within a strip of land with a minimum width of ten (10') feet. The high level screen shall consist of evergreen trees of not less than five (5') feet in height at the time of planting that shall be planted at intervals of not more than ten (10') feet. The low level screen shall consist of evergreen shrubs of not less than three (3') feet in height at the time of planting that shall be planted at intervals of not more than five (5') feet. The landscape screen shall be permanently maintained. Any dead plant material that comprises the Screening shall be replaced within six (6) months upon notification of the Zoning Officer:

- J. Operations Progress Report: Within ninety (90) days after commencement of surface mining operations and each year thereafter, the operator shall file an operations progress report with the Zoning Officer setting forth all of the following:
1. The name or number of the operation.
 2. The location of the operation with reference to the nearest public road.
 3. A description of the tract or tracts, including a site plan showing the location of all improvements, stockpile, quarry pits, etc.
 4. The name and address of the landowner or his duly authorized representative.
 5. An annual report of the type and quantity of mineral produced.
 6. The current status of the reclamation work performed in pursuance of the approved reclamation plan.
 7. A maintenance report for the site that verifies that all required fencing, berming and screening has been specifically inspected for needed repairs and/or maintenance and that such needed repairs and/or maintenance has been performed.
 8. Verification that the proposed use continues to comply with all applicable State regulations. The operation shall furnish copies of any approved permits and/or any notices of violation issued by the PA DEP; and.
- K. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

In addition, if the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed by the municipal engineer. A water system, which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the municipality.

A water feasibility study shall include the following information:

1. Calculations of the projected water needs.
2. A geologic map of the area with a radius of at least one (1) mile from the site.
3. The location of all existing and proposed wells within one thousand (1,000') feet of the site with a notation of the capacity of all high yield wells.
4. The location of all existing on-lot sewage disposal systems within one thousand (1,000') feet of the site.
5. The location of all streams within one thousand (1,000') of the site and all known point sources of pollution.

6. Based on the geologic formations underlying the site, the long-term safe yield shall be determined.
7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
8. A statement of the qualifications and the signatures of the persons preparing the study.

57. RESORT LODGES

Resort Lodges shall be a Conditional Use (CD) in the Agricultural Business (A-B) zone, subject to the following criteria:

- A. Such structures shall contain no more than twenty-five (25) rooms or suites intended to be separately rented per structure;
- B. Such structures shall be designed and constructed with an exterior appearance that is in harmony with the nature of the district;
- C. Such structures shall be constructed such that access to individual rooms/suites shall be made from an interior hallway;
- D. Parking shall be provided at the rate of one (1) parking space per room/suite, plus one (1) space for each employee;
- E. All parking areas adjacent to an existing residential lot shall provide a screen with a minimum height of six (6') feet. Screens shall be constructed as earth berm, landscaped buffer yards, fence or wall; and
- F. Such structure shall only be permitted on a lot upon which another permitted use has been legally established.

58. SHOOTING AND ARCHERY RANGES - INDOOR

Shooting and Archery Ranges - Indoor shall be a Permitted by Right (PR) in the Commercial Highway (C-H) and in the Agricultural Business (A-B) zones, subject to the following criteria:

- A. A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet and the design, effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan;
- B. There will be no overnight accommodations;
- C. The applicant shall present expert testimony to establish that sufficient Soundproofing shall be provided to render the sound of discharge of any Firearm inaudible when outside the building in which the Indoor Shooting Range is located;
- D. All operations shall be conducted in accordance with National Rifle Association guidelines;

59. SHOOTING AND ARCHERY RANGES -- OUTDOOR

Shooting and Archery Ranges – Outdoor shall be permitted as a Conditional Use (CD) in the Commercial Highway (C-H) zone and Permitted by Right in the Agricultural Business (A-B) zone, subject to the following criteria:

- A. This section is intended to provide minimum standards to regulate outdoor shooting ranges and commercial outdoor archery ranges (*hereinafter* referred to as *ranges*) in order to protect neighboring property owners and the public at large from dangers of wild or ricocheting projectiles and from excessive noise and other nuisances:
- B. A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet and the design, effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan:
- C. The firing range, including the entire Safety Fan, shall be enclosed with a six (6') foot high nonclimbable fence to prevent unauthorized entry into the area. Range caution signs with eight inch (8") tall red letters on a white background shall be posted at a maximum of fifty (50') foot intervals around the range. Perimeter signs shall read: "SHOOTING RANGE AREA. KEEPOUT";
- D. All outdoor shooting ranges shall be situated not less than five hundred (500') feet from any property line and not less than seven hundred and fifty (750') feet from any principal residential or commercial structure. This shall not apply to structures on the same parcel as the shooting range:
- E. All ranges shall be designed and constructed with safety facilities to prevent accidental wild or ricocheting projectiles and stray arrows, and the Township may require such additional safety features deemed necessary. Such features may include, but not be limited to increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation:
- F. All ranges shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of Section 600.G. of this Ordinance, unless more restrictive standards are required by the Township as a condition of approval; and.
- G. No firearm shall be discharged outdoors between the hours of 8:00 PM and 9:00 AM prevailing local time. However, the Township may establish more restrictive time limits as a condition of approval.

60. SLAUGHTERING, PROCESSING, RENDERING AND PACKAGING OF FOOD PRODUCTS AND THEIR BY-PRODUCTS WHICH ARE PRODUCED FROM THE REMAINS OF ANIMALS

Slaughtering, Processing, Rendering and Packaging of Food Products and Their By-Products which are Produced from the Remains of Animals shall be Permitted by Right (PR) in the Agricultural Business (A-B) zone, subject to the following criteria:

- A. Minimum lot Area shall be not less than five (5) acres:
- B. The subject site shall have access to a major collector or arterial road:

- C. All aspects of the slaughtering, processing, rendering and packaging operation, accepting the unloading and holding of live animals shall be conducted within a completely enclosed building;
- D. All live animals held outside shall be within secure holding pens or runways sufficiently large to accommodate all animals without crowding, and not located within the front yard;
- E. The applicant shall furnish a working plan for the recovery of escaped animals which minimizes the potential for animals to enter traffic or cross property lines, and which shall be continuously implemented;
- F. All animal wastes shall be regularly cleaned up and properly disposed of, so as not to be objectionable at the sites lot line;
- G. The unloading of live animals from trucks into holding pens and their movement into the plant shall be continuously supervised by a qualified operator, whose responsibility it shall also be to immediately identify and appropriately dispatch any obviously ill or injured animals;
- H. The unloading of live animals and their movement into the plant shall be conducted in an orderly and calm manner so as to minimize noise levels;
- I. The loading and unloading of trucks shall be restricted to the hours between 6 a.m. and 9 p.m.;
- J. No exterior animal holding pens and/or areas devoted to loading, unloading of animals shall be located within two hundred (200') feet of any lot line nor five hundred (500') feet of any land within a residential zone;
- K. All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty (50') foot wide landscape strip;
- L. Wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer to the ground or in any other manner inconsistent with PA DEP regulations;
- M. All unusable animal by-products shall be stored indoors in leak- and vector-proof containers. In the case of slaughtering or processing operations, which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than twenty-four (24) hours;
- N. The applicant must demonstrate written compliance with, and continue to comply with all applicable local, State and Federal standards and regulations;
- O. The use shall provide sufficiently long stacking lanes and on-site loading/unloading areas so that trucks waiting to be loaded/unloaded will not backup onto public roads. No parking or loading/unloading shall be permitted on or along any public road;
- P. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with major collector or arterial roads;
- Q. All access drives onto the site shall have a paved minimum thirty-five (35') foot wide cartway for a distance of at least two hundred (200') from the street right-of-way. In addition, if portions of on-site access drives are unpaved, then a fifty (50') long gravel section of driveway shall be placed just beyond the preceding two hundred (200')

paved section to help collect any mud that may have attached to a vehicle's wheels. The owner and or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the site; and.

- R. The applicant shall furnish a Traffic Impact Report prepared by a professional traffic engineer in accordance with the *Bradford County Subdivision and Land Development Ordinance*.

61. SOLAR COLLECTORS AND ARRAYS

Solar Collectors and Arrays shall be Permitted as an Accessory Use (AC) in all Zoning Districts within the township, subject to the following conditions and requirements:

- A. PA UCC building permits shall be required for installation of rooftop and building-mounted Solar Collectors;
- B. Ground-mounted and freestanding Solar Collectors and arrays are permitted subject to the following requirements:
 - 1. The location of the solar collector or array meets all applicable setback requirements of the zone in which it is located.
 - 2. The height of the solar collector and any mounts shall not exceed twenty (20') feet when oriented at maximum tilt.
 - 3. The total surface area of all ground-mounted and freestanding solar collectors and arrays on the lot shall not exceed one thousand (1,000 ft.²) square feet.
 - 4. A PA UCC building permit has been obtained for the solar collector;
- D. Where site plan approval is required elsewhere in this chapter for a development or activity, the site plan review shall include review of the adequacy, location, arrangement, size, design, and general site compatibility of proposed Solar Collectors;
- E. All Solar Collector and Array installations must be performed by a qualified solar installer, and prior to operation, the electrical connections must be inspected by the designated Township Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Township Zoning Officer. In addition, any connection to the public utility grid must be inspected by the appropriate public utility;
- F. When solar storage batteries are included as part of the Solar Collector system, they must be placed in a secure container or enclosure; and.
- G. If a Solar Collector or Array ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount battery container and associated equipment and facilities by no later than ninety (90) days after the end of the twelve-month period.

62. SWIMMING POOLS (PRIVATE)

Swimming pools shall be Permitted as an Accessory Use (AC) in the Residential Single (R-S), Residential Rural (R-R), Residential Multifamily (R-MF) and Agricultural Business (A-B) zones, subject to the following conditions and requirements:

- A. The pool is intended, and is to be used, solely for the enjoyment of the occupants of the principal use of the property on which it is located, including guests;

- B. It may not be located, including any walks or paved areas or accessory structures adjacent thereto closer than five (5') feet to any property line, nor shall it be nearer to any street line upon which the residence abuts than the existing setback line of the residence. In no case shall it be any closer than twenty (20') feet from any street line;
- C. All permanent swimming pools now existing or hereafter constructed, installed, established or maintained, shall be enclosed by a permanent fence of durable material at least four (4') feet but not more than six (6') feet in height, with the exception of atrium houses, and shall be so constructed as not to have openings, mesh or gaps larger than four (4 in.²) square inches in any direction. If a picket fence is erected or maintained, the horizontal dimension shall not exceed four (4") inches. All gates used in conjunction with the fence shall meet the same specifications as to the fence itself and shall be equipped with approved locking devices and shall be locked at all times when the swimming pool is not in use;
- D. A dwelling unit, excluding atrium dwellings, or an accessory building may be used as part of such enclosure. However, height requirements for a fence shall not apply to the building;
- E. The provisions regulating fencing shall not apply to pools having sides extending four (4') feet above ground, provided that the stairs, or other means of access to the pool, are removed or locked in such a position as to make it readily inaccessible when not in use;
- F. All materials used in the construction of pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning and shall be maintained and operating in such a manner as to be clean and sanitary at all times;
- G. Water may not be discharged from a swimming pool unless discharged so as not to flow onto adjacent properties or right-of-way;
- H. Enclosed indoor pools must comply with applicable regulations pertaining to accessory structures;
- I. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no beam of light, only diffused or reflected light, enters adjoining properties; and.
- J. The swimming pool shall comply with the PA Uniform Construction Code requirements, as amended.

63. TAVERNS/BARS

Taverns/Bars are permitted by Conditional Use (CD) within the Commercial Community (C-C) and Commercial-Highway (C-H) zones, subject to the following criteria:

- A. A Tavern/Bar shall be located in accordance with the provisions and licensing of the Pennsylvania Liquor Control Board;
- B. A Tavern/Bar hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance or interruption and shall be approved by the Township Supervisors;
- C. The owner(s) and operator(s) of a Tavern/Bar shall be responsible for the conduct and safety of the patrons; and.

- D. The North Towanda Township Supervisors may attach additional conditions pursuant to this section, in order to protect the public's health safety and welfare. These conditions may include, but are not limited to, increased setbacks or traffic analysis.

64. TEMPORARY USES (SPECIAL EVENTS)

Temporary Uses (Special Events) are Permitted by Right (PR) in all zoning districts, subject to the following criteria:

- A. Special Events include Temporary Uses such as carnivals, circuses, festivals, fairs, horse shows, dog shows, steeplechases, outdoor religious meetings, rodeos, outdoor concerts, tractor pulls, special outdoor entertainment on commercial properties, and other similar activities;
- B. Activities which are sponsored by an organization whose principal administrative offices are located within Bradford County (including, but not limited to, volunteer fire companies, local chambers of commerce, veterans' organizations, service clubs, civic organizations, churches or religious organizations, sports or hunting clubs, charitable, educational, or non-profit organizations or recognized chapter thereof) are exempt from the requirement of a Temporary Zoning Permit;
- C. When the activity is sponsored by an entity whose principal administrative offices are outside of Bradford County, a Temporary Zoning Permit shall be required prior to commencement of the activity. A Temporary Zoning Permit may be issued for a period not to exceed five (5) consecutive days;
- D. The access to the property shall be adequate for the crowds anticipated;
- E. Adequate water and sanitary facilities must be supplied to the site. Light, noise, and dust from the activity shall be confined within the site;
- F. Adequate parking shall be provided for the anticipated number of vehicles; and,
- G. At the end of the allowed time period, the Temporary Use and all debris shall be removed. The North Towanda Twp. Zoning Officer may require a signed contract with a disposal firm as part of the application for the temporary use to ensure that all debris is removed. A new permit allowing the same Temporary Use at the same location may not be issued for a period of six (6) months from the date that the original permit was issued.

65. TRUCK OR MOTOR FREIGHT TERMINALS

Truck or Motor Freight Terminals shall be Permitted by Right (PR) in the Commercial Highway (C-H), Manufacturing (M) and Agricultural Business (A-B) zones, subject to the following criteria:

- A. Vehicles traveling and accessing the site shall not be permitted through local streets, only through arterial or collector streets;
- B. Vehicular access to the site shall be limited to one (1) two-way or two (2) one-way driveways from each street on which the site has frontage;
- C. Any building used for a principal use on the lot shall not be located closer than five hundred (500') feet from any residential lot;
- D. All structures, including, but not limited to air compressors, fuel pump islands, kiosks shall be set back at least fifty (50') feet from any street right-of-way line;

- E. No portion of the lot shall be paved with asphalt, concrete or other substance within one hundred (100') feet from the lot line abutting any Residential Zoning District;
- F. No activity in the form of shipping, receiving, or trash collection is permitted within five hundred (500') feet of a residential lot between the hours of 8 p.m. and 6 a.m.;
- G. In addition to any other necessary measures, buffer areas shall be adequate to limit the impacts of sound, vibration, and light to the standards stated in Section 604 as well as to provide an appropriate visual screen between incompatible land uses;
- H. The emissions of dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, to animals, vegetation, or to property, or which can cause any soiling, or staining of persons or property at any point beyond the lot line of the use creating the emission is prohibited;
- I. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use as measured at the lot lines;
- J. No materials or waste matter of any kind shall be deposited upon a lot in such form or manner that it may be transported off the lot by natural causes or forces;
- K. No materials or other substances that can contaminate wells, watercourses, or potable water supplies shall be deposited on the site;
- L. No activities involving the storage, utilization, or manufacture of materials or products, which could decompose by detonation, shall be permitted except as authorized by North Towanda Township. Such materials shall include, but need not be limited to, all primary explosives such as lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium. A list of such materials shall be provided to the North Towanda Township Volunteer Fire Department;
- M. No warehouse or storage building, or part thereof, may be used for a dwelling purpose at any time;
- N. The outdoor storage of unlicensed and/or uninspected vehicles is prohibited;
- O. All maintenance operations and storage of materials shall be conducted inside a building; and,
- P. The North Towanda Township Supervisors may impose restrictions on access to the facility, storage of vehicles, or materials on the premises, hours of operations and other such matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district, municipal infrastructure (including but not limited to water and sewer systems, transportation network and the like) or adjacent land uses.

66. USES NOT PROVIDED FOR

- A. Uses Not Provided For within this Ordinance shall follow procedures set forth under Article III, Section 305. Uses Not Provided For.

67. WAREHOUSING AND DISTRIBUTION FACILITIES

Warehousing and Distribution Facilities shall be Conditional Use (CD) in the Commercial Highway (C-H) zone and Permitted by Right (PR) in the Manufacturing (M) zone, subject to the following criteria:

- A. Minimum lot size shall be five (5) acres;
- B. Off-street parking and loading spaces shall be provided for the Warehousing and Distribution Facility in accordance with Article VII;
- C. The applicant shall provide the Township Zoning Officer a detailed description of the proposed use in each of the following topics and a complete land development application shall be submitted to the Bradford County Planning Commission:
 - 1. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials and the methods for disposal of any surplus or damaged materials. In addition the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
 - 2. The general scale of operation in terms of its market area, specific floor space requirements for each activity, the total number of employees of each shift, and an overall needed site size.
 - 3. Any environmental impacts that are likely to be generated (e.g. noise, smoke, dust, litter, glare, outdoor lighting, vibration, electrical disturbance, waste water, storm water, solid waste, etc.) And specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances;
- D. Retail sales shall not exceed twenty percent (20%) of the gross floor area;
- E. Outdoor storage of materials is prohibited, unless enclosed within a fenced area located in the rear yard and a minimum of thirty (30') feet from all property lines and screened with landscaped buffer plantings in accordance with this Ordinance. The maximum area for outdoor storage shall be seven hundred and fifty (750 ft.²) square feet; and,
- F. Screening and a thirty (30') foot landscaped buffer shall be provided from any loading/unloading dock area that adjoins any residential zoning district and/or existing dwelling. Such screening shall comply with the requirements of Section 604.

68. WATER IMPOUNDMENT

Water Impoundments shall be Permitted by Right (PR) in all zoning districts intended for the reasonable development of oil and gas resources in North Towanda Township, subject to the following criteria:

- A: Minimum Lot Area shall be twenty (20) acres;
- B: The North Towanda Township Supervisors shall determine hours of operation;
- C: All water hauling vehicle parking and staging shall be contained on the facility property. In addition, the applicant shall demonstrate adequate circulation and turning radii for water hauling vehicles accessing fill hydrants;

- (D.) A Water Impoundment shall contain a maximum of six (6) fill hydrants for water hauling vehicles;
- (E.) Water Impoundments shall not be located closer than three hundred (300') feet from an existing building;
- (F.) The Water Impoundment perimeter shall be enclosed by a six (6') foot high security fence in compliance with Section 607 of this Ordinance with a locked gate for company access only. The company shall also attach life preservers at equidistant points around the perimeter and a rope ladder leading up slope, out of the impoundment, to an area free of water and impoundment liner;
- (F.) All proposed improvements for a proposed Water Impoundment shall comply with Section 600. Performance Standards Applicable to All Non-Residential Uses under this Ordinance;
- (G.) Any lighting of the Water Impoundment shall be pointed downward and inward to the property center and shaded to prevent direct reflection on adjacent property;
- (H.) The applicant shall provide all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The Applicant shall provide the following;
 - (1.) Application Information - All required application information, and all other necessary information to enable the Township to assess compliance with this Ordinance;
 - (2.) Susquehanna River Basin Commission (SRBC) Approval by Rule - A copy of all applications and information required by the applicable SRBC Rules and Regulations for water withdrawal;
- (I.) Evidence of Erosion and Sedimentation submission and plan review by the Bradford County Conservation District;
- (J.) Any Water Impoundment shall not be located within the FEMA designated floodway;
- (K.) Where applicable, ingress, egress and regress off of State Highways shall comply with all applicable PENNDOT, Chapter 441 Access to and Occupancy of Highways by Driveways and Local Roads. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with a PENNDOT Highway Occupancy Permit; and,
- (L.) A buffer of undisturbed area of not less than twenty-five (25') feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas;

69. WATER TREATMENT FACILITY

Water Treatment Facilities shall be permitted as a Conditional Use (CU) in the Commercial Highway (C-H), Manufacturing (M) and Agricultural Business (A-B) zones, subject to the following criteria:

- A) Minimum lot size shall be ten (10) acres;

- B. All water hauling vehicle parking and staging shall be contained on the facility property. In addition, the applicant shall demonstrate adequate circulation and turning radii for water hauling vehicles accessing intake and fill points.
- C. All proposed improvements for a proposed Water Treatment Facility shall comply with Section 600. Performance Standards Applicable to All Non-Residential Uses under this Ordinance.
- D. A buffer of undisturbed area of not less than fifty (50') feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- E. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25') feet wide.
- F. The Water Treatment Facility property perimeter shall be enclosed by a six (6') foot high security fence in compliance with Section 607 of this Ordinance.
- G. Any lighting of the Water Treatment Facility shall be pointed downward and inward to the property center and shaded to prevent direct reflection on adjacent property.
- H. At the building setback line, the facility shall include an elevated earthen berm that is a minimum of three (3') feet higher than the finished elevation of water treatment ponds and facilities. The berm must have a crown width of at least three (3') feet and may not have a slope steeper than a three to one (3:1) ratio.
- I. The applicant shall provide all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accordance with Section 1017. Conditional Uses of this Ordinance and §603 (c) (2) of the Pennsylvania Municipalities Planning Code. The Applicant shall provide the following:
 - 1. Application Information - All required application information, and all other necessary information to enable the Township to assess compliance with this Ordinance.
 - 2. DEP Application Information - A copy of the WMGR123 application and information required by the applicable DEP Rules and Regulations.
- J. For any Water Treatment Facility approved by the Township, the operator shall submit to the Township copies of all DEP required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report; and
- K. Where applicable, ingress, egress and regress off of State Highways shall comply with all applicable PENNDOT, Chapter 441 Access to and Occupancy of Highways by Driveways and Local Roads. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with a PENNDOT Highway Occupancy Permit.

(70.) WATER WITHDRAWAL AND DISTRIBUTION FACILITY

(Water Withdrawal and Distribution Facilities shall be permitted as a Conditional Use (CD) in the Commercial Highway (C-H), Manufacturing (M) and Agricultural Business (A-B) zones.)
(subject to the following criteria:)

- (A.) (Minimum Lot Area shall be one (1) acre:)
- (B.) (The North Towanda Township Supervisors shall determine hours of operation.)
- (C.) (All water hauling vehicle parking and staging shall be contained on the facility property.)
(In addition, the applicant shall demonstrate adequate circulation and turning radii for
water hauling vehicles accessing fill hydrants:)
- (D.) (A Water Withdrawal and Distribution Facility shall contain a maximum of ten (10) fill
hydrants for water hauling vehicles:)
- (E.) (All proposed improvements for a proposed Water Withdrawal and Distribution Facility)
(shall comply with Section 600., Performance Standards Applicable to All Non-Residential
Uses under this Ordinance:)
- (F.) (Any lighting of the Water Withdrawal and Distribution Facility shall be pointed downward
and inward to the property center and shaded to prevent direct reflection on adjacent
property:)
- (G.) (The applicant shall provide all other necessary information to enable the Township to
assess the environmental, community and other public health, safety and welfare effects
of the proposed operation. The findings of the Township based on this information shall
serve as a basis for the establishment of conditions of approval in accord with Section
1017. Conditional Uses of this Ordinance and §603 (c) (2) of the Pennsylvania
Municipalities Planning Code. The Applicant shall provide the following:)
 - (1.) (Application Information - All required application information, and all other
necessary information to enable the Township to assess compliance with this
Ordinance.)
 - (2.) (Susquehanna River Basin Commission (SRBC) Approval by Rule - A copy of all
applications and information required by the applicable SRBC Rules and
Regulations for water withdrawal:)
- (H.) (Evidence of Erosion and Sedimentation submission and plan review by the Bradford
County Conservation District:)
- (I.) (Any Water Withdrawal and Distribution Facility shall not be located within the FEMA
designated floodway:)
- (J.) (Where applicable, ingress, egress and regress off of State Highways shall comply with all
applicable PENNDOT, Chapter 441 Access to and Occupancy of Highways by Driveways
and Local Roads. No zoning permit shall be issued until such time as the applicant
provides evidence of compliance with a PENNDOT Highway Occupancy Permit; and)
- (K.) (A buffer of undisturbed area of not less than twenty-five (25') feet in width shall be
maintained along all property lines and road rights-of-way to provide a buffer and shall
not be used for parking, storage or any other purpose except landscaping and crossing of
access roads. In determining the type and extent of the buffer required, the Township
shall take into consideration the design of the project structure(s) and site, topographic

(features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.)

71. WIND ENERGY FACILITIES - SMALL WIND ENERGY SYSTEM

Small Wind Energy Systems shall be permitted by Conditional Use (CD) in the Rural Residential (R-R) and Agricultural Business (A-B) zones, subject to the following criteria:

- A. Minimum Lot Area shall be one (1) acre;
- B. *Meteorological Towers shall be permitted under the same standards, permit requirements and procedures as a Small Wind Energy System:*
- C. Small Wind Energy Systems constructed primarily for use on the property upon which the Small Wind Energy System is located shall conform to the following requirements:
 1. Any structure supporting the Small Wind Energy System, including guideposts and cables, shall be independent of any occupied structure and located at a minimum distance of the Turbine Height plus ten (10') feet from any existing aerial utility line or occupied dwelling and shall not be more than eighty (80') feet in height. Properties over two (2) acres may have Small Wind Energy System tower heights up to and including one hundred and forty (140') feet.
 2. The minimum distance between the Small Wind Energy System tower and any property line shall not be less than twice the Turbine Height. No part of the system, including guy wires and anchors, may extend closer than ten (10') feet from the property boundary.
 3. The minimum distance between the ground and the lowest point of the Wind Rotor blade shall be twenty (20') feet.
 4. One (1) Small Wind Energy System tower shall be permitted per lot, and all energy produced from such turbine shall be used on the lot.
 5. The Small Wind Energy System shall have an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the system is designed, and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.
 6. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. The Small Wind Energy System tower shall be designed and installed so as not to provide step bolts, a ladder, rungs or other publicly accessible means of climbing the tower, for a minimum height of eight (8') feet above the ground elevation.
 7. All electrical wires associated with the Small Wind Energy System shall be located underground where practical.
 8. No Small Wind Energy System shall have any signage, writing, pictures or decorations placed on it at anytime other than warning, equipment and owner information.
 9. Small Wind Energy Systems shall not be artificially lighted unless the Federal Aviation Administration or the Pennsylvania Bureau of Aviation requires such lighting.

10. Small Wind Energy Systems that are out of service for a continuous twelve (12) month period will be deemed to have been abandoned. If deemed abandoned, the owner will be responsible for the removal of the Small Wind Energy System and all costs, financial or otherwise, of the Small Wind Energy System removal;
- D. In addition to any other requirements or application procedures, the Special Exception application shall be accompanied by a plot plan that includes the following:
1. Property lines and physical dimensions of the property.
 2. Location, dimensions and types of existing principal and accessory structures on the property.
 3. Location of the Small Wind Energy System Tower.
 4. The right-of-way delineation of any public road that is contiguous with the property.
 5. Easements.
 6. Overhead/Underground Utility lines.
 7. Specifications for the Small Wind Energy System including the manufacturer, model, tower height, tower type (freestanding or guyed), rotor diameter, etc.
 8. Detailed tower and tower foundation drawings stamped and sealed by a Pennsylvania Licensed Professional Engineer or approved plans by North Towanda Township's Third Party Building Inspector;

72. WIND ENERGY FACILITY

Wind Energy Facilities shall be permitted by Conditional Use (CD) in the Agricultural Business (A-B) zone, subject to the following criteria:

- A. Minimum Lot Area shall be thirty (30) acres;
- B. The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificate of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, or other similar certifying organizations;
- C. To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, 34 PA Code §§403.1 – 403.142;
- D. All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Staff regulation shall not be considered a sufficient braking system for overspeed protection;
- E. All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards;
- F. Wind Turbines shall be a non-obtrusive color such as white, off-white or gray;
- G. Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or the Pennsylvania Bureau of Aviation;
- H. Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner or Operator;

- I. On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground;
- J. The design of buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening and landscaping that will blend the Wind Energy Facility into the natural setting and existing environment;
- K. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations;
- L. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10') feet from the ground;
- M. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons;
- N. The minimum distance between the ground and any part of the Wind Rotor blade shall be thirty (30') feet;
- O. To limit climbing access, a six (6') foot high fence with a locking gate shall be placed around the Wind Energy Facility, or the Wind Turbines' climbing apparatus shall be limited to no lower than twelve (12') feet from the ground, or the Wind Turbines' climbing apparatus shall be fully contained and locked within the tower structure;
- P. Wind Turbines shall be set back from the nearest Occupied Building or Non-Occupied Building on the participating landowner's property a distance not less than the greatest normal boundary setback requirements for the zoning classification or one point one (1.1) times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building or Non-Occupied Building;
- Q. Wind Turbines shall be set back from the nearest Occupied Building or Non-Occupied Building located on a Non-participating Landowner's property a distance of not less than two (2) times the Turbine Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied or Non-Occupied Building;
- R. All Wind Turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification of one point one (1.1) times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base;
- S. All Wind Turbines shall be set back from the nearest public road a distance of not less than one point one (1.1) times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base;
- T. Audible sound from a Wind Energy Facility shall not exceed sixty-five (65 dBA) decibels in accordance with § 11.10.6 of this Ordinance;
- U. The Wind Energy Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property;
- V. Use of Public Roads:
 - 1. The Applicant shall identify all state and local public roads to be used within North Towanda Township to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.

2. An engineer or a qualified third party engineer hired by North Towanda Township and paid for by the Applicant shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
3. North Towanda Township may bond the road in compliance with state regulations and/or the township posting and bonding ordinance.
4. Any road damage caused by the applicant or its contractors shall be promptly repairs at the Applicant's expense.
5. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads:

W. Local Emergency Services:

1. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including the Wyalusing Volunteer Fire Department.
 2. Upon request, the Applicant shall cooperate with the Township Emergency Management Coordinator to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility:
- X. The Wind Energy Facility shall not cause any radio, television, microwave or navigation interference. If a signal disturbance problem is identified, the owner shall correct the problem within ninety (90) days of being notified of the problem:
- Y. There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least one (\$1,000,000) million dollars per occurrence and one (\$1,000,000) million dollars in the aggregate. Certificates shall be made available to North Towanda Township upon request:

Z. Decommissioning:

1. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind turbines, within twelve (12) months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
2. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36") inches, and any other associated facilities.
3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
4. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to North Towanda Township after the first year of operation and every fifth (5th) year thereafter.

5. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than one hundred (100%) percent of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by North Towanda Township.
6. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to North Towanda Township.
7. If the Facility Owner or Operator fails to complete decommissioning within the period, prescribed above, then the landowner shall have six (6) months to complete decommissioning.
8. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by above, then the North Towanda Township Supervisors may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to North Towanda Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that North Towanda Township may take such action as necessary to implement the decommissioning plan.
9. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and North Towanda Township Supervisors concur that decommissioning has been satisfactorily completed, or upon written approval of the North Towanda Township Supervisors in order to implement the decommissioning plan;

AA. Public Inquiries and Complaints:

1. The Facility Owner and Operator shall maintain a phone number and identify responsible person for the public to contact with inquiries and complaints throughout the life of the project.
2. The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.
3. The Facility Owner and/or Operator shall keep a record of all such inquiries and complaints and shall submit a report thereof to the North Towanda Township Supervisors not less than quarterly:

BB. Remedies:

1. It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of this Article, or any permit issued under Article, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of this Article or any permit issued under this Article.
2. If North Towanda Township determines that a violation of this Article or the permit has occurred, the North Towanda Township Zoning Officer shall provide written notice to any person, firm, or corporation alleged to be in violation of this

Article or permit. If the alleged violation does not pose an immediate threat to public health or safety, the North Towanda Township Supervisors and the parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the notice of violation.

3. If after thirty (30) days from the date of the notice of violation North Towanda Township determines, in its discretion, that the parties have not resolved the alleged violation, the North Towanda Township Supervisors may institute civil enforcement proceedings or any other remedy at law to ensure compliance with this Article or permit; and.

CC. Application for Wind Energy Facilities:

1. Among other things, the application shall contain the following:
 - i. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
 - ii. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility and setting forth the Applicant's and property owner's name, address and phone number.
 - iii. Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.
 - iv. A site plan showing the planned location of each Wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
 - v. Documents related to decommissioning.
 - vi. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the North Towanda Township Supervisors sure compliance with this Ordinance.
2. Throughout the permit process, the applicant shall promptly notify the North Towanda Township Zoning Officer of any changes to the information contained in the Conditional Use permit application. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

73. WINERIES (TASTING ROOM & RETAIL SALES) AND VINEYARDS

Wineries (Tasting Room & Retail Sales) and Vineyards shall be permitted by Conditional Use (CD) in the Agricultural Business (A-B) zone, subject to the following criteria:

The Tasting Rooms and Retail Sale use, accessory to a Vineyard or Winery, is an accessory use to a Vineyard or Winery for the commercial purpose of retail sales and tasting facilities for wine and related promotional items. Tasting Rooms and Retail Use Accessory to a Vineyard or Winery shall comply with the following conditions:

- A. Minimum lot size shall be at least one (1) acre for the lot on which the Tasting Room and Retail Sale use accessory to a Vineyard or Winery is located shall be planted with wine-producing crops by the operator of this accessory use. The Tasting Room and Retail Sale use accessory to a Vineyard or Winery shall only be permitted as an accessory use to the principal use of the property as a vineyard or winery;
- B. For a Tasting Room and Retail Use Accessory to a Vineyard or Winery with less than ten (10) acres, the maximum floor area of a building, which may be devoted to serving the customers, shall be one thousand five hundred (1,500 ft²) square feet. For a Tasting Room and Retail Sale Use Accessory to a Vineyard or Winery with ten (10) or more acres, the maximum floor area of a building, which may be devoted to serving the customers, shall be three thousand (3,000 ft.²) square feet. Floor area devoted to serving the customer shall include any area for customer access and circulation, for the display of products including floor area devoted to counters, tables, display cases, preparing products for customers and similar purposes. Floor area not included in the area devoted to serving the customer would include display area outside the building or structure as well as inside floor area for storage and processing of wine where customer access is restricted, except for instructional tours related to the wine making process;
- C. Tasting Rooms and Retail Sale Uses Accessory to a Vineyard or Winery may provide for the sale of wine and related products, wine tasting, and instruction related to the wine making process;
- D. The use of the space within or outside of the Tasting Room and Retail Sale Use Accessory to a Vineyard or Winery for special events such as parties or receptions is permitted in accordance with the following standards:
 1. Use of the Tasting Room and Retail Sale Use Accessory to a Vineyard or Winery for special events shall be an accessory use to the vineyard and winery use.
 2. In order to hold special events other than educational seminars, workshops or meetings with fifty (50) or fewer attendees, a Tasting Room and Retail Sale Use Accessory to a Vineyard or Winery must contain a minimum of ten (10) contiguous acres.
 3. No outdoor activity/event or temporary structure associated with a special event shall be located within one hundred and fifty (150') feet of any property line, except that parking areas may be located having a fifty (50') foot setback from the property lines. There shall be a vegetative buffer area between all parking areas and adjacent residential uses and districts. The buffer shall include evergreen planting, at least three (3') feet in height.
 4. Special events are limited to the following:
 - i. Educational seminars, workshops, meetings and other events are permitted provided they are held indoors. The term "indoors" does not include events held under tents or other temporary structures.
 - ii. When another event exceeds fifty (50) attendees, a Tasting Room and Retail Sale Use Accessory to a Vineyard or Winery must contain a minimum of ten (10) contiguous acres.

- iii. Outdoor events, including those held under tents or other temporary structures are permitted.
 - iv. All special events, whether indoor or outdoor, shall end no later than 10:00 p.m.
 - v. The Tasting Room and Retail Sale Use Accessory to a Vineyard or Winery must have frontage on and access to a feeder street or roadway of higher classification.
 - vi. Amplified music is permitted pursuant to Article VI – Performance Standards of this ordinance.
 - vii. Parking shall be provided in designated areas.
 - viii. Lighting may be used for special events for the duration of the event only and may not shine or produce glare on adjacent properties.
 - ix. Driveways from public roads to parking areas shall have a paved apron at the entrance which is a minimum of one hundred (100') feet in length from the edge of paving, as well as a gravel tire-cleaning area fifty (50') feet in length.
5. Buildings at a Tasting Room and Retail Sale Use Accessory to a Vineyard or Winery shall be located no closer than seventy-five (75') feet to any property line.
6. Not more than one (1) building for retail sales shall be permitted on any tract, parcel or property being used as a Tasting Room and Retail Use Accessory to a Vineyard or Winery.

ARTICLE VI

PERFORMANCE STANDARDS

Section 600. Performance Standards. The intent of this Article is to regulate the development and operation and all development within the North Towanda Township and to protect the environment and the health, safety and general welfare. However, any use may be undertaken and maintained if it conforms to all applicable requirements of this Ordinance, including the standards within this Article that are intended to limit nuisance elements. The following Performance Standards shall apply to all existing, proposed, new or expanded uses. The provisions of this Section shall not apply to agricultural uses, forestry enterprises and natural gas well drilling unless explicitly referenced by a specific section.

A. Vibration

No Vibration shall be permitted which is detectable without instruments at or beyond the property line; and no use shall generate any vibration, which is capable of causing damage to buildings, structures, equipment alignment or structural soundness. This requirement shall not apply to occasional blasting conducted in accordance with applicable regulations that may be necessary during construction of streets, structures and utilities.

B. Odors and other forms of Air Pollution

The discharge of smoke, fumes, gas, dust, odor or other atmospheric pollutant not in compliance with Pennsylvania Department of Environmental Protection requirements beyond the boundaries of the lot whereon such use is located shall not be permitted.

C. Fire and Explosives Protection

All activities involving any manufacturing, production, storage, transfer or disposal of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer for review and recommendation by the North Towanda Volunteer Fire Department. In the case of Special Exceptions, larger setbacks, additional buffer areas or fencing may be required if the nature of the proposed use determined by the Township so requires.

D. Lighting and Glare

Lighting shall be controlled in both height and intensity to maintain community character, as lighting design shall be an inherent part of the project design. The applicant shall provide specifications of the proposed lighting and its arrangement on the site and shall be considered improvements under the Bradford County Subdivision and Land Development Ordinance.

1. Exemption: This Section shall not apply to street lighting that is owned, financed or maintained by North Towanda Township or the Commonwealth of Pennsylvania.
2. Areas to be Lighted: All access ways, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps and directional signage.

3. Shielding: No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to protect the light below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source.
4. Glare: No direct or sky-reflected glare, whether from overhead lighting, floodlights or from high temperature processes such as combustion or welding or otherwise, shall be permitted so as to be visible at the property line.
5. Nuisances: The intensity, height and shielding of lighting shall provide for adequate and proper safety, and shall not be a nuisance or hazard to drivers and residents within North Towanda Township.
6. Height: The maximum height of light standards shall not exceed the maximum building height of the district but in no case greater than thirty-five (35') feet. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.
7. Type: The use of mercury vapor lighting shall be prohibited.
8. Flashing: Flashing, flickering or strobe lights are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

E. Discharge to Sewage Systems and Waste Materials

1. Discharge of any effluent whatsoever into any sanitary disposal system or sewerage system shall be prohibited except only in accordance the rules of, and under the control of, public health authorities or the public body controlling such sewerage system. Any chemical or industrial waste, which places undue loads, as determined by the Township Engineer, shall not be discharged into any municipal system and must be treated by the industrial use.
2. No liquid, solid, toxic or hazardous waste shall be stored or disposed in any commercial zone, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable State and Federal Regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. In addition, no waste discharge is permitted into any reservoir, sewage or storm water disposal system, stream, open body of water or onto the ground except as approved by the Pennsylvania Department of Environmental Protection.

F. Radioactivity or Electrical Disturbances

No activity shall be permitted which emits dangerous radioactivity, electrical disturbance or electromagnetic radiation adversely affecting the operation of any person or any equipment other than that of the creator of such disturbance. All applicable State and Federal Regulations shall apply.

G. Noise

Noise, which is determined to be objectionable due to volume, frequency or heat, shall be muffled or otherwise controlled, with the exception of fire sirens and related apparatus used solely for public purposes. Noise in excess of ninety (90) decibels, as measured on a decibel or sound level meter of standard quality and design operated on the A-weighted

scale at a distance of twenty-five (25') feet from any property line of the property from which the noise source is located, shall not be permitted.

H. Smoke

The maximum amount of smoke emission permitted shall be determined by the use of the Standard Ringelmann Chart issued by the U.S. Bureau of Mines. No smoke of a shade darker than No. 2 shall be permitted.

I. Erosion

All earthmoving activities regardless of the extent of disturbance shall be conducted in such a way as to minimize erosion and resulting sedimentation. Any person, landowner, business or corporation involved in earthmoving activities shall develop, implement and maintain erosion and sediment control measures. At a minimum, the person, landowner, business or corporation shall meet the standards of the Bradford County Conservation District and Chapter 102 of Title 25, Pa. Code, Rules and Regulations of the Pennsylvania Department of Environmental Protection, as amended. A complete explanation is available in DEP's publication "Erosion and Sediment Pollution Control Program Manual," which is available through the Conservation District Office.

J. Surface and Ground Water Protection

The discharge of any effluent whatsoever into any watercourse, open ditch, or land surface shall be prohibited except as approved by the PA Department of Environmental Protection. All activities involving the possible contamination of surface or groundwater shall be provided with adequate safety devices to prevent such contamination. In cases where any earth disturbance will result in the excavation of bedrock, the Township may require the applicant to submit a report from a qualified engineer or geologist detailing the geologic structure of the area proposed to be disturbed and identifying the probable impacts on groundwater supply and quality. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and the developer shall provide contamination response actions. The Township may require a plan to be submitted for review and approval and may require security for insuring contamination response. The Township may also require monitoring wells and water quality testing. The developer shall also provide details about the use of groundwater and any processes that could result in the depletion of groundwater supplies. No use shall be permitted which would result in the depletion of groundwater supplies.

Section 601. Height Regulations.

- A. Unless otherwise provided, the height of the building may exceed the maximum permitted height by one (1') foot for each additional foot by which the width of front, rear, and side yards exceeds the minimum yard regulation for the District in which the building is located. Total height shall not exceed the maximum permitted height by more than fifteen (15%) percent.
- B. For all residential uses, accessory buildings shall not exceed twenty-five (25') feet in height.
- C. Height regulations shall not apply to spires, belfries, cupolas, or domes not used for human occupancy; not to chimneys, ventilators, skylights, water tanks, utility poles or towers, solar collectors, and ornamental or necessary appurtenances.

Section 602. Area Regulations.

- A. On a lot held in single and separate ownership from adjacent land, which does not fulfill the regulations for the minimum area dimensions for the District in which it is located, a building may be erected, altered, and used thereon providing the side yard space is not less than the minimum specified in Article IV, Area, Width and Coverage Requirements herein, and further that the proposed water and wastewater systems are approved by the Bradford County Sanitation Committee Sewage Enforcement Officer and/or Pennsylvania Department of Environmental Resources as appropriate.
- B. The area, width, and depth of lots shall provide adequate open space for off-street loading, unloading, and/or parking space.

Section 603. Yard Regulations.

- A. Where the street or streets upon which the lot abuts are less than eighty (80') feet in width, the front yard depth and the width from the side yard abutting the street shall be measured from a line parallel to twenty-five (25') feet from the center line of the street.

B. Front Yards

- 1. An accessory building shall not be erected or substantially altered within any front yard.
- 2. Parking shall not be permitted in front yards in Residential Districts except on driveways.
- 3. Where buildings exist in the same block on neither side, the setback line of the building to be constructed shall be at least the average of buildings constructed within the same block. In measuring to determine said building line, open porches shall not be construed as part of the building.

C. Side Yards

- 1. On corner lots, the side yard abutting the street shall have a width equal to the depth of the front yard required in the District and shall be subject to all front yard requirements of this Ordinance.
- 2. On a lot in a Residential District held in single and separate ownership from adjacent land, at the effective date of this Ordinance, with a lot width less than required for the Zoning District, only one (1) single-family detached dwelling may be erected, and side yards shall be provided in accordance with the following requirements:
 - a. On interior lots with a width of eighty (80') feet or more, two (2) side yards shall be provided as required by the District regulations.
 - b. On corner lots with a width of eighty (80') feet or more, two (2) side yards shall be provided. The exterior side yard may be reduced by the number of feet by which the lot width is less than the District requires, but may not be reduced to less than that required for the interior side yard. The interior side yard shall be provided as required by the District regulations.

- c. On lots less than eighty (80') feet, but not less than fifty (50') feet in width, two (2) side yards shall be provided, each equaling twenty (20%) percent of the lot width.
- d. On a lot in a Commercial or Manufacturing District, held in a single and separate ownership from adjacent land at the effective date of this Ordinance, with a lot width less than that required for the Zoning District, the required side yards shall be determined by the Zoning Hearing Board upon application for a Variance based on the same criteria as listed under Subsection C.2. above for the residential structures.
- e. Any accessory building may be erected within one (1) of the side yards or within the rear yard, provided:
 - i. Buildings and/or structures accessory to a residential use shall be located within the side or rear yard of the principal building or structure no less than five (5') feet to any rear or side lot line. Where such side or rear yard is along an alley, the accessory building shall be located not less than five (5') feet from the alley. Private garages with entrances fronting an alley shall be located no less than ten (10') feet from the alley.
 - ii. On a corner lot in any Residential District, an accessory building shall not be erected within the minimum building setback line of the exterior side lot (street line). Provided, however, that when the main buildings exist on both the corner lot and lot abutting the rear of the corner lot, an accessory building may be erected at the average distance from street line, established by the existing main buildings.
 - iii. Buildings and/or structures accessory to a nonresidential use shall not be located within the required front yard and shall be located no less than fifteen (15') feet to any lot line.
 - iv. No side yard setback shall be required where two (2) garages are designed to abut in semi-detached dwellings.
 - v. A carport, open on at least three (3) sides, may be erected within one (1) of the side yards when attached to a main building existing at the effective date of this Ordinance, provided the carport shall be not less than three (3') feet from the side lot line.

D. Interior Yards (Open Space between Structures)

1. When front-to-front, rear-to-rear, or front-to-rear, parallel structures shall have fifty (50') feet between faces for one (1) story in height, plus five (5') feet for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10') feet at one end if increased by similar or greater distances at the other end. Where service

drives, bank grade changes or collector walks are introduced in this space, the distance between structures shall be at least fifty (50') feet.

2. End to end, a distance of twenty-five (25') feet between structures for a one-story structure plus five (5') additional feet for each story in excess of one (1) story.
3. End to front, or end to rear, a distance of thirty (30') feet between structures for each one-story structure plus five (5') feet additional for each story in excess of one.
4. When adjacent structures differ in the number of stories, the required distance between structures shall be calculated on the taller of the structures.

Section 604. Buffer Yards and Screen Plantings.

A. Buffer Yards

1. Unless otherwise provided, where a Commercial or Manufacturing use adjoins a Residential District and where a multi-family use adjoins a Single-Family Residential use, a Buffer Yard of not less than fifteen (15') feet in width shall be provided along the lot lines in addition to the yard required for the District in which it is located.
2. If a front yard is provided, the Buffer Yard may coincide with the front yard.
3. All Buffer Yard areas shall be planted and maintained with a vegetative material, and where required for Multi-Family, Commercial and Manufacturing uses, a Screen Planting shall be planted and maintained to the full length of side and rear lot line which do not abut streets.
4. Buffer Yards shall be maintained and kept free of all debris and rubbish.
5. No structure, manufacturing or processing activity, or storage of materials shall be permitted in Buffer Yards. However, access roads, service drives, and utility easements not more than thirty-five (35') feet in width are permitted to cross a Buffer Yard provided that the angle of the centerline of the road, drive, or easement crosses the Buffer Yard at an angle not less than sixty (60°) degrees.
6. No parking shall be permitted in Buffer Yards.
7. Prior to the issuance of a Building Permit, plans for Buffer Yards shall be submitted for review and approval to the Zoning Officer. Said plans shall show the arrangements of all of the Buffer Yards and the placement, species, and size of all plant materials to be placed in such Buffer Yard. Said plan must be reviewed by the Planning Commission and approved by the Zoning Officer before a Building Permit may be issued.

B. Screen Plantings

Where required, screen plantings shall be located in the exterior portion of the required Buffer Yards and shall be in accordance with the following requirements:

1. Plant materials used in screen planting shall be at least six (6') feet in height when planted, and be of suitable vegetation in order to produce, within three (3)

- years, a complete year-round visual screen of at least six (6') feet in height and within fifteen (15') feet of the property line:
2. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year;
 3. The screen planting shall be so placed that at maturity it will be not closer than three (3') feet from any ultimate right-of-way or property line;
 4. A clear sight triangle shall be maintained at all street intersections and at all points where vehicular access ways intersect public streets. The clear sight triangle shall have no structures or planting more than thirty (30") inches in height;
 5. The screen planting shall be broken only at points of vehicular or pedestrian access;
 6. Trees that shall not be used in planting of Buffer Yards are:
 - a. Poplars – all varieties
 - b. Willows – all varieties
 - c. White or Silver Maple (*Acer Saccharinum*)
 - d. Aspen – all varieties
 - e. Common Black Locust;
 7. Wherever possible, natural vegetation shall be maintained as the required screening material. Natural earth berming of at least six (6') feet in height may be included as part of the screening requirement;
 8. Screen plantings shall be provided between the property line and any Off-Street Parking area and any outdoor solid waste storage area for any multi-family, townhouse, commercial or manufacturing use where the parking or solid waste disposal area abuts a Residential Zoning District or a lot occupied by a residential use;
 9. Any existing multi-family, commercial or manufacturing use shall not be required to comply with the screening requirements except in case of enlargement or exterior alteration of same.

Section 605. Projections in Yards. Solar collectors, flag poles, unenclosed ground-story terraces, decks, patios and porches may project into any required yard not more than one-half (½) its required dimension and not more than ten (10') feet into any required setback. Chimneys, flues, columns, sills and ornamental architectural features may project not more than two (2') feet into a required setback.

Section 606. Obstruction to Vision.

- A. Walls, fences, signs or other structures shall not be erected or altered, and hedges, trees or other growth shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view except for utility poles and street signs.
- B. A clear sight triangle of thirty (30') feet, measured along the street lines of intersecting streets, shall be maintained; within which such structures or planting shall be limited to a height of not more than thirty (30") inches or less than ten (10') feet above the street grade, excepting the trunks of street trees or other ornamental trees whose foliage is kept trimmed to a height of ten (10') feet above the street grade.

Section 607. Fences and Walls.

- A. Fences and Walls may be erected, altered and maintained within the yards, excluding required Buffer Yards, provided that any such fence or wall in the front yard shall not exceed four (4') feet in height; and any fence or wall in the side or rear yard may be a maximum of six (6') feet in height in Residential District. Furthermore, any fence or wall exceeding six (6') feet in height shall contain openings therein equal to fifty (50%) percent of the area of that portion of the wall or fence exceeding six (6') feet.
- B. All yards used for the storage of any material needed for the operation or conduct of a manufacturing or commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence or chain link fence in conjunction with a screen planting or screen planting on all sides which face upon a street or face upon a lot in any district other than the Manufacturing District.

Section 608. Space Regulations. No yard or other space provided about any building or structure for the purpose of complying with this Ordinance shall be considered as a yard or other open space for another building or structure.

Section 609. Courts. Courts shall conform to the following requirements:

- A. An open space in the form of an inner court or outer court shall be provided in connection with any building in any district wherever any room therein in which a person or persons live, work, sleep or congregate cannot be adequately lighted and ventilated from the street or yard. Such court shall be adjacent to such room, the windows of which shall open onto such court. This provision shall not apply to specialized commercial and/or manufacturing processes where controlled light and/or ventilation are required.
- B. Outer Court
 - 1. The width of any outer court upon which windows open from a living room, bedroom or dining room shall be not less than the height of any wall opposite such windows. However, when the depth of such court is less than six (6') feet, the minimum width shall be twice (2X) the depth.
 - 2. The depth of the outer court formed by walls on three (3) sides shall be no greater than one and one-half (1 ½) times the width.
- C. Inner Court
 - 1. The least dimension of an inner court shall be not less than the full height of the walls enclosing such court, but not less than fifty (50') feet for apartment buildings and not less than ten (10') feet for two-family dwellings.
 - 2. An open and unobstructed passageway shall be provided for each inner court. Such passageway shall have sufficient cross-section area and headroom for the passage of fire fighting equipment and shall be continuous from the inner court to a yard or an unobstructed open area with adequate access to a street.

Section 610. Habitable Floor Area. The minimum habitable floor area of a dwelling unit hereafter established, with the exception of Manufactured/Mobile homes constructed in accordance with the Federal Manufactured Home Construction and Safety Standards, effective June 15, 1976, shall be as follows:

1. Rooming unit (designed for one (1) person): Two hundred and fifty (250 ft.²) square feet.
2. Efficiency Unit: Five hundred (500 ft.²) square feet.
3. One Bedroom: Six hundred (600 ft.²) square feet.
4. Two bedroom: Seven hundred and fifty (750 ft.²) square feet.
5. Three Bedroom: Nine hundred (900 ft.²) square feet.
6. Four bedrooms: One thousand and fifty (1,050 ft.²) square feet.
7. For five or more bedrooms: An additional one hundred and fifty (150 ft.²) square feet per bedroom
8. The minimum habitable floor area for units within hotels, motels or other commercial lodging establishments for transients shall be two hundred (200 ft.²) square feet for each room used for sleeping purposes, unless otherwise specified herein.

Section 611. Control of Traffic and Protection of Public Safety. The application for a permit for any and all uses shall be accompanied by a site plan showing building location, service and parking areas and access to highways. Where a driveway or access road gives access to a state road or highway, approval by the Pennsylvania Department of Transportation shall be required.

Section 612. Reduction of Lot Dimensions. The area, width, or depth of any lot shall not be reduced by subdivision, sale or development so that the lot width, lot area, lot area per dwelling unit, courts and yards, or other spaces are smaller, or so that the coverage is greater than prescribed herein.

ARTICLE VII

OFF-STREET PARKING AND LOADING REGULATIONS

Section 700. General Parking Regulations.

- A. Off-Street Parking facilities shall be provided to lessen congestion in the streets. The facilities required shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. The term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way. Residential Off-Street Parking space shall consist of a parking lot, driveway, garage or combination thereof and shall be located on the lot it is intended to serve.
- B. Outdoor parking spaces shall not be deemed to be part of the open space of the lot on which it is located, unless designated as overflow parking in accordance with this Article.
- C. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outside walls.
 - 1. In the case of single-family residential uses, the garage may be separated from the principal building. The garage shall conform to all accessory building requirements.
 - 2. In the case of multi-family and nonresidential uses, free-standing parking garages whether above or below ground are encouraged, but must conform to all bulk and area requirements for the district in which it is located.
- D. No part of any required front yard shall be used for Off-Street parking requirements in Residential Districts, except for that part of the front yard that is occupied by a driveway leading to a garage or parking area or as otherwise needed to require a back-up area for end stalls. At the street right-of-way, a driveway providing access to a single car garage or parking area shall be limited to ten (10') feet in width, and for a double car garage or parking area, the width shall be limited to twenty (20') feet. Parking on the driveway shall be limited to vehicles registered as a passenger car or a truck having a gross weight rating less than seven thousand five hundred (7,500 lbs.) pounds. All required parking spaces under this Ordinance must be located on the lot area, unless the applicant meets the requirements of Section 703, Joint Parking Facilities.

Section 701. Off-Street Parking Requirements. The following Off-Street Parking requirements shall be minimum standards:

TABLE 701.1 RESIDENTIAL USE PARKING	
USE	MINIMUM REQUIRED PARKING
Cluster Residential Developments	Two (2) for each Dwelling Unit
Dwellings other than Single Family	Two (2) Spaces per Dwelling Unit plus One (1) Space per Five (5) Dwelling Units for Guest Parking
Group Quarters	One (1) Space per Resident based on Maximum Occupancy, plus One (1) Space for Guest Parking for each Four (4) Residents based on Maximum Occupancy
Mobile Home Parks	Two (2) for each Mobile Home Lot plus One (1) for every Three (3) Mobile Home Lots in the Park
Personal Care and Nursing Home	One (1) Space per Four (4) Beds based on Design Capacity, plus One (1) Space for each employee on the largest shift
Rooming and Boarding Houses	One (1) Space per Bedroom or Guest Sleeping Room, plus Two (2) Spaces for Permanent Residents
Single Family Dwellings	Two (2) Spaces per Dwelling Unit

TABLE 701.2 COMMERCIAL/OFFICE USE PARKING	
USE	MINIMUM REQUIRED PARKING
Adult Entertainment Facilities	One (1) for each person of Total Facility Capacity plus One (1) for each Employee on the Largest Shift
Banks and Financial Institutions	One (1) Space for each Two Hundred 200 ft ² of Gross Floor Area
Carpeting, Drapery, Floor Covering and Wall Covering Sales	One (1) space for Five Hundred 500 ft ² of Gross Floor Area
Convenience Stores (Mini-Mart)	One (1) Space for Seventy-Five 75 ft ² of Retail Floor Area
Day Care Centers	One (1) Space for Every Employee on the Largest Shift plus One (1) Space for every Six (6) Students and Off-Street Waiting Spaces to Accommodate at least Six (6) Automobiles
Drive-Thru and Fast Food Restaurants	One (1) Space per Two (2) Seats and One (1) Space for Each Two (2) Employees
Fitness Center	One (1) Space per One Hundred 100 ft ² of Floor Area plus One (1) Space per Employee on the Largest Shift
Food Market and Grocery Stores	One (1) Space for One Hundred and Fifty 150 ft ² of Gross Floor Area for Public Use and One (1) Space per Employee on the Largest Shift
Funeral Homes	One (1) Space for each Four (4) Seats provided for Patron Use by Design Capacity plus One (1) Additional Space for each Full-Time Employee and each Vehicle maintained on the premises
Home Occupation	Two (2) for the Dwelling Unit plus Two (2) Customer Spaces
Hotels, Motels, Bed and Breakfasts, and Resorts	One (1) Space per Guest Room plus One (1) Space for each Employee on the Largest Shift. Spaces associated with meeting rooms (One (1) Space for Four Hundred 400 ft ² of Public Meeting Area), Restaurants and Related Facilities shall be in Addition to these Requirements.
Kennels and Veterinarians	One (1) Space for every Fifteen (15) Animals of capacity, plus Six (6) Spaces per Veterinarian
Laundromat	One (1) Space per Three (3) Washing Machines plus One (1) Space per Employee
Mini or Self Storage	One (1) Space per Twenty-Five (25) Storage Units, plus One (1) Space per Employee, plus Two (2) spaces for any Resident Manager
Medical and Dental Offices including Outpatient Clinics	Five (5) Spaces for each Doctor or Dentist plus One (1) Space per Employee
Offices	One (1) Space for every Three Hundred 300 ft ² of Gross Floor Area
Restaurants (Other than Drive-Thru and Fast Food)	One (1) Space for every Four (4) Seats of Design Capacity or One (1) Space for every Fifty (50 ft ²) of Gross Floor Area, whichever is larger; plus One (1) Space for every Employee on the Largest Shift
Roadside Stands	Not less than Five (5) Spaces
Retail Stores or Shops	One (1) Space per Two Hundred 200 ft ² of Gross Floor Area of Display Area, plus One (1) per each Employee on Largest Shift
Vehicle Body Shop, Repair Garage and Gasoline Stations	Two (2) Spaces for each Service Bay Area plus One (1) Additional Space for each Full-Time Employee on the Largest Shift, but in no event less than One (1) Space for each Four Hundred 400 ft ² of Gross Floor Area
Vehicle, Mobile/Manufactured Home, or Trailer Sales Lot	One (1) Space for Fifteen (15) Vehicles or Homes plus One (1) Space per Employee
Winery (Tasting Room & Retail Sale)	One (1) Space per Employee and One (1) Space per 100 ft ² of Tasting Room and Retail Sale Floor Area
Vehicle Wash	Three (3) Spaces for Each Washing Bay

TABLE 701.3 RECREATIONAL USE PARKING	
USE	MINIMUM REQUIRED PARKING
Amusement Arcade	One (1) Space per Eighty 80 ft ² of Gross Floor Area
Bowling Alley	Two (2) Spaces for each Alley plus One (1) Space per Employee on the Largest Shift
Billiard Room	Two (2) Spaces per Table
Dance Halls, Swimming Pools, Roller Rinks, Clubs, Lodges and Similar Places and Other Commercial Recreation Buildings	One (1) Space for each One Hundred 100 ft ² of Gross Floor Area or of Water Area in a Swimming Pool, plus One (1) Space per Employee on the Largest Shift
Golf Course	Sixty (60) Spaces per Nine (9) Holes, plus One (1) Space per Employee on the Largest Shift, plus Fifty (50%) Percent of the Spaces otherwise

	required for any Accessory Uses (e.g., Restaurants)
Golf Driving Range and Miniature Golf	One (1) Space for each Tee or Hole
Outdoor Recreational Facilities, Sports Arenas/Stadiums, Auditorium, Movie Theaters and Assembly Halls	One (1) Space for each Three (3) Seats plus One (1) Space per Employee on the Largest Shift
Picnic Area	One (1) Space per Picnic Table
Private/Public Club or Lodge	Six (6) Spaces per One Thousand 1,000 ft ² of Gross Floor Area, plus One (1) Space per Employee on the Largest Shift
Riding Schools or Horse Stables	One (1) Space per Two (2) Stalls, plus One (1) Space per Four (4) Seats of Spectator Seating

TABLE 701.4 MANUFACTURING AND INDUSTRIAL USE PARKING	
USE	MINIMUM REQUIRED PARKING
Manufacturing Plants, Research or Testing Laboratories, or Wholesale Establishments	One (1) Space for each One Thousand 1,000 ft ² of Gross Floor Area or One (1) Space for each Employee on the Largest Shift, whichever is greater
Mineral Batching/Quarries	One (1) Space per Employee on the Largest Shift
Warehousing	One (1) Space per Employee on the Largest Shift

TABLE 701.5 INSTITUTIONAL USE PARKING	
USE	MINIMUM REQUIRED PARKING
Colleges, Universities or Business, Technical and Fine Arts Schools	One (1) Space for each Full-Time Employee (regardless of Shift plus Three (3) Spaces for every Four (4) On-Campus Students
Elementary and Middle Schools	One (1) Space for Four (4) Seats in an Auditorium or One (1) Space for each Fifteen (15) Students plus One (1) Space per Teacher and Staff Member
High Schools	One (1) Space per Four (4) Students plus One (1) Space per Teacher and Staff Member
Hospitals	One (1) Space for each One and One Half (1.5) Beds, plus One (1) Space per each Employee on the Largest Shift
House of Worship	One (1) Space for every Four (4) Seats in a Sanctuary or Meeting Room
Vocational Training and Adult Education Facilities	One (1) Space per One and One Half (1.5) Students Enrolled

TABLE 701.6 PUBLIC AND CULTURAL USE PARKING	
USE	MINIMUM REQUIRED PARKING
Community Buildings and Social Halls	One (1) Space for each One Hundred 100 ft ² of Gross Floor Area
Public Libraries, Art Galleries and Museums	One (1) Space for each Two Hundred and Fifty (250) ft ² of Floor Area Open to the Public, plus One (1) Space for Each Employee

- A. When the parking requirements are not specified herein for a building or use for which an application for a permit has been filed or where the proposal contemplates a mix of uses and parking requirements, the Zoning Officer shall make the determination of which parking requirement standards shall apply in order to ensure that adequate off-street parking spaces are provided to serve the needs of proposed uses in conformance with the standards set forth herein and upon consideration of all factors entering into the parking needs of each use.
- B. For Institutional, Manufacturing, Wholesale and Warehousing establishments, the Zoning Hearing Board may authorize the reduction of the number and size of paved off-street parking spaces as a Special Exception in cases where the applicant can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land and show reserved areas for expansion of the paved parking for future uses. In addition the Zoning Hearing Board may consider unimproved overflow parking areas for Institutional uses, which would be setback at least ten (10') feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties.

Section 702. Location of Parking Spaces.

- A. Parking spaces for multiple dwelling buildings, Commercial, or Manufacturing uses shall be on the same lot and in the same zoning district as the principal building or open area conforming to the following regulations, unless the applicant meets the requirements of Section 703, Joint Parking Facilities.
- B. The required parking spaces, except for Colleges and Universities, shall be suitable within six hundred 600' feet of the principal building or open space. Such spaces shall be in the same ownership as the principal use to which they are accessory and shall be subject to deed restrictions acceptable to the North Towanda Township Supervisors, binding the owner and heirs or assigns to maintain the required number of parking spaces throughout the life of the principal use.

Section 703. Joint Parking Facilities.

- A. Joint Parking Facilities shall be allowed in the Residential Multi-Family (R-MF), Community-Commercial (C-C), Commercial Highway (C-H) and Manufacturing (M).
- B. Joint parking facilities shall be allowed subject to the following requirements:
 - 1. The nearest point of the parking lot shall be no further distance to the nearest point of the property served as provided below:
 - a. Residential use: One hundred (100') feet.
 - b. Commercial use: Two hundred (200') feet.
 - c. Manufacturing use: Three hundred (300') feet.
 - 2. The required parking shall be not less than the total required separately for each use with the following exceptions:
 - a. It shall be demonstrated that the uses jointly utilizing the parking facility are utilizing the parking facility at different periods of the day or different days of the week. A reduction may be granted for the total number of parking spaces needed, requiring only the number of spaces needed based on the one (1) use of the facility requiring the most spaces.
 - b. An agreement for the joint use of a parking facility shall be recorded as a deed restriction, irrevocable license, easement or other recordable document in a form satisfactory to the North Towanda Township Solicitor filed in the Bradford County Courthouse in the chain of title of the land to be burdened in perpetuity or for a period to extend throughout the life of the use requiring the maintenance of the required number of spaces.

Section 704. Design Standards.

- A. The minimum dimensions of parking facilities to be provided shall be as follows:
 - 1. In all districts, except in the case of single-family dwellings, there shall be no less than six (6') feet of open space between the edge of any parking area and the outside wall of any building to allow for access by emergency vehicles.
 - 2. Parking lot dimensions shall be no less than those listed in Table 704.1:

TABLE 704.1 PARKING DIMENSIONS				
ANGLE OF PARKING (DEGREES)	PARKING BAY WIDTH (FEET)	LENGTH (FEET)	AISLE WIDTH	
			ONE-WAY (FEET)	TWO-WAY (FEET)
90°	9.5'	18'	20'	24'
60°	9.5'	21'	18'	24'
45°	9.5'	20'	14'	24'
30°	9.5'	18'	12'	24'

3. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
4. Except for residential uses, parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
5. Setback for parking areas shall be provided as follows:
 - a. All parking spaces and access drives shall be at least six feet (6') from any multiple dwelling, commercial, or manufacturing building on the lot.
 - b. All parking spaces shall be behind the building setback line; except where buffer yards are required, in which case such parking spaces may not encroach on the buffer yard area.
 - c. Parking areas and on-site parking lot circulation aisles and driveways shall be physically separated from the public and/or private streets in conformance with the applicable building setback requirements, excluding entrance and exit drives of parking areas.
 - d. Except for single-family attached, single-family detached, single-family semi-detached and two-family detached, in no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to exit the parking area, with the exception of alleyways.
6. Handicapped car parking spaces shall be provided in Table 704.2 as follows:

TABLE 704.2 HANDICAPPED PARKING SPACE REQUIREMENTS	
TOTAL PARKING SPACES	REQUIRED ACCESSIBLE CAR SPACES
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
410 - 500	9
501 - 1,000	2% of Total
1,001 and over	20 plus 1 for each 100 over 1,000

Note: In addition to the required accessible car spaces, at least one (1) handicapped-accessible van space must also be provided to serve any building. Accordingly, at least one

(1) additional handicapped-accessible van space must be provided to serve any building for each five (5) required handicapped accessible car spaces provided.

- a. Handicapped car spaces shall be ten by twenty (10' x 20') feet in size. Handicapped van spaces shall be thirteen by twenty (13' x 20') feet in size. Handicapped van spaces shall be permitted to be ten by twenty (10' x 20') feet in size when the adjacent access aisle provided is (10' x 20') feet in size as well. All handicapped car and van parking spaces shall be marked.
- b. Any handicapped car or handicapped van parking spaces shall have an access aisle located adjacent to it. Access aisles shall adjoin an accessible route. Two (2) parking spaces shall be permitted to share a common access aisle. Access aisles shall not overlap with a vehicular way. Parking spaces shall be permitted to have access aisles placed on either side of the car or van parking space. Access aisles shall be at least seven (7') feet in width. Access aisles shall extend the full length of the largest parking space that they serve. Access aisles shall be marked so to discourage parking of vehicles within them. Where access aisles are marked with lines, the width measurements of access aisles and adjacent parking spaces shall be made from the centerline of the markings. Where parking spaces or access aisles are not adjacent to another parking space or access aisle, measurements shall be permitted to include the full width of the line defining the parking space or access aisle.
- c. Handicapped accessible car and van parking spaces shall be identified as such by five (5') foot-high freestanding signs placed at the head of the space facing the space. Such signs shall depict the International Symbol of Accessibility, and the designation "handicapped accessible car space" or "handicapped accessible van space."
- d. All handicapped spaces shall be the spaces in a parking lot placed closest to the building served. All handicapped spaces and adjacent access aisles shall have access to nearby wheelchair-accessible concrete ramps where they lead to raised curbs and/ or walkways surrounding the building served.

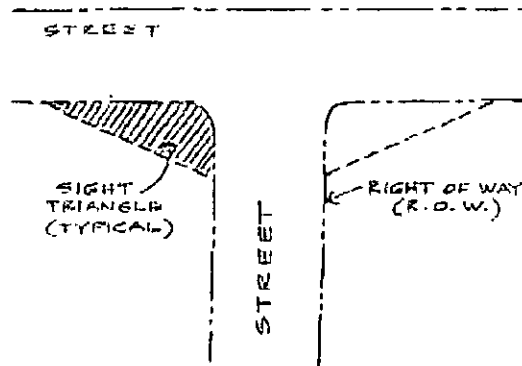
B. Residential driveway regulations. All single-family and two-family dwelling driveways shall conform to the following:

1. The number of driveways may not exceed two (2) per lot on a street frontage.
2. Driveways may not exceed twenty-four (24') feet at the right-of-way line, excluding driveway radii.
3. Driveways must be located in safe relationship to sight distance and barriers to vision. The drive may not exceed a slope of four (4%) percent within fifty (50') feet of the street right-of-way line. Where a drive enters a bank through a cut, the shoulders of the cut may not exceed fifty (50%) percent in slope within twenty-five (25') feet of the point the drive intersects the right-of-way.
4. A clear-sight triangle in conformance with this Ordinance shall be provided for driveways.
5. Driveways shall be setback three (3') feet from each side lot line.
6. Common use driveways for single-family, semi-detached and single-family attached units shall be permitted with no setback required at the common interior lot line, but shall be required at the exterior side lot line.

C. Multi-Family Residential and Non-Residential Access Drive Requirements.

1. Number per lot. Except as specified elsewhere, the number of access drives intersecting with each street shall not exceed two (2) per lot or street frontage.
2. Setbacks. All access drives shall be set back at least:
 - a. Fifty (50') feet from any other access drive or driveway located upon the same lot.
 - b. Ten (10') feet from any side and/or rear property lines; however, this setback shall be excluded along the property line when a joint parking lot is shared by adjoining uses.
 - c. Fifty (50') feet from any street intersection.

3. Clear-Sight Triangle. Access drives shall be located and constructed so that a clear-sight triangle a minimum of one hundred and fifty (150') feet as measured along the street centerline and along the driveway centerline is maintained. No permanent obstructions and/or plant materials over thirty (30") inches high shall be placed within this area.



4. Access Drive Width. Access drives shall provide a twelve (12') foot-wide cartway for each lane of travel. However, in no case shall any access drive cartway be less than eighteen (18') feet wide. See Table 704.3 below:

TABLE 704.3 ACCESS DRIVE WIDTH		
NUMBER OF LANES	DIRECTION OF TRAVEL	REQUIRED ACCESS DRIVE WIDTH (FEET)
1	ONE-WAY	12'
2	ONE-WAY	24'
3 or More	ONE-WAY	12'

5. PENNDOT Permit. Any access drive intersecting with a State-owned road shall require the obtainment of Pennsylvania Department of Transportation Highway Occupancy Permit as set forth in the Pennsylvania Code, *Title 67. Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads*, as amended.
6. Plans for streets, drives, service access, parking and walkways and all such facilities shall be reviewed and approved. All such facilities shall be designed and installed in the manner prescribed by the Bradford County Subdivision and Land Development Ordinance.

Section 705. Drainage, Surfacing and Maintenance Standards.

- A. Parking lots, including driveways, shall be graded, surfaced with gravel or asphalt and drained to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property.
- B. Parking areas shall be kept clean and free from rubbish and debris.

Section 706. Lighting.

- A. All public parking shall be lit during evening operating hours.
- B. All standards shall be located on raised parking islands and not on the parking surface.
- C. Lighting shall be arranged and shielded so the direct rays from the luminaries shall not fall off-site on adjacent properties or into the road right-of-way or cartway.

Section 707. Loading and Unloading Space.

- A. An Off-Street Loading space shall be an area of land, open or enclosed, other than a street or public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys.
- B. Off-Street Loading and Unloading space shall be in addition to and not considered as meeting a part of the requirements for Off-Street parking space.
- C. Off-Street Loading and Unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, sidewalk, alley, designated fire access lane, or adjoining property.
- D. Off-Street Loading and Unloading spaces shall not be located so that vehicles entering or leaving the spaces would conflict with parking spaces and require backing maneuvers in areas of customer or public circulation.
- E. The following Off-Street Loading and Unloading space requirements for specific uses shall be provided as listed below in **Table 707.1**:

TABLE 707.1 Off-Street Loading and Unloading Requirements		
TYPE OF USE	NUMBER OF SPACES PER	GROSS FLOOR AREA/DWELLING UNIT
Hospital or Other Institution	None	First 10,000 ft ²
	1.0	10,000 to 100,000 ft ²
	+1.0	Each Additional 100,000 ft ²
Hotel, Motel and Similar Lodging Facilities	None	First 10,000 ft ²
	1.0	10,000 to 100,000 ft ²
	+1.0	Each Additional 100,000 ft ²
Manufacturing and Industry	None	First 2,000 ft ²
	1.0	2,000 to 25,000 ft ²
	+1.0	Each Additional 40,000 ft ²
Multi-Family Dwelling	None	First 2,000 ft ²
	1.0	2,000 to 25,000 ft ²
	+1.0	Each Additional 40,000 ft ²
Office Buildings and Banks	None	First 10,000 ft ²
	1.0	10,000 to 100,000 ft ²

	+1.0	Each Additional 100,000 ft ²
Retail Sales	None	First 2,000 ft ²
	1.0	2,000 to 10,000 ft ²
	2.0	10,000 to 40,000 ft ²
	+1.0	Each Additional 100,000 ft ²
Theater, Auditorium, Bowling Alley or other Recreational Establishment	None	First 10,000 ft ²
	1.0	10,000 to 100,000 ft ²
	+1.0	Each Additional 100,000 ft ²
Undertaking Establishment or Funeral Parlor	None	First 3,000 ft ²
	1.0	3,000 to 5,000 ft ²
	+1.0	Each Additional 10,000 ft ²
Wholesale or Warehousing	None	First 1,500 ft ²
	1.0	1,500 to 10,000 ft ²
	+1.0	Each Additional 40,000 ft ²

- F. When determination of the number of required Off-Street Loading/Unloading spaces results in a requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) may be disregarded, and fractions over one-half ($\frac{1}{2}$) shall be interpreted as one (1) Off-Street Loading/ Unloading space. Any fractured spaces shall be rounded up.
- G. The Off-Street Loading and Unloading space shall not be less than ten (10') feet wide, and thirty-five (35') feet in length, and fourteen (14') feet in height, when covered. For warehouse buildings or buildings accommodating tractor-trailers, the minimum Off-Street Loading/ Unloading space size shall be increased to twelve (12') feet wide and seventy (70') feet long.
- H. No Off-Street Loading/Unloading spaces shall be within any Building Setback and/or Buffer Area.
- I. When the Off-Street Loading/Unloading space abuts a residential use or zone, a five (5') foot Buffer Area shall be provided contiguous to the property line of the residential use or zone in addition to the required setback.
- J. Surfacing. All open Off-Street Loading/Unloading spaces shall be improved with a compacted base, surfaced with bituminous concrete or cement concrete pavement of adequate thickness to support the weight of a fully loaded vehicle.

Section 708. Fire Lanes.

- A. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances. The specific locations of these lanes are subject to review by the North Towanda Township Volunteer Fire Department.

ARTICLE VIII

SIGNS

Section 800. Purpose. This Article is intended to:

- Promote and maintain overall community aesthetic quality;
- Establish time, place and manner of regulations for the exercise of free speech, without regulating content;
- Promote traffic safety by avoiding distractions and sight distance obstructions for pedestrians and vehicular traffic;
- Protect property values and ensure compatibility with the character of neighboring uses;
- Establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and development; and,
- Monitor renovation and enforce proper maintenance of signs.

Section 801. Applicability of Regulations. Signs may be erected and maintained only when in compliance with the provisions of this Article and all other ordinances and regulations relating to the erection, alteration or maintenance of signs.

Section 802. Definition of Sign Terms. The following words are defined in order to facilitate the interpretation of Article VIII - Signs for administrative purposes and in the carrying out of duties by Zoning Officer and by the Zoning Hearing Board. Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. Words used in the present tense include the future tense. The singular includes the plural.

The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. The terms "shall and will", "will" and "must" are always mandatory. The words "should" or "may" are permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged or designed to be used or occupied". The word "erected" shall be inclusive of the words "constructed, altered or moved."

ANIMATION/FULL MOTION: Means a type of display achieved by the pre-recorded or live broadcast of messages, content or images appearing in fluid, continuous motion.

BANNER: Any sign of durable, lightweight fabric or similar material that is mounted to a pole or building at two (2) or more edges. National, state, or municipal flags shall not be considered banners.

DISSOLVE: A type of display transition between static message displays that is achieved with varying light intensity and where the first message gradually appears to dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent message.

FADE: A type of display transition between static message displays that is achieved with varying light intensity and where the first message gradually loses light intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

FLAG: Any fabric, banner, or bunting containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

FLASHING SIGN: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

HOLIDAY DECORATION: Any sign the primary purpose of which is to celebrate a holiday.

SCROLLING: A type of display during which the message, content and/or image is moved/shifted across the display area in a horizontal, vertical or diagonal motion (non-static).

SIGN: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. This excludes national or state flags, window displays, graffiti, athletic scoreboards, or the official announcements or signs of governments.

SIGN, ABANDONED: A sign located on a property, which is vacant and/or unoccupied for a period of ninety (90) days; a sign which is damaged, in disrepair or vandalized and not repaired within ninety (90) days; a sign which contains an outdated message for a period exceeding thirty (30) days.

SIGN, ADDRESS: A sign or individual lettering/numbering that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.

SIGN, AREA: The area of a sign including all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape, which encompasses all of the letters and symbols.

SIGN, AWNING, CANOPY OR MARQUEE: A sign that is mounted, painted or attached to an awning, canopy or marquee that is otherwise permitted by ordinance.

SIGN, BILLBOARD: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

SIGN, BLANK-OUT: An electronic display, changeable message sign that is typically used as a traffic control device that is capable of displaying one or more alternative messages. These signs have a blank mode when no message is displayed, while others display multiple messages with only one of the messages displayed at a time such as: incident management and route diversion, warning of adverse weather conditions, special event applications associated with traffic control or conditions, control at crossing situations, lane, ramp, and roadway control, priced or other types of managed lanes, travel times, warning situations, traffic regulations, speed control, destination guidance and open/closed signs at weigh stations.

SIGN, CONSTRUCTION: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

SIGN, DIGITAL BILLBOARD: An Off-Premises sign, display or device, which changes the static message or copy by electronic means.

SIGN, DIRECTIONAL: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way", "entrance", and "exit".

SIGN, ELECTRONIC MESSAGE: Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.

SIGN, FACE: The area or display surface used for the message.

SIGN, FREESTANDING: A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.

SIGN, GARAGE/YARD SALE: A temporary sign that directs attention to the sale of personal goods on the premises on which the sign is located.

SIGN, GOVERNMENT/REGULATORY: Any sign to control traffic or for identification, including street signs, warning signs, railroad-crossing signs and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof in the discharge of his official duties.

SIGN, GROUND: Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

SIGN, HEIGHT: The vertical distance measured from the average surrounding ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Ordinance when attached to a tower or spire of a House of Worship.

SIGN, IDENTIFICATION: A sign giving the nature, logo, trademark, or other identifying symbol, and address of a building, business development, or establishment on the premises where it is located.

SIGN, INFORMATIONAL: An On-Premise sign for the convenience of the public giving directions, instructions, facility information or other assistance around a site, such as location of exits, entrances, parking lots, amenities and housing units, to encourage proper circulation. It may contain the logo of an enterprise, but no other advertising copy.

SIGN, INSTRUCTIONAL: A sign, which provides direction or instruction to guide persons to facilities intended to serve the public (e.g. restrooms, public telephones, public walkways, parking areas, maps, housing units or transportation schedules).

SIGN, ILLEGAL: Signs, which are erected without a permit, without property owner permission, or which are erected in a zone without meeting minimum requirements of that zoning district.

SIGN, ILLUMINATED: Directly lighted by any artificial light source, internal or external.

SIGN, INFLATABLE: Any sign, used on a temporary basis, that is either expanded to its full dimensions or supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure to advertise a product or event. For purposes of this Definition and Ordinance, a simple helium balloon is not considered to be an inflatable sign.

SIGN, MARQUEE: Any sign attached to a marquee for the purpose of identifying a movie theater or similar place of entertainment.

SIGN, MONUMENT: Any freestanding sign, the bottom of which is no more than twelve (12") inches above the ground or pavement.

SIGN, NEON: Any sign composed of glass tubing containing a large proportion of neon or other similar gas. A neon sign may be a wall sign, a projecting sign, or a window sign.

SIGN, PERMANENT: A sign intended to be displayed for an unlimited period of time.

SIGN, OFF-PREMISES: A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

SIGNS, ON-PREMISES: Any sign, the content of which relates to the premises on which it is

located, referring to the name, location, products, services or activities on the premises, or the sale, lease or construction of the premises.

SIGN, PERMANENT: A sign that is constructed in a manner and of materials that will withstand long-term display and is intended to be displayed for an indefinite period of time.

SIGN, POLITICAL: A temporary sign relating to the election of a person to a public office or a political party or a matter to be voted upon at an election by the public.

SIGN, PROJECTING: A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12") inches from such building.

SIGN, REAL ESTATE: A sign relating to the property upon which it is located, offering such property for sale or lease.

SIGN, ROOF: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambled or gable or hip roof, or the deck line of a building with a mansard roof.

SIGN, TEMPORARY: Any sign, or advertising display constructed of cloth fabric, plywood, or other light material and designed or intended to be displayed for a short period of time. Portable signs or any sign that is not permanently embedded in the ground or otherwise permanently affixed to real estate are considered temporary signs.

SIGN, WALL: An attached sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign. For the purpose of this Definition, a wall sign shall also include signs projected onto a wall or building structure by an external light source.

SIGN, WINDOW: A sign which is attached to a window or transparent door or that can be read through a window or transparent door.

STATIC: A type of display during which a message, content and/or image display remains fixed and unchanging.

TRANSITION: A visual affect used on an Electric Message Sign to change from one message to another.

Section 803. General Regulations for All Signs. All permanent signs shall require an official township sign permit under this Section of the Ordinance, except those identified under Sections 805 and 815 respectively.

- A. Signs must be constructed of durable material and maintained in good condition.
- B. No sign shall be maintained within North Towanda Township in such a state of disrepair as to have the appearance of complete neglect, which is rotting or falling down, which is illegible, or has loose parts separated from original fastenings.
- C. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premises, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign shall be made safe or removed within ten (10) days of the written notice from the Zoning Officer.
- D. Signs painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply.

- E. Signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spot lights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.
- F. Internally illuminated signs, designed to give forth artificial light directly or through transparent or translucent material from a source of light within such sign, unless otherwise prohibited, will be permitted providing that the light being emitted from the sign shall not cause a glare or emit light onto the surrounding area.
- G. No sign or sign structure shall constitute a hazard to public safety or health, including a sign, which fails in the determination of the Zoning Officer, to properly shield its light source from providing unacceptable glare to a neighboring property or the public street.
- H. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters.
- I. Flashing, blinking, strobe, twinkling, animated, streaming or moving signs of any type shall be prohibited. A sign may only change from one message to another message provided the message does not change more than once every minute. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit seasonal holiday lighting or displays that comply with this Article.
- J. No sign shall by reason of size, location, content, coloring or manner of illumination, obstruct the vision of drivers, either when leaving or entering a roadway from another roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.
- K. No signs shall be of such character, form, shape or color that they imitate or resemble any official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street.
- L. No commercial ads or signs, other than approved by PA Department of Transportation, shall make use of words such as "stop", "look", "one-way," "danger," "yield" or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic.
- M. No sign located within three hundred feet (300') of any traffic light shall be illuminated with red, green, or yellow lights.
- N. No visible, internal or external sign(s) shall display words or images that are obscene or pornographic. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner, including, but not limited to:
 - 1. Any graphic illustration pertaining to specified sexual activities, specified anatomical areas, or both; and,
 - 2. Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above.
- O. No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape.
- P. No sign shall be permanently attached to public utility poles or trees, which are within the right-of-way of any street.

- Q. No sign shall be painted on, attached to or supported by a tree, stone, cliff or other natural object, except for decorative signage designating the property owner.
- R. Within an area regulated by the North Towanda Township Floodplain Ordinance, no freestanding sign shall be permitted within a designated Floodway.
- S. In the event that a symbol, trademark or other such figure is used as a sign post or standard which could be constructed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable sign area.
- T. Only those signs referring directly to services, materials or products made, sold, or displayed on the premises shall be permitted, except as otherwise provided in this Article.
- U. Except for flat wall signs, no point of any sign, including trim, border and supports, shall be located within ten (10') feet of any property line or street right-of-way.
- V. No sign shall emit smoke, visible vapors or particles, sound or odors.
- W. No sign shall contain information that states or implies that a lot may be used for any purpose not permitted under the applicable provisions of this Ordinance.
- X. Any sign attached to a building shall not be placed on the roof, be higher than the wall to which it is attached, or located on a parapet wall.
- Y. No point of a wall projecting sign shall be located less than eight and one-half (8 ½') feet above the grade directly below the sign.
- Z. No sign shall be affixed to any motor vehicle or semi-trailer in such a manner that the carrying of such sign is no longer incidental to the vehicle's primary purpose.
- AA. No sign located on public, state, county or township property or a public right-of-way shall bear any commercial advertising or announcement.
- BB. No inflatable signs shall be permitted other than for special events determined by the Zoning Officer.

Section 804. Determination of Sign Area and Height.

- A. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape that encompasses all of the letters and symbols.
- B. The maximum height of all signs shall be as established for the district where the sign is to be located. The following general height criteria or restrictions shall apply to all signs as applicable:
 1. Sign height shall be measured from the average grade of the site beneath the sign to the highest point of the sign. No person(s) shall artificially increase the maximum height of the sign by altering the grade at the base of the sign.
 2. Wall signs, either parallel or projecting, shall not extend above the top of the wall to which they are attached.

3. Freestanding business identification signs shall not be located closer to the ground than ten (10') feet (measured from the lowest part of the sign) when located in a parking, vehicular or pedestrian circulation area, unless they are resting on the ground. Freestanding billboards or advertising sign boards, and canopy signs shall be at least fifteen (15') feet above the average grade of the proposed site.

Section 805. Signs Not Regulated by this Article.

- A. Bulletin Boards. Not exceeding thirty-two (32 ft.²) square feet in area for public, charitable, or religious institutions where the same are located on the premises of said institutions.
- B. Decals. Decals affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment.
- C. Handicap Parking Space. Signs not exceeding two (2 ft.²) square feet in areas reserving parking for handicapped individuals.
- D. Historic Sign. A sign that memorializes an important historic place, event or person and that is specifically authorized by North Towanda Township or Bradford County, the Commonwealth of Pennsylvania or the Federal Government.
- E. Holiday Decorations. Decorations that commemorate a holiday recognized by North Towanda Township, Bradford County, the Commonwealth of Pennsylvania or the Federal Government and that do not include advertising.
- F. Home Occupation Sign. Advertises a permitted home occupation that shall not be illuminated within the Residential Single (R-S), Residential Rural (R-R), Residential Multifamily (R-MF) and Agricultural Business (A-B) zoning districts and shall be attached to the principle building wall or within a building window and not exceed a surface area of six (6 ft.²) square feet. A home occupation sign shall not be Freestanding.
- G. Name and Address. Up to two (2) signs indicating address, number and/or name of occupants of the premises and do not include any commercial advertising or other identification.
- H. Official Sign. A sign erected by the Commonwealth of Pennsylvania, Bradford County, North Towanda Township, the Federal Government or other legally constituted governmental body, or specifically authorized by North Towanda Township Ordinance or Resolution, and which exists for public purposes, such as, but not limited to, identifying public transit stops.
- I. Open House Sign. A temporary sign that advertises the periodic sale or rent of a house that shall be places a maximum of four (4) days before the open house begins and shall be removed a maximum of twenty four (24) hours after the open house ends.
- J. Private Drive Signs. On-Premises private drive signs are limited to one (1) per driveway entrance with language limited to the words "private drive" or "lane" and the addresses of any residences using the private driveway.
- K. Security and Warning Signs. On-Premises signs regulating the use of the premises, such as "No Trespassing", "No Hunting" and "No Soliciting" signs. In addition, Home Security Company signs indicating that a home contains an alarm system.

Section 806. Nonconforming Signs. Nonconforming signs may continue to be displayed, as long as there is compliance with the following limitations and conditions:

- A. There may be no expansion or increase in the nonconformity in any way.
- B. Maintenance and repair of the sign are permitted, if necessary, up to fifty (50%) percent of the sign and its supporting structure may be replaced in the event of damage, with this fifty (50%) percent limitation being cumulative. Any such replacement must be completed within six (6) months of the damage occurring.
- C. The sign must be brought into conformity if, for a period of at least three (3) months, the message has no longer applied to an activity on the premises (this does not apply to Billboards).

Section 807. Signs for Nonconforming Uses. Upon receipt of an application for a permit to erect, alter or reconstruct a sign upon premises having a Nonconforming Use or Structure as defined by Article IX – Nonconforming Lots of Record, Buildings and Uses of this Ordinance, the Zoning Officer shall refer said application to the Zoning Hearing Board to hear and determine whether such permit application should be granted. Such determination to be based upon the following criteria:

- A. The sign must have a reasonable commercial need, must be the minimum necessary to meet such commercial need, and shall in no event exceed the requirements as hereinbefore set forth in this article;
- B. The sign shall contain no advertising matter not specifically related to the use of the premises; and,
- C. The sign shall not conflict, offend or interfere with the conforming uses in the immediate vicinity.

Section 808. Abandoned and Outdated Signs.

- A. Signs advertising a use no longer in existence shall be removed within ninety (90) days of the cessation of such use. If the owner of a property does not remove such sign within thirty (30) days after receiving a written notice from the Zoning Officer, the sign may be removed by North Towanda Township at the expense of the property owner.
- B. These time limits shall not apply to a sign intended to be reused with a new sign face serving a building that is clearly temporarily vacant and being offered to new tenants or for purchase.

Section 809. Billboards. Billboards or Off-Premises signs include signs, graphics and other displays for commercial, industrial, institutional, service or entertainment purposes, products, uses, or services conducted, sold or offered elsewhere than upon the same premises where the sign is located. These signs are Permitted by Right (PR) in the Commercial Highway (C-H) District and a Conditional Use (CD) in the Agricultural Business (A-B) District and are subject to the following:

- A. All Off-Premises advertising signs or Billboards shall be constructed and erected on a steel unipole or steel I-beams meeting the minimum standards established by the *Outdoor Advertising Association of America and the Institute of Outdoor Advertising*;
- B. The support structures for all Off-Premises advertising signs or Billboards shall be constructed and erected on permanent footings, as determined by the licensed engineer responsible for the permit application; and,
- C. Engineering Certification. An engineering certification shall accompany the application for a Billboard sign permit. The engineering certification shall indicate, under the seal of a

professional engineer, that the existence of the proposed Off-Premises sign shall not present a safety hazard:

1. Sign Separation Distance. The minimum distance required between all Off-Premises signs shall be one thousand five hundred (1,500') feet as measured along the centerline of the abutting roadway. Signs located on the opposite sides of the road or in an adjacent Municipality are subject to this distance requirement. These signs shall be located according to the following standards.
 - a. No Off-Premises sign shall be erected within two hundred and fifty (250') feet of any existing Freestanding On-Premises sign; and,
 - b. No Off-Premises sign shall be erected within one-thousand (1,000') feet of any existing residential dwelling or Residential Zoning District.
2. Sign Setbacks. Off-Premises signs shall be located in accordance with the building setbacks for structures located in the Commercial Highway (C-H) and Agricultural Business (A-B) zoning district.
3. Sign Area. The maximum area for any Off-Premises sign shall be two hundred and fifty (250 ft.²) square feet per side.
4. Sign Height. At grade, no portion of any Off-Premise sign shall be more than twenty-five (25') feet above the highest elevation of the surrounding natural grade.

Section 810. Digital Billboards.

A. Display Standards.

1. Static display time interval: Eight (8) seconds minimum.
2. Transition display time interval: One (1) second maximum.
3. No display shall include animation/full motion, blinking, flashing, dissolving, fading, moving light and/or scrolling messages, content and/or images, nor shall it project a static image upon a stationary object.
4. Transitions between the display of a message, content and/or image shall be immediate only and shall occur simultaneously on the entire display area.
5. The display of message, content and/or image shall be visible only from one (1) direction of traffic travel per sign. This provision shall not preclude the conversion of existing billboards with two (2) sign faces that have been designed to be viewed in opposite directions of travel, provided each face would read to only one (1) direction of travel.
6. No portion of a Digital Billboard shall project into a dedicated utility easement or be closer than five (5') feet of a right-of-way line.
7. A minimum linear spacing of one thousand five hundred (1,500') feet shall be required between one (1) Digital Billboard and any other Digital Billboard on the same side of the roadway.
8. A Digital Billboard shall incorporate systems/devices that will automatically freeze (remain static) a single message, content and/or image on the display should a billboard malfunction or be damaged.

9. A Digital Billboard shall incorporate systems/devices necessary to automatically adjust the brightness/intensity of the display according to ambient (natural or otherwise) light conditions.
10. The owner of a Digital Billboard shall coordinate with North Towanda Township, the Commonwealth of Pennsylvania and the Department of Homeland Security to display emergency information critical to the traveling public, such as AMBER ALERTS from a National Center for Missing and Exploited Children (NCMEC) authorized source, and other alerts involving terrorist attacks, natural disasters. Emergency messages are to remain in the display's rotation according to the designated issuing agency's protocols.
11. If the North Towanda Township Zoning Officer determines that a Digital Billboard causes glare or otherwise impairs the vision of the driver of a motor vehicle or otherwise interferes with the operation of a motor vehicle, the owner of the Digital Billboard, within twelve (12) hours of a request by North Towanda Township, shall reduce the intensity of the display or to an alternative setting that satisfactorily mitigates the specific impairment to the driver as determined by the Township.
12. The owner of a Digital Billboard shall provide the North Towanda Township Zoning Officer contact information for a person who is available to be contacted at any time and who is able to turn off the display promptly should a billboard malfunction or damage occur. Such contact information shall be resubmitted to the Township every six (6) months.
13. The illumination intensity of the display of a Digital Billboard shall not exceed (0.3) foot candles above ambient light conditions.
14. A Digital Billboard or its message, content and/or image shall not be configured to resemble a warning or danger signal or cause a driver to mistake the Digital Billboard or its message, content and/or image for a warning or danger signal.
15. A Digital Billboard or its message, content and/or image shall not resemble or simulate any lights or official signage used to control traffic in accordance with PENNDOT Specifications.
16. A newly constructed Digital Billboard shall not:
 - a. Exceed two hundred and fifty (250 ft.²) square feet in total display area;
 - b. Exceed twenty-five (25') feet in height above grade at the centerline of the main traveled way closest to the structure;
 - c. Be located within one thousand (1,000') feet of a Residential Zoning District boundary. Measurement is linear on the same side of the roadway;
 - d. Be located within five hundred (500') feet of the point of intersection of a limited access thoroughfare interchange;
 - e. Be located within one-thousand five hundred (1,500') feet of a park or playground; and,
 - f. Be provided electrical service via underground utility lines.

Section 811. Signs with Electronic Messages. Signs incorporating electronic message displays shall not be permitted except within the Commercial Community (C-C) and Commercial Highway (C-H) zoning

districts and not within five hundred (500') feet of a signalized traffic intersection, a residential use or any Residential Single (R-S), Residential Rural (R-R) or Residential Multi-Family (R-MF) zoning district and shall comply with the following requirements:

- A. Such signs shall employ sufficient size, lettering and/or symbols for immediate recognition by motorists;
- B. Such signs shall display simple and static messages for immediate recognition by motorists. Messages shall be complete in each display cycle and shall not require viewers to see multiple display cycles to derive its meaning; and.
- C. Such signs shall use instantaneous transitions from one (1) message display cycle to the next with no blank-outs, scrolling, fading, streaming, zooming, flashing or any other animated effect.

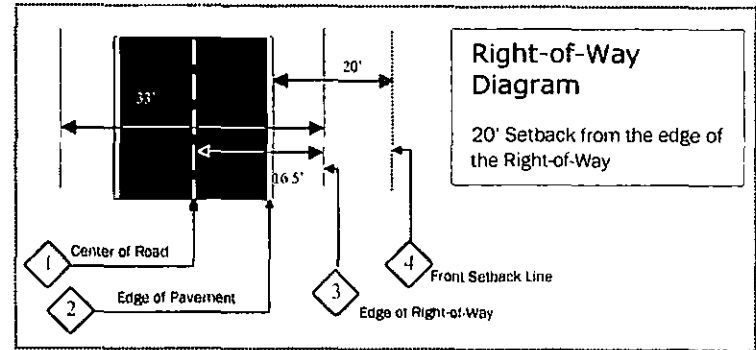
Section 812. Sign Permit Process. For signs requiring permits in this Article, the following requirements shall apply prior to the erection of said signs:

- A. Permit Applications. Application for a permit shall be made at the North Towanda Township Office;
- B. Application shall be made on a form to be provided by the Township and shall contain the following information and documentation:
 - 1. The name (s) and address (es) of the sign owner and the landowner;
 - 2. An affidavit of title executed by the landowner(s) indicating the date and place of recording of the present title to the land;
 - 3. A drawing to scale, showing the location of the sign with reference to the adjoining property lines and streets;
 - 4. A drawing to scale, showing all dimensions of the sign. For a directional sign or an On-Premises sign advertising activities being conducted on the property, the drawing shall also contain an accurate representation of the advertising or informative contents of the sign; and.
 - 5. A description of the construction materials of the sign and its manner of installation.
- C. Each application shall be accompanied by the appropriate fee, as established by the Board of Supervisors;
- D. All applications shall be reviewed, and permits issued, by the Zoning Officer. No sign permit shall be issued, except in conformity with the regulations of this Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance;
- E. Prior to moving any earth to place a sign, the applicant is required to contact Pennsylvania One-Call System, Inc. to determine location of any underground utilities;
- F. Permit Issuance. Following permit application approval, a sign permit will be issued by the Zoning Officer upon receipt of all required fees;
- G. If there is any change in location or dimensions of any sign, or in advertising or informative contents of a sign, a new permit shall be required; and.

H. Revocation of Permits:

1. All permits shall be subject to revocation upon fifteen (15) days written notice for violation of any provision or upon change of information provided in the application: and.
2. Revocation of a permit shall not be cause for refund of the permit fee.

Section 813. Sign Dimensions in Residential and Non-Residential Zoning Districts.



TYPE OF SIGN	ZONING DISTRICTS						
	Residential Single (R-S)	Residential Rural (R-R)	Residential Multifamily (R-MF)	Commercial Community (C-C)	Commercial Highway (C-H)	Manufacturing (M)	Agriculture (A)
FREESTANDING^(a)							
Number Permitted per Lot	1	1	1	1	1	1	1
Max. Area (ft. ²)	4	4	4	100	100	150	12
Min. Clearance (ft.) ^(a)	6	6	6	8	8	8	6
Max Height (ft.)	10	10	10	35	35	40	14
Min. Setback from ROW (ft.) ^(b)	10	10	10	20	20	20	10
PERMANENT BUILDING							
Number Permitted per Lot	2	2	2	NO LIMIT	NO LIMIT	NO LIMIT	2
Max. Total Area of All Building Signs on Lot (ft. ²)	2 ^(c)	2 ^(c)	2 ^(c)	1.5 ft ² per linear foot of façade up to 200 ft. ²	1.5 ft ² per linear foot of façade up to 200 ft. ²	1.5 ft ² per linear foot of façade up to 200 ft. ²	12
TOTAL OF ALL SIGNS							
Total Number of Sign Types Permitted per Lot	2	2	2	NO LIMIT	NO LIMIT	NO LIMIT	2
Max. Total Area of All Signs per Lot (ft. ²)	4	4	4	200	200	200	12

NOTES:

- (a) If ground, monument or pylon sign, minimum clearance not applicable, but setback must provide for adequate line of sight.
- (b) Right-of-Way Dimensions vary according to state and township locations.
- (c) Corner lot issues where two (2) signs are permitted up to 4 sq. ft. (One facing each direction)
- (d) Excludes all Billboards (See Section 814)

Section 814. Dimensions for Other Permitted Signs.

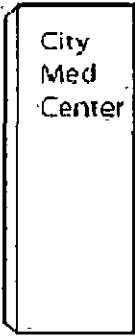
TYPE OF SIGN	ZONING DISTRICTS						
	Residential Single (R-S)	Residential Rural (R-R)	Residential Multifamily (R-MF)	Commercial Community (C-C)	Commercial Highway (C-H)	Manufacturing (M)	Agricultural Business (A-B)
BILLBOARD							
Max. Area (ft. ² /Side)	N/A	N/A	N/A	N/A	250	N/A	250
Min. Height (ft.)	N/A	N/A	N/A	N/A	10	N/A	10
Max Height (ft.)	N/A	N/A	N/A	N/A	25	N/A	25
Min. Setback (ft.)	N/A	N/A	N/A	N/A	30	N/A	30
GENERAL COMMERCIAL & RETAIL							
Number Permitted per Lot	N/A	N/A	N/A	1	1	1	1
Max. Area (ft. ²)	N/A	N/A	N/A	80	80	80	20
Min. Height (ft.)	N/A	N/A	N/A	8	8	8	N/A
Max Height (ft.)	N/A	N/A	N/A	20	20	20	6
Min. Setback (ft.)	N/A	N/A	N/A	10	10	10	10
DIRECTIONAL/INFORMATIONAL							
Number Permitted per Lot	N/A	N/A	1	2	2	2	2
Max. Area (ft. ²)	N/A	N/A	4	4	4	4	4
Min. Height (ft.)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Max Height (ft.)	N/A	N/A	3	3	3	3	3
Min. Setback (ft.)	N/A	N/A	10	10	10	10	10
NON-PROFIT ORGANIZATION							
Number Permitted per Lot	N/A	1	N/A	1	1	1	1
Max. Area (ft. ²)	N/A	2	N/A	2	2	2	2
Min. Height (ft.)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Max Height (ft.)	N/A	6	N/A	6	6	6	6
Min. Setback (ft.)	N/A	10	N/A	10	10	10	10
RESIDENTIAL DEVELOPMENT							
Number Permitted per Lot	N/A	1	1	N/A	N/A	N/A	1
Max. Area (ft. ²)	N/A	20	20	N/A	N/A	N/A	20
Min. Height (ft.)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Max Height (ft.)	N/A	6	6	N/A	N/A	N/A	6
Min. Setback (ft.)	N/A	10	10	N/A	N/A	N/A	10

Section 815. Temporary Sign Requirements.

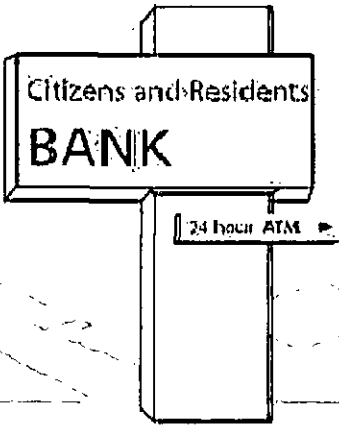
TEMPORARY SIGN TYPE	MAXIMUM PERMITTED NUMBER	MAXIMUM PERMITTED SIGN AREA	MAXIMUM HEIGHT OF FREESTANDING SIGN	MAXIMUM HEIGHT OF FLAT WALL SIGNS	MAXIMUM HEIGHT OF WALL PROJECTING SIGNS	Maximum Projection from Wall for Wall Projecting Signs	Zoning Districts Permitted by Right	Other Requirements	Permit Required
Temporary signs of contractors, architects, mechanics, landscapers, and artisans, displayed only while actual on-site work is in progress.	1 per firm whose work is in progress	6 ft. ²	5'	Not Permitted	Not Permitted	Not Permitted	All	Should a sign be left on-site beyond allowable time period, the Township may impound it and recover a fee from owner equal to cost of impoundment and storage.	No
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing less than 3 acres.	1 per street frontage, maximum of 2 signs	6 ft. ² per sign	5'	Height of Wall to which Sign is Attached	Not Permitted	Not Permitted	All	All such signs shall be removed within 5 days of final sales transaction or upon rental occupancy, or be subject to Township impoundment and a recovery fee.	No
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing more than 3 acres.	1 per street frontage, maximum of 2 signs	32 ft. ² per sign	10'	Height of Wall to which Sign is Attached	Not Permitted	Not Permitted	All	All such signs shall be removed within 5 days of final sales transaction or upon rental occupancy, or be subject to Township impoundment and a recovery fee.	Yes
Proposed development signs for residential, office, or both, complexes.	1 per street frontage, maximum of 2 signs	1 ft. ² per unit of occupancy, not to exceed 32 ft. ²	10'	Height of Wall to which Sign is Attached	Not Permitted	Not Permitted	All	Such signs shall be removed upon completion of construction of final unit.	Yes
Proposed development signs for commercial uses, industrial uses, other nonresidential uses, or any combination thereof.	1 per street frontage, maximum of 2 signs	1 ft. ² per 1,000 ft. ² of gross leasable floor area, not to exceed 64 ft. ²	10'	Height of Wall to which Sign is Attached	Not Permitted	Not Permitted	C-C, C-H, A-B & M	All such signs shall be removed upon completion of building construction.	Yes
Special event signs for businesses (e.g., grand openings, change of use or ownership, closeout sale, clearance sale, holiday sale, etc.).	1 per business per event	32 ft. ² if freestanding; 48 ft. ² if attached to wall	10'	Height of Wall to which Sign is Attached	Not Permitted	Not Permitted	All	Such signs may only be used during two consecutive periods per calendar year, not exceeding 30 days total.	No

<u>TEMPORARY SIGN TYPE</u>	<u>MAXIMUM PERMITTED NUMBER</u>	<u>MAXIMUM PERMITTED SIGN AREA</u>	<u>MAXIMUM HEIGHT OF FREESTANDING SIGN</u>	<u>MAXIMUM HEIGHT OF FLAT WALL SIGNS</u>	<u>MAXIMUM HEIGHT OF WALL PROJECTING SIGNS</u>	<u>Maximum Projection from Wall for Wall Projecting Signs</u>	<u>Zoning Districts Permitted by Right</u>	<u>Other Requirements</u>	<u>Permit Required</u>
Roadside stand signs for the sale of agricultural products upon a principal farm property.	1 per farm	5 ft. ²	10'	Height of Wall to which Sign is Attached	Height of Wall to which Sign is Attached	5'	A-B	Roadside stand signs shall only be displayed during seasons when products are for sale	No
Garage/yard sale signs upon properties conducting such sales.	2	4 ft. ²	5'	Height of Wall to which Sign is Attached	Not Permitted	Not Permitted	All	N/A	No
Political Signs	Unlimited	12 ft. ²	5'	Height of Wall to which Sign is Attached	Not Permitted	Not Permitted	All	Such signs may only be displayed between 30 days prior to and 5 days after an election.	No

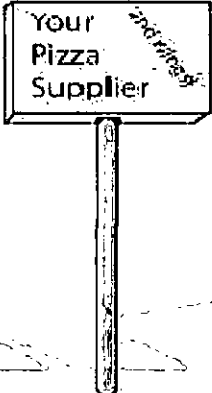
FIGURE 800. A.
FREESTANDING SIGN TYPES
&
EXAMPLES



Monument or
Blade



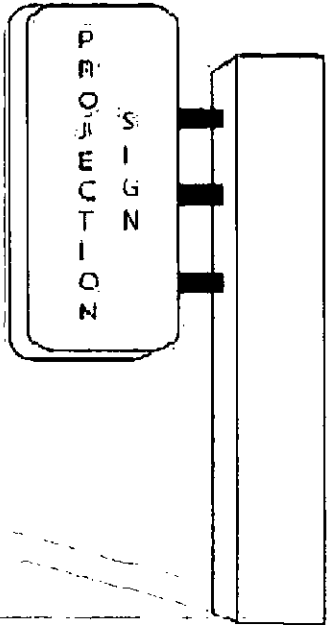
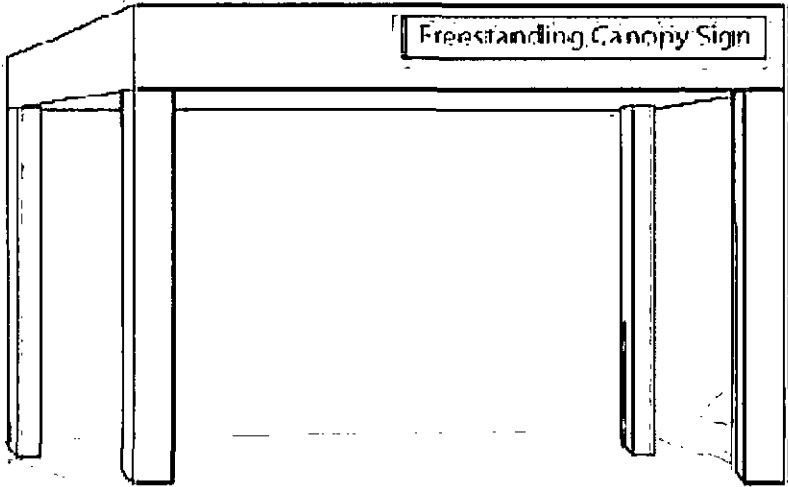
Pylon



Pole



Ground or
Low Profile



ARTICLE IX

NONCONFORMING LOTS OF RECORD, BUILDINGS AND USES

Section 900. General. All lawful or previously Nonconforming uses of land, buildings, signs, or other structures existing on the effective date of this Ordinance may be continued, altered, restored, reconstructed, changed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the District in which it is located, provided such Nonconforming conditions shall comply with the following:

Section 901. Registration and Identification.

- A. The Zoning Officer shall identify and register all of the premises occupied by a lawful Nonconforming use or building existing at the effective date of this Ordinance and issue a Certificate of Nonconformance which shall be for the purpose of insuring the owner's right to continue a Nonconforming building or use from the date of certificate issuance.
- B. Nonconforming uses and structures may be reported to the Zoning Officer by the owner, user, lessor or lessee, and be registered by the Zoning Officer within one (1) year of the effective date of this Ordinance.
- C. Should a Nonconforming use or building not be reported or identified within one (1) year, the owner of the Nonconforming use or structure shall have the right to show by the preponderance of the evidence to the Zoning Officer that the use or building was Nonconforming upon the effective date of this Ordinance.

Section 902. Existing and Nonconforming Lots of Record.

- A. Any Nonconforming lot, due to its lot area or dimensions, existing as of the effective date of this Ordinance or created by an amendment to this Ordinance may be continued although such lot does not conform to the lot requirements for the district in which it is located.
- B. Each lot shall have an approved on-lot water and wastewater system or access to public water and public sewer. Additionally, for those lots utilizing on-lot water, the minimum required isolation distance between well and on-lot wastewater system shall be provided.
- C. In any zoning district in which single-family detached dwellings are permitted as primary uses, a single-family detached dwelling and customary accessory uses may be erected on any single Nonconforming Lot of Record, as defined in this Ordinance, existing in single and separate ownership and not abut other lots under the same ownership. This provision shall apply even though such lot fails to meet all of the lot area and lot width requirements of the zoning district in which the lot is located, provided that all other yard requirements and dimensions of the lot shall conform to the regulations for single family detached dwellings in the Single Family Residential and Rural Residential zoning districts. Variances of yard setback requirements may be obtained through an action of the North Towanda Zoning Hearing Board.
- D. If two (2) or more abutting Lots of Record or combinations of abutting lots and portions of Lots of Record held under the same ownership are of record at the time of passage or amendment of this Article, and if all or part of the lots do not meet the requirements established for lot width or area, the lands involved shall be considered to be an undivided parcel for the purposes of this Article and no portion of the said parcel shall be used or sold in a manner which diminishes compliance with lot width or area requirements established under this

Article, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Article.

- E. On a lot in a Commercial or Manufacturing District, the Zoning Hearing Board, upon application for a Variance, shall determine the required side yards in accordance with Article IV, Sections 403, 404 and 405 of this Ordinance.
- F. Where possible, contiguous Nonconforming parcels under common ownership should be combined to create conforming lots.

Section 903. Existing Nonconforming Buildings and Structures.

A. Alterations and Reconstruction.

- 1. Repairs and structural alterations not constituting extensions, expansions or enlargements may be made to a Nonconforming building or to a building occupied by a Nonconforming use, providing such alterations and repairs are in conformance with the regulations as set forth in this Ordinance and other applicable codes and Ordinances adopted by the Township.
- 2. A Nonconforming building which is damaged by fire, an explosion, or a natural disaster, etc., may be rebuilt and used for the same purposes, provided that:
 - a. The reconstruction of the building is commenced within eighteen (18) months from the date of the destroying of the building and is carried to completion without undue delay, and;
 - b. The reconstructed building does not exceed in height, area, and volume, the building destroyed.

B. Extensions, Expansions, and Enlargements.

- 1. Nonconforming uses or buildings occupied or used for residential or non-residential purposes which are Nonconforming and otherwise not permitted in the zoning district in which they are located shall be allowed to expand, extend or enlarge. All extensions, expansions and enlargements of lawful Nonconforming uses and buildings shall be reviewed by the Zoning Officer to determine compliance with the following standards:
 - a. Any extension, expansion or enlargement of a Nonconforming building or use shall be permitted as long as the maximum building coverage is not exceeded.
 - b. Any expansion or enlargement of a Nonconforming building shall not exceed fifty (50%) percent of the total gross floor area of the Nonconforming building from the time it became Nonconforming.
 - c. Any extension, expansion or enlargement shall conform to the height, area, yard and coverage regulations of the district in which it is located.
 - (i) Extension Along a Nonconforming Setback: If an existing building has a lawfully Nonconforming building setback, additions may occur to increase the height above such setback or to extend other portions of the building out to the Nonconforming side or rear setback line, provided that:
 - (aa) The structure shall not be extended beyond the existing Nonconforming setback line:

- (bb) No additional nonconformity shall be created;
 - (cc) The new Nonconforming extension shall not be greater than twenty-five (25%) percent of the existing floor area;
 - (dd) All other requirements of this Article are met;
 - (ee) Such addition shall not be permitted for a non-residential building that abuts an existing primarily residential use.
- d. All required loading and/ or parking spaces for any expansion or enlargement shall comply with the requirements of Article VII.
 - e. Any extension, expansion or enlargement of a Nonconforming building or use shall not be permitted to extend into vacant parcels of land adjacent to the parcel containing the Nonconforming building or use, where such vacant parcels have been separately recorded or acquired prior to the effective date of this Ordinance.
 - f. Any expansions or extensions of a Nonconforming sign shall comply with all provisions of this Ordinance.
 - g. The intensity of a Nonconforming use (resulting nuisances such as air pollution, noise, glare, vibrations, delivery traffic, hazards, etc) shall not be increased.

C. Partial Destruction.

- 1. When fifty (50%) percent or more of the existing floor area or volume of a Nonconforming building or structure, or the use of land is destroyed by fire, or by other casualty, or by act of God, the use of such building, structure or land, as a Nonconforming use shall then after be terminated except as provided in the following Section 603. C.2.
- 2. A single-family residence located in any zoning district may reconstruct a single-family residence at the same location when fifty (50%) percent or more of the existing floor area or volume of a Nonconforming building or structure, or the use of land is destroyed by fire, or by other casualty, or by act of God.

Section 904. Nonconforming Uses.

- A. Continuation. Any Nonconforming use existing on the effective date of this Ordinance or created by an amendment to this Ordinance may be continued although such use does not conform to the provisions of this Ordinance. Change of ownership or possession of the use or property shall not prevent the continuance of the Nonconforming use.
- B. Extension of the Nonconforming use shall be approved by the Zoning Hearing Board as a Special Exception subject to the following standards:
 - 1. Extension shall be limited to the lot occupying the use or a contiguous lot held in common ownership at the time the use became Nonconforming.
 - 2. The extension of the Nonconforming use shall not replace a conforming use.
 - 3. The extension shall conform to the requirements of the underlying district and applicable supplementary regulations including, but not limited to, lot, building, setback, coverage, buffering, height, parking and sign requirements.

4. The extension of uses within structures shall not exceed an increase of twenty-five (25%) percent of the gross floor area occupied by the Nonconforming use at the time of the enactment of this Ordinance.

C. Change of Use.

1. Whenever a Nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a Nonconforming use.
2. Whenever a Nonconforming use has been changed to a more restricted classification or to a conforming use, such use shall not thereafter be changed to a use of less restricted classification unless in compliance with the rules for such change as outlined by this Article.
3. A Nonconforming use may be changed to another Nonconforming use only by the granting of a Special Exception by the Zoning Hearing Board in compliance with this Ordinance. Where a Special Exception approval is required, the Zoning Hearing Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing Nonconforming use with regard to:
 - a. Traffic safety and generation (especially truck traffic);
 - b. Noise, dust, fumes, vapors, gases, odors, glare, vibration, fire, hazardous substances and explosive hazards;
 - c. Amount and character of outdoor storage;
 - d. Late night and early morning hours of operation if the new use would be close to dwellings;
 - e. Compatibility with the character of surrounding uses.

D. Abandonment and Discontinuance.

1. A Nonconforming use shall be presumed abandoned when operations associated with the Nonconforming use have ceased by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within one (1) year from the date the activity stopped and the use is not actively advertised for sale or lease. Such Nonconforming use shall not thereafter be reinstated except in conformance with this Ordinance. A Nonconforming building or land, which is actively marketed, but has not been sold or leased, shall not be considered abandoned. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.
2. Except for in a Mobile Home Park, the removal of a Nonconforming mobile home from the site it occupied [and if such site is not leased, actively marketed, or purchased within one (1) year or less] shall constitute abandonment of the site, and any occupation or subsequent use of said site shall conform to the provisions of this Ordinance.
3. The removal of a mobile home from a residential lot already occupied by a residential building shall constitute abandonment of the Nonconforming use and such use shall not thereafter be permitted. [Exception: mobile homes utilized for temporary housing for farm employees, oil and natural gas drillers, pipeline employees].
4. Mobile Home Parks, trailer camps or trailer parks, which are Nonconforming under the terms of this Ordinance shall be operated in accordance with Public Health Regulations, Commonwealth of Pennsylvania, Department of Environmental Protection, under the

provisions of Act 175 of April 9, 1929, P.L. 177, as amended, and all other applicable laws.

Section 905. Amortization of Nonconforming Signs. Any sign that legally existed as of the effective date of this Ordinance that does not comply with the provisions listed in Article VIII of this Ordinance shall be considered a Nonconforming sign. All Nonconforming signs may continue for a period up to five (5) years from the effective date of this Ordinance. After the five (5) year continuance period, all Nonconforming signs shall be removed, reconstructed and/or altered so that they comply with all of the provisions contained within Article VIII of this Ordinance. Any improvements, repairs, reconstructions, or any other alterations made to the Nonconforming sign during the five (5) year continuance period shall not waive the requirements for elimination of the Nonconforming signs at the end of the continuance period. This Section shall not apply to any legally existing Nonconforming billboards.

Section 906. Amortization of the Nonconforming Storage of Junk on Residential Properties. Any external storage of junk (as defined herein) upon a property used as a principal residence that legally existed as of the effective date of this Ordinance shall be considered Nonconforming. All such storage may continue for a period of up to twelve (12) months from the effective date of this Ordinance. After the twelve (12) month period, all such storage shall be removed. Failure to remove such junk shall constitute a zoning violation. Any improvement, repair, reconstruction, or any other alteration made to the area used to store junk during the twelve (12) month period shall not waive the requirements for elimination of the use.

ARTICLE X

ADMINISTRATION & ENFORCEMENT

Section 1000. Applicability of this Ordinance. This Zoning Ordinance shall apply throughout North Towanda Township. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance.

Section 1001. Administration.

- A. The provisions of this Ordinance shall be enforced by an agent, to be appointed by the North Towanda Township Supervisors, who shall be known as the Zoning Officer. The Zoning Officer may designate an employee of North Towanda Township as his/her Assistant, who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.

- B. The duties of the Zoning Officer shall be:
 - 1. Administer the Zoning Ordinance in accordance with its literal terms;
 - 2. To receive, examine and process all applications and permits as provided by the terms of this Ordinance. The Zoning Officer shall also issue Zoning Permits for Special Exception or for Variances after the same have been approved;
 - 3. To record and file all applications for Zoning Permits or Certificates of Occupancy, and accompanying plans and documents, and keep them for public record;
 - 4. To inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of Variances, Special Exceptions, Conditional Uses and Curative Amendments;
 - 5. Determine the date before which steps for compliance must be commenced and the date before which the steps must be completed. The Zoning Officer shall determine an appropriate duration of time for compliance of the specified activity, not to exceed thirty (30) days. Extensions up to a total of ninety (90) days from the date of receipt of the enforcement notice may be granted at the discretion of the Zoning Officer if applied for in writing;
 - 6. Upon the request of the North Towanda Township Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions;
 - 7. To be responsible for keeping this Ordinance and the Official Zoning Map up to date, including any amendments thereto;
 - 8. To revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance, or otherwise permitted by law;
 - 9. To review proposed subdivisions and land developments for compliance with this Ordinance; and

10. To take enforcement actions as provided by the Pennsylvania Municipalities Planning Code, as amended.

Section 1002. Permits & Certificates. A Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the Zoning Officer or his/her designee. No Zoning Permit or Certificate of Use and Occupancy shall be granted by him/her for any purpose except in compliance with the literal provisions of this Ordinance. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment.

- A. A Zoning Permit is required to be issued prior to the start of any of the following activities:
 1. Erection, construction, movement, placement, razing, demolition, removal, alteration or expansion (vertical or horizontal) of a structure, building or sign;
 2. Change of the type of use or expansion of the use of a structure or area of land;
 3. Creation of a new use;
 4. Demolition of a building;
 5. Other activities required having a permit by this Ordinance;
 6. The alteration or development of any improvement or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, excavation or drilling operations for underground utilities provided the final grade is not altered;
 7. The erection or alteration of any signs specified in Article VIII of this Ordinance;
 8. The construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins;
 9. No Zoning Permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance.
- B. North Towanda Township may, at its option, issue combined or separate Building Permits and Zoning Permits and/or may utilize a single or separate application for the permits.
- C. The only determination by the Zoning Officer that shall be official shall be a written determination after the Zoning Officer receives a duly submitted written official application.
- D. Such Zoning Permits shall be granted or refused within ninety (90) days from date of application.
- E. No Zoning Permit shall be issued except in conformity with:
 1. All applicable regulations of this Ordinance;
 2. Any conditions imposed upon the site by the Zoning Hearing Board and/or the Township Supervisors; and
 3. Any recorded subdivision or land development plan.
- F. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the above-described requirements, it will be incumbent upon the

applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the Zoning Permit will be denied.

- G. Application for a Zoning Permit shall be made by the Owner or Lessee of any building or structure, 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 of the Owner or the qualified person making the application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application.
- H. The Zoning Officer may call upon other township staff and/or municipal appointed consultants in the review of submitted materials for applications:
- I. The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.
- J. Where a Zoning Permit is required by this Ordinance, but the work is commenced or changed prior to obtaining such permit, and after notice by North Towanda Township the fees set by ordinance or resolution of the North Towanda Township Supervisors for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by North Towanda Township resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices and/or process the application as soon as it is received. The payment of such increased permit fee shall not relieve any person from complying with all requirements of this Ordinance or any other applicable North Towanda Township Ordinances or from any penalties or enforcement actions authorized by this Ordinance.
- K. Issuance of Permits. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefore. He shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, and that the Certificate of Use and Occupancy as required herein has been applied for, he shall issue a permit therefore as soon as practical but not later than ninety (90) days from receipt of the application.
- L. Reconsideration of Application. An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. Additional fees may apply as set by the North Towanda Township Supervisors.
- M. Expiration of Zoning Permit. The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended one (1) time for one (1) additional year, upon written request by the applicant on a form provided by North Towanda Township.
- N. Compliance with Ordinance. The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the North Towanda Township Zoning Hearing Board and/or the Township Supervisors.
- O. Compliance with Permit and Plot Plan. All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved Plot Plan.

- P. Display of Zoning Permit. All approved Zoning Permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its Certificate of Occupancy.
- Q. Inspections. Inspections of the property in question by the Zoning Officer or other duly appointed official may be required at various intervals during the construction process. By submitting an application for a Zoning Permit, the landowner authorizes North Towanda Township Zoning Officer to perform such inspections as required.

Section. 1003. Certificate of Use and Occupancy.

- A. It shall be unlawful to use and/or occupy any structure, sign, land area or portion thereof for which a Zoning Permit is required until a Certificate of Use and Occupancy for such activity has been issued by the Zoning Officer.
- B. North Towanda Township may permit the Zoning Permit application to serve as the application for the Certificate of Use and Occupancy.
- C. The Certificate of Use and Occupancy shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this Ordinance, to the best knowledge of the Zoning Officer.
- D. The applicant shall keep a copy of the Certificate of Use and Occupancy available for inspection.
- E. Upon request of the applicant, the Zoning Officer may issue a temporary Certificate of Use and Occupancy. Such temporary Certificate may permit an activity to occur in all or part of a structure before the entire work covered by the Zoning Permit has been completed.
 - 1. However, such temporary Certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.
 - 2. The temporary Certificate shall establish in writing a maximum time period under which it is valid. A six (6) month maximum time period shall apply if not otherwise specified, at which time a permanent Certificate shall be obtained.
 - 3. Failure to receive a permanent Certificate of Use and Occupancy within such time period shall be a violation of this Ordinance.
 - 4. The temporary Certificate may be conditioned upon compliance with certain specific requirements within certain time periods.
- F. The Zoning Officer shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under a Zoning Permit has been completed. If satisfied and the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a Certificate of Use and Occupancy for the intended use listed in the original application. Where a Building Permit is required under the Uniform Construction Code, a Certificate of Use shall not be issued until a final inspection by the Building Code Official is complete and found to be satisfactory.

Section 1004. Zoning Permit for Temporary Uses and Structures.

- A. A Zoning Permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:
 - 1. Customary, routine and accessory short-term special events, provided that only a well-established nonprofit organization or a permitted place of worship proposing a temporary use demonstrates clearly that the proposed use will primarily serve a charitable, public service or religious purpose in order to be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted;
 - 2. Temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway;
 - 3. Such other activities that the applicant proves are routine, customary and temporary.
- B. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a six (6) month maximum period shall apply. A temporary permit may be renewed for just cause.

Section 1005. Types of Uses.

- A. Permitted By Right Uses. The Zoning Officer shall issue a Zoning Permit under this Ordinance in response to an application for a use that is "permitted by right" if it meets all of the requirements of this Ordinance.
- B. Special Exception Use. A Zoning Permit under this Ordinance for a use requiring a Special Exception Permit shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board, following a hearing, and compliance with any conditions by the Zoning Hearing Board and any conditions required by this Ordinance.
 - 1. Application Requiring a Variance. A permit under this Ordinance for a use requiring a Variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board, following a hearing, and compliance with any conditions by the Zoning Hearing Board.
 - 2. Conditional Use. A Zoning Permit under this Ordinance for a use requiring a Conditional Use Permit shall be issued by the Zoning Officer only in response to a written approval by the North Towanda Township Supervisors, following a hearing, and compliance with any conditions by the North Towanda Township Supervisors and any conditions required by this Ordinance.

Section 1006. Applications for Zoning Permits.

- A. Submittal. All applications for a Zoning Permit shall be made in writing on a form provided by North Towanda Township. Such completed application, with required fees, shall be submitted to the North Towanda Township Zoning Officer or designated employee.
- B. Site Plan. The applicant shall submit a minimum of two (2) copies of a site plan with the application, if the application involves a new principal building, expansion of a principal building or addition of three (3) or more parking spaces. The site plan shall be drawn to scale and show the following:
 - 1. Locations, dimensions and uses of existing and proposed structures, parking and loading areas, and location of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features.

2. Notes showing the dimensions of all buildings from lot lines and street rights-of way.
 3. Location of any watercourses and any One Hundred (100) Year Floodplain.
 4. Proposed lot areas, lot widths and other applicable dimensional requirements.
 5. Locations and widths of existing and proposed sidewalks.
- C. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:
1. Address of the lot.
 2. Name and address of the applicant, and of the owner of the property if different from the applicant.
 3. Description of the proposed use of the property.
 4. All other applicable information listed on the official North Towanda Township application form.
 5. Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance.
- D. Application for Zoning Permits for Uses in all Commercial and Manufacturing Zones (excluding demolition permits) shall include the following:
1. A location plan showing the tract to be developed, zone boundaries, adjoining tracts, significant natural features, and streets for a distance of two hundred (200') feet from all tract boundaries;
 2. A Plot Plan certified by a professional surveyor or engineer of the lot showing the location of all existing and proposed buildings, driveways, parking lots showing access drives, circulation patterns, curb cut accesses, parking stalls, access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, other construction features on the lot, and the location of all topographical features;
 3. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation;
 4. Evidence that the disposal of materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Bradford County which have been contracted to dispose of the materials used and wastes generated on-site. The Zoning Permit shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future such that the materials used or wastes generated change significantly, either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this Section;
 5. Engineering plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation;

6. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained;
 7. The proposed number of shifts to be worked and the maximum number of employees on each shift;
 8. Where use by more than one (1) firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees; and
 9. Submission, approval and recordation of a Subdivision or Land Development plan, as required.
- E. Areas Subject to Flooding. If the proposed development, excavation or construction is located within an area subject to regulation by the North Towanda Township Floodplain Ordinance, the following information is specifically required to accompany all applications, as prepared by a licensed professional:
1. The accurate location and elevation of the floodplain and floodway;
 2. The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements;
 3. The elevation, in relation to the NGVD, to which all structures and utilities will be flood-proofed or elevated;
 4. Where floodproofing is proposed to be utilized for a particular structure, the Zoning Permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania, or a licensed professional architect registered by the Commonwealth of Pennsylvania certifying that the flood-proofing methods used meet all applicable codes and ordinances.
- F. Uniform Construction Code. Where the proposed use is regulated under the Uniform Construction Code, the applicant shall submit an application of building permit concurrently with the Zoning Permit. A Zoning Permit will not be issued until satisfactorily meeting the requirements of the Uniform Construction Code.
- G. Submittals for Special Exception. In addition to the information listed above, an application for a Special Exception requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is not necessary to determine compliance with this Ordinance:
1. Present zoning district and major applicable lot requirements.
 2. For non-residential use:
 - a. Description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards.
 - b. Maximum hours of operation.
 3. Existing directions of stormwater flow (and any proposed revisions) and any proposed methods of stormwater management.
 4. Listing of any sections of this Ordinance from which a Variance is being requested.

5. Approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within one hundred (100') feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single-family detached dwelling").
6. Heights, locations, methods of illumination and intensity of exterior lighting and sign lighting.
7. Name and address of person who prepared the site plan.
8. Signed acknowledgement of the site plan by the applicant.
9. Such additional information required under applicable sections of this Ordinance.

Section 1007. Issuance of Permits.

- A. At least one (1) copy of each Zoning Permit application and any other zoning approvals shall be retained in North Towanda Township files.
- B. PENNDOT HOP Permit. Where necessary for access onto a State road, a North Towanda Township Zoning or Building Permit shall be automatically conditioned upon issuance of a PENNDOT Highway Occupancy Permit.

Section 1008. Revocation of Permits; Appeal of Permit or Approval.

- A. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of this Ordinance in the case of one (1) or more of the following:
 1. Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties).
 2. Upon violation of any condition lawfully imposed by the Zoning Hearing Board for a Special Exception Use or a Variance.
 4. Any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application.
 5. Any other just cause set forth in this Ordinance.
- B. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions made under this Ordinance within the provisions of the Pennsylvania Municipalities Planning Code (MPC). Such appeal shall occur within the time period established by the MPC.

Section 1009. Compliance with Bradford County Subdivision and Land Development Ordinance.

- A. If an application under this Ordinance would also be regulated by the Bradford County Subdivision and Land Development Ordinance ("SALDO"), then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the Bradford County SALDO.
 1. For example, if an applicant applies for a permit for a single-family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision and land development approval and the lot is officially recorded by the Bradford County Register and Recorder of Deeds.

Section 1010. General Procedure for Permits.

- A. After receiving a proper application, the Zoning Officer shall either (1) issue the applicable permit(s) or (2) deny the application(s) as submitted, indicating one (1) or more reasons in writing to the applicant.
- B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified in the permit, in compliance with other North Towanda Township Ordinances. However, it is recommended that applicants wait thirty (30) days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this thirty (30) day appeal period shall be at the risk of the applicant.

Section 1011. Interpretation and Uses Not Regulated

- A. Minimum Requirements. Where more than one (1) provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable North Towanda Township Ordinance.
- B. Uses Not Specifically Regulated. If a use clearly is not Permitted By Right, Conditional Use or Special Exception Use by this Ordinance within any Zoning District, the use is prohibited, except that the Zoning Hearing Board may permit such use as a Special Exception Use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:
 - 1. Proposed use would be less intensive in external impacts and nuisances than uses that are permitted in the Zoning District.
 - 2. Proposed use would be closely similar in impacts and character to uses permitted in that Zoning District.
 - 3. Use would meet the standards that would apply under Section 1016 E. 3. a. thru d. for a Special Exception Use and Section 1017 for a Conditional Use.
 - 4. Use is not specifically prohibited in that Zoning District.
- C. Interpretation of Ordinance Text and Boundaries.
 - 1. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all Zoning District boundaries to applications. In any case, the Zoning Officer may also request an advisory opinion from the North Towanda Township Solicitor or the Zoning Hearing Board Solicitor to aid in the Zoning Officer's determination.
 - 2. If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board.

Section 1012. Interpretation of Zoning Boundaries. The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map:

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, creeks, railroads and lot lines (according to official County records) as they existed at the time of the adoption of this Ordinance, unless such District boundary lines are fixed by dimensions as shown on the Official Zoning Map.

- B. Where a District boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a District boundary that divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

Section 1013. Enforcement, Violations and Penalties. All of the enforcement, violations and penalty provisions of the Pennsylvania Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference.

- A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Ordinance:
 - 1. Failure to secure a Zoning Permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, or the excavation of land to prepare for the erection, construction or alteration of any structure or portion thereof.
 - 2. Placement of false statements on or omitting relevant information from an application for a Zoning Permit.
 - 3. Undertaking any action in a manner that does not comply with an approved Zoning Permit.
 - 4. Violation of any conditions imposed by a decision of the Zoning Hearing Board in granting a Variance, Special Exception or other approval.
- B. Causes of Action, Enforcement and Remedies.
 - 1. Enforcement. If it appears to North Towanda Township that a violation of this Zoning Ordinance has occurred, North Towanda Township shall initiate enforcement proceedings by sending an enforcement notice. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.
 - 2. Enforcement Notice. 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 requested in writing by the owner of record. An enforcement notice shall state the following, at minimum:
 - a. The name of the owner of record and any other person against whom the municipality 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 the Zoning Ordinance.
 - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

- e. 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 in this Ordinance.
 - f. 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.
3. Evidence & Fees. In any appeal of an enforcement notice to the Zoning Hearing Board, North Towanda Township shall have the responsibility of presenting its evidence first. Any filing fees paid by a party to an appeal to an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by North Towanda Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.
 4. Cause of Action. If the enforcement notice is not complied with, within the specified time period, the Zoning Officer shall notify the North Towanda Township Supervisors. With the consent of the North Towanda Township Supervisors, the North Towanda Township Solicitor or other officer of North Towanda Township may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping of land, or to prevent in or about such premises, any act, conduct, business or use constituting a violation.
 5. Violations and Penalties. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by North Towanda Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including the reasonable attorney's fees incurred by North Towanda 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, North Towanda 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 a 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 Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to North Towanda Township. Imprisonment shall not be authorized by this Ordinance.

Section 1014. Fees.

- A. Determination. The North Towanda Township Supervisors will, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The North Towanda Township Supervisors may reevaluate the fees schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the North Towanda Township Supervisors.

Section 1015. Amendments.

- A. Power of Amendment. The North Towanda Township Supervisors may from time to time, amend, supplement, change or repeal this Ordinance including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the North Towanda Township

Planning Commission, the North Towanda Township Supervisors or by a petition to the North Towanda Township Supervisors by an interested party.

B. Hearing and Enactment Procedures for Zoning Amendments.

1. Public Hearing. Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the North Towanda Township Supervisors shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice (as defined herein and listed below) has been given.
2. Public Notice. Before conducting a public hearing, the North Towanda Township Supervisors shall provide public notice as follows:
 - a. Notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation in North Towanda 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 (1st) publication shall not be more than thirty (30) days, and the second (2nd) publication shall not be less than seven (7) days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail;
 - b.1. For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; these sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, municipality, location of the hearing;
 - b.2. In addition to the requirement, that notice be posted on the subject property, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by North Towanda Township at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of North Towanda Township. The notice shall include the location, date and time of the public hearing. The provisions of this Section shall not apply when the rezoning constitutes a comprehensive rezoning;
 - c. For Curative Amendments, public notice shall also indicate that the validity of the Ordinance and/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; and,
 - d. 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 North Towanda Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
3. Enactment Notice. In addition to the public notice requirements defined herein, the North Towanda Township Supervisors must publish a reference to the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within North Towanda Township where copies of the proposed Ordinance or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one (1) newspaper of general circulation in North Towanda Township not more than sixty (60) days nor less than seven (7) days prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding subsection.

4. North Towanda Township Planning Commission Referrals. For amendments proposed by parties other than the North Towanda Township Planning Commission, the North Towanda Township Supervisors shall submit each amendment at least thirty (30) days prior to public hearing to the North Towanda Township Planning Commission for review and comment. The North Towanda Township Planning Commission shall submit a report of its review, together with any recommendations, to the North Towanda Township Supervisors within forty-five (45) days from the date of said referral. The recommendation of the North Towanda Township Planning Commission may include a specific statement as to whether or not the proposed amendment is in accordance with the intent of this Ordinance and the officially adopted *2008 Central Bradford County Comprehensive Plan* of which North Towanda Township is part thereof. The North Towanda Township Supervisors cannot act upon the amendment until it has received a recommendation from the North Towanda Township Planning Commission; however, should the North Towanda Township Planning Commission fail to submit its recommendation within forty-five (45) days, the North Towanda Township Supervisors may proceed without its recommendation.
 5. County Planning Commission Referrals. All proposed amendments shall be submitted to the Bradford County Planning Commission at least thirty (30) days prior to public hearing on such amendments. The Bradford County Planning Commission may submit recommendations to the North Towanda Township Supervisors within forty-five (45) days of such referral. The North Towanda Township Supervisors cannot act upon the amendment until it has received a recommendation from the Bradford County Planning Commission; however, should the Bradford County Planning Commission fail to submit its recommendation within forty-five (45) days, the North Towanda Township Supervisors may proceed without its recommendation.
 6. Adjournment of Public Hearing. If during the public hearing process, the North Towanda Township Supervisors need additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a specific time and place; and,
 7. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the Bradford County Planning Commission.
- C. Amendment Initiated by the North Towanda Township Planning Commission. When an amendment, supplement, change or repeal is initiated by the North Towanda Township Planning Commission, the proposal shall be presented to the North Towanda Township Supervisors which shall then proceed in the same manner as with a petition to the North Towanda Township Supervisors which has already been reviewed by the North Towanda Township Planning Commission.
 - D. Amendment Initiated by the North Towanda Township Supervisors. When an amendment, supplement, change or repeal is initiated by the North Towanda Township Supervisors, such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under Section 915 above.
 - E. Amendment Initiated by a Petition from an Interested Party. A petition for amendment, supplement, change or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one (1) record owner of the property in question whose signature shall be notarized attesting the truth and correctness of all the facts and information presented in the petition. A fee to be established by North Towanda Township Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The North Towanda Township Supervisors may require duplicate sets of petition materials.

- F. Curative Amendment by a Landowner. A landowner, who desires to challenge on substantive grounds the validity of this Ordinance or the Official Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may submit a Curative Amendment to the North Towanda Township Supervisors, including all of the reasons supporting the request to be considered, with a written request that his challenge and proposed amendment be heard and decided as provided in the PA Municipalities Planning Code, as amended. The North Towanda Township Supervisors shall commence a hearing thereon within sixty (60) days of the request. The Curative Amendment shall be referred to the Bradford County Planning Commission as provided for in Section 915.5. and public notice of the hearing shall be provided as defined herein.
1. In reviewing the Curative Amendment, the North Towanda Township Supervisors may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The North Towanda Township 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 of 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; and,
 - e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
 2. The North Towanda Township Supervisors shall render its decision within forty-five (45) days after the conclusion of the last hearing.
 3. If the North Towanda Township Supervisors fail to act on the landowner's request within the time limits referred to above, a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.
 4. Public notice of the hearing shall include notice that the validity of the Ordinance or Zoning 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.
 5. The challenge shall be deemed denied when:
 - a. The North Towanda Township Supervisors fails to commence the hearing within sixty (60) days;
 - b. The North Towanda Township Supervisors notified the landowner that it will not adopt the Curative Amendment;

- c. The North Towanda Township Supervisors adopts another Curative Amendment which is unacceptable to the landowner; or
 - d. The North Towanda Township Supervisors fail to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality.
6. Where, Curative Amendment proposal is approved by the grant of a Curative Amendment application by the North Towanda Township Supervisors pursuant to this Section or a validity challenge is sustained by the Zoning Hearing Board 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 two (2) years from the date of such approval for a Subdivision, Land Development or Planned Residential Development. Within the two-year (2) 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 the PA Municipalities Planning Code shall apply; and,
7. 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, the developer shall have one (1) year within which to file for a Zoning Permit. Within the one (1) 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 applicant as granted in the Curative Amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purposes of awarding such supplemental relief as may be necessary.
- G. Curative Amendment by the North Towanda Township Supervisors
1. The North Towanda Township Supervisors, by formal action, may declare this Ordinance or portions thereof substantively invalid and propose to prepare a Curative Amendment to overcome such invalidity. Within thirty (30) days following such declaration proposal, the North Towanda Township Supervisors shall:
- a. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof, which may include:
 - (i.) references to specific uses that are either not permitted or not permitted in sufficient quantity;
 - (ii.) references to a class of use or uses which require revision; or
 - (iii.) references to the entire Ordinance, which requires revisions.
 - b. Begin to prepare and consider a Curative Amendment to the Ordinance to correct the declared invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the North Towanda Township Supervisors shall enact a Curative Amendment to validate or reaffirm the validity of this Ordinance pursuant to the provisions required by the PA Municipalities Planning Code in order to cure the declared invalidity of the Ordinance;

3. Upon the date of the declaration and proposal, the North Towanda Township Supervisors shall not be required to entertain or consider any Curative Amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon the enactment of a Curative Amendment to, or the reaffirmation of the validity of this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the North Towanda Township Supervisors propose to prepare a Curative Amendment; and.
 4. The North Towanda Township Supervisors, having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a Curative Amendment, or reaffirmation of the validity of the Ordinance; provided however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon North Towanda Township by virtue of a decision by any Court of competent jurisdiction, the North Towanda Township Supervisors may utilize the provisions of this Section to prepare a Curative Amendment to the Ordinance to fulfill this duty or obligation.
- H. Authentication of Official Zoning Map. Whenever there has been a change in the boundary of a zone or a reclassification of the zone adopted in accordance with the above, the change on the Official Zoning Map shall be made, and shall be duly certified by the North Towanda Township Secretary and shall thereafter be refiled as part of the permanent records of North Towanda Township.

Section 1016. Zoning Hearing Board.

- A. Establishment and Membership. There shall be a Zoning Hearing Board, which shall consist of three (3) members who shall be appointed by resolution by the North Towanda Township Supervisors. The membership of the Zoning Hearing Board shall consist of residents of North Towanda Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify North Towanda Township of any vacancies, which occur. Appointments to fill vacancies shall hold no other office in North Towanda Township. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the North Towanda Township Supervisors taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. The North Towanda Township Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of this Section, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing 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 Ordinance and as otherwise provided by law. Alternates shall hold no other office in North Towanda Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated, unless designated as a voting alternate member pursuant to this Article.
- B. Organization of Zoning Hearing Board. The Zoning Hearing 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 members of the Zoning Hearing Board, but the Zoning Hearing 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 Zoning Hearing Board as provided in Section 908 (2) of the PA Municipalities Planning Code. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing 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. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of North Towanda Township and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of North Towanda Township, and shall submit a report of its activities to the North Towanda Township Supervisors upon request.

- C. Expenditures for Services. Within the limits of funds appropriated by the North Towanda Township Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the North Towanda Township Supervisors. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the North Towanda Township Supervisors, for the performance of their duties when designated as alternate members pursuant to Section 906 of the PA Municipalities Planning Code, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the North Towanda Township Supervisors.
- D. Hearings.
1. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:
 - a. *Public notice (as defined herein) shall be provided. In addition, the Zoning Hearing Board shall notify by mail the Zoning Officer, North Towanda Township Secretary, each member of the North Towanda Township Supervisors, Secretary of the Planning Commission, and every other person or organization who shall have registered with the Zoning Hearing Board for the purposes of receiving such notices. Such mailed notices shall state the location of the site and the nature of the request. It shall also state the time, date, and location of the proposed hearing. 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 (1) week prior to the hearing;*
 - b. The North Towanda Township Supervisors may prescribe reasonable fees with respect to hearing 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:
 - c. The first (1st) hearing before the Zoning Hearing Board or Hearing Officer shall be commenced within sixty (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 Zoning Hearing Board or Hearing Officer shall be held within forty-five (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

its case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearing within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first (1st) hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete its case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

2. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing 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 Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to North Towanda Township, may, prior to the decision of the hearing, waive decisions or findings by the Zoning Hearing Board and accept the decision or findings of the Hearing Officer as final.
3. The parties to the hearing shall be North Towanda Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.
4. The Chairman or Acting Chairman of the Zoning Hearing 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.
5. The parties shall have the right to be represented by council and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
6. Formal rules of evidence shall not apply, but irrelevant, immaterial, and unduly repetitious evidence may be excluded.
7. The Zoning Hearing 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 Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or Hearing Officer; or shall be paid by the person appealing the decision of the Zoning Hearing 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.
8. The Zoning Hearing Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the materials 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.

9. The Zoning Hearing 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 forty-five (45) days after the last hearing before the Zoning Hearing Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by the findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this 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 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 Zoning Hearing Board shall make its report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Except for challenges filed under Article IX of the PA MPC, where the Zoning Hearing 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 Section 1016 D. of this Ordinance, 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 Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 1016 D. of this Ordinance. If the Zoning Hearing 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.

10. 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 next business day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing 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.

11. Effect of Zoning Hearing Board's Decision.
 - a. If the Variance or Special Exception is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the Variance or Special Exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Zoning Hearing Board may at any time, upon application in writing, extend either of these deadlines;

 - b. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit, should he fail to commence work hereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, Variances and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing Board;

 - c. Should the appellant or applicant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Zoning Hearing Board may, upon ten (10) days notice in writing, rescind or revoke the granted Variance or Special Exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or

applicant, if the Zoning Hearing Board finds that no good cause appears for the failure to complete within such three (3) year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the Variance, permit or action, that revocation or rescission of the action is justified; and,

- d. As an alternative to the preceding, an applicant can request, as part of the original application before the Zoning Hearing Board, the granting of a timetable associated with the request which would supersede the deadlines imposed. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this Section, the Zoning Hearing Board must establish and bind a definite time frame for (1) issuance of a Zoning Permit, and (2) completion of construction of the project.

E. Zoning Hearing Board's Functions. The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render decisions in the following matters:

1. Substantive Challenges to the Validity of the Zoning Ordinance except those brought before the North Towanda Township Supervisors pursuant to Section 916.1(a)(2) of the PA MPC.
 - a. If a challenge heard by a 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:
 - i. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - ii. 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 provisions of the Ordinance or Zoning Map;
 - iii. 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;
 - iv. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and nature features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and,
 - v. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
 - b. Public notice of the hearing shall be provided as specified in Section 1016 D. of this Ordinance.
 - c. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.
 - d. The Zoning Hearing Board, shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Board fails to act on the landowner's request

within this time limit a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.

2. Substantive Challenges to the Validity of the Zoning Ordinance, raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the Ordinance.
3. Special Exceptions as provided for in this Ordinance and subject to all applicable requirements, including, but not limited to:
 - a. Filing Requirements. In addition to the required Zoning Permit information, each Special Exception application shall include the following:
 - i. Ground floor plans and elevations of proposed structures;
 - ii. Names and address of adjoining property owners including properties directly across a public right-of-way;
 - iii. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
 - iv. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.
 - b. General Criteria. Each applicant must demonstrate compliance with the following:
 - i. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
 - ii. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
 - iii. The proposed use will not substantially change the character of the subject property's neighborhood;
 - iv. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
 - v. The proposed use complies with the North Towanda Township Floodplain Ordinance;
 - vi. The proposed use shall comply with those criteria specifically listed in Article III of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,
 - vii. The proposed use will not substantially impair the integrity of the 2008 Central Bradford Region Comprehensive Plan.
 - c. Conditions. The Zoning Hearing Board in approving Special Exception applications may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions that are more restrictive than those established for other uses in the same zone. The conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance.

- d. Site Plan Approval. Any site plan presented in support of the Special Exception pursuant to Section 1016 E.3. shall become an official part of the record for said Special Exception. Approval of any Special Exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a Zoning Permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another Special Exception Approval.
4. Variances. The Zoning Hearing Board shall hear requests for Variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may, by rule, prescribe the form of application to the Zoning Officer. The Zoning Hearing Board may grant a Variance, provided that all of the following findings are made where relevant in a given case:
- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or zone in which the property is located;
 - b. That because of such physical circumstances or conditions, there is not a possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a Variance is therefore necessary to enable 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 zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not 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 regulations in issue;
 - f. The proposed use complied with the North Towanda Township Floodplain Ordinance;
 - g. 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 Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance;
 - h. Filing Requirements. In addition to the required Zoning Permit each Variance application shall include the following:
 - i. Ground floor plans and elevations of existing and/or proposed structures;
 - ii. Names and addresses of adjoining property owners, including properties directly across a public right-of-way;
 - iii. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
 - iv. A written description of the proposed use in sufficient detail to demonstrate

compliance with all applicable provisions of this Ordinance.

- i. Conditions. The Zoning Hearing Board in approving Variance applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions will constitute a violation of this Ordinance; and,
 - j. Site Plan Approval. Any site plan presented in support of a Variance shall become an official part of the record for said Variance. Approval of any Variance will also bind the use in accordance with the submitted site plan.
5. 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; therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot;
 6. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance;
 7. Appeals from the Zoning Officer's determination under Section 916.2 (and any subsequent amendments) of the PA Municipalities Planning Code; and,
 8. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use Ordinance with reference to sedimentation and erosion control, and/or storm water management for applications not involving a Subdivision/Land Development, nor a Planned Residential Development as regulated in Article V and VII of the PA Municipalities Planning Code.
- F. Parties Appellant before the Zoning Hearing Board. Appeals under Sections 1016 E.4.d., 1016 E.4.e.; 1016 E.4.f.; 1016 E.4.g.; and 1016 E.4.h. and proceedings to challenge this Ordinance under Section 1016 E. may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of North Towanda Township, or any person aggrieved. Requests for a Variance or a Special Exception may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner. Any appeal shall state:
1. The name and address of the appellant and applicant;
 2. The name and address of the landowner of the real estate to be affected;
 3. A brief description and location of the real estate to be affected by such proposed change together with a Plot Plan drawn to scale with sufficient clarity to show the nature and character of the request;
 4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof; and,
 5. A statement of the Section of this Ordinance under which the request may be allowed, and reasons why it should, or should not be granted.
- G. Time Limitations. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer or the agency responsible for granting such approval 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 or 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 by the Zoning Officer a challenge to the validity of this Ordinance or the Official Zoning Map pursuant to Section 916.2 of the PA Municipalities Planning Code, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

H. Stay of Proceeding.

1. Upon filing of any proceeding referred to in Section F above 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 hereunder, 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 Office 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 person other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such person to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. 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 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. 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.
2. 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 appellant 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.

- I. Appeal. Any person or taxpayer of North Towanda Township aggrieved by any decision of the Zoning Hearing Board may, within thirty (30) days after such decision of the Zoning Hearing Board, seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and the PA Municipalities Planning Code as amended.

Section 1017. Conditional Uses.

- A. Filing of Conditional Use. For any use permitted by Conditional Use, a Conditional Use must be obtained from the North Towanda Township Supervisors. In addition to the information required on the Zoning Permit application, the Conditional Use application must show:
 1. Ground floor plans and elevations of proposed structures;

2. Names and addresses of adjoining property owners including properties directly across a public right-of-way;
 3. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
- B. General Criteria. Each applicant must demonstrate compliance with the following:
1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
 2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
 3. The proposed use will not effect a change in the character of the subject property's neighborhood;
 4. Adequate public facilities are available to serve the proposed use (e.g. schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.);
 5. The proposed use complies with the North Towanda Township Floodplain Ordinance;
 6. The proposed use shall comply with those criteria specifically listed in Article V of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance; and,
 7. The proposed use will not substantially impair the integrity of the *2008 Central Bradford Region Comprehensive Plan*.
- C. Conditions. The North Towanda Township Supervisors in approving Conditional Use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance.
- D. Site Plan Approval. Any site plan presented in support of the Conditional Use shall become an official part of the record for said Conditional Use. Approval of any Conditional Use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a Zoning Permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another Conditional Use approval.
- E. Hearing Procedures:
1. Before voting on the approval of a Conditional Use, the North Towanda Township Supervisors shall hold a public hearing thereon, pursuant to public notice. The North Towanda Township Supervisors shall submit each such application to the North Towanda Township Planning Commission at least thirty (30) days prior to the hearing held upon an application to provide the North Towanda Township Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application.

2. Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors 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 provisions, by rules of the North Towanda Township Supervisors. 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 (1) week prior to the hearing.
3. The North Towanda Township Supervisors may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs.
4. The parties to the hearing shall be North Towanda Township, any person affected by the application who has made timely appearance of record before the North Towanda Township Supervisors, and any other person, including civic or community organizations permitted to appear by the North Towanda Township Supervisors. The North Towanda Township Supervisors shall have power to require that all persons who wish to be considered parties enter appearance in writing on forms provided by the North Towanda Township Supervisors for that purpose.
5. The Chairman or Acting Chairman of the North Towanda Township Supervisors shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and paper, including witnesses and documents requested by the parties.
6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
8. The North Towanda Township Supervisors may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the North Towanda Township Supervisors. The cost of the original transcript shall be paid by the North Towanda Township Supervisors if the transcript is ordered by the North Towanda Township Supervisors; or shall be paid by the person appealing the decision of the North Towanda Township Supervisors if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
9. The North Towanda Township Supervisors shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
10. The hearing shall be conducted by the North Towanda Township Supervisors or the North Towanda Township Supervisors may appoint any member or an independent attorney as a Hearing Officer. The decision, or, where there is no decision, the findings shall be made

by the North Towanda Township Supervisors. However, the appellant or the applicant, as the case may be, in addition to (municipality), may, prior to the decision of the hearing, waive decision or findings by the North Towanda Township Supervisors and accept the decision or findings of the Hearing Officer as final.

11. The North Towanda Township Supervisors shall render a written decision or, when no decision is called for: make written findings on the Conditional Use application within forty-five (45) days after the last hearing before the North Towanda Township Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this Ordinance 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.
12. Where the North Towanda Township Supervisors fail to render the decision within the period required by this Article or fails to commence, conduct or complete the required hearing, 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 of an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the North Towanda Township Supervisors to meet or render a decision as hereinabove provided, the North Towanda Township Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Article. If the North Towanda Township Supervisors shall fail to provide such notice, the applicant may do so.
13. Unless otherwise specified by the North Towanda Township Supervisors at the time of the Conditional Use action, the Conditional Use authorization shall expire if the applicant fails to obtain any necessary Building or Zoning Permit or comply with the conditions of said authorization within six (6) months from the date of authorization.

The words, phrases and provisions of this Ordinance are not to be interpreted in a way that results in the absurd construction of the meaning, or in any way that causes one provision to contradict another.

It is hereby declared to be the legislative intent that a court of competent jurisdiction declares any provision of this Amendment to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this amendment shall continue to be separately and fully effective.

The North Towanda Township Zoning Ordinance of 1985 has been hereby comprehensively amended in order to implement the 2008 Central Bradford Region Comprehensive Plan. The North Towanda Township Board of Supervisors, Bradford County, Pennsylvania, hereby enacts the North Towanda Township Zoning Ordinance of 2012,

Ordained and Enacted this _____ day of _____, 2012.

North Towanda Township Board of Supervisors

Robert Sheets

David Brubaker

Charmaine Stempel

ATTEST:

Carol S. Pierce, Secretary

Bradford County Office of
Community Planning & Grants
29 VanKuren Dr. Suite 1
Towanda, PA 18848

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Secretary
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