MAIDENCREEK TOWNSHIP
Berks County, Pennsylvania

ZONING ORDINANCE
OF 2017
AS AMENDED

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ORDINANCE NO. 243

AN ORDINANCE OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 223) TO ENACT A NEW ZONING ORDINANCE AND NEW ZONING MAP BY REPLACING EXISTING PART II GENERAL LEGISLATION, CHAPTER 220, ZONING AS DESCRIBED BELOW

WHEREAS the Township of Maidencreek, Berks County, PA (The Township) adopted a comprehensive Zoning Ordinance and Zoning Map by Ordinance 136 on January 27, 1993; and,

WHEREAS the Township amended its Zoning Ordinance from time to time, including but not necessarily limited to, Ordinance 140-A adopted March 10, 1994; Ordinance 143 adopted January 3, 1995; Ordinance 145 adopted April 13, 1995; Ordinance 156 adopted November 24, 1997; Ordinance 157 adopted December 11, 1997; Ordinance 163 adopted February 8, 1999; Ordinance 164 adopted February 8, 1999; Ordinance 171 adopted May 8, 2000; Ordinance 190 adopted October 31, 2002; Ordinance 191 adopted December 18, 2002; and Ordinance 197 adopted February 10, 2005; and,

WHEREAS the Township also amended the Zoning Map from time to time including but not limited to Ordinance 140-A adopted March 10, 1994; Ordinance 143 adopted January 3, 1995; Ordinance 149 adopted December 14, 1995; Ordinance 156 adopted November 24, 1997; Ordinance 170 adopted April 13, 2000; Ordinance 174 adopted February 8, 2001; Ordinance 182 adopted July 26, 2001; Ordinance 184 adopted November 8, 2001; and Ordinance 189 adopted October 31, 2002; and,

WHEREAS the Township codified its Ordinances in Ordinance 221 adopted October 8, 2009; and **WHEREAS** the Township believes that it is in the best interests of the Township to continue the comprehensive plan of Zoning for the Township but to revise and update the Zoning Map and the Code of Ordinances with regard to its Chapter on Zoning;

NOW THEREFORE the Board of Supervisors of the Township of Maidencreek, Berks County, PA in lawful session duly convened hereby **ENACTS AND ORDAINS** as follows:

Chapter 220
ZONING

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Chapter 220
ZONING

ARTICLE I
Title, Application, and Purpose

§ 220-1. Title; short title.

A. Title: an ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures; the height, number of stories, and size or bulk of buildings and structures; the density of population; and off-street parking and similar accessory regulations for the Township of Maidencreek, Berks County, Pennsylvania, and for said purposes dividing the Township into districts and prescribing certain uniform regulations for each district, and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended.

B. Short title. This chapter shall be known as and may be cited as the "Maidencreek Township Zoning Ordinance of 2017, as amended."

§ 220-2. Application.

Except as hereinafter provided, no building, structure, land, or parts thereof in Maidencreek Township shall be used, occupied, erected, constructed, assembled, moved, enlarged, removed, reconstructed, or structurally altered unless in conformity with the provisions of this chapter.

§ 220-3. Purpose.

A. Community development objectives. This Zoning Ordinance, including the provisions, requirements, and districts as hereinafter set forth, is based upon and intended to give effect to the policies and objectives set forth in the Fleetwood – Maidencreek – Richmond Joint Comprehensive Plan and is intended to promote the public health, safety, and general welfare by achieving the following purposes and objectives for the development of Maidencreek Township:

(1) To encourage an appropriate pattern for future development which recognizes and accommodates environmental conditions, both man-made and natural.

(2) To better define the role of Maidencreek Township within the context of the suburban Reading area.

(3) To encourage development that will, by virtue of internal design or relation with existing developed areas, permit the efficient distribution of community services, thereby supporting the municipal goal of providing high-quality municipal services at the least possible cost to the taxpayer.

B. Purposes legislated by *Pennsylvania Municipalities Planning Code, as amended*. The provisions of this Zoning Ordinance are designed to achieve the following purposes:

(1) To promote, protect, and facilitate the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; access to incident solar energy and adequate light and air; availability of water supply, sewage disposal capacity, and vehicle parking and loading space; and an adequate supply of recreational facilities for public use.

(2) To preserve the natural, scenic, and historic values in the environment, preserving forests, wetlands, aquifers, and floodplains.

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

(4) To preserve prime agricultural and farm land considering topography, soil type, soil classification, and present use.

(5) To provide for the residential use of land within the Township within housing units of various dwelling types, encompassing all basic forms of housing.

(6) 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.

§ 220-4. Interpretation.

A. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare of the residents and occupants of the Township.

B. Where this chapter imposes greater restrictions than those of any other Township statute, ordinance or regulation, the provisions of this chapter shall be complied with. Where the provisions of any other Township statute, ordinance, or regulation impose greater restrictions than this chapter, the provisions of such other Township statute, ordinance, or regulation shall be complied with unless otherwise stated in this chapter.

§ 220-5. Public utility corporations exempt.

This chapter shall not apply to any existing or proposed building or extension thereof that is used or proposed 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 necessary for the public welfare or convenience.

§ 220-6. Severability, conflict and repealer.

A. Should any article, section, subsection, paragraph, clause, phrase or provision of this chapter be declared by court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

B. It is not the intent of this chapter to interfere with, abrogate, or annul any rules or regulations previously issued by the Township, provided the same are not in conflict with any provision of this chapter, nor is it the intent of this chapter to interfere with, abrogate, or annul any easement, covenant, building restriction, or any other agreement between or among private parties.

C. All ordinances, resolutions, regulations, or any parts of such which are inconsistent with the regulations of this Zoning Ordinance are hereby repealed to the extent of such inconsistency.

§ 220-7. Warning and disclaimer.

This Zoning Ordinance shall not create liability on the part of Maidencreek Township or on any officer or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made pursuant to the provisions hereof.

ARTICLE II
Terminology

§ 220-8. Tense, gender, and number.

A. Terms in the present tense include the future tense.

B. Terms indicating the masculine gender include the feminine and neuter.

C. Words in the singular include the plural and those in the plural include the singular.

§ 220-9. Word usage.

A. The words "person," "sub divider" and "owner" include corporation, unincorporated association, partnership, and other similar legal entities, as well as an individual.

B. The word "street" includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial, and road.

C. The word "structure" includes building, and shall be construed as if followed by the phrase "or part thereof."

D. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring, and stream.

E. The words "should" and "may" are permissive; the words "must," "shall," and "will" are mandatory.

§ 220-10. Terms or words not defined.

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

§ 220-11. Definitions.

Terms and words used herein, unless otherwise specifically stated within the body of the text, shall have the following meanings:

ACCESS DRIVE - An improved surface designed and constructed to provide for vehicular movement between a public road and the off-street parking and/or loading for any use, other than one (1) single-family dwelling unit or farm.

ACCESSORY BUILDING - A building which is designed and used for a purpose subordinate and incidental to that of the principal structure on a given lot.

ACCESSORY USE - A use subordinate and incidental to some other use, known as the principal use, which is carried out on the same lot (although not necessarily within the same structure) as such principal use.

ACT - The Pennsylvania Municipalities Planning Code, Act 247, as amended.

ADULT BOOKSTORE - A type of commercial activity characterized by the sale or rental of printed matter, films, videotapes, or other forms of audio or visual material wherein the preponderance of such materials are characterized by an emphasis on the depiction, description, or display of erotic activities or conduct. Also, a type of commercial activity involving the sale of instruments, devices, or paraphernalia (excluding birth-control devices) designed for use in connection with sexual or erotic activity or conduct.

ADULT-RELATED USES - A business or club which engages in one (1) or more of the following areas of sales, services or entertainment:

A. Adult Bath House - An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, during which specified anatomical areas are displayed or specified sexual activity occurs. This definition shall not apply to hydrotherapy treatment practiced by, or under the supervision of, a medical practitioner. A medical practitioner, for the purpose of

this Chapter, shall be a medical doctor, physician, chiropractor, or similar professional licensed by the Commonwealth of Pennsylvania.

B. Adult Body Painting - Any establishment or business which provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the human body when specified anatomical areas are exposed.

C. Adult Videostore / Bookstore - Any establishment which has a substantial or significant portion of its stock in trade:

(1) Books, films, videos, magazines or other periodicals, or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;

(2) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

D. Adult Cabaret - A nightclub, theater, bar, or other establishment which features live or media representations of performances by topless and/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.

E. Adult Motion Picture Theater - An enclosed or unenclosed building 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.

F. Adult Model Studio - Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any “figure studio” or “school of art”, or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.

G. Adult Motel - A motel or similar establishment offering public accommodations for any consideration, which provides patrons with accommodations for less than on overnight stay.

H. 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.

I. Adult Newsrack - Any machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

J. Adult Outcall Service Activity - Any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

K. Adult Sexual Encounter Center - Any business, agency or person, who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, including psychosexual workshops, operated by a medical practitioner, licensed by the Commonwealth, to engage in sexual therapy.

L. 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.

M. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”.

AGE RESTRICTED RESIDENTIAL DEVELOPMENT - An adult residential development, age-restricted in accordance with the requirements of the Federal Fair Housing Act, as amended, emphasizing social and recreational activities, but may also provide for personal services, limited health facilities and transportation.

AGRICULTURE, GENERAL - Cultivation of the soil and/or animal husbandry. This definition includes horticulture, graniculture, nurseries and greenhouses, forestry, Christmas tree farming, and the commercial production of livestock. For the purposes of this chapter, certain activities have been deemed "intensive or special intensified agriculture," and are specifically excluded from this more general definition.

AGRICULTURE, INTENSIVE - Special agricultural activities, including but not limited to egg and poultry production and dry lot livestock production, which due to the intensity of production or raw material storage needs, necessitate special control of operation, raw material storage and processing and disposal of liquid and solid wastes.

AGRICULTURE, SPECIAL INTENSIFIED - Specific agricultural activities which, due to their intensity of production or needs for storage of raw materials, require special controls for their operation, storage, processing, and waste disposal. Such uses include, but are not limited to, mushroom farming and processing of farm products.

AIRPORT - A place where aircraft land and take off.

ALLEY - A minor right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.

ALTERATION - Any change or rearrangement in or of the facilities or structural elements of a structure, including any enlargement thereof, whether by extension on any side, an increase in height, or the moving of a structure from one location or position to another, whether on the same or to a different lot.

ANTENNA HEIGHT - The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE - Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

AMUSEMENT ARCADE - An establishment or business which provides, as a principal use, amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skeet-ball, electronic or water firing ranges and other similar devices). This definition does not include the use of two (2) or less such devices as an accessory use. This use shall not include adult-related uses, as defined herein.

ANIMAL EQUIVALENT UNIT (AEU) - One thousand (1,000) pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit, provided, however that if the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or other state or federal agency revises the definition of “animal equivalent unit”, then this term shall be interpreted in accordance with the regulations of the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or such other agency.

ANIMAL EQUIVALENT UNIT PER ACRE - An animal equivalent unit per acre of crop land or acre of land suitable for application of animal manure.

ANIMAL HUSBANDRY - The agricultural practice of breeding and raising livestock such as cattle, hogs, sheep and horses for utility, sport or pleasure, or the production of meat and or dairy products for consumption.

APARTMENT - A dwelling which exists with another dwelling or dwellings within a single building.

APPLICATION - A written submission that is in conformance with forms approved by the Township.

AREA - The two-dimensional measurement of space between known lines or boundaries.

A. Building Area - The total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and the sky, exclusive of uncovered porches, awnings, terraces, and steps (i.e., top view).

B. Gross Floor Area - The sum of the floor areas of a building, as measured to the outside surfaces of exterior walls and/or all areas intended for the conduct of a use.

C. Habitable Floor Area - The sum of the floor areas of a dwelling unit as measured to the inside surfaces of interior walls and including all rooms used for habitation, such as living room, dining room, kitchen, basement, bedroom, bathroom, family room, closets, hallways, stairways, and foyers, but not including cellars or attics, service or utility rooms, nor unheated areas, such as enclosed porches.

D. Lot Area - The total surface area contained within the property lines of a lot.

E. Retail Sales Area - The total area of use which is devoted to the display of goods and/or services, including aisles, to prospective patrons.

ASSISTED-LIVING FACILITY - A building intended to provide food, shelter, and care for adults ages sixty-five (65) and older, as well as persons younger than sixty-five (65) suffering a permanent mental and/or physical disability who require supervision or assistance with some or all activities of daily living. Persons rehabilitating from a drug and/or alcohol addiction are specifically excluded from living in this facility. The facility is intended to coordinate services by outside health-care providers; and to monitor the activities of the residents to help ensure their health, safety, and well-being. Assistance may include the administration or supervision of medication, or personal care services provided by a trained staff person.

ATTIC - That part of a building which is immediately below, and completely or partly within, the roof framing. Within a dwelling unit, an attic shall not be counted as floor area, unless it is constructed as, or modified into, a habitable room by the inclusion of dormer windows, an average ceiling height of five feet (5) or more, and a permanent stationary interior access stairway to a lower building story.

AUTO BODY SHOP - A commercial service which features the repair of motor vehicle bodies, including cosmetic detailing, painting, and repainting.

AUTOMOBILE FILLING STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which shall not include

major repairing, body and fender work, painting, vehicular sales, nor rental or automatic car washes.

AUTOMOBILE SALES - Any building or land devoted to the retail sales of motor vehicles, including accessory service and repair facilities, if such service and repair are conducted within a completely enclosed building.

AUTOMOBILE SERVICE - The retail repair, servicing, maintenance, and reconstruction of motor vehicles, but not including car washes per se.

BARN - A structure used (or originally used) for the storage of farm products or agricultural equipment, animal feed, or for the housing of farm animals.

BASE FLOOD - The flood having a one percent (1%) chance of being equaled or exceeded in any given year (100-year flood).

BASE FLOOD ELEVATION - The projected flood height of the base flood.

BASEMENT - A story partially below the finished grade of a structure, having more than one-half (1/2) of its height (as measured from finished floor to finished ceiling) above the average level of the finished grade abutting the exterior walls of the structure, and with a floor-to-ceiling height of greater than six and one-half (6 ½) feet. When calculating the number of stories in a structure, a basement shall be included as a story.

BASE STATION – any structure or equipment at a fixed location that enables FCC-licensed or authorized communications between user equipment and a communications network. Includes structures other than towers that support or house an antenna, transceiver, or other associated equipment that constitutes part of a “base station” at the time the relevant application is files with the State or municipal authorities, even if the structure was not built for the sole or primary purpose of providing such support, but does not include structures that do not at the time support or house base station components. The term includes buildings, light poles, utility poles, water towers, etc., as well as DAS systems and small cells.

BED AND BREAKFAST - A single-family, owner-occupied dwelling, where between one (1) and six (6) sleeping accommodations are rented to overnight guests on a daily basis for periods not exceeding two (2) weeks. Breakfast may be offered only to registered overnight guests. Does not include group homes or boarding house.

BILLBOARD - A sign visible from a public or private way that directs attention to a business, commodity, service, entertainment, attraction, or subject, sold, offered, or existing elsewhere than upon the same lot where such sign is displayed. "Billboard" also includes an outdoor advertising sign on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message, and also includes all structural components, and all facilities used to illuminate and/or service the sign.

BIOMASS ENERGY - The generation of electricity utilizing the following:

A. Organic material from a plant that is grown for the purpose of being used to produce electricity or is protected by the Federal Conservation Reserve Program (CRP) and provided further that crop production on CRP lands does not prevent achievement of the water quality protection, soil erosion prevention or wildlife enhancement purposes for which the land was primarily set aside; or

B. Any solid, nonhazardous, cellulosic waste material that is segregated from other waste materials, including waste wood pallets, wood crates and landscape or right-of-way tree trimmings or agricultural sources, including orchard tree crops, vineyards, grain, legumes, sugar and other crop by-products or residues, but excluding other materials such as hazardous waste, infectious waste and animal waste as defined in Pa. Code Title 25, § 271.1.

BLOCK - A lot or group of contiguous lots bounded by streets, public parks, railroad rights-of-way, watercourses or other bodies of water, or by any combination thereof.

BOARD - The Board of Supervisors, except within Article XVIII of this chapter, where this term shall refer to the Zoning Hearing Board.

BOARD OF SUPERVISORS - The governing body of the Township of Maidencreek, Berks County, Pennsylvania.

BOARDER - An individual other than a member of a family owning or occupying a dwelling unit, or a lodging facility who, for compensation, is furnished sleeping accommodations within such dwelling unit or lodging facility, and may be furnished meals or other services as part of the compensation.

BOARDING HOUSE - A building for residential occupancy within which are provided shelter and meals to more than two (2), but not more than six (6) persons for compensation by prearrangement for definite periods and in which no provision is made for cooking in any room other than a common kitchen. Does not include group homes or bed and breakfast.

BUILDING - A type of structure designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind.

BUILDING HEIGHT - The vertical distance measured from the average elevation of the finished grade at the two front corners of the building to the highest point of the roof.

BUILDING LENGTH - The longest horizontal dimension of a building, measured in a single straight line.

BUILDING PERMIT - A statement issued by the Township Zoning Officer authorizing the erection, construction, alteration, conversion, replacement, or enlargement of a building

or other structure. The statement shall indicate compliance of the proposed activity with the applicable Township codes and ordinances.

BUILDING SETBACK LINE - The line within a property establishing the minimum required distance between any building or structure or portions thereof to be erected or altered and a street right-of-way (except the right-of-way of a service street). The distance shall be measured at right angles from the street right-of-way line which abuts the property, and the building setback line shall be parallel to said right-of-way line.

BULK - A term used to describe the size, volume, area, or shape of buildings or other structures and their physical relationship to each other, to open space, to tracts of land, or to lot lines.

BULK BIN - A structure used to store large quantities of seed, grain, feed, or silage.
CABARET - A type of commercial activity featuring live entertainers who engage in activities such as stripping or topless or bottomless dancing.

CARTWAY - That portion of a street or alley right-of-way, paved or unpaved, intended for vehicular use, including travel lanes and parking areas, but excluding shoulders, curbs, sidewalks, and drainage channels.

CELLAR - A story partially below the finished grade of a structure, having less than one half (½) of its height (as measured from finished floor to finished ceiling) above the average level of the finished grade abutting the exterior walls of the structure, or with a floor-to-ceiling height of less than six and one-half (6 ½) feet. When calculating the number of stories in a structure, a cellar shall not be included as a story.

CEMETERY - Land used or intended to be used for the burial of the deceased, including columbaria, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof.

CERTIFICATE OF USE AND OCCUPANCY - A permit issued and signed by the Township Zoning Officer, stating that a given structure (including a sign or signs) or use of land is in compliance with the applicable codes and ordinances of this Township and that such structure or use of land may be lawfully utilized for specific uses. Such permit shall not be issued until the Zoning Officer or his authorized representative shall have inspected the structure or use of land in question.

CHANNEL - A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.

CHANNEL FLOW - That water which is flowing within the limits of a defined channel.

CHURCH AND RELATED USES - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This

definition shall include rectories, convents, cemeteries, and church-related educational and/or day-care facilities.

CLUB - A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws; buildings and facilities owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation by members and their guests.

CLUBHOUSE - 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 they are not conducting any vending stands, merchandising or commercial activities, except as required for the sole benefit of the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Private clubs shall not include adult-related uses, as defined herein.

CLUSTER SUBDIVISIONS - A form of development that permits a reduction in lot area and bulk requirements, provided 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 recreation, preservation of environmentally sensitive areas, or agriculture.

COFFEEHOUSE – A retail commercial establishment offering the sale of coffee, tea, and other non-alcohol beverages and where light refreshments and limited menu meals may also be sold.

COLLOCATION – the mounting of one or more wireless communication facilities, including antennae, on an existing tower-based WCF, or on any structure that already supports at least one non-tower WCF.

COMMERCIAL PARKING - A parking lot or garage wherein parking spaces are rented or leased.

COMMERCIAL RECREATION FACILITY - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment. Examples include, but are not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses and museums. This use shall not include adult-related uses or amusement arcades, as defined herein.

COMMERCIAL SCHOOL - A school that may offer a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the public school district. Examples include, but are not limited to, ballet, karate, painting, photography, computer training, and dance schools.

COMMON OPEN SPACE - A parcel or parcels of land, an area of water, or a combination of land and water within a development site designed and intended for the use or enjoyment of the residents of said development exclusively or of the Township generally. Areas occupied by streets and off-street parking areas, land within required setbacks, and areas set aside for non-recreational public facilities are excluded.

COMPOSTING FACILITY - A facility for the composting of the organic matter.

COMPREHESIVE PLAN – The Fleetwood – Maidencreek – Richmond Joint Comprehensive Plan adopted September 2011, as amended.

CONCENTRATED ANIMAL OPERATION - Agricultural operations where the animal density exceeds two (2) Animal Equivalent Units per acre on an annualized basis; provided, however, that if the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or other state or federal agency revises the definition of "concentrated animal operation", then this term shall be interpreted in accordance with the regulations of the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or other state or federal agency.

CONDITIONAL USE - A use which may not be appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and criteria prescribed for such uses have been complied with. Conditional uses are reviewed by the Township Supervisors after recommendations by the Planning Commission, in accordance with Section 220-110 of this Ordinance.

CONDOMINIUM - A form of property ownership providing for individual ownership of a specific dwelling unit, or other space not necessarily on ground level, together with an undivided interest in the land or other parts of the structure in common with other owners.

CONGREGATE CARE FACILITY - A building or group of buildings intended to provide food and shelter for adults ages sixty-five (65) and older, as well as persons younger than sixty-five (65) suffering a permanent mental and/or physical disability who can no longer safely and comfortably live independently. Persons rehabilitating from a drug and/or alcohol addiction are specifically excluded from living in this facility. The facility may provide social activities, security, and non-health-related services such as meals, housekeeping services and transportation to its residents.

CONSERVATION PLAN - A plan including a map(s) and narrative that, at the very least, outlines an erosion and sedimentation control plan for an identified parcel of land.

CONSTRUCTION ACTIVITY - Earthmoving activities normally associated with the preparation of a tract for the erection of a structure or structures or with landscaping or road-building activities. Also, the actual process of erecting such structure(s) or installation of landscaping or roads. For the purposes of this chapter, earthmoving activity associated with soil percolation testing for subsurface sewage disposal or with the digging of a well or test pit is excluded from this definition.

CONVENIENCE STORE - A type of retail commercial activity characterized by, but not necessarily limited to, the sale of prepackaged foods, sundries, and prepared food for consumption off the premises. The sale of gasoline and other petroleum products are permitted as an accessory use to a convenience store only where such sales are specifically permitted by the zoning district wherein the convenience store is located.

CUL-DE-SAC - A type of single-access street which intersects no more than one other street at one and only one point and terminates in a permanent vehicular turnaround area.

CURATIVE AMENDMENT - An amendment borne of a legal challenge to the facial validity of this chapter. The process for municipal response to a curative amendment is defined by the Pennsylvania Municipalities Planning Code and described in § 220-115.C of this chapter. Note that the curative amendment process may be initiated by the Township if it should discern that some portion of this chapter is susceptible to legal challenge on the basis of facial invalidity.

CURB CUT - A depression of curbing such that the top of the curb is more or less level with the adjacent cartway, thereby accommodating vehicular movement from the cartway across the curb.

DAY-CARE - The offering of care or supervision over minors or special needs adults, in-lieu-of care or supervision by family members. This definition does not include the offering of overnight accommodations.

A. Day-Care, Commercial - A day-care facility that is a primary use and is licensed by the Commonwealth of Pennsylvania.

B. Day-Care, Family - A day-care facility that is operated as an accessory use to a single-family dwelling, that is registered by the Commonwealth of Pennsylvania, and offers care and supervision to no more than six (6) persons per caregiver during any calendar day.

DENSITY, GROSS - An expression of the intensity of development of a given project in dwelling units per acre which is calculated by dividing the total number of dwelling units proposed by the total lot area of the tract to be included in the development.

DENSITY, GROSS RESIDENTIAL - Same as "density, gross."

DENSITY, NET - The number of dwelling units proposed or constructed upon any specific acre of land, expressed in units per net acre. In calculating the net acreage, the following are to be excluded from the total tract acreage: areas within existing or designated ultimate street rights-of-ways; areas within the FEMA 100 Year Floodplain; areas designated as wetlands; areas within easements dedicated for public utilities; and areas in which the topographic features exceed twenty-five percent (25%) in slope.

DEP - The Pennsylvania Department of Environmental Protection.

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

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to the erection of buildings or other structures, the subdivision of land, the placement of mobile homes, the creation of streets or other paved areas, the installation of utilities, filling, grading, excavation, mining, dredging, or drilling operations.

DISPOSAL OF SEWAGE, COMMUNITY - Off-site sewage disposal, either privately or publicly owned.

DISPOSAL OF SEWAGE, OFF-SITE - The treatment and disposal of sewage by use of a sanitary sewer system, including a sewage treatment plant approved by the Maidencreek Township Sewage Enforcement Officer and the Pennsylvania Department of Environmental Protection, and serving a number of dwellings, businesses, and/or institutions. Typically, but not necessarily, sewage is treated at a location other than the site(s) which generated the sewage.

DISPOSAL OF SEWAGE, ON-SITE - The disposal of sewage by use of cesspools (not permitted for new systems), septic tanks and drainage fields, or other safe and healthful means within the confines of the lot on which the use is located as approved by the Maidencreek Township Sewage Enforcement Officer.

DISPOSAL OF SEWAGE, PUBLIC - Off-site sewage disposal wherein the facilities are owned by the public sector, typically the Township or a municipal authority created by the Township.

DISTRIBUTED ANTENNA SYSTEMS (DAS) – a network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DOMESTIC PETS - The noncommercial keeping of non-farm animals, that are locally available for purchase as pets, as an accessory use to a primary residential use.
DOMESTIC POWER TOOLS - Motor-driven equipment typically used for the care and maintenance of a dwelling; also, the noncommercial use of woodworking and metalworking equipment.

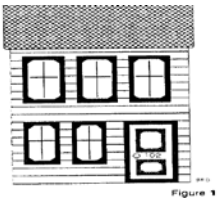
DRIVE-IN ESTABLISHMENT - A type of commercial activity where customers are served or waited upon while in their vehicles.

DRIVE-THRU ESTABLISHMENT - A type of commercial activity where customers are served while in their vehicles via a drive-up window. Examples of drive-thru services include but not limited to: pharmacy, bank, fast food restaurant, and post office.

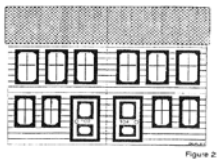
DRIVEWAY - An improved surface designed and constructed to provide vehicular movement between a public road and a tract of land serving one (1) single-family dwelling unit or a farm.

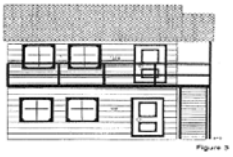
DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourist courts and the like, offering overnight accommodations for guests or patients.

A. Single-Family Detached - A freestanding building containing one (1) dwelling unit for one (1) family. Mobile homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings if the mobile home is securely anchored to a permanent foundation, and all of the apparatuses used to transport the unit shall be removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings. Some modular homes can be considered single-family detached dwellings, so long as they comply with the general requirements of a dwelling. (Figure 1)


Figure 1

B. Duplex (Two-Family; Single-Family Semi-Detached) - A freestanding building containing two (2) dwelling units for two families, arranged in a side-by-side (Figure 2) or over-and-under (Figure 3) configuration. A single family detached dwelling containing an accessory apartment shall not be deemed a two-family dwelling.

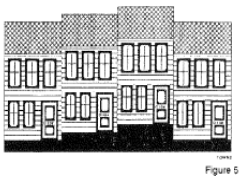

Figure 2


Figure 3

C. Multiple Family - A building containing three (3) or more dwelling units, at least one (1) of which must be located above or below the remaining units. (Figure 4)


Figure 4

D. Townhouse - A building containing between three (3) and six (6) dwelling units, arranged in a side-by-side configuration with one (1) or more common party walls and each unit having its own separate entrance from the outside. (Figure 5).


Figure 5

DWELLING UNIT - A building, or portion thereof, arranged or designed for occupancy by not more than one (1) family, and having separate cooking and sanitary facilities.

EARTHMOVING ACTIVITY - Any construction or other activity which disturbs the surface of the land, including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

EASEMENT - An interest in land owned by another that entitles the holder to a specific limited use or enjoyment.

EATING AND DRINKING ESTABLISHMENT - A commercial activity, the principal purpose of which is the remunerated furnishing or serving of food and beverages for consumption on the premises. This definition includes restaurants and any other activity which may include a restaurant-type facility, such as hotels, country clubs, and social clubs, regardless of whether such activity is open to the general public.

EMERGENCY – a condition that (1) constitutes a clear and immediate danger to the health, welfare or safety of the public, or (2) has caused or is likely to cause facilities in the right-of-way to be unusable and result in loss of the service provided.

EROTIC ACTIVITIES - Actual or simulated genital, anal, or oral intercourse; sadomasochism; pedophilia; bestiality; or masturbation.

EXOTIC ANIMALS - An exotic animal is a rare or unusual animal which has not been domesticated, retaining its wild, carnivorous and or predatory nature making it unsuitable as a household pet. Examples of such animals include but are not limited to: alligators, amphibians, foxes, bears, wolves, skunks, degus, civets, genets, kinkajous, raccoons, chinchillas, hedgehogs, wallaroos, lions, tigers, bobcats, leopards, cheetahs, jaguars, cougars, servals, ocelots, hyenas, venomous or constricting snakes, and non-human primates.

EXTRACTIVE INDUSTRY or EXTRACTIVE OPERATION - The mining or quarrying of sand, clay, shale, gravel, topsoil, stone, ore, or minerals; also, similar operations such as the removal of materials for fill operations.

FCC RULES – recent Federal Communication Commission Rules effective April 8, 2015 which regulate both traditional telecommunication towers as well as distributed antenna systems and other small cells. Applicable rules reflected in the requirements as set forth in §27-745 of this Douglass Township Code relate to FCC Rules 47 U.S.C. §1455(a) [also known as §6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012] and 47 U.S.C. §332(c)(7).

FACADE - The front surface of a building, usually visible from the public street upon which the lot has frontage; that surface through which the main building entrance provides access. The facade is typically, but not necessarily, more or less parallel to the front lot line.

FAMILY - One (1) or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that four or more persons living together in a single dwelling unit, who are not related by blood, foster relationship, adoption, or marriage, do not constitute the functional equivalent of a traditional family. In determining the functional equivalent of a traditional family, the following criteria shall be present:

A. The group shares the entire dwelling unit.

B. The group lives and cooks together as a single housekeeping unit.

C. The group shares expenses for food, rent, utilities or other household expenses.

D. The group is not transient or temporary in nature.

E. Any other factor reasonably related to whether the group is the functional equivalent of a family.

FARM or FARMLAND - A parcel of land used for agricultural activities.

FARM BUILDING - A building or structure used for agricultural purposes.

FARMERS, ANTIQUES AND/OR FLEA MARKET - A retail sales use where more than one (1) vendor displays and sells general merchandise that is new or used. Farmers and/or flea markets can include indoor and outdoor display of merchandise.

FARM STAND - A structure for the display and sale of farm products.

FEEDLOT - A confided area or structure, pen, or corral, used to fatten livestock prior to final shipment.

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

FILL - Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including, but not limited to, levees, bulkheads, dikes, jetties, embankments, and causeways.

FINANCIAL INSTITUTION - A bank, savings and loan association, credit union, finance or loan company, etc.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from the overland flow of watercourses, or from the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION - The projected heights, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), reached by floods of various magnitudes and frequencies in the floodplain areas.

FLOOD OF RECORD - The flood which has reached the highest flood elevation above mean sea level at a particular location.

FLOODPLAIN - An area of land adjacent to the channel of a watercourse which has been, or is likely to be, flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOF - Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to property, structures and their contents.

FLOODWAY - The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the base flood elevation more than one (1) foot.

FLOOR AREA - Same as "gross floor area."

FORESTRY - The management of forest and timberlands when practiced in accordance with accepted silviculture principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes.

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

FRATERNAL ORGANIZATION - A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements.

FRONTAGE - That portion of a block or lot, as the context may imply, which abuts a public street or a private street built to or in excess of public street standards.

FUNERAL HOME - A use which prepares the remains of deceased humans for burial and cremation. This use may also conduct funeral services.

GAME PRESERVE - An area of land set aside for the protection of wild birds or animals for the purposes of conservation, tourism or hunting.

GARAGE - A building used for the storage of vehicles. As used in this chapter, this term excludes vehicle repair and maintenance services as well as the sale of gasoline and other petroleum products.

GARAGE, PRIVATE - An accessory building for the storage of one (1) or more motor vehicles and/or other vehicles accessory and incidental to the primary use of the premises; provided, however, that one (1) commercial vehicle of not more than three-quarter (3/4) ton capacity may be stored therein where the use of such vehicle is not incidental to the use of the premises. No business, occupation or service shall be conducted therein, other than provided for under a home occupation, nor shall space therein for more than one (1) vehicle be leased to a non-occupant of the premises.

GRADE - The mean finished ground elevation adjoining a structure.

GREENHOUSE - A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants. Greenhouses are further defined as follows:

A. Greenhouse, Cultivation - A greenhouse used for the cultivation and growth of houseplants, flowers, shrubs, vegetables, plants and the like, for the purpose of further cultivation in the soil located onsite, or for wholesale distribution.

B. Greenhouse, Garden Center - A greenhouse and associated buildings used for the buying and reselling of plants, trees, mulch, landscaping products and the like.

GROSS FLOOR AREA - The floor space within a building measured from the exterior faces of the exterior walls or from the center line of the party wall(s) separating buildings.

A. The calculation of gross floor area shall include:

(1) All spaces, including basements but excluding cellars, with structural headroom equal to or greater than ninety (90) inches;

(2) Interior balconies and mezzanines;

(3) Enclosed or roofed porches or terraces or other roofed spaces;

(4) Attic space (with or without a finished floor), provided that there is structural headroom of ninety (90) inches or more over fifty percent (50%) of such attic space; and

(5) Garages which are attached to the principal building.

B. The calculation of gross floor area shall not include:

(1) Cellar space, except where such space is used for retailing;

(2) Elevator shafts, stairwells, bulkheads, accessory water tanks, and cooling towers; and

(3) Breezeways, unroofed terraces, uncovered steps, and open space.

GROUP HOME - A place for residential occupancy by six (6) or fewer individuals (including live-in counselors) who live together as a single housekeeping unit in a long-term, family-like environment and who are given social, physical, alcohol or drug treatment and mental support and/or training. The term “group home” shall not include convalescent home, nursing home, work release facility for convicts or ex-convicts, or other housing facility serving as an alternative to incarceration.

HAZARDOUS MATERIAL - Materials which have the potential to damage health or impair safety. Hazardous materials include, but are not limited to, inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal tar acids, such as phenols and cresols, and their salts; petroleum products; and radioactive materials. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks and large containers.

HAZARDOUS WASTE - Any 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, semi-solid, 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, cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

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

HEALTH AND RECREATION CLUB - An establishment that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses, or adult-related uses, as defined herein.

HEAVY EQUIPMENT - Vehicles and machinery that are not normally associated with domestic use (e.g., excavation equipment, commercial trucks and trailers, buses, yachts. farm equipment, mechanized amusement rides, industrial machinery, and other similar items).

HEIGHT, STRUCTURE - A structure's vertical measurement from the mean level of the ground abutting the structure to the highest point of the structure.

HELIPORT - An area, either at ground level or elevated on a structure, for the loading, landing, and takeoff of helicopters.

HOME BUSINESS - A lawful occupation carried on or within the boundary of a lot on which at least one of the owners of the business resides. The Home Business may be conducted within the dwelling and/or another structure located on the property but shall be clearly incidental and secondary to the property for residential purposes. A Home Business allows activities within the dwelling or in an accessory building, and is intended to allow occupational and business activities of a slightly greater intensity than a Home Occupation. Home Business activities are subject to § 220-66.A of this chapter.

HOME OCCUPATION - A professional activity for gain by a resident that is conducted as an accessory use to the residents principal, single-family dwelling unit, other than a Home Business or a No-Impact Home-Based Business. Home occupations are subject to § 220-66.B of this chapter.

HOSPITAL - An institution, licensed by the American Hospital Association, providing primary health services and medical or surgical care to persons, primarily inpatients,

suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

HOTEL - A building which provides lodging to boarders for compensation, excluding adult-related uses, as defined herein, which contains more than eight (8) rooms, with less than twenty-five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and may provide meals and other services as a part of the compensation.

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.

INCINERATOR - A facility designed to reduce municipal solid waste by combustion. This use may or may not include heat exchange equipment for energy recovery.
IN-LAW QUARTERS - An accessory dwelling unit for a maximum of two (2) family members.

INDUSTRIAL PARKS - A tract of land that is planned, developed, and operated as an integrated facility for a number of individual industrial uses, with consideration to transportation facilities (rail and highway), circulation, parking, utility needs, aesthetics, and compatibility with adjoining uses.

INN - A commercial facility for the housing and feeding of transients containing less than eight (8) rooms.

INTERIOR DRIVE - Any on-site vehicular movement lane(s) that are associated with a use other than a single-family dwelling.

IMPERVIOUS SURFACE - Ground cover which prevents the absorption of water by the underlying soil.

IMPERVIOUS SURFACE COVERAGE - The percentage of the lot area covered by any and all impervious materials, such as buildings, paved parking areas, paved walks, terraces, and similar surfaces which do not normally absorb rainfall. Any surface areas designed to be gravel or crushed stone shall be assumed to be impervious surfaces.

JUNK - Used materials, discarded materials, or both, including, but not limited to, waste paper, rags, metal, building materials, house furnishings and appliances, machinery, vehicles or parts hereof, all of which are being stored awaiting potential reuse or ultimate disposal.

JUNKYARD - An area of land, with or without buildings, used for the storage, outside a completely-enclosed building, of used and discarded materials, including, but not limited to, waste paper, rags, metal, building materials, house furnishings and appliances, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage,

sale, or other use of disposition of the same. The deposit or storage on a lot of one (1) or more licensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a "junkyard". (A vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid current registration plate, or that has a certificate of inspection which is more than sixty (60) days beyond the expiration date).

KENNEL (Commercial) - A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

KENNEL (Non-Commercial) - An establishment, structure or lot, on or in which dogs, cats or domestic pets are kept for private purposes.

LAND DEVELOPMENT - Any one of the following activities.

A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

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

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

B. A subdivision of land.

C. The following activities are excluded from this definition:

   (1) The conversion of a single-family detached dwelling or a single-family semidetached dwelling into not more than three residential units, unless such units are to be condominium units; and

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

LANDFILL, SANITARY - A landfill wherein engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution, or environmental degradation.

LANDING - The place where logs, pulpwood or firewood are assembled for transport to processing facilities.

LANDOWNER - The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this chapter.

LANDSCAPE SCREEN - A completely planted visual barrier composed of evergreen shrubs and trees arranged to form both a low-level and a high-level screen between grade and to a height of six (6) feet.

LITTER - Discarded materials scattered about a site that are not normally associated with its use.

LITTER CONTROL PLAN - A written report presenting the responsible parties for, and the methods, timing and frequency of, efforts to recover and properly dispose of litter upon a property.

LOADING SPACE - An off-street space or area suitable for the loading or unloading of goods and having direct usable access to a street or alley.
LODGE - A place where members of a local chapter of an association, a club, or a fraternal, cultural, or religious organization hold their meetings; a building or group of buildings along with permitted accessory uses held under single management.

LOP - The process of cutting tree tops and slash into smaller pieces to allow materials to settle close to the ground.

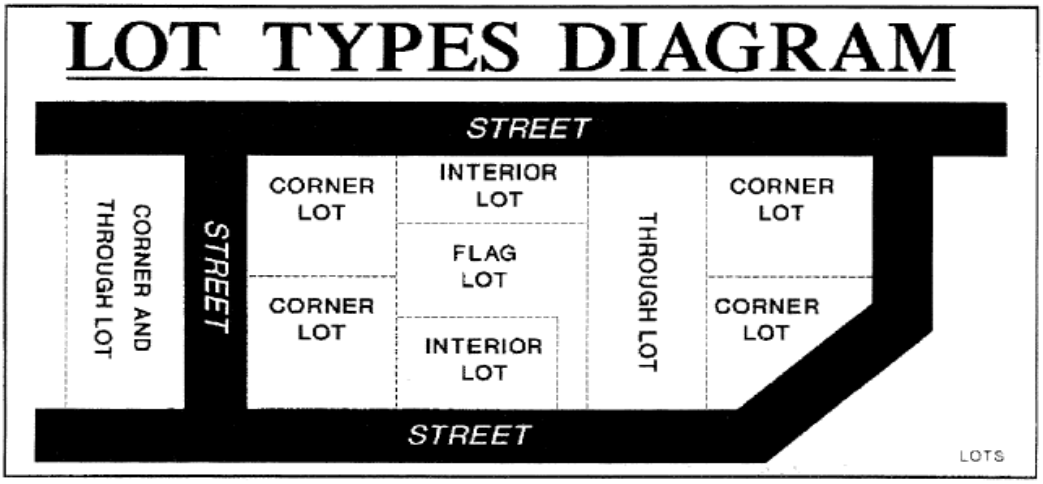
LOT - A designated tract or parcel of land, established by plat or otherwise as permitted by law and to be used, developed, or built upon as a unit. The term "LOT" shall include the terms parcel, plot, site, and all similar terms.

A. Lot, Corner: A lot at the point of intersection of and abutting two (2) or more intersecting streets, and which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of the two street lines. Corner lots shall have two (2) front yards, one (1) side and one (1) rear yard.

B. Lot, Flag: A lot whose frontage does not satisfy the minimum width requirements for the respective zone, but that does have sufficient lot width away from the lot's frontage.

C. Lot, Interior: A lot other than a corner lot, the sides of which do not abut a street.

D. Lot, Through: An interior lot having frontage of two (2) parallel or approximately parallel streets.



LOT AREA - For the purpose of determining compliance with minimum lot area requirements specified by this chapter and for all other instances where the term "lot area" or "lot size" is used without a preceding modifier, the "lot area" shall be the total area of land and surface waters contained within the legal limits of the property lines of a lot, excluding lands within public rights-of-way. The calculation of lot area for a flag lot shall not include the lands occupied by the access strip.

LOT DEPTH - The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and through lots, the depth shall be measured from the street right-of-way of the street of address to the directly opposite property line.

LOT LINE - A line of record bounding a lot which divides a lot from another lot, from a public or private street, or from any other public or private space.

LOT LINE, FRONT - A line of record separating a lot from the dedicated right-of-way of a public or private street.

LOT LINE, REAR - The lot line or lines parallel to, or within thirty degrees (30°) of being parallel to, and most distant from the front lot line.

LOT LINE, SIDE - Any lot line which is not a front lot line or a rear lot line, including all lot lines tangent to the front lot line.

LUMBERYARD - The principal use of land and structures involving the loading and unloading, storage and sales of lumber and millwork materials.

MASSAGE THERAPIST – an individual licensed by the State Board of Massage Therapy to practice massage therapy.

MASSAGE THERAPY – The application of a system of structured touch, pressure, movement, holding and treatment of the soft tissue manifestations of the human body in which the primary intent is to enhance the health and well-being of the client without limitation, except as provided under Pa. Act 118 Massage Therapy Act of 2008. The term

includes the external application of water, heat, cold, lubricants or other topical preparations, lymphatic techniques, myofascial release techniques and the use of electro-mechanical devices which mimic or enhance the action of the massage techniques. The term does not include the diagnosis or treatment of impairment, illness, disease or disability, a medical procedure, a chiropractic manipulation – adjustment, physical therapy mobilization – manual therapy, therapeutic exercise, electrical stimulation, ultrasound or prescription of medicines for which a license to practice medicine, chiropractic, physical therapy, occupational therapy, podiatry or other practice of the healing arts is required.

MASSAGE THERAPY ESTABLISHMENT - A type of commercial service activity wherein the principal source of income is derived from the practice of massage therapy by a State licensed massage therapist or individual meeting the criteria of Section 13 of Pa. Act 118 defined as "other professional". This definition shall not be construed to include a hospital, nursing home, or medical clinic; the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the Commonwealth of Pennsylvania; or barber shops or beauty salons in which massages are administered only to the scalp, face, neck, and/or shoulders.

MAXIMUM FLOOD ELEVATION - The water surface elevations of a flood which would completely fill the floodplain to the boundaries of the Floodplain Zone.

MEAN SEA LEVEL - The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

MEDICAL MARIJUANA DISPENSARY – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health under PA. Act 16, to dispense medical marijuana. The term does not include a health care medical marijuana organization under the Medical Marijuana Act, Pennsylvania Act 16.

MEDICAL MARIJUANA GROWER / PROCESSOR – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health under PA. Act 16, to grow and process medical marijuana. The term does not include a health care medical marijuana organization under the Medical Marijuana Act, Pennsylvania Act 16.

MEDICAL MARIJUANA ACT – The Medical Marijuana Act, Pennsylvania Act 16 as adopted April 17, 2016.

MEDICAL MARIJUANA – Marijuana for certified medical use as set forth under the Medical Marijuana Act, Pennsylvania Act 16.

MEDICAL MARIJUANA ORGANIZATION – A dispensary or a grower / processor as permitted under the Medical Marijuana Act, Pennsylvania Act 16. The term does not include a health care medical marijuana organization under Act 16.

MEDICAL OR DENTAL CLINIC - Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to people on an outpatient basis. This use shall not include adult-related uses, as defined herein.

MINIATURE GOLF - Area designed and used for the play of a variation on the game of golf wherein the only club needed or used is a putter.

MINI-WAREHOUSE - A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage, and no processing. Manufacturing, sales, research and development, testing, service and repair, or other non-storage activities shall be permitted.

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME or MOBILE HOME UNIT - A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile homes placed in parks shall meet the requirements for mobile home parks listed in § 220-68 of this chapter. Mobile homes placed on individual lots shall be considered “dwellings” and be bound by the requirements there-imposed. For the purposes of this chapter, any travel trailer, as defined herein, that is located and occupied on the same parcel for more than sixty (60) days in any calendar year shall be considered a mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designated or improved that it individually or they jointly contain two or more mobile home lots for the placement thereon of mobile homes.

MODIFICATION OR MODIFY – the improvement, upgrade or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure or the improvement, upgrade or expansion of the wireless telecommunication facilities located within an existing equipment compound, if the improvements, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

MONOPOLE – a WCF which consists of a single- pole structure, designed and erected on the ground or on top of a structure, to support communications antennae and connecting appurtenances.

MOTEL - A type of hotel wherein the rented units have direct access to the outdoors arranged such that motel patrons have convenient access to their vehicles.

MOTOR VEHICLE SERVICE / FUEL STATION

A. A commercial use of land which may include any one or any combination of the following activities:

   (1) The retail sale of gasoline and other petroleum products;

   (2) The care and maintenance of motor vehicles as a retail service, including cosmetic detailing where no painting occurs;

   (3) Engine, drive train, and other mechanical repair as a retail service;

   (4) The retail sale of parts and accessories for motor vehicles; and

   (5) A convenience store.

B. The following activities shall not be permitted as part of this use:

   (1) Repair of motor vehicle bodies;

   (2) Painting or repainting of motor vehicle bodies; and

   (3) The sale of new or used motor vehicles.

C. Businesses (including agricultural uses) which own and maintain fuel pumps for their own use and which do not sell the fuel from such pumps to the general public are excluded from this definition.

MUNICIPAL SERVICES - Those uses and facilities designed to furnish necessary support for the general public health, safety and welfare that are typically the responsibility of local governments and other locally operated service agencies, and are not operated on a commercial basis. Such uses shall include, but not be limited to:

A. Municipal offices, meeting halls, garages and storage yards, wells and waste water treatment facilities;

B. Police, fire and ambulance stations;

C. Indoor community service uses and activities, including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses;

D. Outdoor community service facilities and activities, including fair grounds, community bulletin boards and other similar uses; and,

E. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, aboveground fuel tanks, lights, waste receptacles and dumpsters, bleachers, and other similar uses.

MUNICIPAL SOLID WASTE - The unseparated and/or unprocessed combination of residential and commercial solid waste materials generated in a community.

NATURAL FEATURES - Naturally occurring characteristics of a tract, as may be modified by man. Natural features include, but are not necessarily limited to, topography, surface waters, rock outcroppings, geologic characteristics, soil cover, ground cover, woodlands, and freestanding trees. Natural features exclude buildings and paved areas.

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after the effective date of this Ordinance.

NIGHTCLUB - Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered on a regular basis. 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 may also provide for dancing and the on-site consumption of food. Additionally, nightclubs may offer the retail sale of carryout beer and wine as an accessory use. This term is meant to include an "under 21' club which features entertainment. This use does not include adult-related uses as defined herein.

NO-IMPACT HOME-BASED BUSINESS - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. No-impact Home Based Business activities are subject to § 220-66 of this Chapter.

NONCONFORMING LOT - 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 STRUCTURE - 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 - 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.

NON-TOWER WIRELESS COMMUNICATION FACILITY (Non-Tower WCF) – a non-tower WCF including but not limited to, antennae and related equipment. Non-tower WCF's shall not include support structures for antennae or any related equipment that is mounted to the ground or at ground level.

NURSERY - A property used for the cultivation and sale of trees and shrubs.

NURSING, REST OR RETIREMENT HOMES - Facilities design for the housing, boarding, and dining associated with some level of nursing care.

OBSTRUCTION - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuel, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, (1) 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 (2) which is place where the flow of the water might carry the same downstream, to the damage of life and property.

OFFICE - A place where the primary use is conducting the affairs of a business, profession, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods, or products which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

OFFICE BUILDING - A nonresidential structure which accommodates or is designed to accommodate administrative, clerical, governmental, and professional services and functions. Office buildings are distinguished from other nonresidential buildings in that they do not accommodate retail sales, assembly or manufacturing facilities, or laboratory facilities, except as they may be incidental and accessory to one of the permitted services or functions.

ONE HUNDRED YEAR FLOOD (Base Flood) - A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

ONE HUNDRED YEAR FLOOD BOUNDARY (Base Flood) - The outer boundary of an area of land that is likely to be flooded once every one-hundred (100) years. A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Natural Resources Conservation Service, the United States Geological Survey, the Delaware River Basin Commission, or a licensed

surveyor or professional engineer, registered by the Commonwealth of Pennsylvania is necessary to define this boundary.

ONE HUNDRED YEAR FLOOD ELEVATION (Base Flood) - The water surface elevations of the one-hundred (100) year flood.

OUTDOOR FURNACE -- Any device, contrivance or apparatus or any part thereof which is installed, affixed or situated outdoors for the primary purpose of the combustion of fuel from which heat or energy is derived and intended to be directed there from by conduit or other mechanism into any interior space for the supply of heat or energy or for any other purpose such as heating swimming pools, saunas, etc. An outdoor furnace may also be referred to as an Outdoor Wood Furnace, Outdoor Wood Boiler or Outdoor Wood-fired Hydronic Heater. Generators, the principal purpose for which is to provide power during electric power outages, are excluded from this definition.

PARKING LOT - An off-street area designed for the parking of motor vehicles, including driveways, passageways, and maneuvering spaces appurtenant thereto. Five (5) or more parking spaces shall constitute a parking lot for the purposes of this chapter.

PARKING SPACE - A space for the temporary or permanent parking of a motor vehicle either in a garage or outdoors. If outdoors, such space shall have a dustless all-weather surface. Parking spaces shall meet all requirements of § 220-61 of this chapter.

PARKS AND PLAYGROUNDS - Those facilities designed and used for recreation purposes by the general public that are not operated on a commercial basis. This definition is meant to include the widest range of recreational activities, excluding adult-related uses, amusement arcades, amusement or theme parks, golf courses, off-track betting parlors, racetracks, and shooting ranges.
PERSON - An individual, corporation, partnership, incorporator's association, or any other similar entity.

PERSONAL CARE HOME - A building or group of buildings in which food, shelter and personal assistance or supervision are provided for, adults ages sixty-five (65) and older, as well as persons younger than sixty-five (65) suffering a permanent mental and/or physical disability who can no longer safely and comfortably live independently. Persons rehabilitating from a drug and/or alcohol addiction are specifically excluded from living in this facility (see group home). The facility may provide assistance or supervision in such matters as dressing, bathing, diet, and financial management.

PERSONAL COMMUNICATIONS SERVICE (PCS) – a generation of wireless-phone technology that combines a range of features and services surpassing those available in analog and digital cellular phone systems, providing a user with an all-in-one wireless phone, paging, messaging, and data service.

PERSONAL SERVICE ESTABLISHMENT - A commercial establishment primarily engaged in providing services involving the care of a person or their personal goods or

apparel, such as dry cleaning, laundromats, linen supply, beauty shop, barber shop, shoe repair, seamstress and tailor shop.

PERSONAL STORAGE FACILITY - A commercial operation where space is rented or leased to individuals usually storing household goods, or to small businesses, usually storing excess inventory or archived records. The rented or leased spaces, known as "units", "rooms" or "lockers" are usually secured by the tenant's own lock and key. Also known as "self-storage" or "mini-storage" facilities.

PESTICIDE - Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

PETROLEUM PRODUCT - Oil or petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

PLACE OF WORSHIP - A building, structure, or a group of buildings or structures, the principal use of which is to accommodate organized religious services and associated accessory functions. This term includes, but is not necessarily limited to, church, mosque, synagogue, and temple.

PLANNED RESIDENTIAL DEVELOPMENT - An area of land, controlled by a landowner, to be developed as a single entity either with a number of dwelling units or with a combination of residential and nonresidential uses. The development plan for a planned residential development may not necessarily correspond in lot size, bulk, type of dwelling(s), use(s), density, impervious surface, or required open space to the regulations for the zoning district wherein it is located. However, planned residential developments shall conform to the regulations set forth in § 220-71 of this chapter.

PLANNING COMMISSION - The Planning Commission of the Township of Maidencreek, Berks County, Pennsylvania.

POWER GENERATION - The creation of electrical power by the use of facilities that encompass the following energy sources: solar; wind; geothermal; biologically derived methane gas; fuel cells; demand site management; distributed generation system and/or biomass energy.

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

PREMISES - The property upon which the activity is conducted, as determined by physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incidental to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses.

PRINCIPAL USE - The main or primary use of property or structures.

PUBLIC - Owned, operated or controlled by a governmental agency (Federal, State, or local, including a corporation created by law for the performance of certain specialized governmental functions, and the Board of Education).

PUBLIC HEARING - 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 on zoning-related matters.

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act.

PUBLIC NOTICE - Shall be as defined in § 107 Definitions of the Pennsylvania Municipalities Planning Code, Act 247 as amended

PUBLIC SEWER - A municipal sanitary sewer or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

PUBLIC UTILITIES - Use or extension thereof which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and requires a "Certificate of Convenience" approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

PUBLIC WATER - A municipal water supply system, or a comparable common water facility, approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

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

RECYCLING CENTER / FACILITY - A commercial activity involving the collection, sorting, storage, dismantling, salvage, or sale of used and discarded materials, including, but not limited to wastepaper, rags, scrap metal and machinery, including vehicles. Scrap processing operations, automobile shredding facilities, and facilities which accept any organic waste are excluded from this definition.

RELATED EQUIPMENT – any piece of equipment related to, incidental to, or necessary for, the operation of a tower-based WCF or non-tower WCF. By way or illustration, not limitation, related equipment includes generators and base stations.

REPLACEMENT – the replacement of existing wireless telecommunication facilities on an existing wireless support structure or within an existing equipment compound due to

maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

RESOURCE RECOVERY - The process of obtaining materials or energy, particularly from solid waste.

RESOURCE RECOVERY FACILITY - A facility or land that is used for any one or a combination of the following or similar uses; composting, incineration, material separation, recycling or trash transfer. A resource recovery facility shall be owned and operated by the Township or municipal authority by and on behalf of the Township.

RESTAURANT - Any business or establishment that serves prepared food primarily on non-disposable tableware, but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed either ten percent (10%) of the total patron seating area or two hundred (200) square feet (whichever is less). Caterers shall be included in this definition.

RESTAURANT, DRIVE-THRU OR FAST-FOOD - Any establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off the site.

RETAIL SALES or RETAIL SERVICES - A commercial use featuring the sale or rental of goods or services to the general public. Such uses can include but not be limited to the sale of such goods as antiques, appliances, auto parts, beverages, books, carpeting, clothing, convenience stores, dry good, flowers, fast food establishments, food, furniture, gasoline, hardware, household supplies, lumber, jewelry, machinery, newspapers, office equipment, paint, periodicals, pharmaceuticals, sporting goods, stationery, tobacco, and service establishments such as tattoo and body piercing.

RIDING ACADEMY - An establishment where horses are boarded and cared for and/or where instruction in riding, jumping, or showing is offered and/or the general public may, for a fee, hire horses for riding.

RIGHT-OF-WAY - A corridor of publicly-owned land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including, but not limited to, roads, streets, highways and sidewalks. Abutting property owners are prohibited from encroaching across the right-of-way line. (See also “street line”) The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or thereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the federal government, Commonwealth, municipality or municipal authority, and any non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall

not be considered a right-of-way. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the Right(s)-of-Way.

ROADSIDE STAND - A temporary or permanent structure, accessory to an agricultural use (including special intensified agriculture), used for the display and sale of items grown, created, or otherwise produced upon the agricultural lot whereupon such structure is located.

SALDO - The Subdivision and Land Development Ordinance of the Maidencreek Township as amended.

SATELLITE DISH ANTENNA - A device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include but not be limited to, what are commonly referred to as satellite earth stations, TVRO's, and satellite microwave antennas. Satellite dish antenna shall not be located in the required front yards.

SCHOOL - A principal use comprised of a building or group of buildings in which supervised education or instruction is offered according to the following categories.

A. Commercial School - A school that may offer a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the public school district. Examples include, but are not limited to, ballet, karate, painting, photography, computer training, and dance schools.

B. Private School - A school that offers elementary, secondary, post-secondary, post-graduate, or any combination thereof, academic education that may, or may not, be operated as a gainful business.

C. Public School - A school licensed by the Department of Education for the purpose of providing elementary, secondary and adult education, and operated by the School District.

D. Vocational-Mechanical Trade School - A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations: truck driving; engine repairs; building construction and general contracting; woodworking; masonry; plumbing; electrical contracting; and other similar trades.

SCREEN PLANTING - A landscaped area designed to provide a visual and aural barrier either between abutting properties or between a property and an abutting street. Screen planting areas shall be maintained by the owner of the lot whereupon it is located such that it is of sufficient height and density to perform its function. Specific requirements are

provided in § 220-64 of this chapter; a recommended list of species appropriate for screen plantings in provided in the appendix of this chapter.

SEASONAL HOUSING - A dwelling unit that lacks one or more of the basic amenities or utilities required for all-year or all-weather occupancy.

SERVICE ESTABLISHMENT – a business primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

SETBACK - The required horizontal distance between a setback line and property or street line.

A. Setback, Front - The distance between the street line and the front setback line, projected the full width of the lot. Commonly called “required front yard”.

B. Setback, Rear - The distance between the rear lot line and the rear setback line, projected the full width of the lot. Commonly called “required rear yard”.

C. Setback, Side - The distance between the side lot line and the side setback line, projected from the front yard to the rear yard. Commonly called “required side yard”.

SETBACK LINE - A line within a property and parallel to a property or street line which delineates the required minimum distance between some particular use of property and that property or street line.

SHOPPING CENTER - A group of four or more establishments designed and constructed as an integrated unit, sharing common facilities for parking, loading, pedestrian circulation, and sanitary facilities. A roster of specific uses which may be included in a shopping center, as well as other regulations, are found in § 220-74 of this chapter.

SIGN - Any structure, wall, other outdoor surface, or any device or part thereof which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representation used for announcement, direction, or advertisement. The term "sign" includes billboard. For the purposes of this chapter, the term "sign" shall exclude the flag, pennant, or other insignia of any nation, state, city, or other political unit as well as public traffic and directional signs.

SITE – for towers other than towers in the public right-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

SKIDDING - The dragging of felled trees on the ground from the stump to the landing by any means.

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

SOIL SURVEY - The latest published version of the United States Department of Agriculture's Soil Survey for Berks County, Pennsylvania.

SOLAR ENERGY CONVERSION SYSTEM – Solar energy conversion systems includes solar collectors, storage facilities, and distribution components, for space heating and cooling, and hot water heating.

SOLAR SKY EASEMENT – A solar sky easement is a legal instrument which may be in the form of an easement, covenant or other property interest in any deed or other property instrument executed by or with the landowners permission, on behalf of any landowner, that protects the solar sky space of a proposed solar energy collector at a described location by forbidding and activity, including placement of objects, live or otherwise, that would interfere with solar access.

SOLID WASTE - Garbage, refuse and other discarded materials, including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrement nor hazardous waste materials, as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

SOLID WASTE LANDFILL - A site on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution, or environmental degradation.

SPECIAL EXCEPTION - A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and are to be decided by the Zoning Hearing Board, in accordance with § 220-118.G of this Ordinance.

SPECIFIED ANATOMICAL AREAS - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areola, and/or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - For the purposes of this chapter, this term shall include any of the following:

A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented act or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerisn, sapphism, zooerasty; or

B. Clearly depicted human genitals in a state of sexual stimulation; arousal or tumescence; or

C. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or

D. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

E. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; or

F. Erotic or lewd touching, fondling or other contact with an animal by a human being; or

G. Human excretion, urination, menstruation, vaginal or anal irrigation.

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

STEALTH TECHNOLOGY – camouflaging methods applied to wireless communication towers, antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building mounted antennae painted to match the existing structure, and facilities constructed to resemble trees, shrubs, or light poles.

STORY - That portion of a building between a floor surface and the floor surface next above it or, if there is no floor surface above, the ceiling next above it. See "attic," "basement," and "cellar" for further information concerning calculation of stories.

STREAM - Any natural or man-made channel of conveyance of surface water with an annual or intermittent flow within a defined bed and bank.
STREAM CORRIDOR - Lands immediately adjacent to a river or stream, including the banks, floodplain areas, and areas characterized by riverine flora or fauna or which feature alluvial soils.

STREET - A public (dedicated) or private (undedicated) right-of-way intended for use as a means of vehicular and pedestrian circulation. This term includes, avenue, boulevard, highway, lane, road, thoroughfare, alley, parkway, viaduct, and similar terms.

STREET CENTERLINE - The horizontal line paralleling the street that bisects the street right-of-way into two (2) equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

STREET FRONTAGE - The length of the cartway edge which lies within a given property; or, where a property line is coincident with a street right-of-way line, the length of such coincidence.

STREET LINE - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

STREET RIGHT-OF-WAY - A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and occupied by or intended to be occupied by a public street.

STRUCTURE - Any man-made object, including buildings, having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Structures shall not include such things as fences, sandboxes, decorative fountains, swing sets, birdhouses, mailboxes, and any other similar nonpermanent improvements.

A. Structure, Accessory - A structure associated with an accessory use (e.g., swimming pools, patios, antennas, tennis courts, garages, utility sheds, etc.).

B. Structure, Principal - A structure associated with a primary use.

SUBSTANTIALLY CHANGE OR SUBSTANTIAL CHANGE – A modification to the physical dimensions of a tower or base station, as measured from the dimensions of the tower or base station inclusive of any modifications approved prior to the passage of the Spectrum Act (effective February 22, 2012), if it meets any of the following criteria:

a. For towers outside of public right-of-way, it increases the height by more than twenty (20) feet or ten percent (10%), whichever is greater; for those towers in the right-of-way and for all base stations, it increases the height of the tower or base station by more than ten percent (10%) or ten (10) feet, whichever is greater;

b. For towers outside of public rights-of-way, it protrudes from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for those towers in the rights-of-way and for all base stations, it protrudes from the edge of the structure more than six (6) feet;

c. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets;

d. It entails any excavation or deployment outside the current site of the tower or base station;

e. It would defeat the existing concealment elements of the tower or base station; or

f. It does not comply with conditions associated with the prior approval of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds.

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

SUBSTANTIVE QUESTION - A challenge to the validity of this chapter addressing the creation and definition of rights and laws created hereby, not involving the application of such rights and laws to any specific tract within the Township, but as generally applied to all tracts within the Township or within a zoning district of the Township.

SUPERVISOR - Supervisor of Maidencreek Township.

SWIMMING CLUB - Recreational land use wherein the principal facility is a swimming pool. Swim clubs may be operated as a public or private facility, with or without membership requirements. Food service may be provided as an accessory use.

SWIMMING POOL - Any pool, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1 ½) feet. 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. Live entertainment shall be permitted no more than twice per week and shall expressly exclude adult-related uses, as defined herein.

TERRACE - A hard-surfaced area of ground contiguous to a dwelling designed and used as an outdoor living area. If a terrace has neither a roof nor a surrounding wall more than four feet tall, it may extend into any required yard area up to a maximum depth of fifty percent (50%) of said required area. Terraces may be unwalled, screened, or be surrounded by an opaque wall not more than four feet in height. Where the terrace is roofed or surrounded by an opaque wall more than four feet in height, such area shall be deemed an extension of the dwelling and shall be regulated as such, being subject to all setback requirements of the district wherein it is located.

THEATER - A building or part of a building devoted to either showing motion pictures or for dramatic, dance, musical, or other live performances, characterized by a stage and tiers of seats rising like steps, often including a balcony for additional seating; an auditorium.

THERAPUTIC MASSAGE - A legal method of applying pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of parts of the body with the hands or with the aid of any mechanical or spa apparatus.

TIMBER HARVESTING OR TREE HARVESTING - A forestry operation that involves cutting down of trees and removing logs from the forest for the primary purpose of sale of commercial processing into wood, wood-related or paper products.

TOWER-BASED WCF – any structure that is used for the purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be tower-based WCF's.

TOWNHOUSE - A type of dwelling wherein each unit has front and rear access to the outside, no unit is located over another unit, and each unit is separated from adjacent units by one or more common, fire-resistant walls.

TOWNSHIP - The Township of Maidencreek, Berks County, Pennsylvania.

TRACT - One (1) or more contiguous lots assembled for the purpose of development.

TRANSFER STATION - A facility where municipal solid waste is delivered for the purpose of transferring the material into another container or vehicles for transport to a final disposal site or processing facility. (A transfer station may include the separation and collection of material for the purpose of recycling).

TRAVEL TRAILER - A portable structure, primarily designed to provide temporary living quarters for recreation, camping or travel purposes. Travel trailers may be stored on a lot provided they are not located within the required front yard and shall not be occupied for a maximum period of greater than seventy-two (72) hours. In addition to the above, any of the following attributes are characteristic of a "travel trailer":

A. The unit is of such size or weight as not to require a special highway movement permit from the Pennsylvania Department of Transportation when self-propelled, or when hauled by a standard motor vehicle on a highway;

B. The unit is mounted, or designed to be mounted, on wheels;

C. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck;

D. The unit contains, or was designed to contain, temporary storage of water and sewage, and,

E. The unit contains some identification by the manufacturer as a travel trailer.

TREE TOP - The upper portion of a felled tree that is not merchantable because of small size taper or defect.

TWO-FAMILY CONVERSIONS - The conversion of an existing single-family detached dwelling unit to contain two (2) separate dwelling units.

UNIT OF USE - A single use of a property or structure which is either the sole use of that property or structure or is independent of other uses within or upon the property or structure. Accessory uses, as defined herein, are not units of use.

USE - The specific purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

A. Use, Accessory - A use customarily incidental and subordinate to the principal use or building, and located on the same lot with this principal use or building.

B. Use, Principal - The main or primary use of property or structures.

USE AND OCCUPANCY PERMIT - A permit issued by the Zoning Officer certifying a use's compliance with information reflected on the building permit and the Zoning Ordinance.

USE BY RIGHT - A use of land which the owner of such land is entitled to enjoy by right of ownership. Such uses vary according to the zoning district wherein the land is located.

USE BY SPECIAL EXCEPTION - A specific use of land which require the permission of the Zoning Hearing Board in accordance with § 220-118.G of this chapter. Such uses vary according to the zoning district wherein the land is located.

VARIANCE - A deviation from the strict interpretation of the terms of this chapter, granted by the Zoning Hearing Board in accordance with § 910.2 of the Pennsylvania Municipalities Planning Code and § 220-118.F of this chapter. A variance shall be permitted only where the literal enforcement of this chapter would result in a hardship (other than a self-created hardship) to the landowner and where the granting of such variance will not adversely affect the character of the neighborhood or the health, safety, or welfare of the general public. Variances granted shall be the minimum required to give the relief desired.

VETERINARIAN'S OFFICE - A building used primarily for the treatment, by a veterinarian, of small domestic animals, such as dogs, cats, rabbits, and birds or fowl. No outdoor boarding of animals is permitted.

WBAC – Pennsylvania Wireless Broadband Collocation Act.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water carrying or holding surface water, whether natural or artificial.

WATERSHED - All the land from which water drains into a particular watercourse.

WATER SUPPLY, COMMUNITY - Source of potable water which is provided to more than one user, wherein the source, treatment facilities, and means of transmission are either publicly or privately owned.

WATER SUPPLY, INDIVIDUAL ON-SITE - A source of potable water which is located upon the same lot as the user and supplies no other users.
WATER SUPPLY, PUBLIC - A community water supply which is owned and operated by the public sector, typically the Township or a municipal authority created by the Township.

WECS UNIT - Shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

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 typical adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. For the purposes of definition and regulation, the Township hereby adopts the delineation criteria established by the Wetlands Delineation Manual (Publication TRY-87-1, most recent edition) of the U.S. Army Corps of Engineers.

WHOLESALE SALES - A commercial activity involving the sale of merchandise in large quantities or in bulk to retailers or contractors, rather than to consumers directly, including warehousing, loading and unloading, and shipping of such merchandise.

WILDLIFE SANCTUARY - An area of land set aside as a wildlife refuge for the protection of wild birds or animals for the purposes of conservation.

WIND ENERGY CONVERSION SYSTEM – A device consisting of one turbine and associated mechanism(s) and supporting components, which is installed above ground for the purpose of generating electrical energy. Turbine types may include, but not limited to, wind driven turbines, horizontal-axis wind turbines, vertical-axis wind turbines, and wind mills.

WIND ENERGY CONVERSION SYSTEM HEIGHT – The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane at full extension on the tower hub.

WIND ROTOR – The blades, plus the hub to which the blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is mounted on a pole or tower or other suitable structure along with other generating and electrical equipment for a wind turbine.

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, wind rotor, tower and pad transformer, if any.

WIRELESS – transmission through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATION FACILITY (WCF) – the antennae, nodes, control bases, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communication services.

WIRELESS SUPPORT STRUCTURE – a freestanding structure, such as a tower-based WCF or any other support structure that could support the placement or installation of a wireless communication facility if approved by the Township.

WOODLAND - Land covered with trees, shrubs or bushes.

YARD - An area between the permitted structures and the property lines.

YARD, FRONT - That area which is open to the sky, paved or unpaved, extending the full width of a lot along the front lot line(s) and lying between any public street right-of-way and the nearest point of any building on that lot. Where a lot has frontage upon more than one street, all portions of said lot which are adjacent to any street shall be deemed front yards. See also, "yard, minimum front."

YARD, MINIMUM FRONT - That portion of the front yard between the front lot line(s) and an imaginary line within the lot which is parallel to said lot line(s) and is separated from that lot line(s) by a distance equal to the minimum setback from street right-of-way stipulated for the district within which the lot is located.

YARD, MINIMUM REAR - That portion of the rear yard between the rear lot line(s) and an imaginary line within the lot which is parallel to said lot line(s) and is separated from that lot line(s) by a distance equal to the minimum rear yard stipulated for the district within which the lot is located.

YARD, MINIMUM SIDE - That portion of a side yard between the side lot line(s) and an imaginary line within the lot which is parallel to said lot line(s) and is separated from that lot line(s) by a distance equal to the minimum side yard stipulated for the district within which the lot is located.

YARD, REAR - That area which is open to the sky, paved or unpaved, extending the full width of a lot along the rear lot line(s) and extending in depth from the rear lot line to the nearest point of any building on that lot. See also, "yard, minimum rear."

YARD, SIDE - That area which is open to the sky, paved or unpaved, along all side lot lines and extending in width from such side lot lines to the nearest point of any building on that lot. See also, "yard, minimum side."

ZONING - The designation of specified districts, reserving them for certain uses, together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING HEARING BOARD - The Zoning Hearing Board of Maidencreek Township, Berks County, Pennsylvania.

ZONING OFFICER - The individual duly appointed by the Board of Supervisors to enforce generally this Zoning Ordinance and specifically assigned the duties and powers described in § 220-107 of this chapter.

ZONING ORDINANCE - The Zoning Ordinance of Maidencreek Township, Berks County, Pennsylvania.

ZONING PERMIT - A permit issued by the Zoning Officer in accordance with § 220-108 of this chapter, stating that some proposed activity is permitted by right, has been duly granted as a special exception by the Zoning Hearing Board, or has been duly granted all necessary variances by the Zoning Hearing Board.

ARTICLE III
Zoning Districts and Zoning Map

§ 220-12. Classes of districts.

A. For the purpose of this chapter, Maidencreek Township is hereby divided into the following classes of districts, to be designated and referenced as follows:

AP	Agricultural Preservation
R/I	Recreational / Institutional Overlay
R-1	Low-Density Residential
R-2	Moderate-Density Residential
R-2a	High-Density Residential
R-3	Village Density Residential
R-4	Multifamily Residential
CR	Commercial Residential
C-1	Local Commercial
C-2	Regional Commercial
I	Industrial
SIA	Special Intensified Activities

B. The boundaries of these districts shall be as shown on the map attached to this document and make part of this chapter which shall be known as and may be cited as the "Zoning Map of Maidencreek Township." Said map and all notations, references, and other data shown thereon shall be as much a part of this chapter as if they all were fully described herein.

§ 220-13. District boundaries.

A. The boundaries between districts are, unless otherwise indicated, the center lines of streets, lanes, or watercourses; property lines; or the rights-of-way of railroad lines, power lines, or other public utilities or such lines extended or lines parallel thereto. Where the boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake, watercourse, or right-of-way of a power line or other public utility or any portion of its length, the district so indicated shall be construed to apply to the entire bed of such street, lane, lake, watercourse, or right-of-way of such power line, railroad, or other public utility lying within such portion of its length.

B. Where uncertainty exists as to the location of any said boundaries as shown on the Zoning Map, the following rules shall apply:

(1) Where a district boundary is indicated as approximately following the center lines of a street, lane, lake, or public utility right-of-way, such center line shall be construed to be such boundary.

(2) Where a district boundary is indicated as approximately following a lot or other property line, such lot or property line shall be construed to be such boundary.

(3) Where a district boundary divides a lot or runs through undivided property, the location of such boundary, unless otherwise specified upon the Zoning Map of Maidencreek Township, shall be determined by the use of the scale appearing on said map.

(4) Where figures are shown on the Zoning Map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise specified. Where scaled distances do not agree with such figures, the figures shall control.

C. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or if uncertainty exists as to the true location of a boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with regard thereto.

§ 220-14. Zoning map.

A. Maidencreek Township is hereby divided into zones, or districts, as shown on the Zoning Map which is hereby adopted by reference and declared to be part of this chapter, along with all explanatory matter on such map, together with all future notations, references, and amendments.

B. The Official Zoning Map in effect shall bear the actual signatures (not reproduced) of a majority of the members of the Board of Supervisors in office at the time of adoption, shall be witnessed and attested to by the Township Secretary, and shall indicate the effective date.

C. If, in accordance with the provisions of this chapter and the Pennsylvania Municipalities Planning Code, amendments are made in the district boundaries or other items portrayed upon the Zoning Map, such amendments shall be entered upon the Zoning Map promptly after it has been approved by the Board of Supervisors, along with a brief description and the date of approval of such change. No changes of any nature shall be made upon the Zoning Map except in conformity with the procedures set forth in this chapter and applicable state law.

D. The Zoning Map shall be located in a place designated by the Board of Supervisors and shall be the final authority as to the current zoning status of land and water areas in the Township, regardless of unofficial copies which may have been made or published from time to time.

E. In the event that the Zoning Map becomes damaged, destroyed, lost, or not easily legible, the Board of Supervisors may adopt a new Zoning Map by resolution which shall supersede the prior Zoning Map. The new Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Zoning Map or any subsequent amendment thereof. In addition to the indications of authenticity required by Subsection B, above, the new map shall bear the words: "OFFICIAL ZONING MAP OF MAIDENCREEK TOWNSHIP ADOPTED BY ORDINANCE NUMBER 243

EFFECTIVE DATE_____,___, 2017." Unless the prior Zoning Map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption and amendment.

ARTICLE IV
AP Agricultural Preservation District

§ 220-15. Purpose.

The purposes of the Agricultural Preservation District are:

A. To protect and promote the continuation of agriculture in areas with primary agricultural lands**.** Those areas are: Preserved Farmland, Farmland in Agricultural Security Areas, Farmland enrolled in Act 319 of 1974 as amended (Clean and Green), and Land Capability Classes I, II, III and IV**.**

B. To prevent the irreversible conversion of primary agricultural land to uses that result in its loss as an environmental and essential food and fiber resource within the Township of Maidencreek.

C. To strengthen and preserve strong agricultural activity as a viable component of the Maidencreek Township economy.

D. To promote agricultural land use and activities and other uses and activities which act in direct support of agriculture.

E. To protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agriculture enterprises, and to limit development which requires highways and other public facilities**.**

F. To maintain, protect and stabilize agriculture as an ongoing economic activity by permitting only those land uses and activities which are either agricultural in nature or act in direct support thereof.

G. To maintain the land resource base, that is, agricultural parcels or farms in sizes which will permit efficient, profitable agricultural operations.

H. To keep separate agricultural land use and activities from incompatible residential, commercial and industrial development, and public facilities.

I. To protect land for Agricultural purposes now and for future generations. To preserve prime agricultural soils and farmland to the maximum extent allowed by law.

J. To recognize that farming and agriculture activities are the highest, best, and a fully developed land use.

K. To further the goals of the Fleetwood – Maidencreek – Richmond Joint Comprehensive Plan of preserving agricultural and farmlands and promoting them as a part of the local economy.

L. To support the goals and land use plan of the Berks County Comprehensive Plan which determined that Maidencreek Township is an area which needs to be preserved for agricultural uses.

§ 220-16. Permitted uses.

A. Uses by right.

(1) General Agricultural Use, subject to the provisions of § 220-87 of this chapter.

(2) Intensive Agricultural Uses, subject to the provisions of § 220-88 of this chapter.

(3) Municipal use.

(4) Woodland or game preserve, wildlife sanctuary or similar conservation use.

(5) Home Occupation, subject to the provisions of § 220-66.B of this chapter.

(6) No-impact home based business subject to the provisions of § 220-66.C of this chapter.

(7) Farm-related business, subject to the provisions of § 220-87 of this chapter.

(8) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

(9) Single family detached dwelling, subject to the provisions of § 220-17 of this chapter.

(10) Animal hospital, veterinary facilities, and kennels, subject to the provisions of § 220-89 of this chapter.

(11) Forestry subject to the provisions of § 220-101 of this chapter.

(12) Greenhouses subject to the provisions of § 220-87 of this chapter.

(13) Roadside stands for the sale of farm products grown on the premises, provided that there are at least two (2) off-street parking spaces for customers. All parking spaces must be clearly marked but need not be paved.

(14) Riding academy subject to § 220-91 of this chapter.

(15) Outdoor Furnace as an accessory use subject to §220-102 of this Chapter.

(16) Certain wireless communication facilities (WCF's) subject to §220-81.B(1)

B. Uses Permitted by Special Exception

A lot may be used or occupied and a building may be erected, altered or used for any of the following purposes and no other when a special exception is granted by the Zoning Hearing Board subject to and in accordance with Article XVI and the other criteria stated herein Public utility uses, as defined by § 220-11 of this chapter.

(1) Churches and cemeteries subject to the provisions of § 220-96 and § 220-97 of this chapter, respectively.

(2) Greenhouse production of more than fifty thousand (50,000) sq. ft. of growing area.

(3) Animal husbandry of more than five (5) animal units per acre, built using state approved standards on waste nutrient management per PA Act 38.

C. Additional Special Exception Criteria.

In addition to all other requirements set forth in this chapter, the Zoning Hearing Board shall also consider the following for all applications for a special exception in the Agricultural Preservation District:

(1) The Applicant shall obtain a review by and receive recommendations from Pennsylvania State University Cooperative Extension Service, Berks County and follow all recommendations consistent with this chapter unless the Zoning Hearing Board expressly finds that the review cannot be obtained and/or the recommendations cannot reasonably be implemented.

(2) The Applicant shall be required to demonstrate that the proposed use and/or operation shall comply with and have the ability to comply with all Federal, State, and Local Laws and related regulations applicable to the proposal including but not limited to Subdivision and Land Development, Storm Water Management, Nutrient Management, Solid Waste Management etc.

(3) The Applicant shall be required to demonstrate that the proposed use shall not attract vectors, cause odors that burden surrounding properties, or alternatively shall provide a reasonable plan to abate odors, flies, vectors and the like. The Applicant shall demonstrate the ability to comply with all other provisions and requirements of this chapter including any specific criteria for particular uses set forth herein.

D. Uses Permitted by Conditional Use

(1) Lodges and Clubs for hunting, fishing, gunning and other similar recreational purposes and fraternal organizations subject to the provisions of § 220-77 of this chapter.

(2) Bed and Breakfast, subject to the provisions of § 220-93 of this chapter.

(3) In-law Quarters subject to the provisions of § 220-83 of this chapter.

(4) Home business subject to the provisions of § 220-66.A of this chapter.

(5) Certain wireless communication facilities (WCF's) subject to §220-81.B(2)

§ 220-17. Area and bulk regulations.

A. Residential Uses.

(1) Calculation of number of permitted dwellings.

a) In order to preserve prime agricultural soils and productive agricultural land, and to discourage the use high quality agricultural soils for non-farm development, residential development in this district shall be permitted in accordance with the following sliding scale rather than a conventional fixed scale.

Acreage of Tract	Maximum Number of Dwelling Units*
Less than 20.00 acres	2
20.01 to 50.00 acres	3
50.01 to 100.00 acres	4

One additional dwelling unit is permitted for every 35 acres in excess of 100 acres.

**Includes existing dwelling units.*

(2) Where a subdivision results in lots capable of further subdivision, such lots shall be deed restricted such that the total number of residential lots created from the original tract shall not exceed what is permitted by the chart in § 220-17. Any

lot created under any prior ordinance shall continue to be subject to any prior restriction and nothing in this chapter shall be construed to expand or change restrictions previously imposed under any prior ordinance.

(3) Residential lots shall be designed and arranged to minimize both the loss of prime agricultural soils and interference with farm operations. The following criteria shall be utilized to determine compliance with this provision.

a) Residential lots shall, to the maximum extent possible, occupy soils other than those in Capability Classes I, II and III, as defined by the Soil Survey of Berks County, Pennsylvania, produced by the U.S. Department of Agriculture, Soil Conservation Service.

b) Residential lots may include soils in such Capability Classes where the area in question cannot feasibly be used for agriculture purposes due to characteristics of the property, such as size of tract or configuration of the lots.

c) Where prime agricultural soils cannot be avoided, all Residential lots shall be located on the least productive land, or shall be sited to minimize interference with agricultural activity.

d) Subdivision, land development and building permit applications will include a conspicuous Agricultural Use Notification as follows: All lands within the Effective Agricultural Preservation Zoning District in the Zoning Ordinance are located in an area where land is used for commercial agricultural production. Owners, residents and other users of this property or neighboring property owners may be subjected to occasional inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted local agricultural practices and operations. These include, but are not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizer, soil amendments, herbicides and pesticides. These operations can occur any time of the day or night. Owner, occupants and uses of this property should be prepared to accept such conditions and inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that the state Right-to-Farm Law (Act 133 of 1982) may bar them from obtaining a legal judgment against such normal agricultural operations.

B. Lot Requirements

(1) Lots proposed for residential use shall not exceed one and one-half (1.5) acres of land unless applicant can demonstrate that such larger size is necessary to accommodate on-site water supply and on-site sewage disposal facilities.

(2) Structures accessory to agricultural operations, including but not necessarily limited to barns, silos, and bulk bins, are exempt from the maximum building height limitations, but shall, have an additional set back equal to the set back specified herein plus an additional amount equal to their height that is in excess of thirty-five (35) feet.

(3) Each of the following maximum and minimum dimensional requirements shall apply to each permitted use in the Agricultural Preservation District, except as specifically provided for in this chapter:

Lot Requirements	Residential Uses Single Family Home	Agricultural Uses	Agricultural Non-Residential Uses	Non-Agricultural Non-Residential Uses
Maximum Lot Area	1.5Acres	None	None	None
Minimum Lot Area	1.5 Acres		25 Acres	3 Acres
Lot Area Covered by Buildings			25%	25%
Paved Area			15%	15%
Minimum Lot Width at Street Line	150 Feet	200 Feet	150 Feet	150 Feet
Minimum Lot Width at Building Line	150 Feet	200 Feet	150 Feet	150 Feet
Minimum Front Yard	50 Feet	100 Feet	40 Feet	40 Feet
Minimum Side yard (each side)	25 Feet	70 Feet	25 Feet	25 Feet
Minimum Rear Yard	50 Feet	70 Feet	40 Feet	40 Feet
Maximum Extent of Impervious Surface	25%			
Maximum Building Height	35 Feet	None	35 Feet	35 Feet

ARTICLE V
R/I Recreational / Institutional Overlay District

§ 220-18. Purpose.

This overlay district has been established and the regulations of this article enacted in support of the following purposes:

A. To accommodate and preserve economically viable public and private recreational and institutional uses in Maidencreek Township.

B. To provide for the preservation of agricultural lands and farm properties by excluding recreational and institutional uses from areas other than so designated within this overlay district.

§ 220-19. Permitted uses.

A. Uses by right.

(1) All uses listed as Uses by Right in the underlying zoning district(s) over which the R/I Overlay District has been designated.

(2) Public and private outdoor recreation areas and facilities, such as parks, playgrounds, picnic grounds, swimming clubs, camps, golf courses (including miniature golf courses and par-3 courses), driving ranges, and country clubs. Amusement parks and racetracks are specifically excluded from this overlay district.

(3) Public, parochial, and private schools which do not provide corrective, rehabilitative, or remedial care or instruction. Penal institutions are specifically excluded from this overlay district.

B. Uses by special exception.

(1) All uses listed as Uses by Special Exception in the underlying zoning district(s) over which the R/I Overlay District has been designated.

C. Uses permitted by conditional use.

(1) All uses listed as Uses by Conditional Use in the underlying zoning district(s) over which the R/I Overlay District has been designated.

§ 220-20. Area and bulk regulations.

A. Overlay district lot requirements.

Note: These requirements are for those uses specifically permitted under the R/I Overlay District. For all other uses permitted in the underlying zoning district(s), the area, yard and bulk requirements of that specific district would apply.

Minimum lot area per unit of use	3.0 acres
Minimum lot width at street line	200 feet
Minimum lot width at building line	200 feet
Minimum front yard	100 feet
Minimum side yard (each side)	70 feet
Minimum rear yard	70 feet
Maximum extent of impervious surface	25%
Maximum bldg. height	30 feet
Accessory structures minimum side yard	15 feet
Accessory structures minimum rear yard	15 feet

Accessory Structure maximum size	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.

ARTICLE VI
R-1 Low-Density Residential District

§ 220-21 Purpose.

This district has been established and the regulations of this article enacted in support of the following purposes:

A. To provide for residential use of land at a density which will preserve the character of the rural portions of the Township;

B. To promote the public health and welfare of Township residents by preventing intensive development of areas with natural conditions which render them poorly suited to such development; and

C. To promote the public health of Township residents by preventing a concentration of uses utilizing on-site sewage disposal on soils which are poorly or marginally suited for such use.

§ 220-22 Permitted uses.

A. Uses by right.

(1) Single-family detached dwellings.

(2) General agricultural uses subject to the provisions of § 220-87 of this chapter.

(3) Municipal services as defined in § 220-11 of this chapter.

(4) Public parks and playgrounds.

(5) No-impact home-based business subject to § 220-66.C of this chapter.

(6) Home occupations subject to the provisions of § 220-66.B of this chapter.

(7) A mobile home as a single family detached dwelling as a temporary shelter (not longer than one year) while construction is taking place for a single family detached dwelling on the same lot.

(8) Forestry subject to the provisions of § 220-101 of this chapter.

(9) Uses and buildings customarily accessory to the above uses, including, but not necessarily limited to private garages and parking areas, signs subject to the

provisions of § 220-62, and other accessory structures as further regulated by § 220-58.

(10) Outdoor Furnace as an accessory use subject to §220-102 of this Chapter.

(11) Certain wireless communication facilities (WCF's) subject to §220-81.B(1)

B. Uses by special exception.

(1) Public and private swimming clubs, camps, and golf courses. Private outdoor recreation areas and facilities. Miniature golf courses, par-3 golf courses, driving ranges, amusement parks, and race tracks are specifically excluded.

(2) Accessory uses and structures not located on the same lot as the permitted principal use.

C. Uses by conditional use

(1) Cluster subdivisions subject to the provisions of § 220-84 of this chapter.

(2) Cemeteries subject to the provisions of § 220-97 of this chapter.

(3) Public, parochial and private schools which do not provide corrective, rehabilitative, or remedial care or instruction subject to the provisions of § 220-98 of this chapter; penal institutions are specifically prohibited.

(4) Churches and similar places of worship subject to the provisions of § 220-96 of this chapter.

(5) In-law quarters subject to the provisions of § 220-83 of this chapter.

(6) Home business subject to the provisions of § 220-66.A of this chapter.

(7) Certain wireless communication facilities (WCF's) subject to §220-81.B(2)

§ 220-23. Area and bulk regulations.

A. Lot requirements.

	All uses where water supply and/or sewage disposal is on site
Minimum lot area per unit of use	2 acres
Minimum lot width at street line	175 feet
Minimum lot width at building line	175 feet
Minimum front yard	50 feet
Minimum side yard (each side)	50 feet
Minimum rear yard	50 feet
Maximum extent of impervious surface	15%
Maximum bldg. height	35 feet
Accessory structures minimum side yard	15 feet
Accessory structures minimum rear yard	15 feet
Accessory Structure maximum size	10 % of lot sq. footage

	All uses where water supply and/or sewage disposal is on site
	*Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.

(1) Additional uses and dwellings are permitted on each lot if each use of dwelling units can meet all dimensional criteria in § 220-23.A.

(2) No accessory structures shall be erected in any required front yard, within eight feet of any utility easement and shall not be erected within five (5) feet of any other structure.

B. Structures accessory to agricultural operations, including but not limited to barns, silos, and bulk bins, are exempt from the maximum building height limitations specified above. Such structures shall, as a minimum standard, be set back from all property lines and all public rights-of-way a distance equivalent to the required yard or their height, whichever is greater.

C. Facilities and structures owned or operated by the Township, or a duly appointed authority of the Township, shall be required to meet the minimum area, yard and bulk regulations as a residential use as more fully set forth in § 220-23 of this chapter.

ARTICLE VII
R-2 Moderate-Density Residential District

§ 220-24. Purpose.

This district has been established and the regulations of this article enacted in support of the following purposes:

A. To provide opportunities for residential development at a sufficiently low density to safely accommodate on-site water supply and on-site sewage disposal systems;

B. To provide for residences on lots large enough to accommodate the day-to-day recreational needs of resident children;

C. To provide opportunities for developments containing a variety of dwelling types in the form of planned residential developments; and

D. To enhance the variety of residential structure types which are available to Township residents.

§ 220-25. Permitted uses.

A. Uses by right.

(1) Single-family detached and single-family semidetached dwellings.

(2) Two-family dwellings.

(3) Parks and playgrounds.

(4) Municipal services as defined in § 220-11.

(5) Home occupations subject to the provisions of § 220-66.B of this chapter.

(6) No-impact home-based business subject to the provisions of § 220-66.C of this chapter.

(7) A mobile home as a single family detached dwelling as a temporary shelter (not longer than one year) while construction is taking place for a single family detached dwelling on the same lot.

(8) Forestry subject to the provisions of § 220-101 of this chapter.

(9) General agricultural uses subject to the provisions of § 220-87 of this chapter.

(10) Uses and buildings customarily accessory to the above uses, including, but not necessarily limited to private garages and parking areas, signs subject to the provisions of § 220-62, and other accessory structures as further regulated by § 220-58.

(11) Certain wireless communication facilities (WCF's) subject to§220-81.B(1)

B. Uses by special exception.

(1) Planned residential developments, subject to the provisions of § 220-71.

(2) Accessory uses and structures not located on the same lot as the permitted principal use.

C. Uses by conditional use.

(1) Age-restricted residential development subject to the provisions of § 220-76 of this chapter.

(2) Cluster subdivisions subject to the provisions of § 220-84 of this chapter.

(3) Cemeteries subject to the provisions of § 220-97 of this chapter.

(4) Public, parochial and private schools which do not provide corrective, rehabilitative, or remedial care or instruction subject to the provisions of § 220-98 of this chapter; penal institutions are specifically prohibited.

(5) Churches and similar places of worship subject to the provisions of § 220-96 of this chapter.

(6) In-law quarters subject to the provisions of § 220-83 of this chapter.

(7) Certain wireless communication facilities (WCF's) subject to§220-81.B(2)

§ 220-26. Area and bulk regulations.

A. Lot requirements

	All uses where water supply and/or sewage disposal is on site	All uses where water supply and sewage disposal are provided by offsite community or public systems, excluding single family semi-detached dwellings	Single family semi-detached dwelling with water supply and sewage disposal provided by offsite community or public systems
Minimum lot area	1.5 acres	10,000 sq. feet	10,000 sq. feet
	All uses where water supply and/or sewage disposal is on site	All uses where water supply and sewage disposal are provided by offsite community or public systems, excluding single family semi-detached dwellings	Single family semi-detached dwelling with water supply and sewage disposal provided by offsite community or public systems
Minimum lot width at street line	150 feet	80 feet	45 feet
Minimum lot width at building line	150 feet	80 feet	45 feet
Minimum front yard	50 feet	30 feet	30 feet
Minimum side yard (each side)	25 feet	15 feet	15 feet
Minimum rear yard	50 feet	40 feet	40 feet
Maximum extent of impervious surface	25%	45%	50%
Maximum bldg. height	35 feet	35 feet	35 feet
Accessory structures minimum side yard	15 feet	15 feet	15 feet
Accessory structures minimum rear yard	15 feet	15 feet	15 feet
Accessory Structure maximum size	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.

(1) Additional uses and dwellings are permitted on each lot if each use of dwelling unit can meet all dimensional criteria in § 220-26.A.

(2) No accessory structures shall be erected in any required front yard, within eight feet of any utility easement and shall not be erected within five (5) feet of any other structure.

(3) Structures accessory to agricultural operations, including but not limited to barns, silos, and bulk bins, are exempt from the maximum building height limitations specified above. Such structures shall, as a minimum standard, be set back from all property lines and all public rights of way a distance equivalent to the required yard or their height, whichever is greater.

(4) Facilities and structures owned or operated by the Township, or a duly appointed authority of the Township, shall be required to meet a one (1) acre minimum area (per unit of use), unless otherwise established per § 220-26.A of this chapter. All other appropriate area and bulk regulations shall be maintained.

ARTICLE VIII
R-2a High-Density Residential District

§ 220-27. Purpose.

This district has been established and the regulations of this article enacted in support of the following purposes.

A. To minimize the creation of nonconforming lots in areas of existing development;

B. To regulate future development of lots created under previous zoning; and

C. To accommodate aesthetically pleasing development of subdivisions originally platted under previous zoning; and

D. To accommodate existing development and to assure the continued usefulness of lots created prior to the adoption of this chapter.

§ 220-28. Permitted uses.

A. Uses by right.

(1) Single-family detached dwellings and single family semi-detached dwellings.

(2) Two-family dwellings.

(3) Parks and playgrounds.

(4) Municipal services as defined in § 220-11 of this chapter.

(5) Home occupation subject to the provisions of § 200-66.B of this chapter

(6) No-impact home-based business subject to the provisions of § 200-66.C of this chapter.

(7) A mobile home as a single family detached dwelling as a temporary shelter (not longer than one year) while construction is taking place for a single family detached dwelling on the same lot.

(8) Forestry subject to the provisions of § 220-101 of this chapter.

(9) Uses and buildings customarily accessory to the above uses, including, but not necessarily limited to private garages and parking areas, signs in conformance with § 220-62, and other accessory structures as further regulated by § 220-58.

(10) Certain wireless communication facilities (WCF's) subject to§220-81.B(1)

B. Uses by special exception.

(1) Multiunit dwellings and townhouse developments subject to the provisions of § 220-70.

(2) Planned residential developments, subject to the provisions of § 220-71.

(3) Accessory structures not located on the same lot as the permitted principal use.

C. Uses by conditional use.

(1) Public, parochial, and private schools which do not provide corrective, rehabilitative, or remedial care or instruction subject to the provisions of § 220-98 of this chapter; penal institutions are specifically prohibited.

(2) Churches and similar places of worship subject to the provisions of § 220-96 of this chapter.

(3) Certain wireless communication facilities (WCF's) subject to §220-1.B(2)

§ 220-29. Area and bulk regulations.

A. Lot requirements.

	Residential uses where both water supply and sewage disposal are on site and for all non-residential uses, regardless of the type of sewage disposal or water supply	Residential uses where either water supply or sewage disposal is provided by offsite community or public systems	Residential uses excluding single family semi-detached dwellings, where both the water supply and the sewage disposal are provided by offsite community or public systems	Single family semi detached dwelling where both the water supply and sewage disposal are provided by offsite community or public systems
Minimum lot area per unit of use	1.5 acres	15,000 sq. feet	8,750 sq. feet	5,000 sq. feet

	Residential uses where both water supply and sewage disposal are on site and for all non-residential uses, regardless of the type of sewage disposal or water supply	Residential uses where either water supply or sewage disposal is provided by offsite community or public systems	Residential uses excluding single family semi-detached dwellings, where both the water supply and the sewage disposal are provided by offsite community or public systems	Single family semi detached dwelling where both the water supply and sewage disposal are provided by offsite community or public systems
Minimum lot width at street line	150 feet	80 feet	70 feet	40 feet
Minimum lot width at building line	150 feet	80 feet	70 feet	40 feet
Minimum front yard	30 feet	30 feet	30 feet	30 feet
Minimum side yard	15 feet (each side)	20 feet (total both sides) (8 feet one side)	15 feet (total both sides) (7 feet, 6 inches one side)	** see note
Minimum rear yard	40 feet	40 feet	40 feet	40 feet
Maximum extent of impervious surface	30%	50%	50%	50%
Maximum bldg. height	35 feet	35 feet	35 feet	35 feet
Accessory structures minimum side yard	15 feet	15 feet	7 feet 6 inches	7 feet, 6 inches
Accessory structures minimum rear yard	8 feet	15 feet	8 feet	8 feet
Accessory Structure maximum size	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.

(1) ** No minimum side yard is stipulated above due to the configuration of semi-detached dwellings. However, structures containing semi-detached dwellings shall be separated from each other by a minimum distance of fifteen (15) feet on all sides; that is, each lot containing a semi-detached unit must have a single side yard of not less than seven feet six inches (7.5 ft.). This minimum shall not apply where a lot containing or intended to contain a semi-detached unit abuts a lot used for some other purpose. In such case, the semi-detached unit must have a single side yard of not less than fifteen (15) feet.

(2) Additional uses and dwellings are permitted on each lot if each use or dwelling unit can meet all dimensional criteria in § 220-29.A.

(3) No structures shall be erected in any required front yard, within eight (8) feet of any utility easement and shall not be erected within five (5) feet of any other structure.

(4) Facilities and structures owned or operated by the Township, or a duly appointed authority of the Township, shall be required to meet a one-acre minimum lot area (per unit of use), unless otherwise established per § 220-29.A of this chapter. All other appropriate area and bulk regulations shall be maintained.

ARTICLE IX
R-3 Village-Density Residential District

§ 220-30. Purpose.

This district has been established and the regulations of this article enacted in support of the following purposes:

A. To accommodate the efficient use of land by allowing for the construction of a variety of residential structure types on relatively small lots;

B. To encourage the extension of water supply and sewage disposal systems by providing density bonuses for privately funded extensions of such systems;

C. To provide opportunities for developments containing a variety of dwelling types in the form of planned residential developments; and

D. To provide alternate sites for multifamily dwellings, although at a lower overall density than that permitted in the Multifamily Residential District.

§ 220-31. Permitted uses.

A. Uses by right.

(1) Single-family detached and single-family semidetached dwellings.

(2) Two-family dwellings.

(3) Multiunit dwellings and townhouses.

(4) Parks and playgrounds.

(5) Municipal services as defined in § 220-11 of this chapter.

(6) Home occupations subject to the provisions of § 220-66.B of this chapter.

(7) No-impact home-based business subject to the provisions of § 220-66.C of this chapter.

(8) Forestry subject to the provisions of § 220-101 of this chapter.

(9) Uses and buildings customarily accessory to the above uses, including, but not necessarily limited to private garages and parking areas, signs in conformance with § 220-62, and other accessory structures as further regulated by § 220-58.

(10) Certain wireless communication facilities (WCF's) subject to §220-81.B(1)

B. Uses by special exception.

(1) Planned residential developments, subject to the provisions of § 220-71.

(2) Accessory uses and structures not located on the same lot as the permitted principal use.

C. Uses by conditional use.

(1) Public, parochial, and private schools which do not provide corrective, rehabilitative, or remedial care or instruction subject to the provisions of § 220-98 of this chapter; penal institutions are specifically prohibited.

(2) Churches and similar places of worship subject to the provisions of § 220-96 of this chapter.

(3) Certain wireless communication facilities (WCF's) subject to §220-81.B(2)

§ 220-32. Area and bulk regulations.

A. Lot requirements.

	All uses where water supply and/or sewage disposal are on site	All uses where water supply and sewage disposal are off site community or public systems except single family semi-detached dwellings, multi-unit dwellings, and townhouse developments	Single family semi-detached dwelling with water supply and sewage disposal provided by offsite community or public systems
Minimum lot area per unit of use	1.5 acres	10,000 sq. feet	10,000 sq. feet
Minimum lot width at street line	150 feet	80 feet	45 feet
Minimum lot width at building line	150 feet	80 feet	45 feet
Minimum front yard	50 feet	30 feet	30 feet
Minimum side yard (each side)	25 feet	15 feet	15 feet
Minimum rear yard	50 feet	40 feet	40 feet
Maximum extent of impervious surface	25%	45%	50%
Maximum bldg. height	35 feet	35 feet	35 feet
Accessory structures minimum side yard	5 feet	5 feet	5 feet
Accessory structures minimum rear yard	8 feet	8 feet	8 feet
Accessory Structure maximum size	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.

(1) Multiunit dwellings and townhouse developments shall be subject to the provisions of § 220-70 of this chapter.

(2) Additional uses and dwellings are permitted on each lot if each use of dwelling unit can meet all dimensional criteria in § 220-32.A of this chapter.

(3) No accessory structure shall be erected in any required front yard, within eight (8) feet of any utility easement and shall not be erected within five (5) feet of any other structure.

(4) Facilities and structures owned or operated by the Township, or a duly appointed authority of the Township, shall be required to meet a one-acre minimum lot area (per unit of use), unless otherwise established per § 220-

32.A of this chapter. All other appropriate area and bulk regulations shall be maintained.

ARTICLE X
R-4 Multifamily Residential District

§ 220-33. Purpose.

This district has been established and the regulations of this article enacted in support of the following purposes:

A. To encourage the efficient use of land by allowing for the construction of a variety of residential structure types on relatively small lots;

B. To accommodate the development of mobile home parks which will provide housing at a moderate cost in an aesthetically pleasing setting.

§ 220-34. Permitted uses.

A. Uses by right.

(1) Single-family detached and single-family semidetached dwellings.

(2) Two-family dwellings.

(3) Multiunit dwellings and townhouses.

(4) Parks and playgrounds.

(5) Municipal services as defined in § 220-11 of this chapter.

(6) Home occupations subject to the provisions of § 220-66.B of this chapter.

(7) No-impact home-based business subject to the provisions of § 220-66.C of this chapter.

(8) Forestry subject to the provisions of § 220-101 of this chapter.

(9) Uses and buildings customarily accessory to the above uses, including, but not necessarily limited to private garages and parking areas, signs in conformance with § 220-62, and other accessory structures as further regulated by § 220-58.

(10) Certain wireless communication facilities (WCF's) subject to §220-81.B(1)

B. Uses by special exception.

(1) Planned residential developments, subject to the provisions of § 220-71 of this chapter.

(2) Mobile home parks, subject to the provisions of § 220-68 of this chapter.

(3) Accessory uses and structures not located on the same lot as the permitted principal use.

C. Uses by conditional use.

(1) Public, parochial and private schools which do not provide corrective, rehabilitative, or remedial car or instruction subject to the provisions of § 220-98 of this chapter; penal institutions are specifically prohibited.

(2) Churches and similar places of worship subject to the provisions of § 220-96 of this chapter

(3) Group homes subject to the provisions of § 220-94 of this chapter

(4) Age restricted residential development subject to the provisions of § 220-76 of this chapter.

(5) Certain wireless communication facilities (WCF's) subject to §220-81.B(2)

§ 220-35. Area and bulk regulations.

A. Lot requirements.

	All uses where water supply and/or sewage disposal on site	All uses where water supply and sewage disposal are off site community or public systems for all uses except single family semi-detached dwellings, multi-unit dwellings, and townhouse developments	Single family semi detached dwelling with water supply and sewage disposal provided by off site community or public systems
Minimum lot area per unit of use	1.5 acres	10,000 sq. feet	10,000 sq. feet
Minimum lot width at street line	150 feet	80 feet	45 feet
Minimum lot width at building line	150 feet	80 feet	45 feet
Minimum front yard	50 feet	30 feet	30 feet
Minimum side yard (each side)	25 feet	15 feet	15 feet
Minimum rear yard	50 feet	40 feet	40 feet
Maximum extent of impervious surface	25%	45%	50%

	All uses where water supply and/or sewage disposal on site	All uses where water supply and sewage disposal are off site community or public systems for all uses except single family semi-detached dwellings, multi-unit dwellings, and townhouse developments	Single family semi detached dwelling with water supply and sewage disposal provided by off site community or public systems
Maximum bldg. height	35 feet	35 feet	35 feet
Accessory structures minimum side yard	5 feet	5 feet	5 feet
Accessory structures minimum rear yard	8 feet	8 feet	8 feet
Accessory Structure maximum size	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.

(1) Multiunit dwellings and townhouse developments shall be subject to the provisions of § 220-70 of this chapter

(2) Additional uses and dwellings are permitted on each lot if each use or dwelling unit can meet all dimensional criteria in § 220-35 of this chapter.

(3) No accessory structures shall be erected in any required front yard, within eight (8) feet of any utility easement and shall not be erected within five (5) feet of any other structure.

(4) Facilities and structures owned or operated by the Township, or a duly appointed authority of the Township, shall be required to meet a one (1) acre minimum lot area (per unit of use), unless otherwise established per § 220-35.A of this chapter. All other appropriate area and bulk regulations shall be maintained.

ARTICLE XI
CR Commercial-Residential District

§ 220-36. Purpose.

This district has been established and the regulations of this article enacted in support of the following purposes:

A. To provide for the day-to-day retail needs of local residents;

B. To enhance the character of the village areas by continuing to accommodate a mixture of commercial and residential uses in close proximity to each other;

C. To restrict the range of permitted lot sizes such that new development will complement the character of the existing development; and

D. To provide a focus of activity for the surrounding residential areas.

§ 220-37. Permitted uses.

A. Uses by right.

(1) Retail sale of goods and services without drive-thru lanes, excluding the sale of gasoline and other petroleum products, motor vehicle service stations, and auto body shops.

(2) Business, professional, and administrative offices, including government offices without drive-thru lanes.

(3) Financial service establishments, including banks, savings and loan institutions, and brokerages without drive-thru lanes.

(4) Eating and drinking establishments without drive-thru lanes, excluding cabarets.

(5) Single-family detached dwellings, single-family semidetached dwellings, and two-family dwellings.

(6) Multifamily dwellings subject to the provisions of § 220-70.

(7) Public, parochial, and private schools which do not provide corrective, rehabilitative, or remedial care or instruction; penal institutions are specifically prohibited.

(8) Churches and similar places of worship.

(9) Municipal services as defined in § 220-11 of this chapter.

(10) No-impact home-based business as defined in § 220-11.

(11) General agricultural uses subject to the provisions of § 220-87 of this chapter.

(12) Bed and breakfast subject to the provisions of § 220-93 of this chapter.

(13) Commercial, trade or business school.

(14) Boarding and rooming houses as defined in § 220-11 of this chapter and subject to the provisions of § 220-95.

(15) Inn as defined in § 220-11 of this chapter.

(16) Miniature golf course.

(17) Uses and buildings customarily accessory to the above uses, including, but not necessarily limited to private garages and parking areas, signs in conformance with § 220-62, storage within buildings, and other accessory structures and uses as further regulated by § 220-58.

(18) Forestry subject to the provisions of § 220-101 of this chapter.

(19) Certain wireless communication facilities (WCF's) subject to §220-81.B(1)

(20) Home Occupation subject to § 220-66.B.

B. Uses by special exception.

(1) Drive-thru establishments subject to the provisions of § 220-69 of this chapter.

C. Uses by conditional use.

(1) Congregate care facility, subject to the provisions of § 220-80.

(2) Assisted-living facility, subject to the provisions of § 220-80.

(3) Personal-care home, subject to the provisions of § 220-80.

(4) Certain wireless communication facilities (WCF's) subject to §220-81.B(2)

§ 220-38. Area and bulk regulations.

A. Lot requirements

	Residential uses where both water supply and sewage disposal are on site, or where either water supply or sewage disposal is provided by an individual on-site system	Commercial uses where both water supply and sewage disposal are on site, or where either water supply or sewage disposal is provided by an individual on-site system	Residential and commercial uses (except single family semi-detached dwellings and multiunit dwellings), where both the water supply and the sewage disposal are provided by offsite community or public systems	Single family semi detached dwelling where both the water supply and sewage disposal are provided by offsite community or public systems
Minimum lot area per unit of use	1.5 acres	1.5 acres	10,000 sq. feet	10,000 sq. feet
Minimum lot width at street line	150 feet	80 feet	80 feet	45 feet
Minimum lot width at building line	150 feet	80 feet	80 feet	45 feet
Minimum front yard	30 feet	30 feet	30 feet	30 feet
Minimum side yard	15 feet (each side)	15 feet (each side)	15 feet (each side)	15 feet (each side)
Minimum rear yard	15 feet	40 feet	40 feet	40 feet
Maximum extent of impervious surface	25%	45%	35%	50%
Maximum bldg. height	35 feet	35 feet	35 feet	35 feet
Accessory structures minimum side yard	15 feet	15 feet	7 feet 6 inches	7 feet, 6 inches
Accessory structures minimum rear yard	8 feet	15 feet	8 feet	8 feet
Accessory Structure maximum size	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.	10 % of lot sq. footage *Total impervious surface shall not exceed the Maximum Extent of Impervious Surface.

B. Multiunit dwellings shall be in conformance with § 220-70 of this chapter.

C. Facilities and structures owned or operated by the Township, or a duly appointed authority of the Township, shall be required to meet a one (1) acre minimum lot area (per unit of use), unless otherwise established per Subsection A of this chapter. All other appropriate area and bulk regulations shall be maintained.

§ 220-39. Additional regulations for commercial uses.

A. Where any commercial property abuts a property the principal use of which is residential, or a property zoned AP, R-1, R-2, R-2a, R-3, or R-4, regardless of whether the property is vacant or not, the owner of such commercial property shall provide a screen planting in conformance with § 220-64 along all property lines which abut the property used or zoned for residential purposes.

B. No structure used for commercial purposes shall have a gross floor area (including accessory structures) in excess of two thousand (2,000) square feet, unless authorized by special exception up to but not to exceed three thousand (3,000) square feet.

ARTICLE XII
C-1 Local Commercial District

§ 220-40. Purpose.

This district has been established and the regulations of this article enacted in support of the following purposes:

A. To provide for commercial uses which by their scale and nature are likely to attract the greater proportion of their customers from the Township and nearby areas;

B. To accommodate appropriately uses which cater to the needs of motorists; and

C. To protect the health, safety, welfare, and morals of the community.

§ 220-41. Permitted uses.

A. Uses by right.

(1) Retail stores, shops, and service establishments without drive-thru lanes for the conducting of any retail business or service, except for activities permitted as uses by special exception and/or conditional use in Subsection B and C, below.

(2) The sale of automobiles, trucks, and mobile homes, in conformance with § 220-73.

(3) Business, professional, and government offices.

(4) Office buildings.

(5) Financial institutions, including banks, savings and loan offices, credit unions, insurance sales, and brokerages without drive-thru lanes.

(6) Bowling alleys.

(7) Eating and drinking establishments without drive-thru lanes, including restaurants, tap rooms and taverns.

(8) Clubs and lodges subject to the provisions of § 220-77 of this chapter

(9) Churches and similar places of worship subject to the provisions of § 220-96 of this chapter

(10) Public, parochial and private schools, which do not provide corrective, rehabilitative or remedial care or instruction subject to the provisions of § 220-98 of this chapter; penal institutions are specifically prohibited.

(11) Municipal services as defined in § 220-11 of this chapter.

(12) Forestry subject to the provisions of § 220-101 of this chapter.

(13) General agricultural uses subject to the provisions of § 220-87 of this chapter.

(14) Commercial, trade or business school.

(15) Bed and breakfast subject to the provisions of § 220-93 of this chapter.

(16) Miniature golf course.

(17) Inns as defined in § 220-11 of this chapter.

(18) Uses and buildings customarily accessory to the above uses, including, but not necessarily limited to, garages and off-street parking areas subject to the provisions of § 220-61, signs subject to the provisions of § 220-62, and storage within completely enclosed structures.

(19) Certain wireless communication facilities (WCF's) subject to §220-81.B(1)

B. Uses by special exception.

In the granting of any special exception, the Zoning Hearing Board shall, insofar as possible, determine compliance with the regulations of the supplementary regulations contained in Article XIV of this chapter. Furthermore, the Board shall attach such additional conditions that are reasonable and necessary to secure the public health, safety, and welfare and to advance the purposes of this district as stated above in § 220-40.

(1) Shopping centers subject to the provisions of § 220-74 of this chapter.

(2) Motor vehicle service stations subject to the provisions of § 220-69 of this chapter.

(3) Drive in establishments subject to the provisions of § 220-69 of this chapter.

(4) Car washes subject to the provisions of § 220-65 of this chapter.

(5) Auto body shops, subject to demonstration of adequate provisions to comply with the performance standards of § 220-63 of this chapter and of proper provisions for the disposal of volatile and hazardous materials.

(6) Commercial parking facilities, subject to the provision of landscaping and such aesthetic elements as the Zoning Hearing Board may deem suitable for the proposed location.

(7) Auctions, flea markets and wholesale sales, subject to:

(a) The provision of landscaping and such aesthetic elements as the Zoning Hearing Board may deem suitable for the proposed location; and

(b) Suitable access controls to assure the safety of motorists on adjoining public streets. As a minimum, such controls shall include the provision of ~~a~~ defined driveway access point(s) with acceleration and deceleration lanes.

(8) Adult bookstores, adult theaters, cabarets, or any other similar retail sales or service establishment, commercial service, or entertainment establishment characterized by emphasis upon or specialization in erotic activities or matter, subject to the following conditions:

(a) No structure containing or supporting such a use shall be located within one thousand (1,000) feet of any property line of a tract containing a place of worship, a school, a playground, a public library, or a day-care facility or residential district.

(b) No structure containing or supporting such a use shall be located within one thousand (1,000) feet of another structure containing or supporting such a use.

(c) There shall be no display of materials visible from the exterior of the building which are characterized by an emphasis on matter or activities relating to, depicting, describing, or displaying erotic activity, exposed male or female genitals, or covered male genitals in a discernibly turgid state.

(d) The Zoning Hearing Board shall review and approve all exterior signs. Signs shall be in compliance with the standards of § 220-62; furthermore, such signs shall not be characterized by an emphasis on matter or activities relating to, depicting, describing, or displaying erotic activity, and shall not depict exposed male or female genitals, or covered male genitals in a discernibly turgid state.

(9) Boarding and rooming houses as defined in § 200-11 of this chapter and subject to the provisions of § 220-95.

(10) Animal hospitals or veterinary facilities that do not have any outdoor animal housing or fenced pens subject to the provisions of § 220-89 of this chapter. Commercial kennels are prohibited in this zoning district.

(11) Accessory uses and structures not located on the same lot as the permitted principal use.

(12) Any other use that the Zoning Hearing Board shall determine to be of the same general character as the uses permitted by right or by special exception.

C. Uses by conditional use.

(1) Age-restricted residential development, subject to the provisions of § 220-76 of this chapter.

(2) Congregate care facility, subject to the provisions of § 220-80 of this chapter.

(3) Assisted-living facility, subject to the provisions of § 220-80 of this chapter.

(4) Personal-care home, subject to the provisions of § 220-80 of this chapter.

(5) Funeral homes and crematoriums.

(6) Convenience store and mini mart.

(7) Adult daycare center and/or child daycare center.

(8) Library or museum subject to the provisions of § 220-86 of this chapter.

(9) Hospitals subject to the provisions of § 220-85 of this chapter.

(10) Dispensaries for medical marijuana subject to §220-82.B

(11) Certain wireless communication facilities (WCF's) subject to §220-81.B(2)

§ 220-42. Area and bulk regulations.

A. Lot requirements

	All uses where sewage disposal is provided on-site	All uses where sewage disposal is provided by an off-site public system
Minimum lot area per unit of use	1.5 acres	20,000 sq. feet
Minimum lot width at street line	100 feet	100 feet
Minimum lot width at building line	100 feet	100 feet
Minimum front yard	50 feet	50 feet
Minimum side yard (each side)	25 feet	25 feet
Minimum rear yard	25 feet	25 feet
Maximum extent of impervious surface	65%	65%
Maximum bldg. height	35 feet	35 feet
Maximum building size (sum total of all building "footprints")	25,000 feet	25,000 feet
Accessory structures minimum side yard	25 feet	25 feet
Accessory structures minimum rear yard	8 feet	8 feet

ARTICLE XII
C-2 Regional Commercial District

§ 220-43. Purpose.

This district has been established and the regulations of this article enacted in support of the following purposes:

A. To establish a location for certain nonresidential uses which require access to high-volume roadway and which by their scale and nature are likely to attract customers and clients from outside of the Township in addition to Township residents;

B. To establish standards for such uses that will promote development that is environmentally responsible; protective of the public health, safety, and welfare; and aesthetically pleasing;

C. To preserve large lots for development as described in § 220-44.A and, conversely, to prevent the subdivision of property into small lots that would preclude or discourage such development;

D. To assure the provision of lighting, landscaping, and other amenities that will enhance public safety and the aesthetic quality of the highway corridor;

E. To protect the health, safety, welfare, and morals of the community.

§ 220-44. Permitted uses.

A. Uses by right.

(1) Office buildings and office parks for professional, executive, and administrative uses; financial institutions; and governmental operations. In addition to those allowed by § 220-44.A(10), permitted accessory uses are limited to retail sales (excluding uses prohibited by § 220-45), personal services, business services, fitness centers, eating and drinking establishments, private nursery schools and kindergartens, and child day-care facilities.

(2) Research establishments and laboratories for product testing and/or development. No commercial manufacturing, production, or storage shall be permitted as part of such establishments. Production and storage facilities shall be limited to the production of prototypes and storage of materials necessary for research purposes. In addition to those allowed by § 220-44.A(10), permitted accessory uses are limited to retail sales (excluding uses prohibited by § 220-45), personal services, business services, fitness centers, eating and drinking establishments, private nursery schools and kindergartens, and child day-care facilities.

(3) Hotels and conference centers. In addition to those allowed by § 220-44.A(10), permitted accessory uses are limited to retail sales (excluding uses prohibited

by § 220-45), personal services, business services, bank branch offices, fitness centers and other indoor recreational facilities, eating and drinking establishments, and child day-care facilities.

(4) Shopping centers, subject to the provisions of § 220-74.C and D of this chapter. Within this C-2 District, shopping centers shall comply with the provisions of this article in lieu of the provisions of § 220-74.A and B. Shopping centers in this C-2 District may include any combination of retail stores, shops, or service establishments for the conducting of any retail business or service, excluding uses prohibited by § 220-45; eating and drinking establishments; bank branches and other financial services; child day-care centers; movie theatres, excluding adult theatres; indoor amusement and recreational facilities; health clubs and fitness centers; and professional and administrative offices. Accessory uses permitted under § 220-44.A(10) are also permitted.

(5) Any combination of the above uses.

(6) General agricultural uses subject to the provisions of § 220-87 of this chapter.

(7) Forestry subject to the provisions of § 220-101 of this chapter.

(8) Municipal services as defined in § 220-11 of this chapter.

(9) Animal hospital or veterinary facility without outdoor housing or penning of animals and subject to the provisions of § 220-89 of this chapter. Commercial kennels are prohibited in this zoning district.

(10) Uses and structures clearly accessory to the above uses on the same lot as the principal use, including, but not necessarily limited to, garages and off-street parking areas in conformance with § 220-61, signs subject to the provisions of § 220-46.K(5), outdoor recreational areas and facilities, and storage within completely enclosed structures.

(11) Certain wireless communication facilities (WCF's) subject to §220-81.B(1)

B. Uses by conditional use.

(1) Wholesale businesses, storage and warehousing establishment uses carried on within completely enclosed structures (off-street parking and loading facilities need not be within such a structure).

(2) Nursing home, assisted living facility, or physical rehabilitation center subject to the provisions of § 220-80 of this chapter.

(2) Outdoor storage.

(a) Outdoor storage shall be permitted solely as an accessory use to some commercial activity permitted in § 220-44.A above and shall be located on the same lot as the principal commercial use.

(b) Outdoor storage areas shall be completely surrounded by a fence. All gates shall be locking. The fencing exclusive of the gate(s), shall be

completely screened by a screen planting meeting the requirements of § 220-64 of this chapter.

(c) Items stored in an outdoor storage area shall not be visible from any public right-of-way or from any public or private property other than the property upon which it is located.

(d) Outdoor storage areas shall be permitted only within the rear yard. If an outdoor storage area is proposed for a corner lot (which, by definition, has no rear yard) the applicant shall demonstrate that the area has been sited to minimize the visual impact of the storage area upon surrounding properties and public roads.

(3) Signs larger than otherwise permitted (up to an absolute maximum area of two hundred fifty [250] square feet) may be permitted as a special exception where the design of such sign includes aesthetic elements that mitigate the impact of the sign on the surrounding lands and provide a visual enhancement to the community.

(4) Variation from design requirements.

(a) Within their reasonable discretion, the Board of Supervisors may approve minor variations from the design requirements of § 220-46, below, as a conditional use. Applicants for a conditional use of this type shall demonstrate that:

[1] The requirement is inapplicable to their project due to conditions of the site or neighborhood; or

[2] The concern addressed by the requirement has been addressed in some other fashion that meets the intent, if not the letter, of the requirement in question.

(b) Variations from any other provision or requirement of this or any other article of this chapter shall be allowed only when approved by the Maidencreek Township Zoning Hearing Board as a variance in accordance with Article XIX.

(5) Certain wireless communication facilities (WCF's) subject to §220-81.B(2)

C. Uses by special exception.

In the granting of any special exception, the Zoning Hearing Board shall, insofar as possible, determine compliance with the regulations of the supplementary regulations of this chapter. Furthermore, the Board shall attach such additional conditions that are reasonable and necessary to secure the public health, safety, and welfare and to advance the purposes of this district as stated above in § 220-43.

(1) Any combination of permitted uses that does not meet the definition of a shopping center, subject to the following:

(a) The lot proposed for such use shall meet all of the requirements of § 220-46 of this chapter; that is, a preexisting nonconforming lot and/or structure shall not accommodate more than one (1) principal use.

(b) The submission of a site plan at the time of the Zoning Hearing Board hearing showing how the design of the structure(s), parking area, lighting, and highway access will promote the public health, safety, and welfare in addition to creating an aesthetically pleasing facility. An artist's rendering shall not be acceptable in lieu of a site plan.

(2) Any other use that the Zoning Hearing Board shall determine to be of the same general character as the uses permitted by these regulations.

§ 220-45. Prohibited uses.

The following uses shall not be permitted within this C-2 District, either as an independent use or as part of or within any development:

A. All uses not included by the terms of § 220-44, above.

B. Adult bookstores, adult theaters, and cabarets.

C. The sale of motor vehicles or recreational vehicles.

D. Motor vehicle service station, including facilities for the repair or painting of motor vehicles.

E. Personal storage facility.

§ 220-46. Design standards.

A. Lots proposed for development in accordance with this article shall have a minimum lot area of ten (10) acres. Two (2) or more adjoining lots may be developed as a single project in accordance with this article, provided that their total combined area is not less than ten (10) acres and further provided that all affected lots are owned or are otherwise under the legal control of the same entity.

B. Area and bulk standards.

	All uses where sewage disposal is provided by an off-site public system
Minimum lot area	10 Acres
Minimum front yard	100 feet
Minimum side yard (each side)	50 feet
Minimum rear yard	50 feet
Minimum distance between structure	50 feet
Maximum extent of impervious surface	65%

	All uses where sewage disposal is provided by an off-site public system
Maximum bldg. height	35 feet

C. Any tract proposed for development under these provisions shall be contiguous, except that it may be divided by a public road other than U.S. Route 222 (SR O222).

D. Plans for development of a tract under these provisions shall be for the entire tract, except that final plans for a phased development may show only the phase proposed for final plan approval, provided that there exists an approved preliminary plan for the tract showing all phases and addressing the entire tract.

E. Developments proposed under the provisions of this article shall be connected to the public sanitary sewerage system. Water supply may be provided by an on-site system, a private community system, or by connection to the public water supply. The cost of such systems (or of connection to existing public systems) shall be borne by the developer. The water distribution system shall be designed to supply water to each structure proposed for human use or occupancy at such pressure and with main sizes and fire hydrant locations that comply with the specifications of the Insurance Services Office (ISO), or a successor agency thereto recognized by the Township.

F. Structures for human occupancy may exceed thirty-five (35) feet in height, subject to compliance with the Uniform Construction Code, as amended. Such buildings shall have a minimum setback from all property lines equivalent to their height.

G. Traffic and access management.

(1) Proposed developments that are expected to generate in excess of one thousand (1,000) daily vehicle trip ends on the day of greatest traffic volume shall provide not fewer than two (2) points of access to the public road network. Such traffic estimate shall be in accordance with the Trip Generation publication of the Institute of Transportation Engineers, most recent edition.

(2) Proposed developments that are expected to increase the volume of traffic on adjacent public roads by more than fifteen percent (15%), or which shall cause a D level of service or worse on adjacent public roads, shall be required to submit a traffic impact study as part of the proposal for land development (or subdivision, if applicable). Existing traffic counts shall be less than one year old at the time that the study is submitted and shall be the documented field observations of a private traffic planning consultant, the Pennsylvania Department of Transportation, the Township, or the Berks County Planning Commission. Traffic estimates of proposed development shall be taken from the Trip Generation publication of the Institute of Transportation Engineers, most recent edition.

H. Any area not covered by buildings or other structures, loading or parking spaces and aisles, or sidewalks shall be landscaped and continually maintained in accordance with an overall landscape plan prepared by a registered landscape architect and approved by the Township.

(1) The landscape plan may retain areas of healthy natural vegetation (such as woodlands or meadows) that existed upon the site prior to development activity, provided that the landscape plan includes a management plan for the care of such natural areas.

(2) New planting materials shall be chosen to prevent soil erosion and subsequent sedimentation, and shall be disease-free and suitable for the local climate.

(3) No landscaping other than grass cover is permitted within a utility right-of-way, or above any underground infrastructure elements such as sewer and water mains and laterals; gas mains and laterals; electric, telephone, and cable television lines; and other similar features.

(4) Screen plantings shall be provided in accordance with § 220-64 of this chapter.

(5) Landscaping shall be required within parking lots in conformance with Subsection J, below.

I. Wherever the tract abuts land developed for residential use, a screen planting in accordance with § 220-64 shall be provided by the developer between the proposed development and the area of residential use.

J. Parking lots and loading areas. Parking lots and loading areas shall be designed and constructed in compliance with § 220-61 of this chapter. The following regulations are in addition to these requirements:

(1) Parking lots shall incorporate a marked pedestrian circulation system, distinct from the vehicular circulation system.

(2) In addition to any required screen planting, not less than ten percent (10%) of interior portion of the parking lot shall be landscaped and continually maintained in accordance with an overall landscape plan prepared by a registered landscape architect and approved by the Township.

(3) Such landscaped areas shall be configured to promote pedestrian safety by defining walkways, to enhance motorist safety by defining traffic lanes and discouraging cross-lot taxiing, to act as a barrier against wind-borne debris and dust, to provide shade moderating micro-climatic conditions, to reduce the volume and velocity of stormwater runoff, and to enhance the appearance of the parking area.

(4) Landscaping shall not obstruct sight distances for motorists or pedestrians, nor shall such landscaping create any potential hazard to public safety.

(5) Each individual plot of landscaping within a parking lot shall cover at least fifty (50) square feet and shall have no side dimension less than five (5) feet.

(6) Landscaped areas shall be protected from the encroachment of vehicles by use of curbing, wheel stops, bollards, fencing, or other appropriate barriers.

(7) Within and adjacent to parking lots, trees with large leaves which could clog storm drains should be avoided. Trees that are brittle, disease-prone, have low

brachiation, have shallow root systems, which drop large fruit or much sap, or which are otherwise messy shall also be avoided. Except for trees native to the site which are being retained, all trees shall be healthy nursery stock with a minimum caliper of no less than one and one-half (1.5) inches as measured three (3) feet from the ground. Species suggested for use in parking areas are listed in the Landscape Guide found in the appendix of this chapter.

K. General design.

(1) Projects proposed under the provisions of this C-2 District shall be designed to present an attractive, unified appearance appropriate to the high level of visibility afforded by the location of the district.

(2) Projects may be built in phases, subject to the following conditions:

(a) The preliminary land development plan must show all phases. Final plan submissions must be for one or more phases.

(b) Phases numbers shall indicate the sequence by which final plans are to be submitted.

(c) Each phase (except the last) must contain at least twenty-five percent (25%) of the gross floor area of the proposed project.

(3) Projects may be designed as multiple structures.

(4) Developers are encouraged to pursue innovative designs and original architecture that demonstrates sensitivity to the character of the land and to the Township in general. Projects should relate well to the highway and to their neighborhoods as well as demonstrate sensitivity to human scale and aesthetic considerations. Building surfaces of cinder block, rough-finished concrete, or corrugated metal shall not be visible from any public right-of-way or any adjoining property. Similarly, non-decorative fencing, where visible from a public right-of-way or adjoining property, shall be completely hidden from view by a screen planting that meets the requirements of § 220-64 of this chapter.

(5) Signs shall be designed in accordance with § 220-62 of this chapter. For the purpose of application of the sign regulations, projects designed under the provisions of this article shall be deemed a commercial district, subject to the provisions of § 220-62.D in lieu of § 220-62.C.

ARTICLE XIV
I Industrial District

§ 220-47. Purpose.

This district has been established and the regulations of this article enacted in support of the following purposes:

A. To accommodate industrial activities in the Township while minimizing the impact on abutting districts by establishing setbacks and buffer provisions;

B. To encourage the establishment of other industrial concerns and accommodate the expansion of existing industrial activities in the Township in the interest of diversifying the local economy, providing employment opportunities close to home and strengthening the local tax base;

C. To provide a planned district for all types of industrial activities in the Township.

§ 220-48. Permitted uses.

A. Uses by right.

(1) Manufacturing, including but not limited to:

(a) Electronics,

(b) Appliances,

(c) Motor vehicles, aircraft and boats,

(d) Furniture,

(e) Textiles, shoes and upholstery,

(f) Toy and recreational goods

(2) Warehousing of retail goods and produce

(3) Wholesale operations

(4) Freight terminals and rail yards

(5) Beverage bottling plants, canneries and food processing

(6) Tool and die or metal fabrication

(7) Dry-cleaning plants

(8) Printing

(9) Lumber yard and mill

(10) Personal storage facilities

(11) Forestry subject to the provisions of § 220-101 of this chapter.

(12) Schools subject to the provisions of § 220-98 of this chapter

(13) Churches subject to the provisions of § 220-96 of this chapter

(14) General agricultural uses subject to the provisions of § 220-87 of this chapter

(15) Municipal services as defined in § 220-11 of this chapter

(16) Uses and buildings customarily accessory to the above uses, including but not necessarily limited to an accessory dwelling unit for a caretaker or night watchman, off-street parking facilities in conformance with § 220-61, signs subject to the provisions of § 220-62, recreational and dining facilities for the use of the employees of the permitted commercial and industrial uses, motor vehicle fleet repair, gasoline pumps and storage, and outdoor storage lots for raw materials and finished products.

(17) Certain wireless communication facilities (WCF's) subject to §220-81.B(1)

B. Uses by special exception.

(1) Solid waste disposal facilities, subject to the provisions of § 220-67.

(2) Quarries, subject to the provisions of § 220-72.

(3) Above ground and underground fuel storage.

(4) Utilities

(5) Billboards subject to the provisions of § 220-62 of this chapter.

(6) Landfills

(7) Sewage treatment plants

(8) Resources recovery facility including:

(a) Composting facilities,

(b) Incinerators,

(c) Refuse derived fuel facility,

(d) Recycling facility,

(e) Transfer station.

(9) Concrete and asphalt plants

(10) Petroleum refining

(11) Slaughterhouses

(12) Private airports or heliport subject to the provisions of § 220-99 of this chapter

(13) Power generation facility (fossil fuel, biomass, wind, solar, nuclear) as subject to the provisions of § 220-78 of this chapter

(14) Amusement parks and racetracks

(15) Accessory uses and structures not located on the same lot as the permitted principal use

(16) General contracting

(17) Any other use not permitted elsewhere by this chapter, with such conditions as the Zoning Hearing Board may require in their reasonable discretion in the interest of protecting the public health, safety, and welfare.

C. Uses by conditional use

The following uses will be considered by the Board of Supervisors as conditional uses subject to the following criteria, and further subject to the provisions of § 220-110.

(1) Industrial parks

(2) Research and development facilities, non-office

(3) Manufacturing, warehousing and wholesale of explosives, including fireworks and volatile materials in a gas, liquid or solid state

(4) Certain wireless communication facilities (WCF's) subject to §220-81.B(2)

(5) Animal hospital, veterinary facility, or commercial kennel subject to the provisions of § 220-89 of this chapter

(6) Grower / processors for medical marijuana subject to§220-82.A

§ 220-49. Area and bulk regulations.

A. Lot requirements.

Minimum lot area	50,000 square feet
Minimum lot width at street line	200 feet
Minimum lot width at building line	200 feet
Minimum front yard	40 feet
Minimum side yard (each side)	20 feet
Minimum rear yard	20 feet
Maximum extent of impervious surface	75%
Minimum area of landscaped ground cover	25%
Maximum bldg. height	45 feet

B. Lot area minimums shall be increased as needed to satisfy all required separation distances between on-site water supply and sewage disposal facilities.

C. No permitted accessory building or structure shall be constructed within seventy-five (75) feet of any residential district boundary.

D. Wherever a lot accommodating a use permitted in this district abuts a residential district along a side or rear lot line, the owner of the industrial lot shall provide a landscaped screen in conformance with § 220-64 between the industrial property and the residential property.

E. Facilities and structures owned or operated by the Township, or a duly created authority of the Township, shall be required to meet a one (1) acre minimum lot area (per unit of use), as well as the other appropriate area and bulk regulations of this section.

ARTICLE XV
SIA Special Intensified Activities District

§ 220-50. Purpose.

This district has been established and the regulations of this article enacted in support of the following purposes:

A. To accommodate and regulate those agricultural activities which, by reason of their impacts upon the surrounding lands, are more similar to industrial uses than other agricultural activities;

B. To accommodate food-processing activities;

C. To provide for special agricultural activities which require an unusual intensity of use in order to be economically viable;

D. To provide locations for intensified agricultural activities which will minimize complaint from residents in regard to odor, noise, glare, dust, and any other potentially objectionable externality which is a normal by-product of such activities;

E. To regulate intensified agricultural activities such that negative impacts upon the surrounding environment are minimized;

F. To provide for heavy commercial uses and heavy industrial uses under certain controlled conditions; and

G. To allow for heavy commercial, industrial and special intensified agricultural activities consistent with these purposes.

§ 220-51. Permitted uses.

A. Uses by right.

(1) Mushroom farming.

(2) Processing of farm products.

(3) Facilities or structures owned or operated by the Township, a duly created authority of the Township, or the county, state, or federal government for the benefit of the general public.

(4) Municipal services as defined in § 220-11 of this chapter.

(5) Forestry subject to the provisions of § 220-101 of this chapter.

(6) General agricultural uses subject to the provisions of § 220-87 of this chapter.

(7) Uses and buildings customarily accessory to the above uses, including, but not necessarily limited to, garages and off-street parking areas subject to the provisions of § 220-61, signs subject to the provisions of § 220-62, and storage within completely enclosed structures.

(8) Certain wireless communication facilities (WCF's) subject to §220-81.B(1)

B. Uses by special exception.

In the granting of any special exception listed below, the Zoning Hearing Board shall, insofar as possible, determine compliance with the supplementary regulations contained in Article XVI of this chapter. Furthermore, the Board shall attach such additional conditions that are reasonable and necessary to secure the public health, safety and welfare and to advance the purposes of this district as stated above in § 220-50.

(1) Manufacturing and industrial-type activities incidental to a permitted use by right on the same property, including packaging for retail sale.

(2) Seasonal housing for transient employees as an accessory use to a permitted principal use, subject to all applicable regulations of this and other Township codes and ordinances.

(3) General industrial uses which shall be carried on in a completely enclosed building and which include the storage, manufacture, assembly, fabrication, packing, testing, or other handling of products from raw materials or previously prepared materials, not including the retail sale of such items.

(4) Accessory uses and structures not located on the same lot as the permitted principal use.

(5) Billboards subject to the provisions of § 220-62 of this chapter.

(6) Animal hospital, veterinary facility, or commercial kennel subject to the provisions of § 220-89 of this chapter.

C. Conditional uses.

The following uses are permitted when allowed by the Board of Supervisors as conditional uses, subject to the performance standards set forth in this chapter, including but not limited to § 220-53, the other requirements of Article XV, and the requirements of Article XVIII, § 220-109 of this chapter:

(1) Manufacture of landscape products, soil products and non-petroleum renewable fuel products with related composting.

(2) Public utility uses.

(3) Power generation subject to § 220-78.

(4) Electrical substation.

(5) Heavy commercial uses which shall be carried on in a completely enclosed building except for off-street parking and loading facilities, including but not limited to wholesale business, warehousing establishments, truck and freight terminals, delivery and distribution centers, mechanical and vehicle equipment repair, and dyeing and dry cleaning plants.

(6) Heavy commercial or industrial uses including retail or wholesale sale of building materials, farm equipment, construction equipment, businesses for the sale or storage of new and used machinery, businesses for the sale or storage of vehicles or trailers.

(7) Certain wireless communication facilities (WCF's) subject to §220-81.B(2)

§ 220-52. Area and bulk regulations.

A. Lot requirements.

Minimum lot area	5 acres
Minimum lot width at street line	-
Minimum lot width at building line	-
Minimum front yard	100 feet
Minimum side yard (each side)	100 feet
Minimum rear yard	150 feet
Maximum extent of impervious surface	45%
Maximum bldg. height	45 feet
Accessory structures minimum side yard	50 feet
Accessory structures minimum rear yard	50 feet

B. Whenever a lot accommodating a use permitted in this district abuts a residential district along a side or rear lot line, the owner of the special intensified activities (SIA) lot shall provide a landscaped screen in conformance with § 220-64 between the SIA property and the residential property.

§ 220-53. Performance standards for conditional uses.

A. The following performance standards shall be met for all conditional uses provided in § 220-51.C. These standards supplement the performance standards set forth in Article XV of this chapter, which shall also be met. However, in the event of any conflict, the specific provisions of these performance standards shall control.

(1) The owners shall demonstrate full compliance with all federal and state statutes and regulations applicable to the particular activity. The applicant must demonstrate that as at the time of the conditional use hearing applications have been filed with all other governmental authorities having jurisdiction. While permits are not required as and at the date of hearing, the Board may condition any approval upon receipt of such permits. Under no circumstances shall any use or occupancy permit be issued without proof of receipt of all other governmental permits and approvals.

(2) Maximum height may be exceeded if demonstrated to the satisfaction of the Board of Supervisors that exceeding maximum height is required based on the technology and/or permitting of the activity involved. The applicant shall submit with the application such documentation as is necessary to establish these standards. However, the specific height shall be determined as part of the conditional use process. In addition and notwithstanding any contrary provision in this chapter, additional front, side, and rear yard setbacks shall be required at the rate of three (3) feet additional setback for every one (1) foot of height exceeding the maximum height provided in § 220-52. In addition, if height is exceeded, lot size requirements shall also be increased to the extent necessary to accommodate the proposed structure. The five-acre minimum lot size and the additional setback requirements for exceeding height shall not be used to justify a variance for lot size or yard setback requirements.

(3) The minimum height for landscape buffer, including berm, shall be eight (8) feet, reaching a height of eleven (11) feet no later than three (3) years from the date of planting. The minimum height of plantings shall be five (5) feet. The minimum depth of the landscape buffer shall be twenty (20) feet.

(4) Noise originating from the property shall be controlled so that it is not at levels in excess of the standards set forth in Chapter 133, Noise, as amended.

B. In addition the above, power-generation facilities shall meet the requirements of Article XVI, § 220-78.

ARTICLE XVI
Supplementary Regulations

§ 220-54. Application.

Unless otherwise noted, the regulations contained in this article shall be applicable in all zoning districts.

§ 220-55. Additional regulations for all districts.

A. Visibility at intersections.

(1) On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and one-half (2.5) feet and ten (10) feet above the center-line grade of the intersecting streets within the area bound by the street center lines of such intersecting streets and a line joining the street center lines at a distance of seventy-five (75) feet along each center line from their point of intersection. Where a major street is one of the intersecting streets, the line joining the street center lines (to make the third side of the clear sight triangle) shall be at a distance of one hundred fifty (150) feet along each center line from their point of intersection.

(2) Locations of street signs, utility poles, and traffic signs are exempted from this restriction, subject to Township approval.

B. Fences, walls, and hedges.

(1) No fence, wall, or hedge shall be permitted within the right-of-way of any public street.

(2) No fence, wall, or hedge shall be permitted within the clear sight triangle required by Subsection A, above.

(3) Fences, walls, and hedges shall not obstruct the view of or the view from a public or private driveway. Compliance with any one of the following points shall be deemed sufficient for the requirement of this subsection.

(a) The portion of such fence, wall, hedge between the street right-of-way and a line upon the property ten (10) feet from and parallel to such right-of-way line shall not be higher than thirty-six (36) inches above the surface of the driveway, except as may be permitted below.

(b) Between the street right-of-way line and a line upon the property ten (10) feet from and parallel to such right-of-way line, a fence may be permitted at the discretion of the Zoning Officer if, in his opinion, the design of the fence is sufficiently open to present no significant obstruction to visibility. Such fences may include cyclone-type wire-mesh fences and decorative post-and-rail fences.

(4) Fences and walls shall not exceed a height of eight (8) feet, unless they are located as described in § 220-55.B(3), where the more restrictive height shall govern.

C. Erection of more than one principal structure on a lot.

More than one (1) principal structure may be placed on a single lot, provided that such structure(s) are sited such that it is possible to separate all principal structures onto individual lots meeting the minimum lot requirements (including all required minimum yard areas) in effect for the applicable zoning district at the time building permit(s) are issued for said additional structure(s).

D. Buildings to have access.

Every principal structure hereafter erected or moved shall be on a lot adjacent to a public street or approved private street. Every building shall be located on its lot so as to provide safe access for servicing and maintenance, for fire protection or other emergency vehicles, and to provide off-street parking areas.

E. Lots in more than one zoning district.

Where a zoning district boundary line divides a lot, the less restrictive regulations may be applied within the more restrictive district for a distance of not more than thirty (30) feet from the district boundary line.

§ 220-56. Special applications.

A. Application of regulations to corner lots.

All yards abutting a street line are hereby deemed front yards for purposes of applying minimum yard requirements for all districts. Corner lots shall have two (2) front yards, one (1) side yard, and one (1) rear yard.

B. Lot area and lot width for lots not served by public water supply or sanitary sewerage.

Where a lot is not served by public water supply or where a lot is not served by sanitary sewerage, Chapter 190, Subdivision and Land Development, other local ordinances, or state statues may require or imply a larger lot area and/or a greater lot width in order to assure safe separation distances between on-site sewage disposal systems and drinking water supply. Where such is the case, such larger area and/or greater width shall apply in lieu of the otherwise applicable district regulations.

§ 220-57. Exceptions.

A. Exceptions to front yard requirements.

(1) When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than that required for the applicable zoning district, the front yard required for said unimproved lot may be reduced by up to fifty

percent (50%) or to a depth equal to the mean front yard depth of the abutting improved lots, whichever yard depth is greater.

(2) In no case shall a front yard be reduced to less than fifty percent (50%) of the required front yard for the applicable zoning district.

(3) For the purposes of this subsection, an unimproved lot shall be the same as a vacant lot, and an improved lot shall be a lot whereupon a principal structure has been erected.

(4) This exception shall apply only where the improved lots were so improved upon the effective date of this chapter.

(5) Special front yard requirements are in effect for properties abutting U.S. Route 222 (SR O222), as provided in § 220-75 of this chapter. Where the regulations of this subsection are in conflict with those of § 220-75, the regulations of § 220-75 shall apply.

B. Exceptions to height regulations.

(1) Unless otherwise specified in Article XIV Supplemental Regulations, no building in the Township, other than a farm building, shall exceed the maximum building height set forth in the applicable district regulations of this chapter.

(2) Except as otherwise provided, the height limitations contained in the district regulations of this chapter shall not apply to spires, belfries, cupolas, farm buildings, silos, antennas, municipal owned water tanks, ventilators, chimneys, or other portions of the structure typically located above roof level and not intended for human occupancy. This exception does not apply to power-generation facilities or electrical substations.

(a) The height limitation of the structures which are specified under § 220-57.B.2 of this article may be increased from the maximum height requirement by one (1) foot for each foot by which the width of each affected front yard, side yard and rear yard is increased beyond the minimum front, side and rear yard requirements up to a maximum of fifty (50) feet. In no case shall the height of the structure, or the building in combination with a structure, be greater than the distance to the closest lot line.

(3) The height exceptions specified in this article shall be consistent with the development standards specified under the Airport Zoning Act (PA Act 164 of 1984, as amended) and by the Pennsylvania Department of Transportation, Bureau of Aviation.

(4) Accessory buildings or structures customary to agricultural and horticultural uses (such as silos, corn cribs, etc.) shall be exempt from the building height specified in this article. The height of the accessory building or structure above its base shall be less than the shortest distance from such base to any lot line.

C. Projections into yards.

The following projections shall be permitted into required yards and shall not be considered in the determination of yard size:

(1) Terraces, patios, open porches, or decks provided that such terraces, patios, open porches, or decks are not enclosed, are not closer than ten (10) feet to any lot line (except a lot line which is the projection of a common wall), and do not project into any required front yard. This provision does not apply to the R-2A Zoning District.

(2) Open balconies or fire escapes and projecting architectural features, such as bay windows, cornices, eaves, roof overhangs, chimneys, and window sills, provided that all such features shall project no more than five (5) feet into any required yard and shall not be located closer than six (6) feet to any lot line (except lot lines which are the projection of common walls).

(3) Uncovered stairs and landings, provided such stairs or landings do not exceed three feet six (6) inches in height, do not project more than five (5) feet into any required yard, and are not located closer than six (6) feet to any lot line (except lot lines which are the projection of common walls).

(4) Handicapped access ramps, provided such ramps are not located closer than six (6) feet to any lot line (except lot lines which are the projection of common walls.

§ 220-58. Accessory uses and structures.

Nothing in this section shall be interpreted to limit other uses not specifically addressed below, provided that such uses are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety, or welfare.

A. General

(1) No accessory structures shall be erected in any required front yard. No detached accessory structure shall be erected within five (5) feet of the principal structure.

(2) Except as otherwise noted elsewhere in this article, no accessory building or structure shall exceed twenty-five (25) feet in height. The height of the accessory building or structure above its base shall be less than the shortest distance from such base to any lot line except in the R-2A, R-3 and R-4 zoning districts, where accessory structures which encroach into the side or rear yards shall be limited to a maximum height of ten (10) feet.

(3) Accessory buildings or structures customary to agriculture and horticultural uses shall be exempt from the building height and open area requirements

specified in this section except that the height of the accessory building above its base shall be less than the shortest distance from such base to any lot line.

(4) No permanent accessory building or structure shall be constructed on any lot that does not have a principal use to which it is accessory.

(5) No accessory buildings or structures shall be erected within any legal right-of-way or easement.

(6) Sections 220-58.B, C, D and E. indicate accessory uses and their specifications for residential and non-residential land uses.

B. Residential provisions.

(1) Except for approved home business, home occupations or no-impact home based business, non-residential uses shall not be permitted as accessory uses in residential districts.

(2) Swimming pools.

(a) Swimming pools shall be defined as a contained body of water, eighteen (18) inches or more in depth utilized for the purpose of swimming, wading, immersion, bathing or therapeutic purposes. Such swimming pools may be entirely or partially above ground. Swimming pools shall be classified as a residential accessory use.

(b) Private, non-commercial, permanently installed swimming pools designed to contain water to a depth of eighteen (18) inches or more shall not be located within a front yard.

(c) Above-ground pools with a minimum height of forty-eight (48) inches around their entire perimeter need not be enclosed with a fence or wall, but the ladders serving the pool shall be locked in an inaccessible position at least four (4) feet above the ground or removed and locked up elsewhere.

(d) In-ground swimming pools, including decks and patio areas within the required fencing, shall be sited in compliance with all minimum yard requirements.

(e) Swimming pools less than forty-eight (48) inches above ground level shall be completely enclosed with a permanent barrier or fence having a minimum height of forty-eight (48) inches. If the enclosure is a fence, the vertical and horizontal interfaces shall be no more than two (2) inches apart. All gates shall be equipped with locks.

(f) Above-ground swimming pools, including any attached deck area, shall be set back from all property lines by a distance equivalent to the

minimum side yard requirement for the zoning district wherein the subject property is located.

(g) The pool, filter pumps and other mechanical or structural equipment shall not be permitted within the front yard, the side yard setbacks and/or within ten (10) feet of the rear lot line. The pool shall not occupy more than fifty percent (50%) of the prescribed yard area in which it is located.

(h) Any floodlighting or other illumination used in conjunction with the pool shall be shielded and directed away from adjacent property owners.

(3) Unless otherwise specified within this article, detached garages, greenhouses, and other outbuildings are permitted as accessory uses, provided they are located within the building setback lines. All such uses shall be erected, enlarged and/or demolished in accordance with all applicable Township building codes.

(4) Private noncommercial tennis courts shall not be located within the front yard, nor closer than fifteen (15) feet to side or rear property lines. A tennis court shall not be located over a drainage field of a sewage disposal system.

C. Commercial and industrial zoning district provisions.

(1) Storage facilities are permitted, provided that such facilities are located in areas which have direct access to a street or driveway. The outdoor storage of materials shall be screened from the view of adjacent properties.

(2) Living quarters are permitted only for proprietors, watchmen, caretakers or similar employees.

(3) Restaurants, cafeterias and/or recreational facilities are permitted, provided they are intended for the use of employees only, unless they are permitted as principal uses in the zoning district in which they are constructed.

D. Wind Energy Conversion Systems (WECS).

(1) Such use shall be accessory to a principal use permitted in the Zoning Districts and located on the same lot occupied by the principal use to which it relates and supplies power. The resultant energy harnessed from the wind energy system shall primarily be used on the property on which the system is located. The WECS shall not be used for the purpose of generation of power for sale to the grid, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a WECS designed to meet the energy needs of the principal use.

(2) Any lot upon which a WECS is to be installed must have an area of at least one (1) acre. No more than one (1) wind energy system shall be located on any one (1) residential lot. Additionally, each WECS installed on a property must meet all the dimensional criteria (setbacks) of the specific zoning district and of this subsection.

(3) The wind energy conversion system and any buildings necessary for storage cells or related mechanical equipment shall not be located within any required front, side or rear yard setbacks.

(4) The wind energy system height shall be limited to a maximum of one hundred eighty (180) feet (including the length of a fully extended rotor blade in its vertical position). If a device is attached to an existing structure, then the maximum height of the attached wind energy device shall not exceed one hundred eighty (180) feet including the height of the existing structure.

(5) The wind energy system shall be setback from all property lines, aboveground utility lines, radio, television and cellular towers, and other wind energy conversion systems a distance of one-hundred ten (110) percent of the height of the wind energy system (including the length of a fully extended rotor blade in its vertical position) or the minimum yard requirement, whichever is greater. All wind energy conversion systems shall also be setback a minimum distance of one-hundred (100) feet from any front property line or to the rear of a house, whichever is the greater distance.

(6) The minimum distance between the undisturbed ground at the base of the device and any protruding blade shall be fifteen (15) feet, as measured at the lowest point of arc of the blades.

(7) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. The tower shall not provide steps or a ladder readily accessible for a minimum of twelve (12) feet above the ground surface.

(8) No artificial lighting (unless required by the Federal Aviation Administration), television, radio or communication antennas, signs or any forms of advertising shall be utilized or attached to the wind energy conversion system.

(9) Wind energy conversion systems shall not cause interference with radio or television broadcasting or reception.

(10) Design and location of a wind energy system shall consider, to the greatest extent possible, the aesthetics of the surrounding environment. The tower shall be of a monopole design (lattice and guyed monopole towers not

permitted), and the entire system (hub and rotors) shall be a non-obtrusive color which blend to the surroundings.

(11) All utility lines, including electrical wires other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect box, and the grounding wires, must be installed underground in accordance with the prevailing standards of the servicing utility company.

(12) An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation at wind speeds greater than 40 miles per hour.

(13) Audible sound from wind energy conversion systems shall be in compliance with the requirements of Chapter 133 Noise of the Township Code. All decibel readings shall be measured at the closest property line to the WECS.

(14) Building Permit Applications for a WECS shall be accompanied by:

a. A plot plan drawn in sufficient detail to clearly describe the following:

i. Property lines and physical dimensions of the site.

ii. Locations, dimensions and types of existing structures and uses on the site.

iii. Locations and elevation of the proposed WESC including setbacks from the property lines.

iv. Location of all existing aboveground utility lines on site.

v. Location of any and all roads or other service structures proposed for the installation.

b. The make, model, picture and manufacturer's specifications including noise decibels.

c. Standard drawings of the structural components of the WECS, including support structures, tower, base, and footings and a line drawing identifying the electrical components of the wind system. Drawings and any necessary calculations shall be certified, in writing by a professional engineer that the system complies with the Uniform Construction Code and the National Electrical Code.

d. Evidence in writing that the utility company has been notified if the WECS will be interconnected to a utility grid.

(15) Any wind energy system that is defective, and is deemed to be unsafe by the Township Building Code Official shall be required to be repaired by the owner to meet federal, state, and local safety standards, or be removed by the property owner within six (6) months of written notification from the Township. If the owner fails to remove or repair the defective wind energy conversion system, the Township may pursue a legal action to have the system removed at the owner's expense.

(16) The landowner shall, at his expense, complete decommissioning of the wind energy conversion system within six (6) months after the end of the useful life of the system. It shall be presumed that the wind energy system is at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

(17) Nonelectrical windmills used for pumping water shall be exempted from the provisions of this section but must be sited so that any tip over will be harmless to others.

E. Solar Energy Conversion Systems (SECS).

Solar Energy Conversion Systems are permitted as an accessory use to a permitted principal use in all zoning districts subject to the following requirements:

(1) General Standards.

a. The use of solar energy conversion systems, includes solar collectors, storage facilities, and distribution components, for space heating and cooling, and hot water heating.

b. Solar energy collectors and equipment used for the mounting or operation of such collectors are not exempt from the height limitations specified for the zoning district.

c. Apparatus necessary for the operation of solar energy conversion systems, such as overhangs, movable insulating walls and roofs, and reflectors may project up to six (6) feet into required yard setbacks provided that they are not located within six (6) feet of any property line.

d. Detached solar collectors used solely for such purposes shall be considered a permissible accessory structure in all zoning districts.

Ground mounted solar systems shall not exceed a height of 14 feet above the ground

(2) Solar Access.

a. All solar energy conversion systems and/or structures shall be oriented to the fullest extent possible to maximize the use of passive and/or active solar applications as would be appropriate for the site, as well as to provide for the area for solar access needed to efficiently operate the solar equipment to fall within the property upon which it is located.

b. Should a property owner desire to locate solar collectors in a location for which the protection of solar access would impact an adjoining property, they shall be required to secure a written "solar sky space easement" for the protection of solar access from the adjoining property owner. Such easement may be in the form of an easement, covenant or other property interest in any deed or other property instrument executed by or with the landowners permission, on behalf of any landowner, that protects the solar sky space of the proposed solar energy collector at the described location by forbidding and activity, including placement of objects, live or otherwise, that would interfere with solar access. The solar sky space must be described either as the three dimensional space in which obstruction is prohibited or limited, or as the times of day in which direct sunlight into the solar collector may not be obstructed, or as a combination of both.

c. Location of solar collectors in a location for which the protection of solar access would impact an adjoining property without a written "solar sky easement" described in subsection 2.b above, would be at the sole risk of the property owner constructing the solar collector.

(3) Permit.

a. A zoning permit is required before any installation of a solar energy conversion system. As part of the zoning permit application, the applicant shall provide a plot plan and information that clearly describes the following:

i. Property lines and physical dimensions of the site.

ii. Locations, dimensions and types of existing structures and uses on the site.

iii. Location of the proposed solar energy conversion system including setbacks from the property lines.

iv. Analysis of required solar access area described in three dimension form

v. If the required solar access would be such that it would impact an adjoining property, a solar sky access easement described in subsection 2.b above would be required.

vi. Conformance with the PA Uniform Construction Code and industry standards, as applicable.

§ 220-59. Restrictions for floodplain areas and wetlands.

A. Floodplain areas

All construction or development in all zoning districts and all other development activity shall be conducted in accordance with Chapter 117 of the Township Code, and as may be further amended or superseded by subsequent ordinances or regulations of the Township, State or Federal Government.

B. Wetland areas

(1) Wetlands are defined by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency as those lands 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. The three major characteristics of wetlands include vegetation, soil and hydrology.

(2) All land designated as wetlands within Maidencreek Township are regulated by state and federal agencies in addition to the regulations contained herein.

(3) For all subdivision and land development applications, the Township Engineer shall determine whether a wetlands delineation will be required by a qualified professional. Delineated wetlands shall be accompanied by a technical report and data forms. In lieu of an actual delineation being required by the Township, any hydric soils located on a property, as indicated by the USDA, Berks County Soil Survey, shall be subject to a fifty (50) foot buffer zone. Within this fifty (50) foot buffer zone, no earth disturbance and/or land development activity will be permitted.

(4) Upon receipt of a jurisdictional determination from the U.S. Army Corps of Engineers, the previously referenced fifty (50) foot buffer from either hydric soils or delineated wetlands (whichever is greater) is no longer applicable.

(5) Any proposed land use which may directly (by means of effluent discharge into the ground) or indirectly (through the leaching of stored materials) result in the pollution of the groundwater shall be prohibited from developing in any wetland, wetland margin, or area of hydric soil.

§ 220-60. Slope controls.

A. Portions of Maidencreek Township are characterized by hilly terrain which is occasionally quite steep. Development on steep terrain enhances the potential for adverse impacts resulting from erosion and stormwater runoff. This potential is increased as lot size decreases.

B. Slopes within the Township deemed to be steep slopes and subject to slope controls are those slopes in excess of fifteen percent (15%). The steep slopes are further classified into two groups: slopes of fifteen (15) to twenty-five (25) percent and slopes of twenty-five percent (25%) or more.

C. Lands characterized by a slope in excess of fifteen percent (15%) as measured over a horizontal distance of fifty (50) feet shall not accommodate any element of an on-site sewage disposal system unless that system has been specially designed to compensate for the topographic conditions of the site. Such design shall be approved by the Township Sewage Enforcement Officer prior to any construction activity, including activity related to the installation of said system. Additionally, on properties containing slopes of fifteen (15) to twenty-five (25) percent, it may be necessary to increase lot sizes from the minimum lot size specified in a particular zoning district to be able to accommodate the proposed structures and associated on-lot water and sewer services. In no case shall more than fifty percent (50%) of the minimum required lot size be located within steep slope lands.

D. Lands characterized by a slope in excess of twenty-five percent (25%) as measured over a horizontal distance of fifty (50) feet shall not be stripped of vegetation (not including forestry activities which are otherwise regulated) or subjected to earthmoving activity unless the party proposing such activities has submitted a plan to the Township illustrating methods of stormwater control and erosion management to be used during and subsequent to such activity as well as how the slope will be permanently stabilized upon the cessation of activity. Such plan shall require the approval of the Berks County Conservation Service and the Board of Supervisors as advised by the Township Engineer. Additionally on steep slope lands of twenty-five percent (25%) or more, no residential, commercial or industrial buildings shall be permitted to be located. Structural encroachments upon these steep slope lands shall be permitted only for road or driveway crossings, utility lines, stormwater pipes, and pedestrian trails.

E Forestry and/or logging activities in steep slope areas shall comply with the requirements of all applicable state regulations including, but not limited to, the following:

(1) Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S.§ 691.1 et seq.); and

(2) Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et seq.).

§ 220-61. Parking and truck loading requirements.

A. Off-street parking spaces with safe access from a public street shall be provided on each lot, either within a structure or in the open, to serve the uses upon that lot. New off-street parking facilities shall be provided whenever:

(1) A building is constructed or new use established.

(2) The use of an existing building is changed to a use requiring more parking facilities.

(3) An existing building is altered so as to increase the amount of parking spaces required.

B. Parking spaces for each vehicle shall be at least ten (10) feet by twenty (20) feet. Parking spaces for use by handicapped drivers shall be at least fourteen (14) feet by twenty (20) feet or as otherwise regulated by the Americans with Disabilities Act of 1990, as amended, whichever is more restrictive.

C. Parking lots accommodating five (5) or more vehicles in a non-residential district which abut a residential district, a residential use, or a parking lot used for multi-family residential purposes shall be screened from said adjacent district or use by a buffer yard.

D. Aisles providing access to individual parking spaces within a parking lot or parking garage (other than garages serving individual residences) shall have a minimum width of twenty-four (24) feet for back-to-back double-bay parking. Where the aisle provides access to only a single row of parking, the minimum width of that aisle shall be eighteen (18) feet.

E. Minimum number of off-street parking spaces required.

(1) All landowners or developers shall provide, as a minimum, the number of parking spaces required by this section for each land use on the tract. If the calculation to determine the required number of spaces results in a fractional figure, said fraction shall be rounded (up or down) to the nearest whole number; fractional values of exactly 0.5 shall be rounded up.

(2) Provision of parking spaces greatly in excess of what is hereunder required is discouraged. Additional spaces, above what is stated below, may be required by the Board of Supervisors within their reasonable discretion if the proposed

use has an arterial road as its sole means of access, thereby minimizing the likelihood of unauthorized on-street parking.

(3) Within this subsection, "sq. ft." indicates "square feet" and "GFA" indicates "gross floor area."

(4) Residential uses.

(a) Non-transient dwellings, including single-family and two-family residences, multifamily residences, mobile homes within mobile home parks and otherwise used as permanent dwellings, and vacation homes. Dormitories operated as part of an institutional use are specifically excluded:

2 spaces per dwelling unit, plus 1 space for every 5 units in a multifamily structure, townhouse, or mobile home development (for guest parking).

(b) Nursing homes / assisted living care facilities:

1 space per employee, plus 1 space per every 2 rooms available for occupancy.

(c) Retirement community:

1.5 spaces per dwelling unit, plus 1 space per every 5 dwelling units for guest parking.

(5) Commercial, industrial, and office uses.

(a) Manufacturing:

1.0 space per 1,000 sq. ft .GFA plus 1.0 space per employee on largest shift.

(b) Research and development facilities, laboratories, and business services:

3 spaces per 1,000 sq. ft. GFA.

(c) Office buildings / office parks:

3.5 spaces per 1,000 sq. ft. GFA.

(d) Personal and professional services:

3.5 spaces per 1,000 sq. ft. GFA.

(e) Financial service establishments, including banks, brokerages, and savings and loans. Insurance offices are considered office buildings (see above):

3 spaces per 1,000 sq. ft. GFA, plus drive up window requirements if applicable

(f) Commercial services:

1 space per 150 sq. ft. GFA.

(g) Drive up window / station / drive thru where permitted as part of a principal use:

A waiting lane for each drive up window or station with a capacity for 5 vehicles. All waiting lanes shall be located off-street right-of-way.

(h) Eating and drinking place with table service:

1 space per 4 seats, plus 1 space for each employee on largest shift.

(i) Eating and drinking place without table service:

10 spaces per 1,000 sq. ft. GFA.

(j) Funeral home or crematorium:

0.25 spaces per seat of chapel capacity space plus 1 space per employee

(k) Gas station (in addition to service station requirement, if applicable):

1 space per pump island, plus 4 spaces at each pump island.

(l) Home occupation:

As may be required, depending upon use. In all cases, no less than 2 spaces in addition to residential requirement.

(m) Hotel or motel:

1 space per unit, plus 1 space per employee on largest shift, plus 4 spaces for each 50 units, plus spaces as required for ancillary uses.

(n) Lumberyard:

1 spaces per 1,000 sq. ft. under roof.

(o) Personal storage facility:

1 space per 10 rentable units, plus 1 per employee.

(p) Retail sales of consumed or perishable items and other items with little seasonal variation in demand. Includes supermarkets and convenience stores:

3.5 spaces per 1,000 sq. ft. GFA.

(q) Retail sales of capital or nonperishable items and other items with clear seasonal variation in demand. Includes shopping centers, department

stores, auto dealers, apparel and personal accessory stores, gift shops, jewelers, nurseries and greenhouses, bookstores, electronics stores, and retail sale of all similar items:

5 spaces per 1,000 sq. ft. GFA.

(r) Service station and auto repair services (to be provided in addition to gas station and auto dealer requirements, as may be applicable):

2 spaces per garage bay, in addition to the garage bays themselves.

(s) Wholesale sales~~,~~ or commercial sales:

1 space per employee on largest shift.

(t) Warehouse, wholesale distribution or freight terminal:

1 space per 1,000 sq. ft. GFA up to the first 10,000 sq. ft. GFA, 1 space per 4,000 sq. ft. GFA over 10,000 sq. ft. GFA

(6) Institutional and public uses.

(a) Adult day care facility:

1 space per employee, plus 1 space per facility vehicle, plus 1 space per 15 clients. Applicants for such use must further demonstrate that there is adequate room for vehicles to safely drop off and pick up clients. These requirements shall not apply to adult day care centers operated as home occupations.

(b) Auditoriums, assembly halls, sports arenas and stadiums with fixed seats:

1 space per every 3 seats

(c) Auditoriums, assembly halls, sports arenas and stadiums without fixed seat, health clubs and spas:

1 space per every 50 sq. ft. of floor area in the auditorium, assembly, or meeting room, plus 1 space for every 200 sq. ft. of other floor area.

(d) Community center or social club:

12 spaces per 1,000 sq. ft. in main assembly area.

(e) Child day care center:

1 space per employee plus 1 space per facility vehicle, plus 2 spaces per 15 children. Applicants for such use must further demonstrate that there is adequate room for vehicles to safely drop off and pick up children. These requirements

shall not apply to child day-care centers operated as home occupations.

(f) College dormitory:

2.5 spaces per dormitory room

(g) College / university / seminary / business or vocational school:

0.5 spaces per student, plus 1 space per employee

(h) Elementary and middle schools, including boarding schools, whether public or private:

1 space per staff member, plus 1 space per facility vehicle, plus spaces equal to 10% of staff spaces for visitors, plus 1 space per every 3 seats in auditorium, gymnasium or other general assembly area whichever is greater.

(i) High schools, including boarding schools, both public and private:

1 space per staff member, plus 1 space per facility vehicle, plus spaces equal to 10% of staff spaces for visitors, plus 1 space per every 4 students, plus 1 space per every 3 seats in stadium, auditorium, gymnasium or other general assembly area whichever is greater.

(j) Hospital:

1 space per 2 beds, plus 1 space per doctor, plus 1 space per facility vehicle, plus 0.9 space per employee of largest shift.

(k) Library:

3 spaces per 1,000 sq. ft. GFA.

(l) Museum or similar cultural institution:

3 spaces per 1,000 sq. ft. GFA.

(m) House of worship:

1 space per every 3 seats

(n) Utility installation:

2 spaces per installation.

(7) Recreational uses.

(a) Bowling alley:

5 spaces per lane.

(b) Cinema:

1 space per every three seats, plus 1 space per employee on largest shift.

(c) Country club, golf club, miniature golf course:

5 spaces per tee, plus spaces which may be required for ancillary uses.

(d) Health club, spa:

5 spaces per 1,000 sq. ft. GFA.

(e) Indoor amusement arcade:

5 spaces per 1,000 sq. ft. GFA.

(f) Stadium, theatre, or gymnasium:

1 space per every 3 seats

(g) Swim club, public swimming pool:

1 space~~s~~ per 50 sq. ft. of swimming pool floor, plus spaces which may be required for ancillary uses.

(8) Parking spaces for handicapped drivers.

(a) Within off-street parking lots, parking spaces to accommodate handicapped drivers shall be provided according to the total number of spaces in the lot as follows or in accordance with the Americans with Disabilities Act of 1990, as amended, whichever is more restrictive:

Total number of spaces	Minimum number of spaces for handicapped drivers
fewer than 25	1
25 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1000	2% of total
1001 and over	20, plus 1 for each 100 over 1000

(b) Parking spaces reserved for handicapped drivers shall be located to minimize the distance between said spaces and a wheelchair-accessible entrance to the facility.

F. Surfacing requirements.

(1) All non-residential parking areas and access drives shall be paved. All driveways shall be graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. The maximum grade of areas used for parking shall not exceed five percent (5%), and the maximum grade of access drives shall not exceed ten percent (10%). Surface water shall not be concentrated onto public sidewalks and other premises.

(2) The Township may permit a compacted gravel, oil-sealed gravel, or brick paver off-street parking area if the applicant can provide evidence that the proposed land use activity does not require a paved off-street parking area. As part of the request, the applicant shall submit a stormwater management plan, a grading plan, and an erosion/sedimentation control plan to the Township Engineer for review and comment. Compacted earth is not an acceptable surface for a parking area as required herein under any circumstances. The surface of all parking areas shall be dust free under conditions of normal use.

a. If the Applicant can document the intended land use will use less parking than required herein, the Applicant may request initial build-out of eighty percent (80%) of the parking requirements. The remaining twenty percent (20%) must be shown as reserved for future use on the plan. The Township Board of Supervisors may, at their discretion, require one-hundred percent (100%) build-out of parking requirements with asphalt, compacted gravel, oil-sealed gravel, or brick pavers.

b. For storm water calculation purposes, all parking shall be assumed to be asphalt or impervious cover.

(3) A concrete bumper block shall be provided for any non-curbed portion of all parking lots for each parking space in a parking area serving a non-residential use, or for multi-family residential uses.

(4) For all paved parking areas serving either a nonresidential use or a multifamily residential use, parking space areas, direction of traffic flow, and traffic lanes where not readily apparent shall be clearly delineated by reflective, painted lines. Additional directional and informational signage may be required by the Board of Supervisors as they may deem necessary.

G. The use of a single parking lot to serve multiple independent uses is encouraged. The number of spaces provided in such lot shall be equivalent to the sum of the number of spaces which would be required if each use had its own parking lot.

H. No areas necessary to fulfill the off-street parking requirements of this article shall be used for the sales, dead-storage, repair (except for emergency repairs), maintenance, dismantling, or servicing of vehicles.

I. Vehicles without a current license plates and valid registration shall not be parked or stored along any public street or upon any residentially zoned property outside of the rear yard area, inside a garage or on a driveway if covered.

J. Off-street parking areas existing at the effective date of this chapter shall not subsequently be reduced to accommodate fewer vehicles than what is required by this section.

K. Off-street truck loading requirements. These requirements shall apply to all new industrial, commercial, office, and mixed-use developments, and to all expansions of such existing uses resulting in a gross floor area gain of twenty percent (20%) or more from the effective date of this chapter.

(1) Each loading berth shall be a minimum of twelve (12) feet wide, fifty (50) feet long, and shall have a clear height of not less than fourteen (14) feet.

(2) Loading areas shall be completely contained upon the site of the building served and shall neither occupy nor infringe upon any parking spaces, traffic lanes within a parking area, driveways, or public street rights-of-way.

(3) A screen planting in accordance with § 220-64 shall be provided between loading areas and any adjacent nonindustrial properties.

(4) Loading areas shall be located within the rear and/or side yards of the structure served.

(5) All loading areas shall have a dust-free surface over the entire area customarily used by delivery vehicles for parking and maneuvering. The surface may be asphalt, bituminous concrete, concrete, oil-sealed gravel, compacted gravel, or any other dust-free surfacing material which meets with the approval of the Board of Supervisors.

(6) Off-street loading areas shall be provided as follows:

GROSS FLOOR AREA	LOADING SPACES REQUIRED
Office Building	
First 20,000 sq. ft. or fraction thereof	1
Each additional 40,000 sq. ft.	1
Warehouse/ Wholesale Establishment	
First 10,000 sq. ft. or fraction thereof	1
10,001 to 60,000 sq. ft.	1, plus 1 additional for each 25,000 sq. ft. in excess of 10,000 sq. ft.
60,001 and over	3, plus 1 additional for each 50,000 sq. ft. in excess of 60,000 sq. ft.
Other principal uses	
First 10,000 sq. ft. or fraction thereof	1
10,001 to 40,000 sq. ft.	1, plus 1 additional for each 15,000 sq. ft. in excess of 10,000 sq. ft.
40,001 and over	3, plus 1 additional for each 30,000 sq. ft. in excess of 40,000 sq. ft.

§ 220-62. Sign regulations.

A. General regulations. This section shall apply generally to all signs within the Township. However, where a more particular standard or provision in this chapter governs a type of sign, the more particular provision shall control and not be deemed in conflict herein.

(1) Interpretation of sign area.

(a) The display area for any sign, including but not limited to for purposes of determining maximum sign size, shall be deemed to include all lettering, wording, designs, symbols and images together with all background and material to which they are attached or upon which they are displayed, but excluding any framework, posts, or bracing which is incidental to the display itself.

(b) Where a sign consists of individual letters or symbols attached to or painted upon a structure surface, the area of the sign shall be the area of the smallest rectangle which can be drawn to encompass all of the letters and symbols.

(c) Where there are multiple signs upon a single property, the sum area of all sign surfaces on all signs shall not exceed the permitted maximum stated in this section, except that the area of a double-faced sign (that is, a sign with two surfaces back-to-back such that both sides cannot be read simultaneously) shall be interpreted as the area of one face.

(2) No sign shall be placed within a street right-of-way except traffic signs and similar regulatory notices erected by the Pennsylvania Department of Transportation, the Township, or another public agency having jurisdiction.

(3) No sign shall be erected containing information stating or implying that a property may be used for any purpose not permitted under the regulations for the applicable zoning district as defined by this chapter.

(4) Signs shall be constructed of durable materials and kept in good condition and safe from collapse. Any sign which is allowed to fall into disrepair shall be removed by the Township at the expense of the owner of the sign. The Township shall provide thirty (30) day notice to the sign owner of its intent to remove such a sign.

(5) No sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend higher than the building. Freestanding signs shall not be taller than thirty-five (35) feet.

(6) No sign shall project beyond any lot line. No portion of any sign shall be located within ten (10) feet of any side lot line nor within ten (10) feet of any street line. No sign attached to a building facade shall extend more than twelve (12) inches

from the facade to which it is attached. Billboards shall comply with Subsection F(5).

(7) No sign shall physically obstruct vehicular ingress or egress from a property or human ingress or egress from a structure.

(8) No sign shall be permitted which is posted, stapled, or otherwise permanently or temporarily attached to public utility poles or trees within a street right-of-way.

(9) Nonconforming signs, once removed, shall be replaced only with conforming signs; however, nonconforming signs may be removed for repainting, provided such painting or repairing neither worsens the aspect of nonconformity nor creates any new aspect of nonconformity.

(10) No sign shall be placed within a clear sight triangle except traffic signs and similar regulatory notices erected by the Pennsylvania Department of Transportation, the Township, or another public agency having jurisdiction. Such signs shall not create a visual obstruction to clear sight distances.

B. Signs permitted in all districts.

(1) Official traffic or directional signs or other official signs erected by the federal, state, county, or municipal government or an agency thereof.

(2) Temporary signs announcing a campaign, drive, or event of a civic, philanthropic, educational, or religious organization, provided such sign shall not exceed sixty (60) square feet in area and shall be removed within one (1) week of the completion of the campaign, drive, or event advertised.

(3) Business signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed six (6) square feet and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage.

(4) Temporary signs of contractors, developers, architects, engineers, builders, and artisans erected and maintained on the premises where such individual(s) are at work, provided that the area of each such sign shall not exceed twelve (12) square feet and that such sign shall be removed within one (1) week of the completion of their work.

(5) "No Trespassing" signs; signs indicating the private nature of a road, driveway, or premises; and signs controlling fishing or hunting on the premises, provided that the area of any such sign shall not exceed four (4) square feet.

C. Signs permitted in residential and agricultural districts.

(1) Signs advertising a home occupation, nameplates displaying the name and address of the occupant, and nameplates displaying the profession or activity of the occupants of a dwelling are permitted, provided that not more than one such

sign shall be erected for each permitted use and further provided that the area of each such sign shall not exceed two (2) square feet. Each such sign shall either be fixed flat on the main wall of the principal structure (or of the accessory structure housing a home occupation) or shall be erected within the front yard not less than ten (10) feet from the street right-of-way line.

(2) Signs, bulletin or announcement boards, or identification signs for schools, churches, hospitals, sanitariums, clubs, multifamily dwellings, or other nonresidential principal uses are permitted for the purpose of displaying the name of the institution and its activities or services, provided that said sign is located on the same lot as the use advertised, announced, or promoted and further provided that the area of such sign shall not exceed twelve (12) square feet. Not more than one (1) such sign shall be erected along each street frontage of the property.

(3) Signs offering the sale of farm products or of livestock produced or raised on the premises are permitted, provided that the area of any such sign shall not exceed twelve (12) square feet. Not more than one (1) such sign shall be erected along each street frontage of the property. Such signs are not permitted in the R-1 Low-Density Residential District or in the R-2 Moderate-Density Residential District.

(4) Signs denoting membership in an agricultural association or cooperative, or specialization in or use of a particular breed of livestock or variety of crop are permitted, provided that the area of any such sign shall not exceed six (6) square feet. Not more than one (1) such sign shall be erected along each street frontage of the property. Such signs are not permitted in the R-1 Low-Density Residential District or in the R-2 Moderate-Density Residential District.

D. Signs permitted in commercial and industrial districts.

(1) Signs directing patrons, members, or audiences to temporary exhibits, shows, or events are permitted, provided that no such sign shall exceed six (6) square feet in area. Such signs shall be posted not more than two (2) weeks prior to the exhibit, show, or event and shall be removed within one (1) week of the closing of the exhibit, show, or event.

(2) Signs erected in conjunction with a political election are permitted, provided that no such sign shall exceed six (6) square feet in area. Such signs shall be posted not more than one (1) month prior to the election for which the sign has been posted and shall be removed within one (1) week following said election. All political signs which remain posted after two (2) weeks following the election may be removed by the Township with the expenses for such removal billed to the campaign of the candidate.

(3) Business or commercial signs on the same lot as the use to which it relates are permitted, provided that the area of such sign shall be limited to two (2) square feet per lineal foot of horizontal building facade length up to an absolute maximum of one hundred sixty (160) square feet.

(4) Special temporary outdoor promotional devices, signs, or displays, such as banners or pennants, for a period of not more than thirty (30) consecutive days.

E. Signs permitted as an accessory to multifamily dwellings.

(1) Freestanding temporary real estate signs for advertising the sale or rental of the premises upon which the sign is erected are permitted, provided that the area of such sign shall not exceed fifty (50) square feet. No more than one (1) such sign is permitted along each street frontage, and no such sign shall be taller or stand higher than any building it advertises. For the purposes of this chapter, multifamily dwellings shall not be advertised by temporary real estate signs for more than twelve (12) months after completion of construction activity.

(2) Directional signs within the property to direct persons to the rental office, sample unit, or other facilities are permitted. No such sign shall exceed two (2) square feet in area.

(3) Permanent identifying signs for the purpose of indicating the name of the multifamily development and for identifying the individual buildings within the property are permitted. Not more than one (1) identifying sign may be erected at each entrance to the development from a public street; no such sign shall exceed ten (10) square feet in area. Signs identifying individual buildings within the development shall not exceed three (3) square feet in area.

F. Billboards.

Billboard signs are permitted by special exception in the SIA and I Districts subject to the following standards:

(1) The maximum finished height of all billboard signs shall not exceed thirty-five (35) feet above the elevation of the adjacent street, measured at the street center line.

(2) The maximum advertising display area for each billboard sign shall not exceed three hundred (300) square feet per sign face.

(3) Billboard sign structures shall have a maximum of two (2) sign display areas (one display area in each direction) and a maximum total width of thirty (30) feet.

(4) No billboard sign shall be erected within twelve hundred (1,200) feet of any residential dwelling, church, school, cemetery or any other existing billboard signs on either side of any street or way, including existing signs in adjacent municipalities. In addition, no lot shall contain more than one (1) billboard sign.

(5) No billboard sign shall be located within any required front yard, side yard or rear yard setbacks per the applicable zoning district as set forth in this chapter.

(6) All billboard signs and structures shall comply with all building codes and building and/or zoning permits shall be required prior to the erection and construction thereof.

(7) All billboard signs and sign structures erected after the date of this chapter shall conform to all other applicable federal, state and local laws, rules and regulations.

(8) V-type sign arrangements shall be permitted as long as same are structurally sound and as long as the sign display areas shall not form an interior angle of greater than twenty-five degrees (25°).

(9) Lighting of billboards shall be in accordance with all Township of Maidencreek ordinances concerning lighting, and §§ G below.

G. Illuminated Signs.

Illuminated signs, when permitted by this chapter, will be subject to the following regulations:

(1) Externally illuminated signs shall be lighted by fixtures designed, fitted and aimed to limit the light pattern to the sign or billboard and not beyond and so as not to project their output into the windows of neighboring residences or to cause glare to adjoining properties or roads.

(2) The maximum initial illumination on the face of an externally illuminated sign or billboard face shall not exceed thirty (30) vertical footcandles with maximum to minimum uniformity ratio not to exceed 6:1.

(3) Signs and billboards containing rotating, animated, traveling, pulsing or oscillating light sources, lasers, beacons or strobe lighting shall not be permitted.

(4) Signs and billboards using LED light sources, with the exception of time / weather messages, shall not change messages at an interval of less than eight (8) seconds and a minimum transition time between messages of one (1) second.

(5) Such signs and billboards, when illuminated both day and night, shall have their brightness automatically reduced commensurate with nighttime ambient brightness.

(6) Illuminated signs along State Highways shall meet all applicable State statutes and requirements in addition to applicable Township zoning requirements.

(7) Maidencreek Township reserves the right to conduct a post-installation inspection of signs and billboards and to require the reduction of brightness when it determines that the brightness creates a hazard to drivers or pedestrians, creates a nuisance or is otherwise judged to be excessive.

§ 220-63. Performance standards.

No land, building, structure or premises in any district shall be used, altered or occupied in a manner that will create any dangerous, injurious, or noxious condition related to fire, explosion, radioactivity, or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; electrical or other disturbance; glare; liquid or solid refuse or wastes; or conditions conductive to the breeding of rodents, insects, or other vectors, in any manner or amount as to adversely affect the surrounding area. The standards of this section shall be applicable to all zoning districts and uses.

A. Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line.

B. Air quality.

(1) There shall be no emission of smoke, ash, dust, fumes, vapors, gases or other matter toxic or noxious to air which violates the Pennsylvania Air Pollution Control Laws, including the standards set forth in Chapter 123 (Standards for Contaminants) and Chapter 131 (Ambient Air Quality Standards), Article III, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations.

(2) No use shall operate or maintain or permit to be operated or maintained any equipment, installation, or device which by reason of its operation or maintenance will discharge contaminants to the air in excess of the limits prescribed herein, unless he shall install and maintain in conjunction therewith such control equipment as will prevent the emission into the open air of any air contaminant in a quantity that will violate any provision of this chapter.

(3) It shall be unlawful for any person to install, alter, enlarge, or make additions to any existing or new facilities, equipment, or operation that may be a source of air contaminants or to install, alter, enlarge, or make additions to any existing or new equipment, devices, or apparatus, the use of which may eliminate, reduce, or control the emission of air contaminants, until the applicant for such facility, equipment, or operation has forwarded to the Township duplicates of all forms required by DEP, demonstrating compliance with the regulations of that department, and, where applicable, a duplicate of the approval by DEP for the facility, equipment, or operation for which application is being made.

C. Electrical, electromagnetic, and electrostatic interference. There shall be no electrical, electromagnetic, or electrostatic disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

D. Fire and explosive hazards.

(1) All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazards of fire and explosion along with adequate fire-fighting and fire-suppression equipment and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania.

(2) All buildings and structures and activities within such buildings and structures shall conform to all applicable local, state, and federal codes and ordinances.

(3) Any explosive material shall conform to the requirements of Chapter 211, Title 25, Rules and Regulations, Pennsylvania Department of Environmental Protection, for Storage, Handling and Use of Explosives.

E. Radioactive materials. There shall be no activities which emit dangerous radioactivity at any point. If any use is proposed which incorporates the use of radioactive material, equipment, or supplies, such use shall be in accordance with the applicable regulations of Title 25 of the Pennsylvania Code, as amended, and the regulations of the Atomic Energy Commission, Title 10 CFR Chapter 1, Part 20, Standards for Protection Against Radiation.

F. Glare and heat.

(1) No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion, welding, or otherwise, shall be visible at or beyond the lot line of the property generating such glare.

(2) There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

(3) Exterior Lighting shall conform to the following requirements:

(a) This section sets forth minimum criteria for the installation, use and maintenance of exterior lighting, the purposes of which are to require lighting in outdoor public places where safety and security are concerns; protect drivers and pedestrians on nearby streets from glare from non- vehicular light sources that shine directly into their eyes and thereby impair safe travel; shield neighboring properties from glare resulting from excessive light sources and from nonexistent or improperly directed or shielded light sources; limit the height of light standards to preclude or lessen light pollution; and promote efficient design and operation with regard to energy conservation.

(b) Lighting facilities shall be required for all off-street parking areas and off-street loading areas and for all driveways providing ingress and egress thereto and for all subdivisions and/or land developments for business, commercial, retail, personal service, industrial, multi-family, recreational, institutional and public uses, and for all construction or reconstruction or improvement of any such use for which land development approval is not required. In the approval of any subdivision or land development plan, the Township shall have the authority to require lighting to be incorporated for other uses or locations where in their reasonable discretion such lighting is warranted. In addition, the provisions of this section shall apply to signs, architectural lighting, and landscape lighting.

(c) Where required by the Township to demonstrate compliance with the provisions of this Zoning Ordinance, a lighting plan shall be prepared and submitted in accordance with the following criteria:

[1] A lighting plan shall be submitted for review and approval for all applications and uses which require exterior lighting.

[2] The lighting plan shall include a schematic layout of all proposed exterior fixture locations, footcandle data, and a plat demonstrating intensities and uniformities within the limitations established with this Zoning Ordinance, as well as the manufacturer's description of the equipment (catalog cuts), glare control devices, lamps, mounting heights and means, proposed hours of operation of the lighting, and maintenance schedule. Illumination intensities shall be plotted on a ten-foot-by-ten-foot grid.

[3] The applicant shall submit a visual impact photometric plan that demonstrates both light coverage and light spillage resulting from the proposed lighting plan and the provision for adequate measures to mitigate nuisance from light pollution and disabling glare, both on the use or development site and on adjacent properties.

(d) The lighting plan shall be prepared to comply with the provisions specified within the Township's Subdivision and Land Development Ordinance.

G. Liquid and solid waste (nonradioactive).

(1) There shall be no discharge at any point into any public or private sewerage system, watercourse, or into the ground of any materials in such a way or of such a nature as will contaminate or otherwise cause the emission of hazardous materials in violation of the applicable regulations of Title 25 of the Pennsylvania Code, as amended.

(2) No waste matter shall be stored on any property other than an approved sanitary landfill or recycling center for longer than thirty (30) days.

(3) All organic rubbish and garbage shall be contained in tightly sealed, verminproof containers, except when managed as a composting area, as noted below:

(a) Composting operations conducted as an accessory to an agricultural use. Such operations shall be fenced and shall be set back a minimum of fifty (50) feet from all property lines.

(b) Composting operations in the SIA Special Intensified Activities District in conformance with the regulations of Article XV.

(c) Private, personal-use composting areas on a residential lot. Such operations shall be fenced, and shall be set back from all property lines by a distance not less than the longest dimension of the actual composting area.

(4) Waste material to be disposed of by land application shall not under any circumstance contain inorganic material.

H. Public health and safety. No use shall create any other objectionable condition in an adjoining area which will endanger the public health or safety, or impede the permitted uses of the surrounding area.

I. Storage of trash and rubbish. Storage areas for trash and rubbish shall be completely screened; no such storage area shall be permitted within any required yard. All organic rubbish (unless contained within a properly managed composting area, as described in Subsection G, above) shall be contained in airtight, verminproof containers.

§ 220-64. Landscaping.

A. Developments requiring landscaping plans.

All subdivisions and land developments are required to submit a landscape plan to the Township for review and approval as part of the subdivision and land development approval process. The landscape plan shall be provided in accordance with the requirements of this section and those contained within the Maidencreek Township Subdivision and Land Development Ordinance, Chapter 190, Township Code.

B. Landscape buffer yards.

(1) A buffer yard is hereby defined as a landscaped barrier or buffer of sufficient height and density as to obstruct casual observation. The buffer yard width shall be as specified in the specific zoning district, but in no case less than ten (10) feet.

(2) A buffer yard shall be provided and continually maintained by the landowner in the following cases:

(a) In the C-1 Local Commercial, C-2 Regional Commercial, I Industrial, and SIA Special Intensified Activities Districts, property owners shall provide a screen planting along those portions of their perimeters which abut any residential district or use, including the CR Commercial Residential District

(b) Around the perimeter of multifamily residential developments.

(c) Around the perimeter of mobile home parks.

(d) As may be required elsewhere by this chapter or Chapter 190, Subdivision and Land Development.

C. A buffer yard shall not be required between or among uses of a similar character.

D. No buffer yard shall be permitted where it may impose a threat to the public safety by obstructing the view of motorists to oncoming traffic or pedestrians.

E. All buffer yards shall be maintained and kept clean of debris, rubbish, weeds and tall grass.

F. If the applicant can demonstrate that the existing conditions of the site are such that the function of the required buffer yard is adequately performed by the naturally existing vegetation located on the property, then no additional planting shall be required for that portion for which the natural vegetation is sufficient. A landscape plan may still be required to provide for the maintenance of such natural areas, and plants die off to the extent that the screen or buffer function is no longer fulfilled.

G. Any portion of a site which is not utilized for buildings, accessory structures, loading or parking spaces, aisles, sidewalks, and designated storage areas shall be planted with an all-season ground cover.

H. All plant materials shall be permanently maintained, and any plant which does not live, or which grows in a manner uncharacteristic for the selected species, shall be replaced at the expense of the developer, or after the developer's eighteen (18) month maintenance period, at the expense of the owner of the property on which the plant is located.

I. Plant material list. Species selection shall be based upon the existing physical and natural conditions of the site, and shall be consistent with the regulations within Chapter 190 Township Code, Subdivision and Land Development.

§ 220-65. Car washes.

Car washes are permitted in the C-1 Local Commercial District as a use by special exception subject to the following conditions and with the approval of the Zoning Hearing Board.

A. Automatic, semiautomatic, and self-service car washes are permitted only in enclosed buildings. No such building shall be located closer than one hundred (100) feet to any residential district or to any intersection of public street right-of-ways.

B. Vehicle stacking area(s) shall be designed and located so as not to intrude into the required front yard area.

C. Lot area shall be sufficient to provide space for the building, required yards, and driveways. Stacking area for not less than five (5) vehicles at each bay shall be provided at self-service car washes. Stacking area for not less than ten (10) vehicles for each space or rated capacity shall be provided at automatic and semiautomatic car washes.

§ 220-66. Home business, home occupations, and no-impact home based business .

A. Home business:

(1) Home business are permitted by conditional use in the AP Agricultural Preservation and the R-1 Low Density Residential Districts.

(2) A home business while allowing activities that are of a slightly greater intensity

than a home occupation must nevertheless be of such a nature and operated in such a manner as to still be consistent with the general residential character of the lot and the surrounding neighborhood.

(3) The activity must be properly screened, constructed and operated so not to interfere with the use and enjoyment of surrounding properties, activities.

(4) Permitted activities may include beauty shops. Repair shops, small volume retail that does not involve more than a few customers per day, antique dealers, sharpening services, blacksmithing, ferrier, welding, gunsmithing, furniture maker, furniture restoration, taxidermy, and similar not-intrusive business activities.

(5) Activities specifically not permitted for a home business include: kennels, warehousing and storage businesses, wholesaling, distribution businesses, sales and repair of vehicles, car washes, transfer stations, gas stations, junkyards, adult bookstores, adult motion picture theaters, cabarets, self-storage facilities, landfills, hazardous waste facilities, methadone treatment facilities, bulk water extraction, mineral extraction, and buildings and uses accessory to any of these excluded uses.

(6) The minimum lot size for any lot on which a home business is proposed shall be three (3) acres.

(7) The home business shall be conducted within the principal residential structure of an accessory structure on the property. No activity of the home business shall be closer than one-hundred (100) feet from any side yard or rear yard or within one-hundred (100) feet of any other residential dwelling.

(8) The principal person engaged in the home business shall be a resident of the residential dwelling.

(9) The home business shall be limited to the principal person engaged in the home business and two (2) additional persons to provide secretarial, clerical or other assistance.

(10) All parking shall be off-street. Four (4) off-street parking spaces in addition to those required for the residence shall be provided.

(11) All dwelling units which propose a home business shall have direct access to a public street, and that the use / operation of a home business does not change the character thereof and/or have any exterior evidence of such secondary use other than a permitted sign subject to § 220-62 of this chapter.

(12) Only one (1) home business, home occupation or no-impact home based business may be conducted on a single residential lot.

(13) A zoning permit is required for all home business.

B. Home occupations:

(1) Home occupations are permitted by right in the Agricultural Preservation (AP), and all Residential Zoning Districts (R-1, R-2, R-2a, R-3, R-4).

(2) Permitted activities for a home occupation include the following: the office of a

licensed medical practitioner, or allied health field, dentist, architect, artist, baker (not for retail consumption), lawyer, accountant, insurance agent, real estate broker, teacher, tax collector, engineer, dance music or voice instructor, dressmaker, milliner or seamstress, barber or beautician, or similar occupation.

(3) All dwelling units which propose a home occupation use shall have direct access to a public street, provided that the occupation is secondary to the use of the property as a residence, and further that the use of the dwelling does not change the character thereof and/or have any exterior evidence of such secondary use other than a permitted sign subject to § 220-62 of this chapter.

(4) The principal person engaged in the home occupation shall be a resident of that dwelling.

(5) The home occupation shall be limited to the principal person engaged in the home occupation and two (2) additional persons to provide secretarial, clerical or other assistance.

(6) No more than one (1) home occupation per residence shall be permitted.

(7) The home occupation shall be conducted within the principal residential structure or an accessory structure to which the home occupation is performed.

(8) A home occupation shall not occupy more than twenty-five percent (25%) of the total floor area of the residential dwelling unit or accessory structure to which the home occupation is performed.

(9) All parking shall be off-street. Three (3) off-street parking spaces in addition to those required for the residence units shall be provided, except that in the case of the office of a medical practitioner or dentist, four (4) spaces shall be provided.

(10) A zoning permit issued by the Township is required for all proposed home occupations.

C. No-impact home based business:

(1) No-impact home based business which are compliant with the requirements of § 220-66.C(2) below, are permitted as accessory uses by right in the Agricultural Preservation District (AP), all Residential Zoning Districts (R-1, R-2, R-2a, R-3, R-4) and in the C-R district.

(2) To qualify as a “no-impact home based business” the activity must satisfy the following requirements:

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 or 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 twenty-five percent (25%) of the habitable floor area.

h. The business may not involve any illegal activity.

(3) A no-impact home based business meeting the above requirements shall not be subject to the standards set forth for home occupations is § 220-66.B above, other than the requirement that a zoning permit be issued.

§ 220-67. Solid waste disposal facilities.

Solid waste disposal facilities, including landfills and resource recovery facilities and low-level radioactive waste facilities, are permitted by special exception within the I Industrial zoning district. If a special exception is granted by the Zoning Hearing Board, the applicant shall be subject to all conditions, standards, and controls listed below.

A. Solid waste landfills.

(1) If a special exception is granted, then the applicant is subject to all conditions, standards and controls listed below:

(a) The minimum lot area shall be fifty (50) acres.

(b) The construction and operation of a sanitary landfill shall not be permitted unless a permit for such landfill has been issued by the Pennsylvania Department of Environmental Protection and the landfill is constructed and operated in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Pennsylvania Department of Environmental Protection. Operation of any solid waste landfill shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania, and the rules and regulations of the Department of Environmental Protection and the provisions of this chapter. In the event that any of the provisions of this part are less restrictive than any present or future rules or regulations of the Department, the more restrictive Department rules and regulations shall supersede and control in the operation of such solid waste landfill.

(c) A solid waste landfill operation shall be under the direction at all times of a

responsible individual who is qualified by experience or training to operate a landfill.

(d) Burning of solid waste is prohibited at a landfill. Suitable measures shall be taken to prevent fires by means and devices mutually agreeable to the Department of Environmental Protection and the Township.

(e) Gaseous and particulate emission from the landfill site shall conform to the prevailing federal, state and local air pollution control codes and regulations.

(f) Direct access shall be taken from an arterial or collector highway. No more than one (1) access road shall be constructed to the entrance of the landfill. The access road shall be an all-weather paved surface road negotiable by and capable of supporting loaded solid waste collection vehicles. All existing public roads shall be kept mud free.

(g) A tire cleaning area shall be provided on site. All tires of all trucks leaving the landfill shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards.

(h) An equipment cleaning area shall be provided on site. All equipment used to grade and compact solid waste at the landfill shall be cleaned daily. Runoff from the equipment cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards.

(i) Access to the site shall be limited to those posted times when an attendant is on duty. Unloading of waste shall be continuously supervised. In order to protect against indiscriminate and unauthorized dumping, every solid waste landfill shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least eight (8) feet high and shall be kept in good repair and neatly painted in a uniform color.

(j) No site activity shall be permitted on Sundays or legal holidays. Dumping shall be permitted only between the hours of 7:30 a.m. and 5:30 p.m. No vehicles shall be staged or parked at entrance and/or access road of the landfill prior to 6:30 a.m. Overnight parking shall be prohibited.

(k) Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the landfill shall be inspected for debris on a daily basis.

(l) Hazardous, contaminated and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes, and radioactive materials, shall not be disposed of in a solid waste landfill.

(m) The disposal of sewage liquids and solids and other liquids shall be specifically prohibited in a solid waste landfill.

(n) Salvaging of materials as permitted by law shall be conducted by the operator only and shall be organized so that it will not interfere with prompt sanitary disposal of waste or create unsightly conditions or health hazards. The storage

of salvage shall be controlled in a manner that will not permit the inhabitation or reproduction of deleterious vectors.

(o) The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling onto the fill, and to prevent the collection of standing water. The operator shall comply with the requirements of Chapter 75 and Chapter 102 of Title 25 of the Pennsylvania Code and applicable Township ordinances so that there is no adverse off-site impact from the drainage of surface water. Cracks in, depressions in, and/or erosion of cover shall be repaired daily.

(p) Operation of any solid waste landfill shall at all times be in full compliance with the Pennsylvania Clean Streams Law, Act 157 of 1980, as amended.

(q) An operation permit shall be obtained on an annual basis.

(r) A final inspection of the entire site shall be made by the Department of Environmental Protection and the Township and their authorized representative to determine compliance with approved plans and specifications before the earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the solid waste landfill project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded and uneven areas in the final cover during the first two (2) years following completion of the solid waste landfill. A bond shall be posted to ensure that all corrective work is completed.

(s) The initial application for a solid waste landfill shall be accompanied by impact statements. A plan for the reuse of the land shall be submitted, in writing, to the Maidencreek Township Board of Supervisors at the time of securing a permit for a landfill operated by the municipal authority. The plan shall be in compliance with the prevailing zoning at time of application.

(t) Maximum active dumping area shall be three acres. Continued operation of the landfill shall be subject to compliance with all state and Township regulations pertaining to landfill.

(u) No operation, activity, use, or occupation of any type for the landfill shall be carried on within one-hundred (100) feet of any property line and/or within one-hundred (100) feet of any street right-of-way. In addition, a landfill shall not be located within three-hundred (300) feet of any residential zoning district or occupied residential dwelling unit.

(v) The storage of fuel to be used on the landfill site shall be in accordance with all applicable federal, state and Township regulations.

(w) A chain-link fence with a minimum height of fifteen (15) feet shall be erected along all boundary lines of the area which is approved for operational use as a sanitary landfill by the Pennsylvania Department of Environmental Protection. The fence shall not contain openings greater than four (4) square inches and shall contain, at all entrances, gates which are locked except during operating hours, when an adult attendant shall be on the premises.

(x) A fifty (50) foot wide buffer yard shall completely surround all areas approved for operational use as a sanitary landfill by the Pennsylvania Department of Environmental Protection. The buffer yard shall consist of a dense evergreen screen and is to be located and maintained along all boundary lines of the landfill, outside of the required fence, except at the entrances. The selected evergreens shall have a minimum height of twelve (12) feet and shall be staggered on twelve (12) foot centers. No materials of any nature shall be stored within this buffer yard. In addition, the buffer yard shall meet all pertinent standards specified under § 220-64 of this chapter. A landscaping plan shall be submitted to the governing body for review and approval.

(y) The landfill shall contain an on-site scale, and all solid waste material delivered to the site shall be weighed and recorded pursuant to the Pennsylvania Solid Waste Management Act (Act 101, as amended). All weigh receipts shall be submitted to the Township on a quarterly basis.

B. Resource recovery facilities.

(1) If a special exception is granted, then the applicant is subject to all conditions, standards and controls listed below:

(a) The minimum lot size shall be ten (10) acres.

(b) Parking areas shall be a minimum of one-hundred (100) feet from any property line.

(c) Operation of a resource recovery facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Department of Environmental Protection (PADEP) and the provisions of this chapter. In the event that any of the provisions of this chapter are less restrictive than any present or future rules or regulations of PADEP, the more restrictive PADEP regulations shall supersede and control.

(d) Gaseous and particulate emission from the resource recovery facility site shall conform to the prevailing federal, state and local air pollution control codes and regulations.

(e) Direct access shall be taken from an arterial or collector highway. No more than one (1) access road shall be constructed to the entrance of the resource recovery facility. The access road shall be an all-weather paved surface road negotiable by and capable of supporting loaded solid waste collection vehicles. All existing public roads shall be kept mud free.

(f) A tire cleaning area shall be provided on site. All tires of all trucks leaving the resource recovery facility shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards.

(g) An equipment cleaning area shall be provided on site. All equipment used to grade and compact solid waste at the resource recovery facility shall be cleaned daily. Runoff from the equipment cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township

standards.

(h) Access to the site shall be limited to those posted times when an attendant is on duty. Unloading of waste shall be continuously supervised. In order to protect against indiscriminate and unauthorized dumping, every resource recovery facility shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least six (6) feet high and shall be kept in good repair and neatly painted in a uniform color.

(i) No site activity shall be permitted on Sundays or legal holidays. Dumping shall be permitted only between the hours of 7:30 a.m. and 5:30 p.m. No vehicles shall be staged or parked at entrance and/or access road of the resource recovery facility prior to 6:30 a.m. Overnight parking shall be prohibited.

(j) Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the resource recovery facility shall be inspected for debris on a daily basis.

(k) Fuel tanks and batteries shall be removed from all motor vehicles to be recycled within twenty-four (24) hours of their arrival on the premises and shall either be immediately removed from the premises and disposed of in an acceptable manner, or temporarily stored on the premises in an approved hazardous waste storage container or facility.

(l) Hazardous, contaminated and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes, and radioactive materials, shall not be disposed of at the resource recovery facility.

(m) The disposal of sewage liquids and solids and other liquids shall be specifically prohibited at the resource recovery facility.

(n) All parts of the process-unloading, handling and storage of municipal solid waste shall occur within a building. However, certain separated recyclable materials such as glass, aluminum, and other metals may be stored outdoors. The storage of paper shall be within a building. Any materials stored outdoors shall be properly screened so as not to be visible from any adjacent streets or property. No material shall be placed or deposited to a height greater than the height of the fence or wall herein prescribed.

(o) No municipal solid waste prior to segregation shall be stored at a resource recovery facility for more than seventy-two (72) hours.

(p) A contingency plan for disposal of municipal solid waste during a plant shutdown must be submitted to the municipality and approved by the Board of Supervisors.

(q) Waste from the resource recovery facility process (such as but not limited to ash from an incinerator) shall be stored in such a manner as to prevent it from being carried from the site by wind or water. This process waste shall be located at least two-hundred (200) feet from any property line and stored in leak proof containers. Such process waste shall be disposed of in a sanitary

resource recovery facility approved by PADEP or in another manner approved by PADEP.

(r) Solid waste landfill operations and open burning of any materials are not permitted under this use.

(s) No use shall emit noise in such quantity as to be audible beyond its lot lines. In addition, the nuisance standards (§ 220-63) of this article shall be met.

(t) An operational permit shall be renewed on an annual basis.

(u) No operation, activity, use, or occupation of any type for a resource recovery facility shall be carried on within two-hundred (200) feet of any property line and/or within two-hundred (200) feet of any street right-of-way. In addition, a resource recovery facility shall not be located within three-hundred (300) feet of any residential zoning district or occupied residential dwelling unit.

(v) A resource recovery facility shall be under the direction at all times of a responsible individual who is qualified by experience or training to operate such a facility.

(w) The storage of fuel to be used at the resource recovery facility site shall be in accordance with all applicable federal, state and Township regulations.

(x) A chain-link fence with a minimum height of fifteen (15) feet shall be erected along all boundary lines of the area which is approved for operational use as a resource recovery facility by the Pennsylvania Department of Environmental Protection. The fence shall not contain openings greater than four square inches and shall contain, at all entrances, gates which are locked except during operating hours, when an adult attendant shall be on the premises.

(y) A fifty (50) foot wide buffer yard shall completely surround all areas approved for operational use as a resource recovery facility by the Pennsylvania Department of Environmental Protection. The buffer yard shall consist of a dense evergreen screen and is to be located and maintained along all boundary lines of the resource recovery facility outside of the required fence, except at the entrances. The selected evergreens shall have a minimum height of six (6) feet and shall be staggered on ten (10) foot centers. No materials of any nature shall be stored within this buffer yard. In addition, the buffer yard shall meet all pertinent standards specified under § 220-64 of this chapter. A landscaping plan shall be submitted to the governing body for review and approval.

(z) The resource recovery facility shall contain an on-site scale, and all solid waste material delivered to the site shall be weighed and recorded pursuant to the Pennsylvania Solid Waste Management Act (Act 101, as amended). All weigh receipts shall be submitted to the Township on a quarterly basis.

C. Low-level radioactive waste /medical waste disposal facilities.

(1) For the purposes of this chapter, a "low-level radioactive waste facility" or a “medical waste disposal facility” shall be defined as a site in which engineering principles are utilized for the disposal of low-level radioactive waste as defined by the United States Environmental Protection Agency and by the Pennsylvania

Department of Environmental Protection.

(2) If a special exception is granted to permit a low-level radioactive waste/medical waste disposal facility, the applicant and/or the developer for the site shall be subject to all standards and requirements which are specified by the U.S. Environmental Protection Agency, by the Pennsylvania Department of Environmental Protection, and by such other governmental bodies and agencies that may have jurisdiction.

(3) If a special exception is granted to permit a low-level radioactive waste /medical waste disposal facility, the applicant and/or the developer of the site shall be subject to all standards and requirements which are specified under Title 25, Chapters 236 and 237, of the Pennsylvania Code, as amended.

(4) If a special exception is granted to permit a low-level radioactive waste /medical waste disposal facility, the applicant and/or the developer of the site shall be subject to all standards and requirements which are specified under § 220-67.A of this chapter.

(5) A land development plan must be submitted to Maidencreek Township for review and comment. The land development plan should demonstrate complete conformity with the requirements specified under this section of this chapter. Upon approval, the land development plan must be recorded in accordance with the provisions stipulated by Maidencreek Township.

§ 220-68. Mobile home parks.

A. Development and design standards.

(1) Eligibility.

(a) Mobile home parks are permitted by Special Exception in the (R-4) Multi-Family Residential Zoning District, subject to the approval of the Zoning Hearing Board in accordance with § 220-118 of this chapter.

(b) The mobile home park shall consist of a minimum contiguous land area of ten (10) acres. The land area under consideration should not include any portion of land located within the street right-of-way and land that has been previously developed. The area shall be considered contiguous if it is divided by an existing street not exceeding sixty (60) feet in ultimate right-of-way.

(c) The mobile home park shall be served by a public or community water supply system and sewage disposal system, approved by the appropriate local and state agencies, and shall be constructed and certified operational by the appropriate authorities before the occupancy permits are issued.

(d) A minimum of ten percent (10%) of the net area of the mobile home park shall be set aside as common open space. The location, character, management and utilization of the common open space shall comply with all applicable specifications concerning open space.

(2) Design standards.

(a) The mobile home park shall be designed with regard to the topographic and natural features of the site. All natural features (lakes, streams, topsoil, knolls, basins, trees and shrubs) should be preserved and incorporated into the final landscaping whenever possible and desirable. The finished topography shall adequately facilitate the mobile home park without excessive earthmoving and neglect for the natural amenities.

(b) The mobile home park shall not exceed four (4) dwelling units per gross acre.

(c) The following maximum and minimum dimensional requirements shall apply to the mobile home parks and to the type of mobile home:

Minimum Regulations	Single-Wide Units Less Than 61 Feet	Single-Wide Units Greater Than 61 Feet	Double-Wide Units
Lot area	5,000 sq. feet	5,500 sq. feet	10,000 sq. feet
Lot width	50 feet	50 feet	70 feet
Building setback			
Interior streets*	20 feet	20 feet	20 feet
Exterior streets	100 feet	100 feet	100 feet
Rear yard	15 feet	15 feet	15 feet

Side yard (each)	10 feet	10 feet	10 feet
Lot coverage	30%	30%	30%
Woodland extraction	60%	60%	60%

Notes:

* Denotes that the design standards and specifications of § 220-61, Parking and Truck Loading Requirements, of this chapter will apply to the twenty (20) foot building setback if it is to be used for vehicular parking purposes.

(b) In addition to the bulk regulations listed above, the following provisions shall apply:

[1] No mobile home, accessory structure or common open space shall be located closer than one-hundred (100) feet to the ultimate right-of-way of abutting public streets and fifty (50) feet to the rear or side property lines;

[2] No more than one (1) mobile home shall be placed on a mobile home lot, and such mobile home shall be occupied by not more than a single family.

(3) Development standards.

(a) The mobile home park shall provide an evergreen planting screen along the property line at the periphery of the development to protect the privacy of adjacent residents.

(b) No part of a mobile home park shall be used for nonresidential purposes, except common open space shall be used for the pleasure and recreation of the park residents, an office may be used for the park management, necessary utility structures, common laundry facilities, and necessary buildings for the storage of maintenance equipment.

(c) There shall be at least one (1) street in the park which is circumferential and from which lesser streets shall turn out so as to provide direct access to each lot and to each common open space of the tract. All streets shall be designed and constructed to all applicable Township specifications.

(c) All entrances shall conform to the standards of the Pennsylvania Department of Transportation and, when the entrance is from a state road, shall be approved by it. When the entrance is from a Township road, it shall be approved by the Township Engineer. The entrances shall take into account the traffic on the public street and that to be generated by the park residents. Acceleration and deceleration lanes may be required as well as two-lane entrances and two-lane exits.

(d) A minimum of two (2) off-street parking spaces measuring ten (10) feet by twenty (20) feet shall be provided for each mobile home lot with an additional one (1) off street parking space per (5) units being provided as

well. No on-street parking shall be permitted within the park.

(e) Each mobile home space shall be provided with a hard-surfaced mobile home stand providing a foundation wall and/or footing that will not heave, shift, settle or move due to frost action, inadequate drainage, vibration or other forces.

(f) All mobile homes shall be located, erected and anchored in accordance with all applicable standards and provisions specified in the Maidencreek Township Building Code and/or the manufacturers' specifications.

(g) Each mobile home stand shall be equipped with utility connections. For reasons of safety, the space between the mobile home stand and mobile home floor shall be permanently enclosed to prevent unauthorized entry and to conceal all supports and utility connections. Each stand shall be located at such elevation, distance and angle in relation to the access street and mobile home accessory that the placement and removal of the mobile home is practical.

(h) The area between the ground level and the perimeter of the mobile home shall be enclosed by means of a suitable skirting.

(i) Every mobile home and open space areas shall have access to an improved street in the mobile home park in accordance with Maidencreek Township, Subdivision and Land Development Ordinance.

(j) Developers of mobile home parks will be required to comply with applicable parts of Maidencreek Township, Subdivision and Land Development Ordinance, and the Building Code of Maidencreek Township, except as follows. No mobile home shall be permitted in the mobile home park which fails to meet the standards of the Building Code of Maidencreek Township and which does not bear the seal of the Department of Housing and Urban Development (HUD). In case regulations herein described conflict with those of the Building Code of Maidencreek Township, these regulations shall govern.

(k) The mobile home park shall have a central water supply and distribution system. The system shall conform with the "Standards for Mobile Home Parks" publication of the National Fire Protection Association (NFPA), and any other applicable codes adopted by the Township. The water system shall provide for fire protection in mobile home parks of over twenty-five (25) units.

(l) Mobile home parks may be used only where municipally or community operated sewer and water services are available. Individual lateral connections to the street sewer and to the mobile home shall conform to applicable Township and state regulations.

(m) The electrical distribution system shall be underground and shall conform to the National Fire Protection Association (NFPA) Standards for Mobile Home Parks and any other applicable codes. Each mobile home shall have not less than one-hundred (100) amp service.

(n) If the mobile home park is to have gas service to the homes, the same shall have to conform to applicable NFPA regulations and any other applicable codes.

(o) All streets in the park shall be illuminated at a minimum level of 0.6 foot candle; service to light standards shall be underground.

(p) Telephone lines shall be underground. There shall be a central television antenna system with underground service to each mobile home.

(q) Except for paved areas, areas beneath mobile homes, and cultivated areas, all ground shall be planted and maintained in grass. The grass shall be cut regularly. No weeds or wild growth, except for native trees shall be permitted anywhere in the park. All landscaping shall be in conformance with § 220-64 Landscaping of this chapter.

(r) Exterior storage areas for refuse stations shall be properly screened. All containers shall be airtight and vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. The park shall have a solid waste management plan in accordance with all applicable Township standards.

(s) The park shall have a plan for stormwater management in accordance with all applicable Township regulations governing stormwater management.

(t) The park shall have a plan for erosion and sediment control in accordance with all specifications set forth by PADEP and the County Conservation District.

(u) Mobile home parks of twenty-five (25) units or more shall employ the services of a qualified manager. The manager shall reside at the mobile home park and shall be responsible for the operation and maintenance of the park.

(v) The developer of the mobile home park shall make arrangements, in a form satisfactory with the Township Solicitor, which shall ensure that the common open space shall continue to be adequately managed and maintained.

B. Administration.

(1) The park shall furnish the Township a list of tenants of the park. Any change in tenancy shall be reported to the Township within one week. The Board of Supervisors shall have the power to inspect the park register containing a record of all residents of the mobile home park at any reasonable time.

(2) All applications to the Township for a mobile home park shall be subject to all applicable review procedures for subdivision and land development and shall be subject to the appropriate fees established by resolution by the Township Board of Supervisors.

§ 220-69. Motor vehicle service / fuel stations and drive-in / drive-thru establishments.

A. Motor vehicle service / fuel stations and drive-in / drive-thru establishments are permitted in the SIA Special Intensified Activities District, the C-1 Local Commercial District, and the C-2 Regional Commercial District as a use by special exception subject to the conditions of this section and with the approval of the Zoning Hearing Board.

B. When located in a shopping center, said establishment(s) shall utilize the existing or planned access points of the center to the public road network. Also, such establishments shall be located and configured so as not to interfere with the internal circulation system of the shopping center. Separate, clearly defined parking facilities shall be provided distinct from vehicle stacking area(s).

C. Fuel pump setback from ultimate right-of-way line to fuel pump island shall be a minimum of thirty (30) feet and a minimum setback distance from the edge of canopy to the edge of the ultimate right-of-way shall be a minimum distance of twenty (20) feet.

D. Drive-thru establishments shall be designed to provide for adequate vehicle stacking lanes for the drive-thru service in question in a manner which will not hinder vehicular flow within the site nor cause congestion at the driveway entrances to the property. Vehicular stacking spaces shall not count as part of the required off-street parking requirement for a particular use.

§ 220-70. Multi-family residential developments.

Multi-family residential developments are permitted in the R-3 Village-Density Residential District, the R-4 Multi-family Residential District, and the CR Commercial-Residential District by right and in the R-2a High-Density Residential District by special exception when in compliance with the following regulations. All such developments shall have direct access to a major street or a collector street.

A. Area and bulk regulations.
   (1) Maximum gross density: 6 units/acre.
   (2) Minimum lot area (total development): 3 acres.
   (3) Minimum lot width at street line: 250 feet.
   (4) Minimum lot width at building line: 250 feet.
   (5) Minimum front yard: 50 feet.
   (6) Minimum side yard (each side) and rear yard: 50 feet.
   (7) Maximum extent of impervious surface: 45%.

(8) Maximum building height: 40 feet, but not more than three stories.

(9) Minimum common open space: 0.25 sq. ft. per 1.00 sq. ft. gross floor area.

B. Arrangement and orientation of structures.

(1) Density, floor area and distance.

(a) Maximum net density: 10 units/acre.

(b) Minimum floor area per dwelling unit:

[1] Townhouse: 1,000 sq. ft.

[2] One-bedroom/studio apartment: 620 sq. ft.

[3] Two-bedroom apartment: 730 sq. ft.

(c) Minimum distances between structures:

[1] Between facing fronts (facades): 100 feet.

[2] Between facing rear walls: 80 feet.

[3] Front (facade) facing side wall or rear wall: 80 feet.

[4] All other: 50 feet.

(2) Walls shall be deemed "facing" where they are within thirty degrees (30°) of parallel and no intervening buildings are taller than ten (10) feet.

C. Design regulations.

(1) No structure containing townhouse units may contain more than six such units. Minimum width of townhouse units shall be twenty-four (24) feet.

(2) Within a townhouse structure, no more than two (2) consecutive townhouse units shall have the same setback. Variation in setback shall be at least four (4) feet.

(3) Required common open space shall be appropriate for recreational uses. Such space shall be designed for use by the residents of the development, shall be improved and equipped by the developer in accordance with plans submitted and approved by the Township Planning Commission, and shall include such deed restrictions and other provisions so as to clarify the ownership of such facilities and to assure their perpetual maintenance, assigning such charges as may be necessary.

(4) Yard areas separating structures from parking areas (other than on-lot parking spaces for an individual townhouse unit) shall have a minimum width of thirty (30) feet.

(5) The front building line of no more than two (2) adjacent townhouse building groups may be on the same plane. All other buildings must have the front

building line either on an arc or offset from adjacent buildings by at least five (5) feet.

D. Parking facilities.

Vehicular access shall be provided for each townhouse unit. The required parking shall be provided either on the lot, in a carport, as an integral part of the unit, or in a joint parking facility for a group of townhouses with such deed restrictions and cross-easements as necessary to assure access and maintenance of such facility. Vehicular access to the townhouse lot can be either from the front or rear. Use of rear "alley" access to the units will require the establishment of the before mentioned cross-easements or establishment of a homeowners association.

(1) Parking spaces shall be provided as required by § 220-61E(4)(a) of this chapter.

(2) Common parking areas (lots) accessing public streets shall be set back from property lines (or street right-of-way lines, whichever is greater) a minimum distance of fifteen (15) feet.

(3) Access roads within the development shall be separated from all structures by not less than fifteen (15) feet.

(4) Parking lots shall be configured and located such that vehicles shall not reverse onto a public street.

(5) For a common parking lot, the point of access to the public street network, the access roads within the development shall have a minimum width of twenty-four (24) feet and a maximum width of thirty (30) feet.

(6) Dead-end parking lots shall be designed and constructed with backup areas for the end stalls.

(7) All access roads and parking areas shall be permanently paved with a dust-free surface in accordance with Chapter 190, Subdivision and Land Development.

(8) Points of ingress and egress shall be configured and located such that vehicles entering or leaving the site shall not be obstructed by other vehicles pulling into or out of parking spaces.

(9) Common parking lots shall be landscaped in accordance with the provisions of Chapter 190, Subdivision and Land Development.

(10) When townhouse units are provided with attached garages, eighty percent (80%) of the end unit garages shall be side entry. Any side entry garage units shall have a backup area for the driveway.

(11) Driveways for garage units should be of sufficient length (minimum of thirty [30] feet) to permit the parking of a vehicle in the driveway outside of the right-of-way of any public street, and in the case of private streets serving a townhouse development, the vehicles cannot block or encroach into any required sidewalks.

(12) Private roads may be developed to service a townhouse development, however adequate provision must be made for the provision of sidewalks or pedestrian pathways to provide for safe access to the public streets to access school bus pick-up points.

E. Permitted accessory uses. The following uses and facilities are permitted by right as accessory to a multifamily residential development:

(1) Coin-operated washing and drying machines and vending machines dispensing beverages or cigarettes, provided that such machines are centrally located in an enclosed structure with access limited to residents of the development;

(2) Parking areas and/or garages for the use of residents and visitors;

(3) Recreational facilities, as may be recommended by the Township Parks and Recreation Board;

(4) One (1) administrative office for the use the person or entity charged with managing the development; and

(5) One (1) sample unit for public display.

F. Water supply and sewage disposal.

(1) Connection to public water supply or a community well serving the entire development is not required.

(2) A community sanitary sewage disposal system shall be provided to serve the entire development. Such system shall be in conformance with all applicable regulations of the Pennsylvania Department of Environmental Protection and shall be approved by the Township Sewage Enforcement Officer. Alternately, connection may be made to an existing public or community system, provided that the developer of the multifamily project has a written, notarized statement from the operator of said system, indicating the ability of the system to treat safely the estimated additional sewage and the willingness of the operator to provide such service.

G. Landscaping. Screen planting shall be required in accordance with § 220-64B(2) of this chapter. Other landscaping shall be provided in accordance with the provisions of Chapter 190, Subdivision and Land Development.

H. Lighting. Lighting for buildings, accessways, and parking areas shall be so arranged as not to reflect toward public streets or residential structures either within the development or upon nearby properties.

I. Storage of trash and rubbish.

(1) All trash and rubbish shall be kept in airtight, verminproof containers.

(2) One (1) accessory building may be erected for each multi-family residential structure for the storage of trash and rubbish containers. Interior storage areas

for trash and rubbish shall at all times be kept in an orderly and sanitary fashion. For townhouse developments, trash storage shall be provided internal to the unit or in an enclosed porch or storage area.

(3) Exterior storage areas for trash and rubbish containers shall be adequately screened by landscaping and or fencing as described in § 220-64 of this chapter.

J. Site plan review and approval. All multifamily residential developments are either a land development or, where the units are held in fee-simple ownership by the residents, a subdivision. The approval such development is therefore governed by the regulations of Chapter 190, Subdivision and Land Development. No zoning permit shall be issued for a multifamily residential development unless and until the owner or developer thereof has complied with all the provisions of that ordinance and has received final approval for the development under the provisions thereof.

K. Construction. All structures shall conform with the building regulations established by the State Department of Labor and Industry as well as all federal and municipal building regulations. Where there are conflicting regulations, the more restrictive shall apply.

§ 220-71. Planned residential developments.

Planned residential developments (PRDs) are permitted in the R-2 Moderate-Density Residential District, the R-3 Village-Density Residential District, and the R-4 Multifamily Residential District, by special exception subject to the following conditions and with the approval of the Zoning Hearing Board.

A. Purposes. Planned residential developments (PRDs) are to be accommodated in order to achieve the following purposes:

(1) To encourage innovation in residential development so that the growing demand for housing may be met by greater variety in type, design, and layout of dwelling, and by the conservation and efficient use of open space auxiliary to said dwellings;

(2) To encourage a more efficient use of land and of public services, reflecting changes in the technology of land development so that economies secured may inure to the benefit of those who need homes;

(3) To provide a procedure which can relate the type, design, and layout of residential development to the particular demand for housing existing at the time of development in a manner consistent with the preservation of property values within existing residential areas; and

(4) To ensure that the increased flexibility of regulations governing land development is administered under such standards and procedures as shall encourage the disposition of proposals for PRD without undue delay.

B. Uses permitted within PRDs.

(1) Residential uses.

(a) Single-family detached dwellings.

(b) Single-family semidetached dwellings.

(c) Townhouses.

(d) Apartments.

(e) Recreational areas, including common open space and parks, both public and private, and recreational facilities such as walkways or trails, swimming pools, tennis courts, and similar improvements.

(2) Nonresidential uses.

(a) Commercial facilities of a type and scale to serve the needs of the residents of the PRD; however, the use of such facilities shall not be restricted to such private use. Such uses shall be limited to uses to service the needs of the PRD residents and be subordinate to the residential use. Such uses may include convenience stores drugstores, hair stylists, laundromats, dry cleaners, liquor stores, card and gift shops, and banks.

(b) Professional offices for architect, attorney, broker, dentist, psychiatrist, psychologist, physician, realtor, or similar occupations.

(c) Institutional uses including and limited to municipal uses, houses of worship, public or private schools, day care centers, and facilities for providers of emergency services such as police, fire protection, and ambulance services.

(d) Model home(s) or unit(s) for marketing the PRD.

(3) Uses clearly accessory to any of the permitted uses, including and limited to off-street parking facilities, swimming pools, garages, home occupations, storage sheds for maintenance equipment, off-street loading facilities (only as an accessory to a commercial use), and commercial garages necessary for commercial operations within the PRD.

C. Area and density requirements.

(1) A tract to be developed as a PRD shall have a minimum area of fifty (50) acres, exclusive of public and private rights-of-way, designated wetland areas, and slopes in excess of twenty-five percent (25%).

(2) The gross residential density of the PRD shall not exceed six (6) dwelling units per acre.

(3) The net density of areas developed with multifamily dwellings shall not exceed ten (10) dwelling units per acre.

(4) Single-family detached dwellings.

(a) Minimum lot area: 10,000 sq. ft.

(b) Minimum lot width at building line: 80 feet.

(c) Minimum front yard: 30 feet.

(d) Minimum side yard (each side): 10 feet.

(e) Minimum rear yard: 40 feet.

(f) Maximum extent of impervious surface: 60%.

(g) Maximum building height: 35 feet.

(5) Single-family semidetached dwellings.

(a) Minimum lot area (per dwelling or unit of use): 5,000 sq. ft.

(b) Minimum lot width at building line: 40 feet.

(c) Minimum front yard: 30 feet.

(d) Minimum side yard (each side): 10 feet.

(e) Minimum rear yard: 40 feet.

(f) Maximum extent of impervious surface: 60%.

(g) Maximum building height: 35 feet.

(6) Townhouses and apartments.

(a) Minimum floor area per dwelling unit.

[1] One-bedroom apartment: 620 sq. ft.

[2] Two-bedroom apartment: 730 sq. ft.

[3] Townhouse: 1,000 square feet.

(b) Minimum distances between structures.

[1] Distances.

[a] Between facing fronts (facades): 100 feet.

[b] Between facing rear walls: 80 feet.

[c] Front (facade) facing side wall or rear wall: 80 feet.

[d] All other: 50 feet.

[2] Walls shall be deemed "facing" where they are within 30° of parallel and no intervening buildings are taller than 10 feet.

(c) Standards for individual townhouse units.

[1] Minimum lot area: 2,500 sq. ft.

[2] Minimum lot width at building line: 24 feet.

[3] Minimum front yard: 30 feet.

[4] Minimum rear yard: 40 feet.

[5] Maximum extent of impervious surface: 60%.

(d) Standards for buildings containing townhouse units or apartments.

[1] Maximum building height: 40 feet, but not more than three stories.

[2] Maximum building length: 160 feet.

(7) Commercial uses.

(a) Minimum lot area per unit of use: 10,000 sq. ft.

(b) Minimum front yard: 50 feet.

(c) Minimum side yard (each side): 50 feet.

(d) Minimum rear yard: 50 feet.

(e) Maximum extent of impervious surface: 50%.

(f) Maximum building height: 35 feet.

D. Allocation of units. A PRD may accommodate any combination of permitted uses which satisfies the following conditions:

Type of Use	Proportion of Lot Area So Used
Single-family detached residence	10% minimum, 30% maximum
Single-family semidetached residence	No minimum, 20% maximum
Townhouses	No minimum, 40% maximum
Apartments	No minimum, 50% maximum
Open space*	30% minimum, no maximum
Commercial	No minimum, 10% maximum

* *At least 50% of the required open space shall be developed as a recreational area.*

E. Design regulations.

(1) PRDs shall be served by a sanitary sewage disposal system, water supply system, storm sewer system, and streetlights conforming to all applicable ordinances and regulations of the state and Township. All such facilities shall be constructed at the expense of the developer and dedicated to the Township upon final approval. The developer shall be required to post financial security to assure the proper operation and maintenance of such facilities in accordance with § 509(1) of the Pennsylvania Municipalities Planning Code and all local regulations appurtenant thereto.

(2) When PRD development is proposed for a tract, the design shall include the entire tract.

(3) Additional regulations for townhouses.

(a) No structure containing townhouse units may contain more than six such units.

(b) Within a townhouse structure, no more than two (2) consecutive townhouse units shall have the same setback. Variation in setback shall be at least four (4) feet.

(c) No structure containing townhouse units shall lie within thirty (30) feet of any other residential structure.

(d) No structure containing townhouse units shall lie within thirty (30) feet of any parking area, public street, or perimeter of the tract.

(e) The front building line of no more than two adjacent townhouse building groups may be on the same plane. All other buildings must have the front building line either on an arc or offset from adjacent buildings by at least five (5) feet.

(f) When townhouse units are provided with attached garages, eighty percent (80%) of the end unit garages shall be side entry. Any side entry garage units shall have a backup area for the driveway.

F. PRD approval process.

(1) Application for approval of a PRD shall be in full compliance with this chapter, the applicable portions of Chapter 190, Subdivision and Land Development, and Article VII of the Pennsylvania Municipalities Planning Code.

(2) Applicants are strongly encouraged to submit a sketch plan (with those data specified by Chapter 190, Subdivision and Land Development) prior to the submission of a plan for tentative approval.

220-72. Quarry operations.

Quarries are permitted in the I Industrial District as a use by special exception subject to the following conditions and with the approval of the Zoning Hearing Board.

A. The minimum lot size shall be ten (10) acres.

B. Stone removal, sale of stone products or the manufacturing of concrete or asphalt shall not be conducted within twenty-five (25) feet of any property line, within twenty-five (25) feet of any street right-of-way, within twenty-five (25) feet of any residential zoning district, and/or within four hundred (400) feet of any preexisting occupied residential dwelling unit, unless the quarry can provide the Township with written waivers from the property owners permitting the quarry to conduct quarrying and/or mining activities within less than four hundred (400) feet of any preexisting occupied residential dwelling.

C. Except for gated access for fire, police or maintenance (of utilities fencing, trees and berms only), there shall be no entrance or exit to a State or Township road for quarry or related activities permitted within the Township.

D. Quarried areas, including abandoned sections and planned expansion areas, shall be fenced with a six (6) foot high chain-link fence around the perimeter to assure public safety. Evergreens shall be planted as a vegetative screen outside of the fenced area and on the outer slope of any berm erected by the quarry outside of the fenced area.

E. Access roads to quarries shall have a minimum paved width of twenty-four (24) feet and shall be constructed and paved to such standards as may be required by the Township to secure to the public a surface quality and durability equivalent to those roads which are not used by quarry vehicles.

F. Quarry access roads shall connect with a collector or arterial road and shall avoid residential neighborhoods.

G. As part of the approval process, the party proposing quarry operations shall submit plans for the reuse of the quarry site after the cessation of extractive activities.

H. The Township shall have the right to charge the quarry operator an annual fee as may be necessary to defray municipal administrative costs directly related to the oversight of the quarry operations.

I. No site activity shall be permitted on Sundays or legal holidays. All operations shall be permitted only between the hours of 5:30 a.m. and 10:00 p.m. Monday through Friday; and 5:30 a.m. to 2:p.m. on Saturdays. No vehicles shall be staged or parked at the entrance and/or access road of the site prior to 5:00 a.m. Nothing in this provision shall be interpreted to eliminate compliance with the Township Noise Ordinance, Chapter 133 or other applicable regulations.

J. Measures shall be provided to control dust and debris as provided by PADEP regulations. The entire area shall be kept clean and orderly as provided by PADEP regulations.

K. Blasting shall be permitted between the hours of 10:00 a.m. and 4:00 p.m. Monday through Friday. Prior notice of all blasting operations shall be given to the Township and within two (2) hours but not less than thirty (30) minutes to the occupants of all properties within a radius of fifteen-hundred (1,500) feet of the location of blasting who have previously requested such notice in writing.

L. All requirements of federal, state and municipal statutes, ordinances and regulations pertaining to the operation of quarrying and mining operations shall be complied with. A copy of all submissions, permits and licenses to or from PADEP and BSM shall be filed with the Township.

M. Groundwater monitoring wells – The landowner shall install groundwater monitoring wells at a distance of approximately every twelve-hundred (1,200) feet along the perimeter of the area to be quarried, except that where the limits of the area

to be quarried coincide with the boundary of another municipality said wells shall be located as proximate to the zoning district boundary as reasonable possible. The landowner shall sample said monitoring wells at least once each quarter, having prior to that time given to the Township a minimum of forty-eight (48) hours notice of the time of sampling in order to permit a designated official of the Township to be present at the time of said sampling. Results of said sampling shall be supplied to the Township promptly upon receipt. Should the landowner affect by surface mining activities a public or private water supply by contamination or interruption, the landowner shall restore or replace the affected water supply with an alternate source of water, adequate in quantity and quality for the purpose serve d by the supply and shall file with PADEP proof of insurance or bond, sufficient under PADEP rules and regulations, to affect such restoration or replacement. The required monitoring wells shall be placed, utilizing the landowner's forces, within one (1) year after commencement of mining activities. Precise location of said wells shall be established following consultation with the Township's Engineer.

§ 220-73. Sale of automobiles, trucks, mobile homes and similar activities.

The sale of automobiles, trucks, mobile homes and similar activities are permitted in the C-1 Local Commercial District as a use by right subject to the following conditions:

A. Parking areas shall be designed such that vehicles will not reverse into any public street.

B. No goods, materials, or equipment for sale or display shall be within ten (10) feet of the street right-of-way or within a street or driveway clear sight triangle.

C. All goods, materials, and equipment which is stored or displayed out of doors shall be arranged in an orderly manner to permit access to structures by emergency service vehicles, including fire, ambulance, and police vehicles.

D. Outdoor storage areas (as distinct from outdoor display or sales areas) shall be provided with a screen planting to prevent view of such areas from adjacent and nearby residential properties and public streets.

§ 220-74. Shopping centers.

Shopping centers shall be in single ownership or under single management and shall consist of a harmonious selection of uses and buildings (or groups of buildings), service and parking areas, and open spaces, and shall be subject to the regulations of this section.

A. Uses permitted within shopping centers.

(1) Uses permitted by right.

(a) Stores for the retail sale of goods or services, including services clearly incidental to retail sales activities.

(b) Financial services and offices.

(c) Business and professional offices.

(d) Eating and drinking establishments.

(e) Uses customarily accessory to the above uses, including parking areas in conformance with § 220-61 of this chapter, and signs in conformance with § 220-62 of this chapter.

(2) Uses permitted by special exception.

(a) Motor vehicle service stations.

(b) Drive-in / drive thru establishments in conformance with § 220-69 of this chapter.

B. Area and bulk regulations. A tract to be developed as a shopping center shall satisfy the following requirements.

(1) Minimum lot area: five acres.

(2) Minimum lot width at street line: 250 feet.

(3) Minimum lot width at building line: 250 feet.

(4) Minimum setback from street right-of-way: 200 feet.

(5) Minimum side yard (each side): 100 feet.

(6) Minimum rear yard: 100 feet.

(7) Maximum extent of impervious surface: 55%.

(8) Maximum building height: 35 feet.

(9) Improvements setback: 15 feet.

C. Design requirements.

(1) All points of ingress and egress from the shopping center to any public street shall be located not less than two hundred (200) feet from any other intersecting street or streets and shall be designed to control traffic in a safe manner. The

developer of the shopping center shall be responsible for the purchase and installation of traffic control devices as may be required by the Pennsylvania Department of Transportation and the Township.

(2) Interior access drives shall be designed so that vehicles entering or leaving the site shall not be obstructed by vehicles pulling into or out of a parking space.

(3) Areas for the loading and/or unloading of service or delivery vehicles shall be of adequate size and shall be so arranged that they may be used without blocking or interfering with the interior circulation system.

(4) Provisions shall be made for safe pedestrian circulation through the parking area(s).

(5) Where shopping carts are provided by a commercial use for use by the customer, clearly defined areas on the site for the storage of said carts shall be provided.

(6) Parking spaces and loading areas shall be provided in conformance with § 220-61 of this chapter. Parking areas are permitted within the required yard areas up to a point twenty-five (25) feet from a street right-of-way line or a side or rear lot line.

(7) Lighting for buildings, signs, access ways, and parking areas shall be arranged such that it will not reflect onto or shine directly upon public streets or surrounding properties.

(8) Storage areas for trash and rubbish shall be provided with a screen planting. All organic waste shall be contained in airtight, verminproof containers. No such storage area shall be permitted within a required yard area.

(9) The perimeter of the shopping center shall be provided with a screen planting in accordance with § 220-64 of this chapter. The use of landscaped berms are encouraged to soften visual impact.

D. Site plan review and approval. Shopping centers are defined as a type of land development. Therefore, the approval process for a shopping center shall be in accordance with the regulations of Chapter 190, Subdivision and Land Development. No zoning permit shall be issued for a shopping center unless and until the owner or developer thereof has complied with all the provisions of that ordinance and has received final approval for the development under the provisions thereof.

§ 220-75. Development abutting U.S. Route 222 (SR O222).

A. Insofar as is permitted by lot depth, new structures for human use or occupancy shall be set back from the center line of U.S. Route 222 (SR O222) a minimum of one hundred (100) feet. This requirement shall supersede and be in lieu of the front yard setback required by the applicable zoning district.

B. This regulation shall not apply to lots which, at the effective date of this chapter, had their rearmost property line less than one hundred fifty (150) feet from the center line of U.S. Route 222 (SR O222). In such cases, the front yard setback required by the applicable zoning district shall be in effect. Unless a greater distance is prescribed in the applicable zoning district, an improvement setback of twenty (20) feet is required.

C. This regulation shall not apply to additions to structures existing at the effective date of this chapter; however, no addition to an existing structure shall extend or be located closer to the road than the existing portion of such structure.

§ 220-76. Age-restricted residential development.

A. Age-restricted residential developments are permitted in the R-2 Moderate-Density Residential District, the R-4 Multifamily Residential District and C-1 Local Commercial District., as a conditional use. Age-restricted residential developments are to be accommodated in order to achieve the following purposes:

(1) One resident of each unit within an age-restricted residential development shall be at least fifty-five (55) years of age or older or shall be a person defined as "elderly" by the United States of America or the Commonwealth of Pennsylvania in connection with and for purposes of housing.

(2) Each community shall be built as a single legal entity and shall be retained in single ownership. Fee simple absolute sale of units shall be prohibited. All common facilities to support the needs of the residents of the community shall remain under a single ownership.

(3) To encourage the development of a community to service senior citizens and provide a more efficient use of land and space to service the senior community.

(4) To provide for passive recreational activities for the residents of age-restricted residential development in both exterior and interior spaces.

(5) To encourage innovation in age-restricted residential developments so the growing demand for housing may be met by a greater variety in type, design and layout of dwellings and by the conversion and efficient use of open space auxiliary to said units.

B. Uses permitted within age-restricted residential development.

(1) Residential uses.

(a) Single-family semidetached dwelling.

(b) One- or two-story townhouses.

(c) Apartments.

(2) Nonresidential uses.

(a) Activity-type buildings dedicated for use by the age-restricted community. This structure could house dining, recreational and/or office space.

(b) Recreational areas including common open space, walkways and trails, garden areas, picnic area, and similar improvements.

(c) Uses clearly accessory to any of the permitted uses, including but not limited to off-street parking facilities.

(d) Nonresidential uses are restricted to the use by residents of the community.

C. Area and density requirements.

(1) Area requirements.

(a) A tract to be developed as an age-restricted residential development shall have a minimum lot area of ten (10) acres.

(b) A tract to be developed as an age-restricted residential development shall have a minimum open space requirement of twenty percent (20%) of the gross area of the tract.

(2) The gross residential density of an age-restricted residential development shall not exceed nine (9) dwelling units per acre.

(3) Minimum living areas of units:

(a) One-bedroom unit: 720 sq. ft.

(b) Two-bedroom unit: 900 sq. ft.

(4) Minimum distance between structures:

(a) Between facing fronts: 80 feet.

(b) Between facing front walls and rear walls or side walls: 70 feet.

(c) Between rear walls: 60 feet.

(d) All others: 30 feet.

(e) Uncovered patios and stoops may project five (5) feet into the rear.

(5) Lot setbacks:

(a) No building or structure shall be located closer than thirty (30) feet to the boundary line of the tract being developed. Uncovered patios and stoops may project five feet from the building or structure.

(b) No building or structure shall be located closer than twenty (20) feet to the street right-of-way line.

(6) Standards for buildings:

(a) Maximum building length: 200 feet.

(b) Maximum building height (not more than two stories in height): 35 feet.

(c) Within a townhouse structure, no more than four (4) consecutive townhouse units shall have the same setback. Variation in setback shall be at least four feet.

D. Streets, parking and lighting.

(1) Streets and roadways:

(a) Streets and roadways may be private, but shall be constructed to Township standards.

(b) Curbs shall be in accordance with Township standards.

(c) Sidewalks shall be in accordance with Township standards.

(d) Roadway pavement thickness specifications shall conform to Township standards.

(e) Lighting shall be in accordance with Township standards noted in Section 220.63(F).

(2) Parking requirements:

(a) A minimum of two (2) off-street parking spaces shall be required for each dwelling unit. One (1) additional parking space shall be provided for every four (4) units.

(b) Activities building parking shall be at the rate of four (4) off-street parking spaces per thousand (1,000) square feet of said facility.

(c) No loading space will be required for the activities building.

E. Landscaping.

(1) Screen planting and site element screening shall be required in accordance with § 220-64 of this chapter.

(2) Other landscaping shall be provided in accordance with the provisions of Chapter 190, Subdivision and Land Development.

F. Design regulations.

(1) Age-restricted residential developments shall be served by a public sanitary sewage collection and disposal system, public water supply system and by a storm sewer system and streetlights conforming to all applicable ordinances and regulations of the Township. All such facilities shall be constructed at the expense of the developer.

(2) When an age-restricted residential development is proposed for a tract, the design shall include the entire tract.

(3) Additional regulations for townhouses:

(a) No structure containing townhouse units may contain more than six (6) such units.

(b) No structure containing townhouse units shall lie within thirty (30) feet of any other residential structure.

(4) Age-restricted residential developments shall include active and passive recreational amenities in an amount at least equivalent to the fee-in-lieu of contribution per residence as required by the Maidencreek Township Parks and Recreations Board.

(5) Front building facades shall be a minimum of sixty percent (60%) masonry-type construction.

G. Age-restricted residential development approval process.

(1) Application for approval of an age-residential development shall be in full compliance with this chapter and all provisions of Chapter 190, Subdivision and Land Development; provided, however, that the provisions of this section applying to age-restricted residential developments shall take precedent over any inconsistent or conflicting provisions of this chapter or the aforesaid subdivision and land development ordinance.

(2) Applicants seeking approval for an age-restricted residential development are strongly encouraged to submit to the Township a sketch plan (with that data specified by Chapter 190, Subdivision and Land Development) before proceeding with a preliminary plan.

§ 220-77. Lodges and clubs.

A. Uses permitted in association with lodges and clubs:

(1) Social hall with or without kitchen facilities.

(2) Meeting rooms.

(3) Business offices.

(4) Administrative buildings.

(5) Maintenance facilities.

B. Uses permitted as noncommercial accessory uses to lodges and clubs:

(1) Recreational amenities and facilities.

(2) Athletic fields/recreational equipment.

(3) Equestrian facilities including stables and trails.

(4) Picnic groves.

(5) Campgrounds.

(6) Pavilions.

(7) Swimming facilities.

C. Prohibitive uses:

(1) Theaters.

(2) Permanent lodging.

(3) Boarding rooms/facilities.

D. Additional area and bulk requirements:

(1) A tract to be developed as a lodge or club shall have a minimum lot area of ten (10) acres.

(2) A tract to be developed as a lodge or club shall have a minimum open space requirement of forty percent (40%) of the total tract area. This area may include area attributable to recreational amenities and facilities.

(3) The maximum impervious surface is thirty-five percent (35%).

E. Additional requirements:

(1) Landscape/buffer.

(a) Screen planting shall be required in accord with § 220-64.

(b) Parking lot landscaping is required per Chapter 190, Subdivision and Land Development, requirements.

(2) Off-street parking per § 220-61. The number of spaces shall equal twelve (12) off-street parking spaces per one thousand (1,000) square feet of main assembly area for clubs and lodges in addition to parking requirements associated with accessory uses.

§ 220-78. Power generation.

A. Power-generation facilities.

(1) Lot size. Minimum lot size for lots to be used for power generation is ten (10) acres. Lot size shall be increased if required to meet setbacks as described in § 220-53A(3).

(2) Power-generation facilities location.

(a) Power-generation facilities shall be located, sited and constructed in areas that provide the least visual impact and where they do not interfere with agricultural and natural resource production and conservation.

(b) They shall be sited in locations that will not pose a significant threat to health, safety and security of the community, residents, schools, livestock, universities or correctional facilities.

(3) Appearance and visibility of power-generation facility.

(a) No facility shall be artificially lighted or marked except as required by applicable laws, ordinances, statutes, codes, rules and regulations. However, if artificial lighting is required, it shall be as unobstructive and inoffensive as is possible under appropriate ordinances, statutes, laws, rules, regulations and codes. The applicant shall provide a detailed plan for such lighting.

(b) Power-generation facilities shall be sited and designed to have the least visually intrusive effect possible on the surrounding area. Wind turbines, emissions stacks and other towers shall be constructed of non-reflective materials, painted with a rust-preventive paint of an appropriate color, and the remainder of the facility shall be designed to include building materials, colors, textures, and landscaping consistent with the immediate area and shall utilize concealment technology. The facilities shall be compatible and blend with the surroundings and be maintained in a safe and stable condition.

(4) Security of power-generation facility.

(a) All turbines, towers, supporting structures including guy wires, transmitters, transformers, transmission lines, control points, sheds and other related facilities shall be secured and maintained in such manner as to prevent access by any persons other than those authorized to operate or service said facilities. The manner in which the facility is to be secured shall be based on a security plan subject to the approval of the Township. In no case shall site perimeter security fencing be less than ten (10) feet in height.

(b) Warning signs shall be conspicuously posted on and around the perimeter of the property as determined by the Township Engineer.

(5) General requirements.

(a) The design, construction and maintenance of the power-generation facility shall be in accordance with all applicable local, state and federal ordinances, laws, statutes, codes, rules and regulations and industry standards and certification of compliance shall be provided by the applicant.

(b) All utilities servicing the power-generation facility shall be installed underground, except for electric lines four (4) KV or above.

(6) Annual certification. The operator of a power-generation facility shall annually certify in writing to the Township that is in compliance with all applicable local, state and federal laws.

(7) Traffic impact analysis.

(a) A traffic impact analysis prepared by a professional traffic engineer shall be provided and shall address all aspects of traffic safety and improvements which will be necessitated by the traffic generation of the facility.

(b) The traffic impact analysis shall contain the following:

[1] A study impact area determined by the Township Engineer in conjunction with the owner's traffic engineer.

[2] An inventory of site conditions which shall include:

[a] A sketch plan of the proposed development.

[b] Existing average daily traffic (ADT) on roads within the study area. This shall include traffic volumes at peak highway hours and at peak development generated hours.

[c] Existing levels of service (A through F) as defined in the Highway Capacity Manual of the Institute of Transportation Engineers on roads and intersections within the study area. The level of service for signalized intersections refers to the average stopped delay per vehicle during a fifteen-minute analysis period.

[d] List of pending or proposed development within a reasonable distance of the development and impacted intersections determined by the Township.

[e] Other information requested by the Township.

[3] The impact of the proposed development on the Township's transportation system, which shall include:

[a] The number of trips generated by the proposed development (in and out at peak hours).

[b] This distribution of trips for all area roads immediately post development and the future distribution of traffic five years after development. Note the annual growth rate assumed.

[c] The estimated average daily traffic on roads within the study area and the proposed development.

[d] The levels of service (A through F) as defined in the Highway Capacity Manual of the Institute of Transportation Engineers after the anticipated development.

[e] Documentation of the sources(s) of generated traffic estimates (such as the Institute of Transportation Engineers, Trip Generation Report).

[f] Evaluation of the adequacy of the development's ingress and egress points.

[4] Documentation of improvements proposed to mitigate any projected adverse transportation impacts caused by the proposed development on Township roads. This shall include, when warranted, such improvements as road widening, intersection improvements, acceleration/deceleration lanes, traffic control devices, signs, or other improvements deemed necessary by the Township.

B. Additional performance standards for power generation. The following performance standards shall apply to power-generation facilities within the Township.

(1) Air quality. There shall be no emission of smoke, ash, dust, fumes, vapors gases or other matter toxic or noxious to air which violates local, state or federal air quality standards and/or rules and regulations.

(2) Control of noise. Noise that exceeds the standards set forth in Chapter 133, Noise, as amended, shall not be permitted to emanate from the property.

(3) Control of odors. There shall be no emission of odorous gases or other odorous matter in such quantities as to substantially impair the use and enjoyment of surrounding properties. Any process which may involve the creation or emission of any odors shall be provided with a secondary system, so that control will be maintained if the primary safeguard system shall fail. There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Threshold) in Chapter 5, Air Pollution Abatement Manual, copyright 1951 by Manufacturing Chemists' Association, Inc., Washington DC.

(4) Control of glare or heat. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines.

(5) Control of vibration. No vibration which is discernible to the human sense of feeling shall be perceptible without instrument at any point beyond the lot line. Vibration which is not discernible to human sense but which is at low or high frequencies capable of causing discomfort or damage to life or property is prohibited beyond the property line and must be monitored and controlled within the property line to meet acceptable industrial use standards.

(6) Control of radioactivity or electrical disturbance. There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbances.

(7) Refuse areas, waste disposal and outdoor storage facilities.

(a) Flammable or explosive liquids, solids or gases shall be stored in accordance with all federal, state and local laws and regulations.

(b) All outdoor storage facilities for fuel, raw materials and products and all fuels and all raw materials and products stored outdoors shall be secured by a fence or other approved method.

(c) No materials or wastes shall be deposited or stored upon a lot in such form or manner that may be transferred off the lot by natural causes or forces.

(d) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored only in closed containers.

(8) Materials handling, transfer and storage areas. All indoor and outdoor material handling and transfer storage areas shall provide for accidents caused by natural occurrence, equipment failure or human error so as to contain spillage or leakage of solid, liquid or gaseous materials and to further facilitate the cleanup or dispersal of said materials without causing damage to life, ecological systems, property or the sanitary sewer system.

(9) Electric, diesel, gas or other power. Every use requiring power shall be so operated that the service lines, substation, etc., shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry, shall be so constructed, installed, etc., to be an integral part of the architectural features of the plant or if visible from adjacent residential properties, shall be concealed by landscape screening in accordance with Article XV, § 220-53A(3) of this chapter.

(10) Industrial waste or sewage. No use shall be conducted in such a way as to discharge any treated or untreated sewage or industrial waste treatment and disposal except as shall be approved by sanitary engineers or other qualified persons employed by the Township at the expense of the owner of the premises. Where the sanitary sewers of the Township and its municipal authority are involved, approval of the Sewer Authority shall be required.

(11) Provision and use of water. All water requirements shall be stated in the application. Water shall be supplied by the Maidencreek Township Municipal Authority unless said Authority is unable or so chooses not to provide water use at which time the applicant may use well supplied water. Water may be supplied from wells only after approved or accepted geologic study furnished by the applicant and certification by a professional hydrogeologist that the underground water supply and levels will not be appreciably altered in such a way as to endanger the water level and supply for other properties.

(12) New technology of significant hazard potential. Any industrial process or research activity conducted using chemical, biological or radiological techniques and agents which are new to the industry or process and which may present significant hazard to the physical environment beyond the site of process application or research, or in which environmental hazards, because of their use, is unknown, must be disclosed to the Board of Supervisors prior to use.

C. Supplemental information. In addition to the other requirements of this chapter, subdivisions and land developments involving the establishment of power-generation facilities, including but not limited to solar, water, and wind power shall provide the supplemental information noted in this section.

(1) If the applicant is an entity other than a person the type of entity shall be identified and it shall submit with the application proof, satisfactory to the Township, that it is authorized to do business in the Commonwealth of Pennsylvania, that is properly organized and operating under the laws of its state of organization and the Commonwealth of Pennsylvania, and that it has legal authority to make the application, construct, lease or operate the facility.

(2) If the applicant is not the person or entity that will be operating the facility, the applicant shall, in writing, identify the operator by name, address and telephone number.

(3) A diagram, drawn to scale, setting forth distances, dimension and heights for all structures, landscaping, trees, fences, existing or proposed, located within five hundred (500) feet of the property boundary of the proposed facility.

(4) A narrative description with diagrams, drawings and plans, done to scale, of the proposed power-generation structures and all related fixtures, appurtenances, and apparatus, materials, color, lighting and height above present existing grade.

(5) The applicant shall submit proof that the proposed facility is permitted and/or licensed or will be permitted and/or licensed at or prior to final plan approval. The applicant shall submit as proof, as applicable, copies of the permits and/or licenses required by law, rule, ordinance, regulation and code, including, but not limited to the PA DEP, PUC, U.S. EPA and United States Department of Energy (U.S. DOE) license applicable to the intended use of the facility.

(6) The applicant shall demonstrate that the site is adequate to assure the stability of the proposed facility after considering such matters as are appropriate, including but not limited to topographic and geomorphologic studies and analysis, subsurface and substrate conditions, drainage plans, and biological resource surveys.

(7) The applicant shall submit an environmental impact assessment report satisfactory to the Township in accordance with § 220-79 of this chapter.

(8) A hazardous and solid waste management plan shall be prepared and submitted that documents the type and amount of wastes, storage and disposal methods, and an emergency response action plan shall be submitted that meets local, county, state and federal requirements. No final plan shall be approved unless the hazardous and solid waste management plan is approved by the Township.

(9) The applicant shall submit a visual impact assessment which shall include:

(a) A Zone of Visibility Map to determine the locations from which the facility may be observed;

(b) Pictorial representations of key viewpoints as may be appropriate, including but not limited to public roads, public parks, public lands, historic districts and sites and from such other locations where the site is visible to large numbers of persons;

(c) An assessment of the visual impact of the facility as it relates to appropriate screening; and

(d) Any applicable assessments from the Pennsylvania Historic and Museum commission related to historic property impacts.

(10) The applicant shall submit a plan for water discharge, detailing how local, state and federal water quality requirements will be met and how water will be cooled to the average seasonal temperature of the receiving body prior to discharge in order to prevent thermal pollution.

(11) The applicant shall submit a written determination as to the necessity of lighting the power-generation facility or any of its components in accordance with Federal Aviation Administration (FAA) regulations, as well as all correspondence and filing with, to and from the FAA.

(12) All certifications, reports, materials, drawings, diagrams or similar materials shall be prepared, signed and attested to be accurate and correct by a person, persons, or entity, satisfactory to the Township, who, by training or education or both is, in the judgment of the Township, qualified to prepare them; when appropriate, the person preparing these certifications, reports, drawing, diagrams, and related material shall be an engineer licensed by the Commonwealth of Pennsylvania.

§ 220-79. Environmental assessment report required for Industrial and SIA uses.

A. In order to more effectively evaluate a proposed subdivision and/or land development in the Industrial or SIA Zoning Districts, the applicant shall be required to disclose the environmental consequences or effects of such proposals through the submission of an Environmental Impact Assessment (EIA) Report.

B. An EIA report shall be submitted for proposed uses in Industrial and SIA Districts as set forth in Articles XIV and XV of this chapter.

C. The EIA report shall contain text, tables, maps and analyses which document the probable impact resulting from the proposed subdivision and/or land development in accordance with the format and content outline specified below.

D. Eight (8) copies of the EIA report shall be submitted in accordance with the format and content specified below. Within the EIA report, specific emphasis shall be directed toward the proposed project's effects on and relationship to applicable site, neighborhood (including areas in adjacent townships where applicable) and Township-wide resources, conditions or characteristics. The EIA report shall include

text, tables, maps and analyses for the purpose or describing the project site, proposed uses(s), environmental characteristics and the environmental effects of the proposal.

E. Methods for evaluating cumulative environmental effects will depend upon the availability of data, but the scope and goal of the evaluation should remain consistent. Methods may involve one or more of the following:

(1) Geographic information system analyses.

(2) Questionnaires, interviews and panels.

(3) Checklists.

(4) Matrices.

(5) Networks and system diagrams.

(6) Modeling.

(7) Trend analyses.

F. The EIA report shall be prepared by a registered engineer, architect, landscape architect or land planner and shall address the following issues presented below.

(1) An identification of the site location and area through the use of a location map drawn at a scale of not more than two thousand (2,000) feet to the inch. The location map shall depict all streets, adjoining properties, zoning district boundaries and municipal boundaries within three thousand (3,000) feet of any part of the tract. In the case of development of a section of the entire tract, the location map shall also show the relationship of the section to the entire tract.

(2) An identification of the site character and appearance through the presentation of photographs. Such photographs shall provide a representation of what the site looks like from the ground. Photographs should be properly identified or captioned and shall be keyed to a map of the site.

(3) An identification of the nature of the proposals through the presentation of the following:

(a) A site development plan including notes pertaining to the number and type of lots or units, the square footage and/or acreage of the tract and a depiction of the features which are proposed such as streets, driveways, parking area, buildings and other structures, and all impervious surfaces. The plan shall be drawn at a scale of not more than one hundred (100) feet to the inch and may be submitted as an attachment to the report. The plan shall reflect all the information required for a preliminary plan under Chapter 190, Subdivision and Land Development.

(b) Plans and elevations depicting the proposed size, square footage, height, number of rooms (where applicable) of buildings and/or other structures.

(c) A statement indicating the existing and proposed ownership of the tract and, where applicable, the type of ownership, operation and maintenance

proposed for areas devoted to open space or otherwise not under the control of a single lot owner.

(4) An identification of physical resources associated with the natural environment of the tract, including such features as geology, topography, soils, hydrology and the like. The identification of physical resources shall include a narrative description of the qualitative and quantitative aspects of each of the resources mentioned above. In addition, these resources shall be mapped at a scale of not more than one hundred (100) feet to the inch as specified below and may be either incorporated into the EIA report or submitted as attachments to the report.

(a) A map depicting the geological characteristics of the tract. Such map shall define the location and boundaries of the rock formations at or influencing the tract and features such as faults and/or fractures.

(b) A map depicting the topographical characteristics of the tract. Such map shall contain contours with at least two-foot intervals; and, shall depict slopes from 0% to 4%, 4% to 10%, 10% to 15%, 15% to 25%, and greater than 25%.

(c) A map depicting the soil characteristics of the tract. Such map shall depict all soil types and shall include a table identifying soil characteristics pertinent to the proposed subdivision and/or land development such as depth of bedrock, depth of water table, flood hazard potential, and limitations for septic tank filter fields.

(d) A map depicting the hydrological characteristics of the tract. Such map shall depict: surface water resources, their drainage characteristics, watershed and floodplains, and groundwater resources. Surface water resources include features such as creeks, runs and other streams, ponds, other natural bodies of water, springs, wetlands, and any man-made impoundments. Groundwater resources include features such as aquifers and aquifer recharge areas.

(5) An identification of biological resources associated with the natural environment of the tract including such features as vegetation and wildlife. The identification of biological resources shall include a narrative description of each of the resources mentioned above. In addition, these resources shall be mapped at a scale of not more than one hundred (100) feet to the inch, as specified below; and, may be either incorporated into the EIA report or submitted as attachments to the report.

(a) A map depicting the vegetation characteristics of the tract. Such map shall define the locations and boundaries of the wooded areas of the tract and shall note the types of vegetation associations which exist in terms of their species types and sizes. In addition, all trees twelve (12) inches in caliper or greater shall be accurately located on the map either as freestanding trees or as tree masses.

(b) A map depicting characteristics associated with wildlife habitats. Such map may draw upon the vegetation, hydrology and soil maps in order to express habitat characteristics associated with terrestrial and aquatic wildlife on the tract and the relationship of the overall habitat(s).

(6) An identification of the land use conditions and characteristic associated with the tract such as: current and past use, land cover, and encumbrances; and, the relationship of these to adjacent tracts. The identification of land use conditions and characteristics shall include a narrative description of the above. In addition, the following maps drawn at a scale of not more than one hundred (100) feet to the inch, unless otherwise noted, shall be incorporated into the EIA report or submitted as attachments to it.

(a) A map depicting the land cover characteristics of the tract. Such map shall define existing features including: paved or other impervious surfaces, wooded areas, cultivated areas, pasture, old fields, lawns and landscaped areas and the like.

(b) A map depicting any encumbrances to the tract. Such map shall define easements and other areas where certain use privileges exist.

(c) A map depicting the land uses adjacent to the proposed tract. Such map may be at the same scale as the location map.

(7) An identification of the visual resources associated with the tract and surrounding areas such as areas which have a particular amenity value and areas which offer interest in viewing the tract. The identification of visual resources shall include a narrative description of the above. In addition, a map drawn at a scale of not more than one hundred (100) feet to the inch depicting visual resources shall be incorporated into the EIA report or submitted as an attachment to the report.

(8) An identification of the relationship of the transportation and circulation system needs of the proposed subdivision and/or land development to the existing street or highway network. A discussion of this relationship shall be in narrative form and shall indicate factors such as methods to be used for traffic control within the tract and at points of ingress to and egress from it; and, expected traffic volumes generated from the subdivision and/or land development including their relationship to existing traffic volumes on existing streets for both peak-hour and non-peak-hour traffic conditions. In addition, there shall be a discussion of the physical condition of existing streets which will service the proposed subdivision and/or land development and what improvements are proposed to remedy any physical deficiencies.

(9) An identification of characteristics and conditions associated with existing, construction-related, and future air and water quality and noise levels, vibration, toxic materials, electrical interference, odor, glare and heat, fire and explosion, smoke, dust, fumes, vapors and gases and/or radioactive materials.

(10) The implications of the proposed subdivision and/or land development in terms of the type of beneficial or adverse effects which may result from it and the duration of these effects in terms of their short-term or long-term nature. To indicate such effects, there shall be a discussion of the implications of the proposed subdivision and/or land development to the resources, conditions and characteristics described in Subsection F(4) through (14). In addition to a narrative presentation of implications, the applicant shall display where the subdivision and/or land development adversely affects the tract's resources, conditions or characteristics through the use of a map drawn at a scale of not more than one hundred (100) feet to the inch, wherein the areas adversely affected from proposed development are highlighted. Such map(s) may be either incorporated into the EIA report or submitted as an attachment to the report. Further, the applicant must demonstrate and specify in the EIA report how and where the findings in the EIA report and its attachments are reflected in the subdivision and/or land development plan. Potential environmental impacts resulting from the proposed subdivision and/or land development can be defined as: cumulative, direct, indirect, positive, negative, or combination of above. Typical impacts from a proposed development may occur in the following areas:

(a) Landforms (topography, floodplains, related water quality).

(b) Subsurface conditions (soils, groundwater).

(c) Hydrology (drainage, stormwater, water quality, water supply).

(d) Wildlife and vegetation (vegetation, endangered species parklands, conservation areas, ecologically critical areas).

(e) Land use (existing zoning, land use, proposed community comprehensive plans, productive farmland or timberland).

(f) Natural hazards (seismic, other).

(g) Cultural resources (historic concerns, architecturally sensitive, archaeologically sensitive).

(h) Utilities/services (energy, solid waste disposal, water supply, sewer system and drainage).

(i) Socioeconomic (employment, demographics, income levels, aesthetic quality, housing, retail markets, fiscal impacts).

(j) Transportation (traffic volumes, traffic circulation, parking, public transit system).

(k) Hazardous materials (underground storage tanks, site contamination, storage of hazardous substances, other).

(l) Air/noise (air quality, ambient noise).

(11) Alternatives to the proposed subdivision and/or land development. To indicate such alternatives, the applicant shall submit exhibits or diagrams which will depict the type of alternatives such as: revised location, redesign, layout or siting of buildings, roads and other structures, alternate methods for sewage disposal and water supply, reduction in size of proposed structures or number of structures, and the like would preclude, reduce or lessen potential adverse impact or produce beneficial effects.

(12) Probable adverse effects which cannot be precluded. In indicating such effects, a discussion shall be presented regarding whether they will have primary or secondary implications; that is, whether the adverse effects will have direct or indirect influence on a particular resource, condition or characteristic.

(13) Measures to mitigate adverse effects. To indicate such measures, the applicant shall submit exhibits or diagrams which will depict the type of remedial, protective and mitigative measures described in narrative form. These resources shall include those required through existing procedures and standards and those unique to a specific project, as follows:

(a) Mitigation measures which pertain to existing procedures and standards are those related to current requirements of the state, county and/or Township for remedial or protective action such as: sedimentation and erosion control, stormwater runoff control, water quality control, air quality control and the like.

(b) Mitigation measures related to impacts which may be unique to a specific subdivision and/or land development are those related to efforts such as: revegetation, screening, fencing, emission control, traffic control, noise control, relocation of people and/or businesses, land acquisition, and the like.

(14) Any irreversible environmental changes which would occur due to the proposed subdivision and/or land development should it be implemented. To indicate such changes, the use of nonrenewable resources during the initial and continued phases of the subdivision and/or land development shall be discussed. Further, the loss of environmental resources shall be indicated through a presentation of the quantity of loss and related qualitative effects.

G. In making its evaluation, the Board of Supervisors, the Zoning Hearing Board and/or the Planning Commission may request any additional information it deems necessary to adequately assess potential environmental impacts. Further, whenever any information requested in a subsection above is not applicable to the proposed subdivision and/or land development, the applicant shall document such inapplicability in the EIA report.

§ 220-80. Congregate-care facilities, assisted-living facilities and personal-care homes.

A. Congregate-care facilities; assisted-living facilities; and/or personal-care homes shall be designed to achieve the following purposes:

(1) Each such facility shall be built as a single legal entity and shall be retained in single ownership. Fee simple absolute sale of units shall be prohibited. All common facilities to support the needs of the residents of the facility shall remain under a single ownership.

(2) To encourage the development of a community to service adults who can no longer live safely in a fully independent lifestyle, and who require some level of care and assistance with some or all of the activities of daily adult living.

(3) To provide for appropriate recreational activities for the residents in both exterior and interior spaces.

(4) To encourage innovation in design so the growing demand for housing may be met by a greater variety in type, design and layout of dwellings and by the conversion and efficient use of open space auxiliary to said units.

B. Uses permitted within congregate-care facilities, assisted-living facilities and personal-care homes:

(1) Residential uses.

(a) Efficiency units.

(b) One-bedroom units.

(c) Two-bedroom units.

(2) Nonresidential uses.

(a) Activity centers intended for use by the residents. These centers may include dining, recreational, retail and/or office space.

(b) Recreational areas including exercise areas, common open space, walkways and trails, garden areas, picnic area, and similar improvements.

(c) Medical offices and rehabilitation center.

(d) Uses clearly accessory to any of the permitted uses including but not limited to off-street parking facilities.

(e) Nonresidential uses are restricted to the use by residents of the community and their guests. However, the management of such congregate care, assisted-living facilities, or personal-care homes shall be permitted to open common areas of such facilities for use by community organizations for public and/or private meetings, at their discretion.

C. Area and density requirement for congregate-care facilities, assisted-living facilities and personal-care homes:

(1) Area requirements.

(a) A tract to be developed as a congregate-care facility, assisted-living facility or personal-care home shall have a minimum lot size of five (5) acres in the C-1 District and two acres in the C-R District.

(2) The gross residential density of a congregate-care facility, assisted-living facility or personal-care home shall not exceed twenty-five (25) dwelling units per acre.

(3) Lot setbacks:

(a) Except for parking spaces, no building or structure shall be located closer than fifty (50) feet to the boundary line of the tract being developed. Uncovered patios and stoops may project five (5) feet from the building or structure.

(b) No building or structure shall be located closer than fifty (50) feet to the street right-of-way line.

(4) Standards for buildings:

(a) Maximum building height: livable area may not exceed thirty-five (35) feet; ornamental structures on the building may not exceed forty (40) feet.

(b) When two or more congregate-care facility, assisted-living facility or personal-care home facility buildings or structures are to be constructed on a single tract of land, each individual building or structure shall be separated by a minimum of one hundred (100) feet.

D. Streets, parking and lighting.

(1) Streets and roadways:

(a) Streets and driveways may be private, but shall be constructed to Township standards.

(b) Curbs shall be in accordance with Township standards.

(c) Sidewalks shall be in accordance with Township standards.

(d) Roadway pavement thickness specifications shall conform to Township standards.

(e) Lighting shall be in accordance with Township standards.

(2) Parking requirements:

(a) Resident parking shall be designed with a minimum of one (1) off-street parking spaces for every dwelling unit.

(b) Employee parking shall be required with a minimum of one (1) off-street parking space for each employee based upon the highest number of employees in a particular shift.

(c) Visitor parking shall be required with a minimum of one (1) off-street parking space for each ten (10) dwelling units.

(d) All parking spaces shall be setback a minimum of at least fifteen (15) feet from the property line.

(e) An off-street loading area shall be provided that will not interfere with pedestrian or vehicular traffic.

(f) An emergency vehicle pickup area shall be provided.

E. Landscaping.

(1) Screen planting shall be required in accordance with § 220-64 of this chapter.

(2) Other landscaping shall be provided in accordance with the provisions of Chapter 190, Subdivision and Land Development.

F. Design regulations.

(1) All congregate-care facilities, assisted-living facilities and personal-care homes shall be served by a storm sewer system conforming to all applicable ordinances and regulations of the Township. All such facilities shall be constructed at the expense of the developer.

(2) All congregate-care, assisted-living facilities and personal-care homes shall have exterior trash storage facilities. All assisted-living facilities shall also have a designated medical waste storage facility and pickup area.

(3) When a congregate-care facility, assisted-living facility or personal-care home is proposed for a tract, the design shall include the entire tract.

(4) The maximum impervious surface coverage associated with a facility shall be sixty-five percent (65%) of the gross site area in the C-1 District and forty-five percent (45%) of the gross site area in the C-R District.

(5) The maximum building footprint associated with the facility shall be fifty thousand (50,000) square feet in the C-1 District and three thousand (3,000) square feet in the C-R District.

(6) The minimum living area of units shall be:

(a) Efficiency units: 300 square feet.

(b) One-bedroom units: 400 square feet.

(c) Two-bedroom units: 700 square feet.

(7) Recreational facilities for a congregate-care facility, assisted-living facility or personal-care home shall include:

(a) An outdoor sitting area for residents, including covered patios as well as contiguous sidewalk which allows residents to walk around the building.

(b) Areas within the building(s) designated for interior recreational facilities for the residents.

(8) All congregate-care facilities, assisted-living facilities and/or personal-care homes shall be designed, maintained, and sized in accordance with the most restrictive applicable state and federal regulations. In the event of a discrepancy between this chapter and the state and/or federal regulation, the most restrictive state and/or federal regulation shall apply.

(9) All congregate-care facilities, assisted-living facilities and/or personal-care homes shall have an emergency management plan in effect for response to catastrophic events.

(10) All congregate-care facilities, assisted-living facilities and/or personal-care homes shall have fire access on all four sides of a building. In the event a facility is designed with more than four exterior walls, this provision shall not be construed to require fire access on every exterior wall of the building.

(11) All congregate-care facilities, assisted-living facilities and/or personal-care homes shall have an automatic sprinkler fire suppression system.

G. Land development plan approval process for congregate-care facilities, assisted-living facilities, and personal-care homes.

(1) All applications shall be in full compliance with this chapter and all provisions of Chapter 190, Subdivision and Land Development; provided, however, that the provisions of this section applying to congregate-care facility, assisted-living facility, and/or personal-care home shall take precedence over any inconsistent or conflicting provisions of this chapter or the aforesaid subdivision and land development ordinance.

(2) Applicants seeking approval for a congregate-living facility, assisted-living facility or a personal-care home are strongly encouraged to submit to the Township a sketch plan (with that data specified by Chapter 190, Subdivision and Land Development) before proceeding with a preliminary plan.

§220-81 Wireless Communication Facilities

A. Purpose.

(1) To accommodate the need for cellular communications antennas while regulating their location and number in the Township.

(2) To minimize adverse visual effects of wireless communications antennas and support structures through proper design, siting and vegetative screening.

(3) To avoid potential damage to adjacent properties from antenna support structure failure and falling ice, through engineering and proper sighting of antenna support structures.

(4) To encourage the joint use of existing and any new antenna support structures to reduce the number of such structures needed in the future.

(5) At the discretion of the Maidencreek Township Board of Supervisors, municipal uses for the purposes of police protection, fire protection, ambulance service and road maintenance shall be exempt from these regulations.

B. Use regulations.

This section addresses the various types of Wireless Communication Facilities (WCF's) permitted in the Township either as a Use by Right or by Conditional Use in all or selected zoning districts. The following table presents an overview of the various WCF Uses and where they are permitted.

WCF Uses Permitted By Zoning District

WCF Use Type	Permitted By	Zoning District(s) Permitted
Towers on Municipal Property §220-81.B(1)(a)	By Right	All Districts
New Antenna / Existing Structure (1) §220-81.B(1)(b)	By Right	All Non-Residential Districts
Antenna / Equipment Replacements §220-81.B(1)(c)	By Right	All Districts
New Antenna Collocation on Existing Tower (2) §220-81.B(1)(d)	By Right	All Districts
Relocation of Existing Tower §220-81.B.2(a)	Conditional Use	All Districts
New Antenna / Existing Structure (3)		

§220-81.B(2)(b)	Conditional Use	All Districts
New Communication Tower Outside Of Public ROW §220-81.B.2(c)	Conditional Use	Industrial District
New Communication Tower Inside Of Public ROW §220-81.B(2)(d)	Conditional Use	All Districts – Inside ROW of Rt. 222 & Park Road
New Non-Tower WCF Inside Public ROW §220-81.B(2)(e)	Conditional Use	All Districts – Inside Public Street ROW's

Notes: (1) Height increase of existing structure by twenty (20) feet or less.
(2) Compliant with "No Substantially Change" standards.
(3) Height increase of existing structure in excess of twenty (20) feet.

(1) Permitted Uses By Right. The following wireless communication facilities are permitted as a Use by Right in all or selected zoning districts subject to the specific requirements set forth below.

(a) Towers on Municipal Property. Antennas and/or towers (Tower-Based or Non-Tower Based WCF's), as regulated and defined by this Chapter, are permitted by right on land owned or controlled by Maidencreek Township without the need for a conditional use approval, provided a license and/or lease authorizing such antenna and/or tower has been approved by Maidencreek Township.

(b) New Antenna/Existing Structure. A new cell site antenna (Non-Tower WCF) may be located on an existing smoke stack, water tower, farm silo or other tall structure in all non-residential zoning districts provided:

1) Submission of a zoning permit for the cell site antenna.

2) Provide a report from a structural engineer licensed in the State of Pennsylvania on the structural adequacy of the existing structure to accommodate the added weight and wind load of the proposed antenna location.

3) That the height of the antenna shall not exceed the height of the existing structure by more than twenty (20) feet above the permitted height of the applicable zoning district.

4) Building mounted communications antennas shall not be located on any single-family dwelling.

5) Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

6) Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.

7) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

8) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township Engineer for compliance to applicable building codes.

9) The antenna complies with all applicable FCC and FAA regulations.

10) The antenna complies with all applicable building codes.

(c) Antenna/Equipment Replacements. Replacements of existing antennas or existing equipment such as electrical cabinets are permitted to be replaced in all zoning districts subject to:

1) Submission of a zoning permit for the antenna/equipment replacement.

2) Provide a report from a structural engineer licensed in the State of Pennsylvania on the structural adequacy of the existing cell tower to accommodate the added weight and wind load.

3) Submission of a plan set and other information as appropriate to show the proposed replacement work.

4) The replacement antenna array(s) comply with all applicable FCC and FAA regulations.

5) The replacement array(s) comply with all applicable building codes.

(d) New Antenna Collocation. Location of a new antenna array on an existing cell tower is encouraged over the construction of a new tower location. Collocation of new antennas on existing towers is permitted in all zoning districts subject to:

1) Submission of a zoning permit for the antenna collocation.

2) Submission of a plan set and other information as appropriate to show the proposed collocation work.

3) Provide a report from a structural engineer licensed in the State of Pennsylvania on the structural adequacy of the existing cell tower to accommodate the added weight and wind load of the new antenna array.

4) The proposed antenna collocation will be reviewed to determine if it is considered as a “substantial change” or one which “does not substantially change” the wireless support structure (see §220-11 definition of substantial change).

5) Timing of the zoning application for a new collocation antenna will be approved within the time frames set forth under §220- 81.C. Should a zoning variance be required due to a height conflict, the prescribed review period will not start until the required zoning approval has been secured and the application is then deemed to be complete.

6) The new collocation antenna array complies with all applicable FCC and FAA regulations.

7) The new collocation antenna array complies with all applicable building codes.

(2) Uses Permitted by Conditional Use. The following wireless communication facilities are permitted subject to Conditional Use approval from the Maidencreek Township Board of Supervisors, in all or specific zoning districts subject to the specific requirements set forth below in additional to those presented in §220-81.C below.

(a) Relocation of an Existing Tower.

1) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on its site within fifty (50) feet of its existing location as long as all other applicable requirements have been met.

2) After the tower is rebuilt to accommodate collocation, only one (1) tower may remain onsite.

3) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to these regulations. The relocation of a tower hereunder shall in no way be deemed to cause a violation of these regulations.

4) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned land shall only be permitted with additional approvals

(b) New Antenna/Existing Structure. A new cell site antenna (Non-Tower WCF) to be located on an existing smoke stack, water tower, farm silo or other tall structure in all non-residential zoning districts where the height of the new antenna will exceed the height of the existing structure in excess of twenty (20) feet shall require Conditional Use approval provided:

1) Submission of a zoning permit for the cell site antenna.

2) Provide a report from a structural engineer licensed in the State of Pennsylvania on the structural adequacy of the existing structure to accommodate the added weight and wind load of the proposed antenna location.

3) Building mounted communications antennas shall not be located on any single-family dwelling.

4) Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

5) Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.

6) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

7) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township Engineer for compliance to applicable building codes.

8) The antenna complies with all applicable FCC and FAA regulations.

9) The antenna complies with all applicable building codes.

(c) New Communication Tower Outside Public Rights-of-Way.

New communication towers (Tower-based WCF's) outside of public rights-of-way are permitted in the I Industrial District

subject to Conditional Use approval. Consideration for approval would be subject to compliance with the criteria listed below as well as those of §220-81.C of this Chapter:

1) Annual Permit Fee – The Applicant shall pay the Township an annual Permit Fee as set by Resolution by the Board of Supervisors.

2) Location – the Applicant shall be required to demonstrate, using technological evidence, that the tower-based WCF must be located where it is proposed.

3) Height – The Applicant must demonstrate that the tower-based WCF is the minimum height required to function satisfactorily. Maximum height of the tower shall be two-hundred (200) feet. Accessory facilities shall meet the height requirements of the zoning district in which it is located.

4) Structure Design – The applicant shall demonstrate that the proposed tower-based WCF is safe and that the surrounding area will not be negatively affected by support structure failure, falling ice or other debris, electrometric fields, radio or satellite frequency interference. A licensed professional engineer shall certify that the tower can structurally accommodate the number of shared users being proposed by the applicant and that the tower meets the setback, requirements, separation distances.

5) Fence – A fence shall be required around the tower-based WCF and other equipment. The fence shall be eight (8) feet in height. Any wire on top of the fence shall not be included in the measurement of the height of the fence.

6) Landscaping – The following landscaping shall be required to screen as much of the tower-based WCF support structure as possible, the fence surrounding the support structure, and any other ground level features (equipment cabinets, etc.):

   (a) An evergreen screen shall be required to surround the site. The screen can be either a hedge or a row of evergreen trees. The evergreen screen shall be a minimum height of six (6) feet at planting, and shall grow to a minimum height of fifteen (15) feet at maturity.

(b) In addition, the existing vegetation on and around the site shall be preserved to the greatest extent possible.

7. Parking Spaces – If the tower-based WCF is fully automatic, two (2) off-street parking spaces shall be required. If the site is not automated, the number of required parking spaces shall equal the number of people in the largest shirt, but in any event, may not be less than two (2) off-street parking spaces.

8. Other Permitted Uses – All other uses associated with the tower-based WCF such as a business office, transmission studio, maintenance depot, or vehicle storage shall not be located on the site unless the use is otherwise permitted in the zoning district in which the site is located.

9. Accommodating Use – In order to reduce the number of tower-based WCF's needed in the Township in the future, any proposed support structure shall be designed to accommodate other users, including but not limited to police, fire and emergency services. Prior to proposing the construction of a new tower, the applicant shall demonstrate that a reasonable effort has been made to site the antenna on an existing tower or structure within close proximity of the choses site. Space for Township communication systems, if desired by the Township shall be made available at no cost.

10. Building Permit – The applicant shall obtain a building permit in accordance with Township requirements prior to commencement of construction for any tower-based WCF.

11. Federal Communication Commission – If the use of a tower-based WCF requires licensing by any state or federal agency, including but not limited to the Federal Communications Commission (FCC), the Applicant shall present evidence that it has obtained such license. The Applicant shall demonstrate that the proposed Wireless Communication Tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.

12) Lighting – No wireless communication towers shall be artificially lighted except when required by the Federal Aviation Administration or by state regulations. Communication towers shall comply with all applicable federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport zoning Regulations.

13) Lot Requirements. A new tower-based WCF may be permitted as the sole use on a lot, or in combination with an existing use, except residential, subject to the following conditions:

a) The existing use on the property may be any permitted use in the applicable zoning district, and need not be affiliated with the WCF.

b) The minimum lot size shall comply with the applicable district and shall be the area needed to accommodate the tower-based WCF, its guy wires, the equipment building, security fence, and buffer plantings in addition to the existing use.

c) The minimum lot size for a stand-alone WCF lot shall be one (1) acre.

14) Setbacks - The setback of a tower-based WCF from all property lines, existing street right-of-way lines and above ground utility lines shall be no less than the height of the tower. All guy wire anchors shall be setback a minimum of forty (40) feet from the property lot lines and existing street right-of-ways. No more than one (1) tower shall be permitted on a single lot.

15) Signs – No portion of any communication tower or antenna shall be used for a sign or other advertising purpose. No routine lighting of a tower, antenna, or accessory facilities shall be permitted.

16) The WCF shall employ the most current Stealth Technology in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the Stealth Technology chosen by the applicant shall be subject to approval of the Township.

17) Annual Certification – In January of each year an inspection shall be performed by an independent engineer acceptable to the Township and paid by the Applicant and

verification shall be provided to the Township zoning officer that there have been no changes in the operating characteristics of the commercial tower-based WCF as approved at the time of conditional use application, including at minimum:

a) Direction of the signal

b) Frequency, modulation and class of service

c) Transmission and maximum effective radiated power

d) Manufacturer, type and model of equipment

e) Height of antenna

f) Name, address and emergency telephone number of the operator

g) Copy of current FCC license

h) Review of all reasonable requests of shared use of the tower

18) Geotechnical investigation. The owner shall complete and submit geotechnical evaluation of the site in which the communications tower is to be located. The owner shall demonstrate how the proposed tower and related infrastructure is to be stabilized and anchored.

19) Land Development Plan – A full Site Plan prepared by either a registered surveyor or a professional engineer, with elevations prepared by a professional engineer, shall be required for tower-based WCF sites showing the communication tower, buildings, fences, buffering, access, and any accessory structures. Said Plan shall be in accordance with all applicable Subdivision and Land Development ordinance requirements of the Township.

20) Occupancy Permit – Prior to a Certificate of Use and Occupancy being issued, the Applicant shall provide an Engineer's Certification that the tower is constructed as designed and shall submit the same to the zoning officer.

21) Access – Access shall be provided to the tower-based WCF by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.

22) If a tower-based WCF is to be designed as a structure or natural feature, the communications tower and antenna shall be disguised and/or camouflaged within the surrounding area. The type, style, color, design, size and location of the disguised and/or camouflaged communications tower and antenna shall be subject to the approval of the Township Board of Supervisors as part of the conditional use process.

23) Removal – The Applicant shall submit a plan for the removal of a tower-based WCF when it becomes functionally obsolete or is no linger in use. Any antenna or tower that is not operated, and for which there is no intent or attempt to operate, for a continuous period of time of twelve (12) months shall be considered abandoned, and the owner of such tower or antenna shall remove the same within ninety (90) days after receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna, at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users have abandoned the tower or antenna.

(d) New Communication Tower Inside Public Rights-of-Way.

New communication towers (Tower-Based WCF's) of forty (40) feet or shorter may be permitted inside the public right-of-way of Rt. 222 and Park Road throughout the Township, regardless of the underlying zoning district, provided they are compliant with the following:

1) The location of the proposed Tower-Based WCF inside public right-of-way is not located within fifty (50) feet of an area in which utilities are underground.

2) Tower-Based WCF's inside public right-of-way are prohibited in residential areas or areas in which utilities are located underground.

3) Tower-Based WCF's inside public right-of-way shall not be located in the front façade area of any structure.

4) The Township and PennDOT shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCF's in the public right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

5) Securing of a Highway Occupancy Permit (HOP) from PennDOT as may be required when the proposed WCF is within a state highway right-of-way.

6) Tower-Based WCF's inside public right-of-way and related equipment shall be located as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the Township and PennDOT. In addition:

   a) In no case shall ground-mounted related equipment, walls, or landscaping be located within eighteen (18) inches of the face of curb or a minimum of two (2) feet from edge of cartway if no curb. The location of new poles and other above ground facilities shall be installed outside the shoulder and highway zone as near to the right-of-way line as practicable, under the HOP and applicable PennDOT design provisions.

   b) Ground-mounted related equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township and PennDot.

c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

d) Any graffiti on the tower or on any related equipment shall be removed at the sole expense of the WCF owner.

e) Any underground vaults related to tower-Based WCF's shall be reviewed and approved by the Township and PennDOT.

f) The WCF shall employ the most current Stealth Technology in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the Stealth Technology chosen by the applicant shall be subject to approval of the Township and PennDot

g) Any proposed WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennae and comparable antennae for future users.

h) Reimbursement for right-of-way use. In addition to permit fees as described in this section, every Tower-Based WCF in the Township right-of-way is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the Township's actual right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Township. The owner of each Tower-Based WCF shall pay an annual fee to the Township to compensate the Township for the Township's cost incurred in connection with the activities described above. Said fee is to be set by Resolution of the Township.

(e) New Non-Tower WCF Inside Public Rights-of-Way.

New Non-Tower WCF's located within the public right-of-way shall be collocated on existing poles, such as utility poles or light poles. If collocation is not technologically feasible, the WCF Applicant shall locate its non-tower WCF's on existing

poles or freestanding structures that do not already act as wireless support structures with the approval of the Township and PennDOT, provided they are compliant with the following:

1) WCF installations located above the surface grade in the public right-of way including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are not more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

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

3) The Township and PennDOT shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCF's in the public right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

4) Non-Tower WCF's and related equipment shall be located as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the Township and PennDOT. In addition:

    a) In no case shall ground-mounted related equipment, walls, or landscaping be located within eighteen (18) inches of the face of curb, within two (2) feet of the edge or cartway if no curb, or within an easement extending onto a privately owned lot.

    b) Ground-mounted related equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township and PennDOT.

c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township and PennDOT.

d) Any graffiti on the non-tower WCF or on any related equipment shall be removed at the sole expense of the WCF owner.

e) Any underground vaults related to non-tower based WCF's shall be reviewed and approved by the Township and PennDOT.

f) Relocation or removal of facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Non-Tower WCF in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Non-Tower WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations and PennDOT, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

i) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way.

ii) The operations of the Township or other governmental entity in the right-of-way.

iii) Vacation of a street or road or the release of a utility easement.

iv) An emergency as determined by the Township.

g) Reimbursement for right-of-way use. In addition to permit fees as described in this section, every Non-Tower WCF in the Township right-of-way is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the right-of-way. Such compensation for right-

of-way use shall be directly related to the Township's actual right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Township. The owner of each Tower-Based WCF shall pay an annual fee to the Township to compensate the Township for the Township's cost incurred in connection with the activities described above. Said fee is to be set by Resolution of the Township.

C. Permit Processing Time Frames

Timing of approval for WCF applications shall be as follows:

1) For a Non-Tower WCF:

(a) Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application.

(b) Upon submission to the Township of the additional required information, the Township shall within ten (10) days notify the applicant if the application is now complete.

(c) For those applications for Non-Tower Based WCF's that do not Substantially Change the physical dimensions of the wireless support structure to which they are attached as defined by the WBCA, within sixty (60) days the Township shall make its final decision on whether to approve the application.

(d) For those applications for Non-Tower Based WCF's that do Substantially Change the physical dimensions of the wireless support structure to which they are attached as defined by the WBCA, within ninety (90) days the Township shall make its final decision on whether to approve the application.

(e) The decision of the Township shall be made in writing and provided to the applicant.

(f) If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the Township's sixty (60) or ninety (90) day review periods, as applicable. These timing requirements in this section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act. (Provision to put clock on "hold" when additional information has been requested to make an application complete)

2) For a Tower-Based WCF:

(a) Within thirty (30) calendar days of the date that an application for a new Tower-Based WCF is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application (i.e.: the requirement for a Special Exception approval from the Zoning Hearing Board).

(b) Upon submission to the Township of the additional required information, the Township shall within ten (10) days notify the applicant if the application is now complete.

(c) All applications for Tower-Based WCF's shall be acted upon within one-hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Township shall advise the WCF Applicant in writing of its decision.

(d) If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.

§220-82 Medical Marijuana

A. Grower / Processor

(1) A Permit from the Pennsylvania Department of Health for the conduct of a medical marijuana grower/processor operation under PA Act 16 would be required as a condition of any zoning approval from the Township.

(2) The growing of medical marijuana can only be conducted by a "grower / processor" permitted under PA Act 16 and cannot be conducted separate from the processing activity.

(3) A grower / processor shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same zoning district, as well as any additional special standards applicable to this use as may be required under PA Act 16.

(4) A medical marijuana grower / processor use is not considered as an agricultural use, but rather as a manufacturing use.

(5) A grower / processor use may only be conducted in an indoor, enclosed, secure facility.

B Medical Marijuana Dispensary

(1) The dispensing of medical marijuana can only be conducted by a health care medical marijuana organization permitted under PA Act 16.

(2) A dispensary may only dispense medical marijuana in an indoor, enclosed, secure facility.

(3) A dispensary may not operate on the same site as a facility used for the growing and processing of medical marijuana.

(4) A dispensary may not be located within 1,000 feet of the property line of a public, private or parochial school or a day-care center.

(5) A dispensary may sell medical devices and instruments which are needed to administer medical marijuana.

(6) A dispensary shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district, as well as any additional special standards applicable to this use as may be required under PA Act 16.

(7) Medical marijuana may only be dispensed to a patient who receives a certification from a practitioner and is in possession of a valid identification card issued by the Pennsylvania Department of Health under the requirements of Act 16.

§ 220-83. In-law quarters

In-Law Quarters, an accessory apartment for relatives shall be permitted as a Conditional Use subject to Board of Supervisors approval within the AP – Agricultural Preservation, R-1 Low Density Residential, R-2 – Moderate Density Residential zoning districts for single family detached dwellings subject to the following requirements:

An in-law quarter shall be considered an accessory living component or living area of a permitted single-family detached dwelling on an approved lot, which complies with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the in-law quarter is located.

An in-law quarter shall only be utilized by relatives of the occupants of the residence.

The in-law quarters shall be occupied by a maximum of two (2) people.

The in-law quarters can not be permitted a detached structure to the principal residence (guest house) or constructed above an existing or proposed detached garage.

The in-law quarters may not have a gross floor area in excess of one thousand (1,000) square feet of living space, which may include a living room, kitchen, bedroom and bathroom.

All utility provisions, including sewage disposal and water supply that serve the in-law quarters shall be physically connected to those systems serving the principal residential dwelling. The applicant shall provide the Township evidence that the property is serviced by public water and sewer or that the existing on-lot sewage disposal system and well have sufficient capacities to accommodate the principal building plus the in-law quarters. Where appropriate, the Township Sewage Enforcement Officer shall review the existing and proposed utility connections.

In addition to the number of off-street parking spaces required for a single-family detached dwelling, a minimum of one (1) additional off-street parking space shall be required for the in-law quarters.

Upon construction of the in-law quarters, the Zoning Officer shall issue a zoning permit, which shall be reviewed every two (2) years to determine compliance the requirement of this section.

(9) Upon the abandonment of the in-law quarters as an accessory use in compliance with the requirements of this section, the area occupied by the in-law quarters must be converted back to common living space with the principal use. An in-law quarters which no longer provides residence for family relatives, cannot be subsequently rented out as an apartment unit.

§ 220-84. Cluster development regulations

A. Statement of Intent

The purpose of this article is to provide development and design standards for cluster developments containing single-family detached dwelling units. It is the intent of these standards to:

(1) Provide an optional approach to community development with provisions to permit more efficient utilization of land and of community facilities and services.

(2) Encourage innovative single-family residential land development that will conserve open space and environmental amenities.

(3) Protect environmentally sensitive areas from development pressures.

B. Development and Design Standards

(1) Eligibility

(a) Cluster developments containing single-family dwelling units are permitted by conditional use in the Low Density Residential (R-1) and Moderate Density Residential (R-2) Zoning Districts.

(b) The development shall contain a minimum contiguous land area of four (4) acres.

(c) The development shall be serviced by public sewage disposal facilities and by a public water supply system.

(d) A minimum of fifty percent (50%) of the gross area of the development shall be set aside as common open space. No more than fifty percent (50%) of the common open space shall be located on lands designated as floodplain, wetlands, or steep slope areas.

(2) Density Specifications

(a) A cluster development shall not exceed the overall gross residential density that is conventionally permitted for development within the Low Density Residential (R-1) and Moderate Density Residential (R-2) Zoning Districts.

(b) The area that is not utilized for development shall be set aside as common open space.

(3) Comprehensive Planning Considerations

(a) The development shall be designed with regard to the topographic and natural features of the site. The effects of prevailing winds, seasonable temperatures and hours of sunlight on the physical layout and design of the development shall be considered by the developer.

(b) All natural features (lakes, streams, topsoil, knolls, basins, trees and shrubs) should be preserved and incorporated into the final landscaping of the development whenever possible and desirable. The finished topography of the site shall adequately facilitate the development without excessive earthmoving and neglect for the natural amenities.

(c) The development shall provide a buffer / planting screen along the property lines at the periphery of the development to protect the privacy of the adjacent residents. The planting screen shall be consistent with the standards specified under § 220-64. Landscaping, of this chapter.

(d) The proposed residential dwelling units located within the development should not be located along existing roads within the Township and/or along any proposed interior collector street. This provision may be waived by the Township if the applicant demonstrates that the design options are limited based on physical development constraints.

(4) Area, yard and height regulations. Each of the following maximum and minimum dimensional requirements shall apply to single-family detached units within a cluster development, except as specifically provided for in this chapter:

Minimum Regulations	
Lot Area	8,000 sq. ft.
Lot Width	70 feet
Building Setback	40 feet
Rear Yard	30 feet
Side Yard Total	20 feet

One Side	10 feet
Common Open Space (Development)	50%
Buffer Yard Depth (Development)	10 feet
Maximum Regulations	
Building Height	35 feet
Lot Coverage	25%
Woodland Extraction (Development)	40%

(5) Supplementary Regulations. All sections under Article XVI of this article shall apply as supplementary guidelines and specifications for cluster developments.

C. Open Space

(1) Requirements and Specifications

(a) A minimum of fifty percent (50%) of the gross area of the development shall be set aside as common open space. No more than fifty percent (50%) of the common open space shall be located on lands designated as floodplain, wetlands, or steep slope areas.

(b) The common open space shall be planned and located as a contiguous accessible area within the development.

(c) The common open space shall not include areas that have been devoted to roads, utilities easements and/or stormwater management facilities.

(d) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible.

(e) The area devoted to common open space shall be comprised of areas not less than fifty (50) feet in width and shall not contain less than one contiguous acre of land. In addition, there shall at least one designated common area within the development containing no less than thirty percent (30%) of the required open space.

(f) For all common open spaces, satisfactory written agreements approved by the Maidencreek Township Board of Supervisors shall be consummated for the perpetual preservation of the common open spaces.

(2) Management and Maintenance

(a) The developer of the cluster development shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained.

(b) The developer of the cluster development shall have the following options for ownership, management and maintenance of the common open space:

[1] Retain ownership and responsibility for the management and maintenance; or

[2] Dedicate the land to a homeowner's association which is comprised of all the residents of the cluster development; or

[3] Dedicate the land to the Township. The Township shall have the option to accept or refuse the land offered dedication.

(c) If the common open space is dedicated to a homeowners' association, the developer shall file with the Township and acceptable declaration of covenants and restrictions that will govern the association.

D. Administration and Review

Cluster development shall be planned, designed and constructed in accordance with all pertinent procedures, provisions, standards and specifications that are identified in this article and Maidencreek Township Subdivision and Land Development Ordinance.

§ 220-85. Hospitals

Hospital facilities are permitted as conditional uses within the Local and Regional Commercial (C-1 and C-2) zoning districts, and are subject to the following additional provisions.

A. A minimum lot area of ten (10) acres shall be provided.

B. Any such establishment providing convalescent care or care for the chronically sick shall provide an additional lot area of not less than one thousand (1,000) square feet per bed in use for such long-term care. For the purpose of this Ordinance, long-term care shall mean care in excess of one (1) month.

C. Such use shall take access from collector or arterial highways only. A traffic impact study shall be required for review by the Township prior to approval of the Conditional Use.

D. Care shall be taken to locate emergency and service entrances where they are not offensive to adjoining neighbors.

E. A buffer yard of twenty-five (25) feet is required in addition to provisions of § 220-64 Landscaping, of this chapter.

F. Parking in accordance with § 220-61 of this chapter. Parking areas must be adequately screened when situated within fifty (50) feet of land zoned for or in residential use.

§ 220-86. Library / Museum

For purposes of this Ordinance, a library or museum, open to the public or connected with a permitted educational use and not conducted as a private gainful business, are permitted as conditional uses within the Local and Regional Commercial (C-1 and C-2) zoning districts, and are subject to the following additional provisions.

A. A minimum lot area of two (2) acres shall be provided.

B. Care shall be taken to locate access for ingress and egress where they are not offensive to adjoining neighbors.

C. A buffer yard of fifteen (15) feet is required in addition to provisions of § 220-64 Landscaping, of this chapter.

D. Parking in accordance § 220-61 of this chapter. Parking areas must be adequately screened when situated within fifty (50) feet of land zoned for or in residential use.

§ 220-87. General agricultural use regulations

General Agricultural uses, as defined in § 220-11 of this chapter and as described below, are permitted by right in all Zoning Districts except, High Density Residential (R-2a), Village Density Residential (R-3), and Multi-Family Residential (R-4).

A. General agricultural standards

(1) Agricultural uses shall be conducted on a farm which shall be a minimum of three (3) acres in size.

(2) Animal husbandry uses shall be limited to the following:

Area in Contiguous Acres	Animal Equivalent Units Per Acre(s)
3-5	0.5
>5-25	1.5
>25 and above	2.0

Uses exceeding an animal density greater than specified above shall be considered an Intensive Agricultural use which is permitted by Special Exception in the Agricultural Preservation (AP) zoning district only, and are subject to § 220-88 of this chapter.

(a) Not withstanding anything to the contrary, no agricultural structure housing animals shall be located closer than one-hundred fifty (150) feet to any property boundary.

(b) All grazing or pasture areas utilized for this purpose shall be fenced.

(c) No slaughter area or manure storage shall be established closer than one-hundred fifty (150) feet from any property line.

(3) The display and sale of farm products shall be permitted provided that at least fifty percent (50%) of the quantity of products for sale has been produced from seed or seedlings on the property on which they are offered for sale. The sale of farm products shall be conducted in a structure or stand which shall not be located closer than fifty (50) feet from the center of any road and seventy-five (75) feet from the center of an intersection. The road leading into the parking area must exceed seventy-five (75) feet from the center of the intersection. In addition, all off-street parking and access driveway shall be designed in accordance with § 220-61 of this chapter.

(4) General agriculture standards – animal units per acre (.5, 1.5, 2.0)

# of Acres	Animal Units	Cattle (1200 lbs./animal)	Swine (300 lbs./animal)	Sheep/Goats (200 lbs./animal)	Poultry (4 lbs./animal)	Rabbits (5 lbs./animal)
1	0.5	0.4	1.7	2.5	1.25	100
3	0.5	1.3	5.1	7.5	375	300
4	0.5	1.7	6.8	10	500	400
5	1.5	6.25 (1.25 cattle/acre)	25 (5 swine/acre)	37.5 (7.5 sheep/acre)	1875 (375 poultry/acre)	1500 (300 rabbits/acre)
8	1.5	10	40	60	3000	2400
10	1.5	12.5	50	75	3750	3000
15	1.5	18.8	75	112.5	5625	4500
20	1.5	25	100	150	7500	6000
24	1.5	30	120	180	9000	7200
25	2	42.5 (1.7 cattle/acre)	167.5 (6.7 swine/acre)	250 (10 sheep/acre)	12500 (500 poultry/acre)	10000 (400 rabbits/acre)
30	2	51	200.1	300	15000	12000
60	2	102	400.2	600	3000	24000
90	2	153	600.3	900	45000	36000
100	2	167	667	1000	50000	40000
120	2	200.4	800.4	1200	60000	48000
140	2	233.8	933.8	1400	70000	56000
180	2	300.6	1200.6	1800	90000	72000
200	2	334	1334	2000	100000	80000

(5) All Farm-Related Businesses shall also comply with the following standards:

(a) The applicant shall demonstrate that the farm business is compatible with the rural setting and will not unduly interfere with nearby residences and agriculture production activities.

(b) No more than a total of five (5) full time equivalent non-resident employees of the farm parcel shall be employed by the farm-related business.

(c) The farm-related business shall occupy an area no greater than a maximum of twenty thousand (20,000) square feet.

(d) The maximum acreage devoted to a farm-related business (including the structure, parking, storage, and driveway if separate) shall be no more than three (3) contiguous acres.

(e) Where practicable, farm-related businesses shall be conducted within an existing farm building.

(f) The maximum impervious lot coverage of a farm-related business shall not exceed twenty-five percent (25 %) of the three (3) acres.

(g) Any new building constructed for use by the farm-related business shall be:

(1) Located no less than fifty (50) feet from all property boundaries.

(2) Meet current front setback requirements.

(h) Off-street parking shall be provided per § 220-61 of this chapter. The length of any access drive shall be sufficient to accommodate delivery and customer vehicles.

(i) Any outdoor storage of supplies, materials or products shall be located no closer than fifty (50) feet from all property boundaries.

(j) One outdoor sign shall be permitted for a farm-related business. Such signs shall be erected so as not to interfere with safe ingress, egress and regress and shall be subject to the provisions of § 220-62 of this chapter.

(k) Composting and other farm waste storage facilities shall not be permitted within one-hundred fifty (150) feet of any property line and two-hundred (200) feet from a stream or waterway.

(6) Greenhouse uses

(a) Greenhouse uses shall not exceed a maximum of fifty thousand (50,000) square feet for the entire operation but shall be subject to the acreage scale below:

Area in Contiguous Acres	Allowed Sq. Ft. of Growing Area Under Cover
Up to 3	1,000 sq. ft. per acre
3-15	1,500 sq. ft. per acre
15-25	2,000 sq. ft. per acre

(b) When retail sales to the general public are part of such operation, the provisions of § 220-87.A.5. related to farm-related business shall apply.

(c) A traffic and off-street parking plan shall be provided at the time of application to allow maneuverability, parking, and loading of deliveries, supply trucks, or other similar vehicles as well as compliance with the other parking provisions contained in § 220-61 of this chapter.

(d) Greenhouse structures shall be included in the impervious coverage of the tract whether or not the cover material is permanent.

(e) Prior to commencing operations, the Applicant shall obtain an approved Erosion, and Sedimentation Control Plan approved by the Berks County Conservation District.

(f) The Applicant shall also take all reasonable steps to employ practices and takes all reasonable actions to conserve water and employ Best Management Practices when feasible based upon soil types and conditions.

§ 220-88. Intensive agricultural use regulations

Intensive Agricultural uses, as defined in § 220-11 of this chapter and as described below, are permitted by right in the Agricultural Preservation (AP) zoning district. A building permit shall only be issued upon satisfactory proof of full compliance with all the following provisions.

A. Intensive agricultural activities shall include the following:

(1) A Concentrated Animal Operation (CAO) in excess of two (2.0) animal equivalent units per acre of land suitable and available on the farm for manure application on an annualized basis.

(2) A Concentrated Animal Feeding Operation (CAFO) where two-hundred fifty (250) or more animal equivalent units (AEU) are housed inside buildings or confined feedlots.

B. All lots for such uses shall have a minimum size of twenty-five (25) acres, unless a larger size is required elsewhere in this Ordinance.

C. No more than three (3) persons not related to the family operating the use shall be housed on the lot.

D. All buildings and structures designated for the use of any regulated activity shall be painted and maintained in good condition.

E. A fence shall be maintained around all areas in which animals are kept outside of buildings.

F. No intensive agricultural use shall be located closer than one-thousand (1,000) feet for swine, mink and duck and five-hundred (500) feet for all other animals from any property boundary line unless a lesser distance is permitted by Act 6 or any other applicable State law.

G. Agricultural activities that exceed the density specified under § 220-87.A.2 (General Agricultural Standards) shall be construed as Intensive Agriculture.

H. The raising and ownership of horses, cattle, swine, sheep, goats, poultry, rabbits, or similar animals shall be based on the following chart:

Area in Contiguous Owner Areas	Maximum Animal Units Per Acre
25-50	3
>50	5

I. A Nutrient Management Plan shall be prepared and approved under the guidelines of Title 25, Chapter 83, Subchapter D, Pennsylvania Code for all proposed Intensive Agricultural uses. The approved Nutrient Management Plan shall be submitted to the Township with the building application.

J. A Stormwater Management Plan shall be prepared in accordance with the Township's Storm Water Management ordinance for all proposed Intensive Agricultural uses.

K. The Applicant shall obtain a review by and receive recommendations from Pennsylvania State University Cooperative Extension Service, Berks County and follow all recommendations not inconsistent with this Ordinance.

L. A Conservation Plan shall be approved by the Berks County Conservation District for all proposed Intensive Agricultural uses. The approved Conservation Plan shall be submitted to the Township with the building application.

M. A Buffer Plan shall be required for all proposed Intensive Agricultural uses, to include plantings that will prevent or substantially reduce visibility, sound, and odor from the operation consistent with recommendations from The Pennsylvania State University Cooperative Extension Service, Berks County. The plan is to be submitted with building plans.

N. A Site Plan for buildings, manure structures, etc., to include sizes of structures, prevailing winds, distance to neighbor's building, boundaries, vegetation shall be submitted for review by the zoning officer when application for building permit is submitted.

O. Solid and liquid wastes shall be disposed of in a manner to prevent insect or vector problems for surrounding properties. All intensive animal operations shall develop a fly abatement plan which shall be submitted with the building application.

P. The applicant shall show that they can meet the 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. These shall include "Best Practices for Environmental Protection in the Mushroom Community," "The Environmental Standards of Production for Large Pork Producers in Pennsylvania" and others as they are developed.

Q. 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 approved by the local, state and/or federal regulatory agencies.

R. Any and all Intensive Agricultural uses and activities are required be reviewed by the Berks County Conservation District (BCCD). Applicant must submit a copy of the BCCD's approval letter at time building plans are submitted.

S. The applicant shall prepare and show the ability to comply with an odor abatement plan. Recognition must be given that certain agricultural activities do produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. The plan of the applicant shall show that such steps as may be necessary to abate odors or to allow odors at times that there would be minimal interference with neighbors will be taken.

T. The applicant shall handle solid and liquid waste in the manner that will avoid creating insect or rodent problems or public nuisance, and will demonstrate that the application thereof to the land will be within the standards as may be set by the federal or state regulatory agencies.

U. The applicant shall also show that the use of pesticides will be within standards as may be set by the federal or state regulatory agencies.

V. No Intensive Agricultural buildings can be built in the one hundred (100) year flood plain.

W. Intensive agriculture standards – animal units / acre (2.5)

# of Acres	Animal Units	Cattle & Horses (1200 lbs./animal)	Sheep / Goats (200 lbs./animal)	Swine (300 lbs./animal)	Poultry (4 lbs./animal)	Rabbits (5 lbs./animal)
1	2	1.7	10	6.8	500	400
10	2	17	100	68	5000	4000
20	2	34	200	136	10000	8000
24	2	40	240	163.2	12000	9600
25	5	105 (4.2 cattle/acre)	625 (25 sheep/acre)	417.5 (16.7 swine/acre)	31250 (1250 poultry/acre)	25000 (1000 rabbits/acre)
40	5	66	1000	666.8	50000	40000
80	5	332	2000	1333.6	100000	80000
100	5	415	2500	1667	125000	100000
140	5	581	3500	2333.8	175000	140000
180	5	747	4500	3000.6	225000	180000
200	5	830	5000	3334	250000	200000
240	5	996	6000	4000.8	300000	240000
280	5	1162	7000	4667.6	350000	280000
300	5	1245	7500	5001	375000	300000

§ 220-89. Animal hospital, veterinary facility and commercial kennel

Animal hospitals, veterinary facilities, and kennels (commercial) are permitted by right in the Agricultural Preservation (AP) zoning district. Additionally, animal hospitals and/or veterinary facilities that do not have any outdoor pens to house animals are allowed by Special Exception in the Local Commercial (C-1), Regional Commercial (C-2), and Special Intensified Activities (SIA) zoning districts and as a Conditional Use in the Industrial (I) zoning district. Animal hospitals, veterinary facilities and kennels (commercial) are subject to the following provisions.

A. All buildings in which animals are housed shall be located at least one hundred fifty (150) feet from all lot lines or existing center of a road.

B. All facilities shall comply with all applicable state codes and regulations.

C. Kennels (commercial) shall be located on a property which is no less than four (4) acres in size.

D. Outdoor pens, feed yards, and runs shall be a minimum of one hundred fifty (150) feet from any property boundary and three hundred (300) feet from any existing neighboring residence.

E. A buffer yard of fifteen (15) feet shall be required, sufficient to completely screen the operation from all adjoining properties, and shall be planted prior to the commencement of operations.

F. The potential effect of noise shall be considered in the approval of this use. Soundproofing materials may be required, sufficient to meet the noise requirements of this Ordinance along all property lines which abut adjacent Residential Use(s) or Residential Zoning District(s).

G. Parking: One (1) off-street parking space for each employee plus one (1) space for each two hundred (200) square feet of sales/office/treatment facility area.

H. Signs shall be in compliance with § 220-62 of this chapter.

I. Lighting shall be in compliance with the most recent Township Lighting Ordinance.

J. No dogs shall be permitted outside of an enclosed structure or fenced pen between the hours of 9:00 p.m. and dawn.

§ 220-90. Kennel (non-commercial) regulations

A. No more than six (6) such pets shall be kept under the permanent care of the occupants.

B. No animal shelter or runs shall be located closer to the property or street line than the minimum yard requirements specified for the principal use.

C. A noncommercial kennel may be established only as an accessory use.

D. Except for the sale of young animals born to pets kept under the permanent care of the occupants, no animals shall be sold or offered for sale on the property.

§ 220-91. Riding academy

A Riding Academy is a permitted use by right in the Agricultural Preservation (AP) zoning district. A Riding Academy use is subject to the provisions of § 220-87 General Agriculture Standards of this chapter, as well as subject to the following provisions.

A. Minimum lot area shall be ten (10) acres.

B. Any building or structure used for the keeping or raising of horses shall be situated not less than one hundred (100) feet from any street line or property line.

C. The maximum impervious surface area shall be three percent (3%).

D. Parking: One (1) off-street parking space for every three (3) persons present at such facilities when they are filled to capacity (or one [1] space for every three [3] stalls) plus one (1) additional off-street parking space for each employee.

E. Horse trailer parking or storage shall be provided in a designated off-street area.

F. Parking for horse shows, demonstration clinics, or any other horse related activities must be provided off-street.

§ 220-92. Poisonous, venomous, dangerous and exotic animals

A. Any and all dangerous, exotic animals, particularly those classified as wild, carnivorous and/or predatory as defined in § 220-11, including but not limited to bears, lions, tigers, ocelots, cougars, chimpanzees, venomous snakes, alligators, crocodiles and other dangerous animals are banned and restricted from any residency in the Residential zoning districts of the Township (AP, R-1, R-2, R-2a, R-3, R-4, and C-R zoning districts).

B. Any and all animals utilized in shows and menageries shall be housed in a humane manner and displayed in a manner which prohibits their noxious or dangerous contact with the public.

C. Circuses, shows, fairs, zoological gardens, research programs, and large animal veterinary centers, and state-licensed breeders and dealers are exempted from said ban, supra, so long as they shall conform to and/or exceed any and all applicable state and federal law/regulatory licensing and inspection requirements, as well as all applicable Maidencreek Township regulations as contained in §§.B above, pertinent to safe housing and display requirements.

§ 220-93. Bed and breakfast

Bed and Breakfast uses are permitted by right in the Commercial-Residential (C-R) and Local Commercial (C-1) zoning districts and are permitted as a Conditional Use with approval from the Board of Supervisors within the Agricultural Preservation (AP) zoning district. Bed and Breakfast uses are subject to the following provisions.

A. The minimum lot size shall be two (2) acres for three (3) guest rooms and one (1) additional acre for each additional guest room, up to a maximum of five (5) guest rooms.

B. There shall be no separate kitchen or cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast and afternoon tea only.

C. The maximum uninterrupted length of stay at a bed and breakfast shall be seven (7) days within a three-month period.

D. One (1) off-street parking space shall be provided for each guest room, plus one (1) space for each employee and two (2) spaces for the owners of the property. The off-street parking spaces shall be located either to the rear of the main dwelling or screened from the roadway.

E. There shall be no use of show windows or display or advertising visible outside the premises to attract guests or otherwise, other than a single, non-illuminated sign which may not exceed six (6) square feet.

F. At least one (1) full bathroom shall be provided for the first guest room, plus one (1) bathroom for each two (2) additional guest rooms. The living quarters for the owner residents shall have their own separate and additional bathroom facilities.

G. The bed and breakfast use shall be conducted by family members of the resident owner-occupant. Nonresident employees shall be limited to two (2) in addition to the resident family members.

H. No more than two (2) adults and two (2) children may occupy one (1) guest room.

I. The utilization of any amenities provided by the bed and breakfast inn, such as a swimming pool or tennis courts, shall be restricted in use to the owners and the guests of the bed and breakfast inn.

J. A permit issued for a bed and breakfast inn shall have a life of one (1) year. The permit shall be renewed annually upon application by the owner and payment of the annual fee provided in the Township Fee Schedule, and provided also that the Zoning Officer has inspected the facility and found it to be in compliance with the provisions of this Ordinance.

K. The bed and breakfast use may not be established until there is compliance with all Township ordinances, rules and regulations. The bed and breakfast will be periodically inspected by the Fire Marshall for compliance with all Township safety standards. All Department of Labor and Industry requirements must be satisfied, and proof thereof shall be required for the bed and breakfast permit or renewal thereof.

(1) Sewage disposal methods shall conform with the requirements of the PA Department of Environmental Protection and/or Township Authority rules and regulations.

(2) Proof of an adequate water supply must be provided to the Township. If the proposed bed and breakfast use is to be served by a public water system, the applicant shall submit documentation from the servicing authority that the proposed use will be served. If the use is to be served by a private well, the applicant shall submit water testing documentation from a DEP certified testing laboratory confirming a potable water supply.

L. The total number of bedrooms (resident and guest) in the bed and breakfast shall not exceed the number of bedrooms which the on-lot sewage system is designed to accommodate. If the proposed bed and breakfast use is to be served by a public

sewage disposal system, the applicant shall submit documentation from the servicing authority that the proposed use will be served.

§ 220-94. Group homes

Group Home facilities are permitted as a Conditional Use with approval from the Board of Supervisors within the R-4 Multi-Family Residential zoning district. Group Home uses are subject to the following provisions.

A. Purpose and Intent: This use is to encompass living arrangements for a group of persons who might otherwise be confronted with institutionalization. The purpose of this use is to create a setting which most nearly approximates traditional familial living arrangements for handicapped, elderly, disabled persons and others. The intent of this use is to offer persons facing institutionalization an alternative whereby, they can be placed in a family setting as nearly normal as possible, and thereby, enter into the mainstream society. Groups contemplated by this use include, but are not limited to, group homes for the mentally handicapped, physically handicapped, emotionally handicapped and elderly. However, this use does not include group homes for ex-convicts or half-way houses. Due to the fact that it is the intent of this use to create traditional familial living arrangements, all group home structures should have the appearance of single-family or other traditionally residential structures.

B. The number of persons living in a group home, including care givers, shall not exceed ten (10) in number unless each resident has one hundred fifty (150) square feet of floor space per person for sleeping quarters. In addition to the foregoing, group homes shall comply with the requirements for total living space pursuant to the Chapter 101 Uniform Construction Code, Township Code, as amended. It is the intent of this chapter that any number in excess of ten (10) persons actually residing at the subject premises would tend to decrease the familial concept, detract from effective family interaction and would tend to create an institutional atmosphere. Personal care boarding homes in excess of eight (8) residents and licensed by the State Department of Public Welfare shall be governed by § 220-85 of this chapter.

C. A group home must be sponsored and operated by an organization or corporation licensed by either the County or the State. Proof of compliance with all applicable County, State or Federal regulations and the name, address and telephone number of the responsible contact person with the sponsoring organization shall be furnished to the Township with the zoning permit application and shall thereafter continuously be maintained and updated.

D. A minimum lot size of one and one-half (1½) acres shall be provided.

E. Parking: One (1) off-street parking space per employee on the largest shift plus one (1) visitor parking space plus one (1) space for accessory vehicle. Provisions should be made, and shown on any plans, for the addition of four (4) extra parking spaces. These extra parking spaces shall be required to be constructed if the

Township Supervisors decide at a future time that the existing spaces are insufficient to handle the needs of the particular group home use. Said parking spaces shall be constructed so that no more than two (2) spaces appear in the front yard, thereby confining the remainder of the parking to the rear and side yards. The maximum number of parking spaces allowed for any particular group home use is one and one-half (1½) spaces per resident in said group home.

F. Buffering requirements:

(1) Parking areas shall be visually screened from adjacent properties via an evergreen planting screen subject to Township approval.

(2) Side and rear yard areas shall be planted in accordance with § 220-64 Landscaping of this chapter.

(3) Street trees shall be installed along all streets where suitable trees do not exist.

(4) All plant material, size, species, genus, caliper, and arrangement shall be in accordance with the Township Subdivision and Land Development Ordinance, Chapter 190, Township Code

G. No kitchen facilities shall be located in any bedroom.

H. Any medical or counseling services provided shall be done only for residents of the group home.

I. The sewage facilities of all group homes must be serviced by a public sewer system. The applicant shall submit documentation from the servicing authority that the proposed use will be served.

J. The water supply of all group homes must be serviced by and public water system. The applicant shall submit documentation from the servicing authority that the proposed use will be served.

J. No group home shall be constructed within a one (1) mile radius of any other group home.

K. A plan for security of the premises shall be prepared if the facility is a transitional home.

L. Twenty-four (24) hour supervision shall be provided at all transitional and personal care facilities by staff qualified by the sponsoring governmental agency.

§ 220-95. Boarding and rooming house

Boarding and rooming house uses are permitted by right in the C-R Commercial-Residential zoning district, and are permitted as a Special Exception with approval from the Zoning Hearing Board within the C-1 Local Commercial zoning district. Boarding and rooming house uses are subject to the following provisions.

A. Purpose and Intent: This use is to encompass living arrangements for a group of non-transient persons who are not related, such as roomers, boarders or lodgers with or without common eating facilities, but not including personal care boarding homes or similar facilities licensed by the State Department of Public Welfare.

B. Buildings used as boarding homes may not use rooms smaller than one hundred fifty (150) square feet for lodging tenants.

C. The boarding home must maintain the appearance of a single family home.

D. The boarding home shall be owner-occupied.

E. No more than one (1) person or couple shall inhabit a single room.

F. No kitchen facility shall be located in any bedroom.

G. A minimum lot size of one and one-half (1½) acres shall be provided.

H. A boarding home may lodge a maximum of six (6) guests.

I. One (1) off-street parking space shall be provided for each bedroom.

J. The boarding or rooming home use may not be established until there is compliance with all Township ordinances, rules and regulations. The boarding or rooming home will be periodically inspected by the Fire Marshall for compliance with all Township safety standards. All Department of Labor and Industry requirements must be satisfied, and proof thereof shall be required for the boarding or rooming home permit or renewal thereof.

   (1) Sewage disposal methods shall conform with the requirements of the PA Department of Environmental Protection and/or Township Authority rules and regulations.

   (2) The total number of bedrooms (resident and tenant) in the boarding or rooming home shall not exceed the number of bedrooms which the on-lot sewage system is designed to accommodate. If the proposed boarding or rooming home is to be served by a public sewage disposal system, the applicant shall submit documentation from the servicing authority that the proposed use will be served.

   (3) Proof of an adequate water supply must be provided to the Township. If the proposed boarding or rooming home is to be served by a public water system, the applicant shall submit documentation from the servicing authority that the proposed use will be served. If the use is to be served by a private well, the applicant shall submit water testing documentation from a DEP certified testing laboratory confirming a potable water supply.

K. The rooming or boarding house facility shall comply with all other Township Ordinances.

L. Buffering requirements:

   (1) Parking areas shall be visually screened from adjacent properties via an evergreen planting screen subject to Township approval.

(2) Side and rear yard areas shall be planted in accordance with § 220-64 Landscaping of this chapter.

(3) Street trees shall be installed along all streets where suitable trees do not exist.

(4) All plant material, size, species, genus, caliper, and arrangement shall be in accordance with the Township Subdivision and Land Development Ordinance, Chapter 190, Township Code.

§ 220-96. Place of worship

Church and similar places of worship uses are permitted by right in the CR, C-1 & I zoning district(s); permitted as a Special Exception with approval from the Zoning Hearing Board within the AP zoning district; and permitted as a Conditional Use within the R-1, R-2, R-2a, R-3 & R-4 zoning districts. Church and similar places of worship uses are subject to the following provisions.

A. A minimum lot size of two (2) acres shall be provided.

B. Minimum lot width: two hundred (200) feet.

C. Minimum front yard: Seventy-five (75) feet.

D. Minimum side yard: Fifty (50) feet.

E. Minimum rear yard: One hundred (100) feet.

F. Buffer yard requirements of § 220-64 shall be met.

G. Parking requirements of § 220-61 shall be met. All parking areas shall be adequately screened when situated within fifty (50) feet of land zoned for or in residential use.

H. Churches with an accessory cemetery shall additionally meet the provisions of § 220-97.

§ 220-97. Cemetery

Cemetery uses are permitted as a Special Exception with approval from the Zoning Hearing Board within the AP zoning district; and permitted as a Conditional Use within the R-1 & R-2 zoning districts. Cemetery uses are subject to the following provisions.

A. A minimum lot size of ten (10) acres shall be provided.

B. Minimum yards and setbacks shall be one hundred (100) feet.

C. Lot coverage of accessory buildings and parking facilities shall be no more than ten (10) percent to a maximum of five (5) acres may be devoted to above-ground buildings or impervious surfaces not serving as burial markers or memorials.

D. No burial plots, structures or parking areas shall be located within the one-hundred-year flood plain.

E. No outside storage shall be permitted.

F. All structures open to the public shall be supplied with water and sewer and all utilities shall be placed underground.

G. Buffer requirements of § 220-64 shall be met.

H. A zoning permit shall be obtained on an annual basis.

I. Parking: One (1) off-street parking space for each employee and one (1) space for each three (3) visitors in total capacity of the chapel. Parking areas must be adequately screened when situated within fifty (50) feet of land zoned for or in residential use.

§ 220-98. Schools

A. Public, parochial, or private schools providing elementary or secondary education and which do not primarily provide corrective, rehabilitative, or behavioral care or instruction are: permitted by right in the Commercial-Residential (CR), Local Commercial (C-1), R/I Overlay District, Regional Commercial (C-2), and Industrial (I) zoning districts; and permitted by Conditional Use in the Residential (R-1, R-2, R-2a, R-3, R-4) zoning districts.

B. Schools providing corrective, rehabilitative, or behavioral care or instruction are: permitted by right in the Regional Commercial (C-2) and Industrial (I) zoning districts.

C. Commercial or Business Schools are permitted by right in the Commercial-Residential (CR), Local Commercial (C-1), and Industrial (I) zoning districts.

D. School uses listed in §§ A-C above, are subject to the following provisions:

(1) Access for ingress and egress shall be taken from an arterial or collector highway. A traffic impact study will be required for review and approval by the Township.

(2) A buffer yard of twenty-five (25) feet shall be required where abutting property is zoned for or in residential use.

(3) The following setbacks shall apply for any elementary or secondary school, public or private, and supersede setback requirements of the underlying zoning district:

(a) Minimum front yard: Seventy-five (75) feet.

(b) Minimum side yard: One hundred (100) feet.

(c) Minimum rear yard: One hundred (100) feet.

(4) Parking as provided in § 220-61. In addition, pickup and drop-off facilities for buses and/or motor vehicles shall be provided in addition to the required parking spaces. Interior traffic flow patterns for cars and buses shall be part of the traffic impact study required in §§.A above.

§ 220-99. Private airport / heliport

A private airport or heliport facility is permitted in the Industrial (I) zoning district as a use by Special Exception subject to the following provisions and with the approval of the Zoning Hearing Board.

A. In addition to the information required elsewhere in this chapter, the following information shall be submitted to the Zoning Hearing Board:

(1) A map of the lot indicating the runway/landing area, necessary approach zone and parking apron.

(2) A statement indicating the reasons for the need to utilize an aircraft and the flight experience of the applicant.

(3) A description of the type of aircraft to be used with its stated capacities.

(4) A statement of the intended use of the aircraft and prospective pilots.

B. The following standards shall be satisfied:

(1) There must be a setback called the lateral clear zone extending five hundred (500) feet from the centerline of the runway/landing area to any lot line.

(2) No aircraft other than one (1) single-engine propeller-driven aircraft or three-seat helicopter shall be permitted.

(3) No application shall be approved which does not provide a runway of one thousand five hundred (1,500) feet, an approach zone of one thousand (1,000) feet and a parking apron of one thousand (1,000) feet.

(4) No activities shall be permitted by which any commercial use is made of the aircraft.

(5) Approval from the Federal Aviation Administration shall be received and all FAA regulations shall be adhered to.

(6) No night take-off or landings shall be permitted (dusk to dawn).

(7) No runway/landing area shall be paved or equipped with landing lights unless required by FAA regulations.

(8) The buffer requirements of § 220-64 of this chapter shall be met.

§ 220-100. Temporary structures

A temporary permit may be issued for the authorization of temporary structures or uses necessary during construction or other special circumstances of a discontinuing nature subject to the following requirements:

A. The time period of the initial permit shall be six (6) months.

B. The temporary permit may be renewed for three (3) month time periods, up to and not exceeding one year.

C. Any temporary structure or storage container (example – PODS) shall be located outside of the street right-of-way, intersection and or driveway clear sight triangles, drainage swales, utility easements and cannot create a visual obstruction for vehicles using the public streets.

D. The temporary structure(s) shall be removed completely within thirty (30) days of the expiration of the permit without cost to the Township.

§ 220-101. Forestry / timber harvesting operations

Forestry / timber harvesting operations are a permitted use in all zoning districts in the Township subject to the following requirements:

A. Any forestry harvesting operation shall be undertaken in accordance with a Forestry / Timber Harvesting Plan approved by the Township as part of their zoning permit. All Forestry Harvesting Plans shall be in compliance with the standards for forestry harvesting operations set forth herein. The Township may engage a professional with demonstrable expertise in forestry to review any submitted Forestry / Timber Harvesting Plan, all reasonable cost therefore to be borne by the Applicant.

B. Any Forestry / Timber Harvesting Plan submitted to the Township for review and approval shall be consistent with the Timber Harvesting Guidelines of the Pennsylvania Model Forestry Regulations of the Penn State School of Forest Resources, as applicable, and shall include a plan or plans indicating the following information:

(1) The site location and boundaries of both the entirety of the property upon which the forestry / timber harvesting operation shall occur and the specific area proposed for forestry harvesting.

(2) Significant natural features on the property including steep slopes, wetlands, streams, existing vegetation, etc.

(3) The general location of the proposed operation in relation to municipal and state highways and any proposed access to those highways.

(4) Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails, and landings.

(5) Design, construction, maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars.

(6) Design, construction, and maintenance of proposed stream and wetland crossings.

C. Any permits required by any other agency under any applicable regulation shall be the responsibility of the landowner or forestry / timber harvesting operator as applicable. Copy of all required permits and a letter of adequacy from the Berks County Conservation District for the Erosion and Sediment Control Plan shall be submitted to Maidencreek Township at least twenty (20) days prior to commencement of the forestry / timber harvesting operation.

D. The following management practices shall apply to all forestry / timber harvesting operations:

(1) Felling and skidding of trees shall be undertaken in a manner which minimizes damage to trees or other vegetation not intended to be harvested (e.g., successive limbing up the tree rather than felling in its entirety).

(2) Felling or skidding across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for the maintenance of said thoroughfare.

(3) Prior to initiating any forestry / timber harvesting operation, the applicant shall review with the Township Roadmaster the condition of any Township road, bridge or other public facility that will be used to transport log loads or that may otherwise be impacted by the forestry / timber harvesting operation, and shall provide the Roadmaster with a description of the gross vehicle weight, axle load, and size of vehicles to be used in the removal of the timber. The Township may require the posting of a bond or other approved security to cover potential damage to Township roads, bridges or other facilities.

(4) Slash or tops resulting from a forestry / timber harvesting operation shall be cut to a height of four (4) feet or less and left on-site. The burning of slash shall be prohibited.

(5) No tops, slash or litter shall be left within twenty-five (25) feet of any public thoroughfare or private roadway.

(6) Littering resulting from a forestry / timber harvesting operation shall be removed from the site or otherwise dealt with as approved by the Township.

(7) Township representative(s) shall be permitted access to the site of any forestry / timber harvesting operation before, during or after active timber harvesting to review, inspect and ascertain compliance with the provision of this chapter.

§220-102 Outdoor Furnace Regulations

A. Permitted locations, installation standards and fuel limitations:

(1) Permitted Locations:

a) Outdoor furnaces are only permitted on parcels under single ownership of no less than two (2) acres in size and only permitted for a single primary or accessory use on that parcel. Additional lot size may be required to meet other requirements of this Section depending upon placement of the outdoor furnace on the property.

b) Outdoor furnaces shall not be permitted to be operated in any zone within the municipality except the AP, and R-1 Zoning Districts.

c) All outdoor furnaces shall be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.

d) All outdoor furnaces shall be located not less than one-hundred (100) feet from the nearest adjacent property line(s).

e) Outdoor furnaces are to be installed in structures not intended for habitation by humans or domestic animals.

(2) Standards for the installation of any outdoor furnace, in addition to any manufacturer's recommended installation requirements, shall also require the following:

a) The owner of any new outdoor furnace shall submit a copy of the manufacturer's owner manual or installation instructions as part of their permit application to the Township for installation of any outdoor furnace.

b) All new outdoor furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/SA, ANSI or other applicable safety standards.

c) Any new outdoor furnace shall be installed upon a nominal six-inch thick permanent, reinforced concrete pad in such dimension so as to allow a minimum of six (6) inches of exposed surface area along the perimeter of the pad.

d) The height of a smokestack must be a minimum height of fifteen (15) feet, or a height exceeding two (2) feet in elevation higher than any adjacent structure, building or wall that is within one-hundred (100) feet of the location of the outdoor furnace whichever is greater. The smoke stack must be securely anchored so as to eliminate the possibility of collapse.

e) In the case where an outdoor furnace is located within three-hundred (300) feet of any residence not served by the outdoor furnace, the chimney height of the outdoor furnace shall extend as least two (2) feet above the peak of said adjoining residence.

f) All storage of materials being burnt in the outdoor furnace shall be neatly stacked and/or stored under cover and free from insects (termites, ants, etc.) or any type of disease carrying rodents.

g) Installation of any electrical or plumbing apparatus or device used in connection with the operation of an outdoor furnace shall be in conformity with all applicable electrical and plumbing codes and, in the absence of such code, in conformity with the manufacturer's installation specifications.

(3) Only natural (untreated) wood, wood pellets, coal, heating oil, natural gas, corn products, kerosene or wood specifically permitted by the manufacturer in writing may be burned in outdoor furnaces. Fuel substances prohibited for combustion in an exterior furnace installation shall include industrial waste, treated lumber, railroad ties, rubber, plastic, biomass pellets, used motor oil, toxic chemicals, contaminated waste, yard waste, household garbage, cardboard and wastepaper, animal waste and any material prohibited for combustion by federal or state statute.

(4) No outdoor furnace shall be utilized in any manner as a waste incinerator.

(5) To the fullest extent required by federal or state statutes, rules, regulations and in accordance with the manufacturer's specifications, the installation, maintenance and use of any outdoor furnace as herein defined, shall be installed, maintained and generated in conformity therewith.

(6) This Section shall in no way be construed nor is the same intended to prohibit the installation, operation or use of exterior chimneys, stove pipes or similar contrivances that are otherwise in conformity with other federal or state laws, rules or regulations constituting any part of any interior furnace system or interior stove system or operation, or any system located within the principal use on a property that provides the exhaust of waste heat, smoke or similar substances from interior spaces.

B. Storage / Disposal of Waste Material:

(1) Storage and disposal of ashes or waste from the use of an outdoor furnace shall be accomplished in accordance with all laws of the Commonwealth of Pennsylvania, all regulations of the Department of Environmental Protection and all other Departments of the Commonwealth of Pennsylvania, and all Ordinances of Maidencreek Township, Berks County, Pennsylvania.

(2) Ashes or waste shall not be accumulated in a large area on the property. Any large accumulation of ashes or waste must be disposed of weekly with a trash or private hauler.

C. Replacement, Reconstruction or Repair of Existing Outdoor Furnaces:

(1) If an outdoor furnace is found as a result of Township inspection physically deteriorated or decayed to the point that the repair cost exceed more than fifty (50) percent of the cost of a new unit, the appliance must be removed and/or replaced with a new unit and the new unit must comply with all of the regulations listed in this Ordinance.

D. Regulations for Existing Outdoor Furnaces:

(1) An existing outdoor furnace would be one that was installed prior to the effective date of this zoning amendment.

(2) Existing outdoor furnaces are not subject to §220-102.A(1), and §220-102.A(2)a)-e). Existing outdoor furnaces are subject to all other requirements of this Chapter.

(3) If an existing outdoor furnace within Maidencreek Township is replaced by the owner or operator thereof, the replacement outdoor furnace shall comply with all provisions as required for any new outdoor furnace application.

(4) All outdoor furnaces are required to meet emission standards currently required by the United States Environmental Protection Agency (USEPA). Emission standards currently required by USEPA are hereby adopted by reference together with any amendments made to then in the future.

(5) All outdoor furnaces shall be operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

(6) If there is an existing outdoor furnace already installed and there is new construction of a residence not served by the outdoor furnace within three-hundred (300) feet of such outdoor furnace, then the owner of such outdoor furnace shall conform to the stack height requirement listed above within thirty (30) days of the date of such construction is complete and upon written notice from the Township Zoning Officer.

(7) If an existing outdoor furnace is, through the course of a proper investigation by Township code officials, creating a verifiable nuisance, as defined by local or state law, the following steps shall be taken by the owner:

a) Modifications made to the unit to eliminate the nuisance such as extending the chimney or relocating the outdoor furnace or both.

b) Cease and desist operating the outdoor furnace until reasonable steps can be taken to ensure that the outdoor furnace will not be a nuisance.

E. Permit Required

No outdoor furnace shall be located on any property in the Township without first obtaining a permit from the Township's Building Code Official upon an application provided to the Township and appropriate permit fees paid in full to the Township.

ARTICLE XVII

Nonconforming Lots, Uses Structures, and Buildings

§ 220-103. Statement of intent.

A. Within the zoning districts established by this chapter or subsequent amendments thereto, there may exist certain nonconformities which, if lawful prior to the adoption or amendment of this chapter, may be continued, subject to certain limitations, under the terms of this chapter or subsequent amendments thereto.

B. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of this chapter or any amendment thereto, and has been diligently carried on.

§ 220-104. Nonconforming lots of record.

A. In any district wherein a single-family dwelling is a permitted use, a single-family dwelling and customary accessory buildings may be erected on any single lot of record legally existing at the effective date of this chapter or of any amendment hereto, notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for area and/or width which are generally applicable in the district, provided that other yard requirements conform to the regulations for the district in which such lot is located.

B. If two or more lots, or combination(s) thereof, in single ownership are recorded prior to the effective date of this chapter, and if each of said lots, taken individually, does not comply with this chapter, but a combination thereof does comply, such combination shall be considered a single, undivided parcel for the purposes of this chapter. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area less than the minimum required by the provisions of this chapter.

§ 220-105. Nonconforming uses of land.

Lawful uses of land, which, at the effective date of this chapter or as a result of subsequent amendments thereto, become nonconforming and where such use involves no individual structure or building with a replacement cost exceeding one thousand dollars ($1,000), may be continued by the present or any subsequent owner as long as it remains otherwise lawful, subject to the following provisions.

A. Extension. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was owned or leased by the user at the effective date of this chapter.

B. Discontinuance. When a nonconforming use has been discontinued or abandoned for twelve (12) consecutive months, such nonconforming use shall not thereafter be resumed. Any future use shall be in conformity with the provisions of this chapter.

C. Changes of use.

(1) A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use.

(2) As a use by special exception, a nonconforming use may be changed to another nonconforming use of a more restrictive nature in accordance with the provisions of § 220-118.G of this chapter, provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate for the tract in question than the existing nonconformity in light of the conditions affecting the tract and the zoning regulations thereof.

D. Additional structures or buildings. No additional structure(s) or building(s) not in conformity with the requirements of this chapter shall be erected in connection with a nonconforming use of land.

§ 220-106. Nonconforming structures and buildings.

Structures or buildings which are rendered nonconforming in regard to area, lot coverage, height, yards, location on the lot, or other physical aspect by the adoption or amendment of this chapter, may continue in use as long as such structure or building remains otherwise lawful, subject to the following provisions.

A. Enlargement. A nonconforming structure or building may be enlarged or increased by not more than twenty-five percent (25%) of its gross floor area as of the effective date of this chapter.

B. Damage or destruction. A nonconforming structure which is destroyed or partially destroyed by fire, explosion, or by any means to an extent of seventy-five percent (75%) or more of its market value (as estimated immediately prior to such damage or destruction), shall not be repaired or restored to a nonconforming status, but shall either be removed from the site entirely or restored as a conforming structure.

C. Moving of a structure. A nonconforming structure shall not be moved, unless it is sited in conformance with all applicable regulations of the zoning district to which it is moved.

D. Discontinuance. Whenever a nonconforming structure or building has been vacated for a period of twelve (12) consecutive months, such structure or building shall thereafter not be used except in conformance with the provisions of this chapter.

§ 220-107. Nonconforming uses of structures and buildings.

Uses of structures or buildings which are rendered nonconforming by the adoption or amendment of this chapter may continue in as long as such use remains otherwise lawful, subject to the following provisions.

A. Extension. A nonconforming use may be extended throughout any part of an existing structure or building, provided that any structural alterations, extensions, or additions comply with all provisions of this chapter with respect to height, area, width, yard area, and lot coverage specified for the zoning district within which the building or structure is located. However, such extension of a nonconforming use shall not exceed fifty percent (50%) of the gross floor area occupied by said nonconforming use at the time such nonconforming use became nonconforming.

B. Change of use. A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, as a use by special exception, be changed to another nonconforming use, provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use.

C. Discontinuance. Whenever a nonconforming use of a structure or building or portion thereof has been discontinued or abandoned for twelve (12) consecutive months, such structure or building or part thereof shall not thereafter be used for a nonconforming use.

D. Destruction. Removal or destruction of the structure or building shall eliminate the use of the land upon which the structure or building was erected for a nonconforming use. For the purposes of this subsection, "destruction" is defined as damage to an extent of seventy-five percent (75%) or more of the market value of the structure or building immediately prior to such damage or destruction.

ARTICLE XVIII
Administration and Enforcement

§ 220-108. Duties of Zoning Officer.

The provisions of this chapter shall be administered and enforced by the Maidencreek Township Zoning Officer, as designated by the Board of Supervisors. The Zoning Officer shall not hold any elected office within the Township. The duties of the Zoning Officer shall be:

A. To enforce literally the provisions of this chapter and all amendments hereto.

B. To receive applications for zoning permits and sign permits, and to issue same as permitted by the terms of this chapter.

C. To keep an official record of all businesses and activities, including complaints of a violation of any of the provisions of this chapter and record of action taken in

response to such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports or inspections made in connection with any structure, building, sign, or land shall be retained as long as such structure, building, sign, or land remains in existence.

D. To make inspections as required to fulfill these duties. The Zoning Officer shall have the right to enter any building or structure and to enter upon any land at any reasonable hour in the course of fulfilling the duties established herein.

E. To issue permits for uses by special exception and variances to this chapter after such uses and/or structures have been approved by the Zoning Hearing Board in accordance in accordance with the regulations of this chapter.

F. To issue certificates of use and occupancy in accordance with the terms of this chapter.

G. To maintain an accurate, up-to-date copy of this chapter, the Zoning Map, and all amendments as may be made to either the ordinance text or map.

H. To serve a notice of violation on any person, firm, corporation, or partnership responsible for violating any of the provisions of this chapter or any detailed statement or plan approved hereunder. Such notice of violation shall be in writing and shall indicate the exact nature of the violation as well as action(s) necessary to correct same. If the notice of violation is not complied with, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign, and/or land involved in said violation.

§ 220-109. Zoning permits.

No building, structure, or sign shall be erected, constructed, moved, added to, or structurally altered, nor shall land be put to any use without a permit issued by the Zoning Officer. No such permit shall be issued except in conformity with the provisions of this chapter, or upon written order from the Zoning Hearing Board in the form of a special exception, variance, or as otherwise provided for by this chapter, any applicable laws, or any court of competent jurisdiction.

A. Form of application.

(1) All applications shall be made in writing and shall be accompanied by two (2) sets of plans showing, as a minimum, the following information:

(a) Actual dimensions and shape of the lot to be built upon.

(b) The exact size and location on the lot of buildings, structures, and signs existing, proposed extensions thereto, or to be constructed thereon.

(c) The number of dwelling units, if any, to be provided.

(d) Parking spaces and loading facilities to be provided.

(e) A statement indicating the existing and proposed use.

(f) Where new construction or addition(s) to or replacement of existing structure(s) is proposed, the plan shall indicate the height of proposed structures, buildings, and signs.

(g) All other information necessary for the Zoning Officer to determine conformance with and provide for the enforcement of this chapter.

(2) One (1) copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approved or disapproved and attested to same by his signature on said copy.

(3) One (1) copy of all such plans shall be retained by the Zoning Officer for his permanent records.

(4) Such approval and zoning permit shall be issued or refused within thirty (30) days from date of application. In case of refusal, the applicant shall be informed of his rights of appeal. The application for a permit shall be submitted in such forms as the Zoning Officer may prescribe.

B. Expiration of zoning permit.

(1) A zoning permit shall expire six (6) months after the date of issuance, if the work described upon such permit has not begun.

(2) If work described by any zoning permit has begun within said six (6) month period, said permit shall expire two (2) years from its date of issuance.

C. Renewal of zoning permit.

(1) A zoning permit may be renewed by the Zoning Officer only under the following conditions:

(a) Renewal shall be upon written request of the permit holder. The permit holder shall not be required to resubmit plans as required for an original permit by Subsection A above, unless, in the opinion of the Zoning Officer, there have been substantial changes to the project. In such case, a new zoning permit shall be required rather than a renewal of the existing permit.

(b) Such written request must be received by the Zoning Officer within one (1) month of the expiration date of the preceding permit.

(c) Renewal is required due to the magnitude of the project or circumstances beyond the control of the applicant which prevented him from completing his project within the original two (2) year period.

(2) Time limitations for the renewed permit shall be the same as for the original permit, as described above in Subsection B above.

(3) The renewal of zoning permit shall be issued or refused within ten (10) working days of the date of receipt by the Zoning Officer of the written request required in Subsection C(1)(a) and (b).

(4) If, in the opinion of the Zoning Officer, the conditions for renewal described in Subsection C(1)(c) do not apply, the Zoning Officer shall not issue a renewal of zoning permit, but shall require the applicant to reapply for a zoning permit according to the procedure described in Subsection A above.

(5) Nothing in this section shall be interpreted to compel the Zoning Officer to renew a zoning permit.

§ 220-110. Certificate of use and occupancy.

A certificate of use and occupancy shall be required upon the completion of the work for which a zoning permit was issued. It shall be unlawful to use or occupy any structure, building, or land or portions thereof in any manner until a certificate of use and occupancy has been issued.

A. Form of application. The application for a certificate of use and occupancy shall be submitted in such form as the Zoning Officer may prescribe.

B. Issuance of certificate of use and occupancy.

(1) The Zoning Officer shall inspect structures, buildings, signs, and land or portions thereof to determine conformance with the zoning permit issued therefor. If he is satisfied that the completed work is in conformity with this chapter and with the work listed in the zoning permit, he shall issue a certificate of use and occupancy.

(2) A certificate of use and occupancy shall be granted or refused in writing within ten (10) days of the date of application.

(3) No certificate of use and occupancy for a commercial or industrial facility shall become permanent until said facility has been in full operation for a period of at least thirty (30) days. After such time, the Zoning Officer shall re-inspect the work and determine compliance with all performance standards as stated in § 220-63. The issuance of a permanent certificate of use and occupancy shall depend upon a positive determination of compliance with such standards by the Zoning Officer.

§ 220-111. Conditional uses.

Conditional uses shall be heard and determined by the Board of Supervisors in accordance with all of the following provisions.

A. Application. An application for conditional use shall be made in writing by filing the same with the Township Manager and/or Secretary. The filing shall include an original and four (4) copies of a completed application together with the prescribed application fee. Applications shall be on forms provided by the Township and shall contain all of the supplementary information required in the application. Unless and until a specific application form is prepared, the application form for proceedings

before the Township of Maidencreek Zoning Hearing Board shall be used and shall be supplemented by including the following: a copy of the current deed of record showing ownership of the parcel involved; a plan that, at a minimum, contains the information required for preliminary plan submission by Chapter 190, Subdivision and Land Development; and a list of all other governmental agencies or regulators and a list of related permits to be issued by the same that are required and/or associated with the activity proposed. The applicant may attach such other data and information to enable the Supervisors to determine compliance with the provisions of this chapter.

B. Conditional use standards. In order to grant a conditional use, the Supervisors shall consider and determine that:

(1) The use shall be one which is specifically authorized as a conditional use in the zoning district wherein the applicant is seeking a conditional use;

(2) Conditional use meets all specific standards established pursuant to the Zoning Ordinance including specific use provisions, as well as all performance standards and general regulations;

(3) The use conforms with the goals, objectives and policies of the Township's Comprehensive Plan;

(4) The use conforms with the spirit, purposes and intent of all other applicable provisions of all other Township ordinances;

(5) The use conforms with all federal and state regulations and requirements;

(6) Services and utilities are or shall be made available to service the proposed use;

(7) The use will not generate traffic that will cause undue congestion or hazardous conditions;

(8) The use is appropriate to the particular site in question.

(9) The use shall be compatible with the building sizes, heights, and massing of other buildings in the general neighborhood;

(10) The use shall not adversely impact the general neighborhood relative to problems such as air pollution, light pollution, noise, soil erosion, and flooding;

(11) The use shall include proposals for landscaping and buffering to mitigate any adverse impacts;

(12) The use will not result in a greater impact that would normally result from other similar uses;

(13) The use shall not adversely affect the character of the general neighborhood, nor the health and safety of residences or workers on adjacent properties and in the general neighborhood;

C. Review by the Township of Maidencreek Planning Commission. Upon receipt of a completed conditional use application, the Township Manager and/or Secretary shall

forward a copy of the application to the Township of Maidencreek Planning Commission for review and comment. The Planning Commission shall review and provide comment to the Board of Supervisors that addresses the requirements for conditional use and recommendations from the Township Planning Commission on all relevant topics related to the application.

D. Hearings. The Board shall conduct hearings and make decisions in accordance with the following requirements:

(1) Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

(2) The governing body may prescribe reasonable fees with respect to hearings before the Boards in accordance with the Pennsylvania Municipalities Planning Code and/or the Second Class Township Code, as amended.

(3) The first hearing before the 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 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 his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least seven hours of hearings within the 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 hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

(4) The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior, to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.

(5) The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

(6) The chairman or acting chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

(7) 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.

(8) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

(9) The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

(10) The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement date of hearings with any party or his representative unless all parties are given an opportunity to be present.

E. Decision by the Board of Supervisors.

(1) The Board of Supervisors shall render a written decision upon applications for conditional use within sixty (60) days of the last public hearing before the Board. In authorizing or approving any such conditional use, the Board of Supervisors shall have the power to attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter or to support the purpose of the district within which the conditional use is or will be located.

(2) Where the application is contested or denied, the written decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based upon any provision of the Pennsylvania

Municipalities Planning Code or upon any ordinance, rule, or regulation of the Township shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.

(3) Where the Board of Supervisors has power to render a decision and fails to do so within the period required here above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing to an extension of time.

(4) A copy of the written decision shall be delivered to the applicant personally or mailed to him postmarked no later than the business day next following the date of the decision. To all other persons who have filed their names and addresses with the Board of Supervisors not later than the date of the last public hearing, the Board shall provide, by mail or otherwise, brief notice of the decision and a statement indicating where the full decision may be examined.

(5) Nothing in this subsection shall prejudice the right of any party opposing the application to urge that the decision of the Board of Supervisors is erroneous.

§ 220-112. Enforcement.

A. If it appears to the Board of Supervisors or the Township Zoning Officer that a violation of any provision of this Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending a notice of violation as provided for in this section.

B. The notice of violation shall be delivered or sent via certified mail to the owner of record, or the lessee as may be applicable, of the parcel on which the violation has occurred, to any person who has filed a written request to receive such notices regarding that parcel, and to any other person requested in writing by the owner of record.

C. The notice of violation, as a minimum, shall state:

(1) The name of the owner of record and any other person against whom the Township intends to take action.

(2) The location of the property in violation.

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.

(4) The date by which steps toward compliance must be initiated and the date by which full compliance must be achieved.

(5) That failure to comply with the notice within the time specified will constitute a violation of this chapter, subject to the penalties described in § 220-112 of this chapter. The Zoning Hearing Board shall have the authority to grant extensions to this time period.

(6) The recipient of an enforcement notice shall have thirty (30) days within which to appeal the notice before the Zoning Hearing Board. This appeal period shall not apply where the specific violation poses a clear and imminent threat to the public health, safety, or welfare.

D. In addition to a notice of violation, a stop order may be issued under the following circumstances and in the same manner as a notice of violation:

(1) If activities regulated by this chapter are undertaken without the required zoning permit or certificate of use and occupancy being granted by the Township.

(2) If an activity undertaken under a zoning permit deviates from the approved application either during or after completion of the work.

(3) If a use is conducted or a building or structure is established in a way which is in violation of the use restrictions; the area, yard, impervious coverage, or structure height regulations; performance standards; general regulations; or any other requirements of this chapter.

(4) If an activity permitted by special exception, variance, or condition is not conducted in accordance with the terms of the granting of the special exception, variance, or conditional use.

E. The stop order shall state, as a minimum:

(1) The name of the owner of record, and the lessee as may be applicable, against whom the order is written.

(2) The location of the property.

(3) The specific violation with a description of the requirements which have not been met, citing the applicable Township regulation(s) or ordinance(s) and section(s) thereof or conditions attached to a variance, use by special exception, or conditional use.

(4) The conditions under which work may continue.

(5) That continuance of activity in violation of the stop order shall constitute a violation of this chapter, subject to the penalties described in § 220-113 of this chapter.

§ 220-113. Remedies.

In case any building, structure, or use of land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this chapter, the Board of Supervisors or a duly appointed officer of the Township may, in addition to other remedies, institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, or use of land; or to prevent in or about such premises any act, conduct, business, or use constituting a violation.

§ 220-114. Violations and penalties.

A. Any person, firm, corporation, or partnership who or which has violated the provisions of this chapter shall, upon conviction thereof in a civil enforcement proceeding, be sentenced to pay a fine of not more than five hundred dollars ($500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.

B. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge.

C. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment to the applicable rules of civil procedure.

D. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determines that there was a good-faith basis for the person, partnership, or corporation violating the ordinance to have believed that there was no such violation. In such case, there shall be deemed to have been only one such violation until the fifth (5^{th}) day following the date of the determination of a violation by the Magisterial District Judge; thereafter, each day that said violation continues shall constitute a separate violation.

E. All judgments, costs, and reasonable attorney fees collected for the violation of this chapter shall be paid to the Township of Maidencreek.

F. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

G. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than duly authorized representatives of the Township of Maidencreek the right to commence any action for enforcement pursuant to this section, unless otherwise authorized by the Pennsylvania Municipalities Planning Code.

§ 220-115. Appeals.

Proceedings for securing review of any ordinance, decision, determination, or order of the Board of Supervisors, its agencies, or officers adopted or issued pursuant to this chapter shall be in accordance with the Pennsylvania Municipalities Planning Code.

§ 220-116. Amendment.

The Board of Supervisors may from time to time amend, supplement, change, modify, or repeal this chapter, including the Zoning Map, by proceeding in the manner prescribed by this section.

A. Amendment by the Board of Supervisors.

(1) The Board of Supervisors, by resolution adopted at a public meeting, shall fix the time and place of a public hearing on a proposed amendment and cause notice thereof to be given as follows:

(a) By publishing a notice thereof once a week for two (2) successive weeks in one newspaper of general circulation in the Township.

(b) The notices shall state the general nature of the proposed amendment.

(2) The Board of Supervisors shall refer each proposed change or amendment to the Township Planning Commission and the Berks County Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commissions an opportunity to submit recommendation on the proposed amendment. The Planning Commissions shall consider whether or not the proposed change or amendment would be, in the view of the Commissions, consistent with the purposes and objectives set forth in community development objectives contained in § 220-3A of this chapter and desirable in the furtherance of the plan therein referred to for future land development.

B. Amendment by citizens' petition.

(1) Whenever the owners of fifty percent (50%) or more of the area for which a change of zoning regulations or classification is sought shall present to the Board of Supervisors a petition duly signed and acknowledged requesting an amendment, supplement, change, modification, or repeal of the regulations prescribed for or of the Zoning Map including such district or part thereof, it shall be the duty of the Board to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed above.

(2) Applicants to the Board of Supervisors for the amendment, supplement, change, or modification of the provisions of this chapter shall, upon the filing of such application, pay the appropriate fees established by the Township for each application to cover the costs of advertising and aforesaid notice, the cost of stenographic services and any other expense incurred in connection with such application; provided, however, that if the total of the aforesaid costs and expenses does not exceed the amount provided, any difference shall be refunded to the applicant.

C. Curative amendments.

(1) A landowner who desires to challenge on substantive grounds the validity of this chapter, any provision thereof, or the Zoning Map which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors along with a written request that his challenge and proposed amendment be heard and decided as provided for in § 609.1 and § 916.1 of the Pennsylvania Municipalities Planning Code, as amended.

(2) The Board of Supervisors shall commence a hearing upon such request within sixty (60) days of receipt of such request, in accordance with § 916.1 of the Pennsylvania Municipalities Planning Code.

(3) The curative amendment shall be referred the Berks County Planning Commission and the Maidencreek Township Planning Commission in accordance with Subsection A(2) of this section, and notice of the hearing thereon shall be given as provided in Subsection E herein below. The hearing shall be conducted in accordance with § 220-119 of this chapter; all references therein to the Zoning Hearing Board shall, for purposes of this section, be references to the Board of Supervisors.

D. Public hearing.

(1) The Board of Supervisors shall hold a public hearing before voting on the enactment of any amendment or change.

(2) Public notice of such hearing shall include either the full text of the proposed amendment or change or a brief summary of the principal provisions in reasonable detail and a reference to where within the Township copies of the proposed amendment or change may be examined prior to the hearing.

(3) If, after a public hearing held upon an amendment or change, the proposed amendment or change is revised or further revised to include land previously unaffected, the Board of Supervisors shall hold another public hearing pursuant to public notice prior to voting on the amendment or change.

(4) The vote by the Board of Supervisors concerning the amendment or change shall be no more than ninety (90) days after the last public hearing.

E. Notice of hearing. Notices of public hearings shall be published in compliance with the requirements for public notice as set forth in the Pennsylvania Municipalities Planning Code, Act 247 (Section 609) as amended. A Copy of all adopted amendments are to be submitted to the Berks County Planning Commission.

§ 220-117. Schedule of fees, charges, and expenses.

A. The Board of Supervisors shall establish by resolution a schedule of fees, charges, and expenses, as well as collection procedures for zoning permits, certificates of use and occupancy, special exceptions, variances, appeals to the Zoning Hearing Board, curative amendment hearings, and other matters pertaining to the administration of this chapter.

B. Said schedule of fees shall be available for inspection in the office of the Zoning Officer.

C. The schedule of fees may be altered or amended by resolution of the Board of Supervisors.

D. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE XVIII
Zoning Hearing Board

§ 220-118. Creation; appointment; organization.

A. The Zoning Hearing Board, referred to as the "Board" within this article, shall consist of three residents of Maidencreek Township appointed by the Board of Supervisors pursuant to Article IX of the Pennsylvania Municipalities Planning Code, as amended. The Board shall perform all the duties and have all the powers prescribed by said code and as herein provided. The Board of Supervisors shall make provision in its budget for appropriate funds for the operation of the Board.

B. The term of office of each Board member shall be three (3) years, and shall be fixed so that the term of office of one (1) member shall expire each year. Members of the Board shall hold no other office in the Township, whether elected or appointed.

C. Any Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the Board member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held pursuant to such removal if the Board member being voted upon requests such in writing.

D. Vacancies within the Board shall be filled by appointment by the Board of Supervisors for the unexpired portion of the vacated term.

E. Alternate members.

(1) The Board of Supervisors may appoint by resolution at least one but no more than three (3) residents of Maidencreek Township to serve as alternate members of the Board.

(2) The term of office of an alternate member shall be three (3) years.

(3) When seated pursuant to the provisions of Subsection G(3) of this section, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth by the Pennsylvania Municipalities Planning Code, as amended, and as may otherwise be provided for by law.

(4) Alternate members shall hold no other office in the Township.

(5) Any alternate may participate in any proceeding or discussion of the Board, but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Subsection F(1) unless designated as a voting alternate member pursuant to Subsection G(3) of this section.

F. Compensation and expenditures for services.

(1) The members of the Board shall receive such compensation as shall be fixed by resolution of the Board of Supervisors, but in no case shall such rate exceed the rate of compensation authorized paid to Supervisors.

(2) Within the limits set by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. The Township Solicitor shall not serve as Solicitor for the Board.

G. Organization.

(1) The Board may make, alter, and rescind rules and forms for its procedure including, but not limited to, the manner of filing appeals and applications for special exceptions and variances.

(2) The Board shall elect from its own membership a Chairman and any other officers it may deem necessary. Officers shall serve annual terms and may succeed themselves.

(3) For the conduct of any hearing and the taking of any action, a quorum shall be not less two. If, by reason of absence or disqualification of a member, a quorum is not attained, the Chairman of the Board shall designate as many duly appointed alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

(4) The Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf.

(5) Meetings and hearings of the Board shall be held at the call of the Chairman and at such other times as the Board, by majority vote, may determine. All meetings of the Board shall be open to the public.

H. The Board shall keep full public records of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Board shall keep records of its examinations and other official actions, all of which shall be immediately filed with the Secretary of the Board of Supervisors, and shall

be a public record. The Board shall submit an annual report each year to the Board of Supervisors.

§ 220-119. Jurisdiction and functions.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance (including this Zoning Ordinance and the Zoning Map) or Official Map in effect in Maidencreek Township, except for landowner curative amendments, which are the jurisdiction of the Board of Supervisors. Substantive challenges shall be administered in accordance with §§ 220-119 and 220-120 of this chapter.

B. Challenges to the validity of any land use ordinance in effect in Maidencreek Township where such challenge involves procedural questions or alleged defects in the process of enactment or adoption. Such challenges must be raised by an appeal within thirty (30) days of the effective date of said ordinance.

C. Appeals from the determination of the Zoning Officer, including:

   (1) The granting or denial of any permit, or failure to act on the application for any permit.

   (2) The issuance of any cease-and-desist order.

   (3) The registration of any nonconforming use, structure, or lot.

D. Appeals from the determination of the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Appeals from the determination of the Township Engineer or the Zoning Officer in the administration of any land use ordinance or provision thereof in effect in Maidencreek Township with reference to sedimentation and erosion control and stormwater management, except for applications involving Chapter 190, Subdivision and Land Development.

F. Applications for a variance from the terms of this Zoning Ordinance.

   (1) The Board shall hear requests for variance where it is alleged that the provisions of this Zoning Ordinance inflict unnecessary hardship upon the applicant. No variance shall be granted unless and until the applicant can demonstrate to the satisfaction of the Board that:

      (a) There are unique physical circumstances or conditions (such as irregularity, narrowness, or shallowness of lot size or shape) or exceptional topographical or other physical conditions peculiar to the particular property. Such hardship shall be due to such physical conditions and not the circumstances and conditions generally created by the

provisions of this Zoning Ordinance in the district where the property is located.

(b) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property.

(c) Such hardship shall not have been created by the applicant.

(d) The variance, if authorized, shall not result in alteration of the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(e) The variance, if authorized, shall represent the minimum variation from the standards of this chapter which will afford relief and will represent the least modification possible thereof.

(2) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the stated purposes of this Zoning Ordinance.

(3) Unless otherwise specified by the Zoning Hearing Board, a variance which has been authorized by the Zoning Hearing Board shall expire if the applicant fails to obtain a zoning permit within six (6) months from the date of authorization thereof or fails to commence a substantial amount of work within six (6) months from the date of issuance of the permit for such work.

G. Applications for uses by special exception as defined in this Zoning Ordinance.

(1) The Board shall hear and decide upon requests for such uses by special exception in accordance with such standards and criteria stipulated by this chapter for the particular use in question. Standards to be used by the Zoning Hearing Board in deciding on the request for a special exception shall include:

(a) Such use shall be one which is specifically authorized as a special exception use in the zoning district wherein the applicant seeks a special exception;

(b) Such special exception shall only be granted subject to any applicable conditions and safeguards as required by this chapter;

(c) Such use shall not adversely affect the character of the general neighborhood or be incompatible with adjacent properties in the general neighborhood;

(d) Such use shall not adversely affect the conservation of property values;

(e) Such use shall not adversely affect the health and safety of residents or workers;

(f) Such use shall not adversely impact the general neighborhood relative to problems such as air pollution. Light pollution, noise, soil erosion, sedimentation, stormwater and flooding;

(g) Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create congestion or hazards prejudicial to the general neighborhood and shall be serviceable by emergency service providers;

(h) Such use shall be compatible with the building sizes, heights and massing of other buildings in the general neighborhood;

(i) Such use will include proposals for landscaping and buffering to mitigate any adverse impacts;

(j) Such use will not result in a greater impact than the impact that would normally result from other similar uses; and

(k) Services and utilities (water and sewer) either are or shall be available to adequately service the proposed use by the applicant, and the applicant shall provide "will serve" letters for the proposed public water and sewer systems from the Municipal authority, or suitability letters from certified professionals for on-site sewer and water suitability.

(2) In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the stated purposes of this chapter and the district wherein the property in question is located.

(3) Unless otherwise specified by the Zoning Hearing Board, a special exception which has been authorized by the Zoning Hearing Board shall expire if the applicant fails to obtain a zoning permit within six (6) months from the date of authorization thereof or fails to commence a substantial amount of work within six (6) months from the date of issuance of the permit for such work.

H. Appeals from the determination of any officer of agency charged with the administration of any of the performance provisions of this Zoning Ordinance.

I. Appeals from the determination of the Zoning Officer concerning the preliminary opinion of whether a proposed building, land development, or other use of land addressed by this chapter is in compliance with the terms of said ordinance.

§ 220-120. Hearings.

A. All appeals, challenges, and any other applications for hearing to the Board shall be in writing on forms prescribed by the Board. Every such application for hearing shall refer to the specific provision of this chapter involved and shall exactly set forth the interpretation that is claimed the grounds for any challenges to the validity of this chapter, the use for which a special exception is sought, or the details of the variance

that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

B. Time limitations for filing proceedings related to specific subdivision or land development proposals.

(1) No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the appropriate Township officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

(2) The failure of anyone to appeal from a decision to approve a tentative plan or preliminary plan shall preclude appeal from final plan approval except in the case where the final plan substantially deviates from the approved tentative plan or preliminary plan.

(3) All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

(4) In the case of an appeal from a preliminary opinion by the Zoning Officer, where such appeal is requested by a person other than the landowner, such appeal must be filed within thirty (30) days of the second public notice of the preliminary opinion.

C. Public notice, as defined in this chapter, shall be given for all hearings, and written notice, as defined by Subsection E below, 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.

D. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for such purpose.

E. Written notice as required by Subsection C shall be in the form of a letter delivered by certified mail or by hand by the Zoning Officer or his representative such that the recipient(s) shall be in possession of said letter no less than ten (10) calendar days prior to the date of the hearing.

F. Where the hearing affects a particular tract or tracts of land, written notice of said hearing shall be conspicuously posted on the affected tract or tracts at least one (1) week prior to the hearing.

G. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

H. The hearing shall be conducted by the Board or the Hearing Officer, as may be appointed by the Board. The decision, or, where no decision is called for, the findings shall be made by the Board. However, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.

I. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Board, notice and advertising costs, and necessary administrative overhead connected with the hearing. Such costs shall not include legal expenses of the Board; expenses for engineering, architectural, or other technical consultants; or other expert witness costs.

J. The Board Chairman, acting Board Chairman, or Hearing Officer shall preside over the hearing. Such presiding individual 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.

K. The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond, to present evidence and argument, and to cross-examine adverse witnesses on all relevant issues.

L. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded at the discretion of the individual presiding over the hearing.

M. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer; where the hearing is an appeal from a decision of the Board, the cost shall be paid by the person appealing from such decision. 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.

N. Neither the Board nor the Hearing Officer shall communicate, directly or indirectly, with any party or representative thereof in connection with any issue involved except upon notice to all parties giving such parties opportunity to participate.

O. Neither the Board nor the Hearing Officer shall take notice of any communication, reports, staff memoranda, or other materials (except advice from their solicitor) unless all parties are afforded an opportunity to contest the material so noticed.

P. Neither the Board nor the Hearing Officer shall inspect the site involved or its surroundings after the commencement of hearings with any party or representative thereof unless all parties are given an opportunity to be present.

Q. Decisions and findings.

(1) The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, shall make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor.

(2) Conclusions based upon any provision of the Pennsylvania Municipalities Planning Code or upon any ordinance, rule, or regulation of the Township shall contain a reference to the provision relied upon and the reason(s) why the conclusion is deemed appropriate in the light of the facts found.

(3) If the hearing is conducted by the Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings. The Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer.

(4) 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 working day next following the date of the decision or findings. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise brief notice of the decision or findings and a statement of the place where the full decision or findings may be examined.

(5) Where the Board fails to render a decision within the period required by this section or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, then 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.

(6) When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the manner described in Subsection C of this section. If the Board shall fail to provide such notice, the applicant may do so.

R. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

§ 220-121. Procedure for hearings on substantive questions.

A. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either to

the Zoning Hearing Board in accordance with the provisions of § 220-119 of this chapter or to the Board of Supervisors along with a request for a curative amendment.

B. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map in effect in Maidencreek Township or by any provision thereof who desire to challenge the validity of such ordinance or map shall first submit their challenge to the Board for a hearing thereon.

C. Such submissions as permitted by this § 220-120, and only such submissions, shall be governed by the following:

(1) The challenging party shall make a written request to the Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge.

(2) The Board shall commence its hearing(s) within sixty (60) days after the request is filed, unless the landowner requests or consents to an extension of time.

(3) Public notice of the hearing, as required by § 220-119.C and E of this chapter, shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request may be examined by the public. Such copy of the request shall include any plans, explanatory material, or proposed amendments as provided to the Township by the challenging landowner.

(4) Based upon the testimony presented at the hearing(s), the Board shall determine whether the challenged ordinance or map is defective, as alleged by the landowner.

(5) If the challenge is found by the Board to have merit, the decision of the Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Board shall consider the 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 in consideration of the soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features found on the site.

(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.

(6) The Board shall render its decision within forty-five (45) days after the conclusion of the last hearing.

(7) If the Board fails to act upon the landowner's request within forty-five (45) days, a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.

(8) If the Board fails to commence the hearing(s) on a request within sixty (60) days after submission, or within such period of extension as agreed to by both the Township and the landowner, a denial of the request is deemed to have occurred on the day following the last day of such period.

D. Where a validity challenge is sustained by the Board or the court acts finally on appeal from denial of a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary plan approval in accordance with the regulations of Chapter 190, Subdivision and Land Development. Within this two (2) year period, no subsequent change or amendment in the Zoning, Subdivision and Land Development, or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the sustained validity challenge.

E. Where a proposal appended to an approved validity challenge does not require further application under Chapter 190, Subdivision and Land Development, the developer shall have one year from the date of such approval within which to file for a building permit. Within this one (1) year period, no subsequent change or amendment in the Zoning, Subdivision and Land Development, or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the sustained validity challenge.

F. Nothing in this section shall be interpreted to preclude a landowner from first seeking a final plan approval prior to submission of a challenge.

§ 220-122. Stay of proceedings.

A. Upon filing of any proceeding described in this article and during its pendency before the Board, all land development pursuant to any challenged ordinance, order, or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction over zoning appeals. Such restraining order shall be granted only upon petition and after notice of such petition has been given to the Zoning Officer or other appropriate agency or body.

B. When preliminary plan approval or final plan approval for a subdivision or land development has been granted, and proceedings designed to reverse or limit such approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition of continuing the proceedings before the Board.

C. 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.

D. 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.

E. The question of 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.

F. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

§ 220-123. Appeals to court.

Appeals from decisions of the Zoning Hearing Board may be made by any aggrieved party to a court of competent jurisdiction, as provided for in the Pennsylvania Municipalities Planning Code.

ARTICLE XX

General

§ 220-124. Landscape Guide.

Attachment 1 Landscape Guide is intended as current guide for the items listed, but is not intended to be exclusive. Substitutions may be made from time to time if in the discretion of the township supervisors comparable or more desirable trees and shrubs can be used.

§ 220-125. Table of Uses.

The following Table of Uses is attached and intended as a helpful quick reference regarding this ordinance. This Table of Uses shall not change, supersede or modify in any way the actual text of the ordinance and to the extent of any inconsistency or conflict, the actual language of the ordinance shall control and shall supersede and supplant any omission, addition, or inconsistency, if any, in the Table.

Enacted and Ordained by the Board of Supervisors of Maidencreek Township, Berks County, PA, in lawful session duly assembled this ____ day of _____, 2017.

BOARD OF SUPERVISORS OF
MAIDENCREEK TOWNSHIP

_____
Chairman

ATTEST:

_____ _____
Supervisor

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220 Attachment 1

Township of Maidencreek

Landscape Guide

The following lists recommend particular plant species which are appropriate for the landscaping requirements of this chapter. In no case should these recommendations be interpreted to prohibit any species. Indeed, the lack of ornamental species on these pages is <u>not</u> meant to discourage ornamental plantings, but is simply a reflection of the fact that most ornamental varieties are unsuitable for the specific purposes which are required by the regulations of this chapter. Within each list, plant species are listed alphabetically by their botanical name. In a few cases, specific varieties or cultivars are recommended. In most cases, this decision is the province of the developer.

Trees and Shrubs Suitable for Landscaped Screens and Buffers

The following species have been deemed suitable for use in landscaped screens, barriers, and buffer strips as required by this chapter. They have been selected for their suitability to the local climate, size, ease of care, and the density of their brachiation and foliage. Some but not all of these species are evergreen. Note that this list is a guide only: some of these species may be inappropriate under some circumstances and there are others not listed here which, under certain conditions, could be successfully used as a screen. For all screens and buffers, the use of a variety of species is encouraged in order to minimize the effects of plant diseases: excessive planting of a single species raises the possibility that the screen or buffer would need to be replaced if a disease peculiar to that species is introduced. If a species other than one of those listed here is proposed as a buffering or screening plant, the applicant should be prepared to explain their suitability for this purpose and setting.

Botanical Name	**Common Name**
Aesculus parviflora	Bottlebrush buckeye
Chaenomeles speclosa	Common flowering quince
Genus Chamaecyparis	False cypress varieties
Crataegus crusgalli inermis	Thornless cockspur hawthorn
Deutzia scabra	Fuzzy deutzia
Euonymous alatus	Winged euonymous
Euonymous europaeus	European euonymous
Hamamelis vernalis	Vernal witchhazel
Hybiscus syriacus	Shrub althea (or rose of sharon)
Ilex pedunculosa	Longstalk holly
Juniperus scopulorum	Rocky mountain juniper
Juniperus virginiana	Eastern redcedar
Lonicera fragrantissima	Winter honeysuckle
Maclura pomifera inermis	Thornless osage orange
Myrica pennsylvanica	Northern bayberry
Picea abies	Norway spruce
Picea engelmanni	Engelmann spruce
Picea glauca	White spruce
Picea omorika	Serbian spruce
Picea pugens	Colorado spruce
Pinus nigra nigra	Austrian pine
Pinus strobus	Eastern white pine
Rhamnus cathartica	Common buckthorn
Taxus baccata	English yew
Taxus cuspidata	Japanese yew
Thuja orientalis	Oriental arborvitae
Tsuga canadensis	Canadian hemlock
Tsuga caroliniana	Carolina hemlock
Viburnum lantana	Wayfaringtree viburnum
Viburnum opulus	European cranberrybush viburnum

Street Trees

The following species have been deemed suitable for use as street trees as required by this chapter. They have been selected for their suitability to the local climate, size, shape, hardiness, and cleanliness. Note that this list is a guide only: some of these species may be inappropriate under some circumstances and there are others not listed here which, under certain conditions, could be successfully used as street trees. While some variety is appropriate in the interest of avoiding the effects of disease, too much variety will result in an unattractive streetscape. If a species other than one of those listed here is proposed as a street tree, the applicant should be prepared to explain their suitability for this purpose and setting. The reader may note the absence of some species commonly used as street trees. For example, sycamores and plane trees (genus Platanus) are not shown. While this tree has been used very effectively as a street tree in some applications,

it is in general too large and too messy. Similarly, ginkgos (Ginkgo biloba) have been excluded. Although they are frequently recommended as a street tree for their hardy nature and brilliant fall foliage, only very mature specimens are full enough to present an attractive appearance.

Botanical Name	Common Name
Acer campestre	Hedge maple
Acer platanoides	Norway maple
Acer pseudoplatanus	Planetree maple (or sycamore maple)
Acer rubrum	Red maple
Acer tataricum	Tatarian maple
Cercidiphyllum japonicum	Katsura
Corylus columa	Turkish filbert
Elaeagnus angustifolia	Russian olive
Fraxinus pennsylvanica	Green ash/red ash (non-fruiting)
Gleditsia triacanthos inermis	Thornless common honeylocust
Koelreutaria paniculata	Panicled goldenraintree
Liquidambar styraciflua	American sweetgum[1]
Pyrus calleryana cv. Bradford	Bradford callery pear
Quercus palustris	Pin oak
Syringa reticulata reticulata	Japanese tree lilac
Tilia cordata	Littleleaf linden
Tilia tomentosa	Silver linden
Zelkova serrata	Japanese zelkova

[1] Sweetgums are popular street trees due to their shape and vigor, and for those reasons they have been included here. However, their fruit can be quite messy, so they should be used judiciously.

Parking Lots

Many of the street trees are also suitable for landscaping in parking lots. The following species are particularly well-suited for parking areas due to their smaller size (which makes them generally inappropriate as street trees), salt tolerance, and their overall hardiness. As in the other sections, this list is a guide, and some of these species may be inappropriate under some circumstances. If a species other than one of those listed here or under street trees is proposed for parking lot landscaping, the applicant should be prepared to explain the suitability of such species for this purpose.

Botanical Name	Common Name
Hippophae rhamnoides	Common seabuckthorn
Kerria japonica	Japanese kerria
Viburnum dentatum	Arrowwood viburnum

The recommendations of this Landscape Guide are based upon the data and analysis found in Manual of Woody Landscape Plants: Their Identification, Ornamental Characters, Culture, Propagation and Uses, by Michael A. Dirr, Department of Horticulture, University of Illinois (Champaign, Illinois: Stipes Publishing Company, 1975).

Maidencreek Township Zoning Ordinance
Table Of Uses in Zoning Districts

	USE	Agricultural Preservation AP	Rec / Institutional Overlay R/I	Low Density Residential R-1	Moderate Density Residential R-2	High Density Resdiential R-2a	Village Density Residential R-3	Multi-Family Residential R-4	Commercial-Residential CR	Local Commercial C-1	Regional Commercial C-2	Industrial I	Special Intensified Activities SIA
Agricultural Uses													
	General Agriculture	P		P	P				P	P	P	P	P
	Intensive Agriculture	P											
	Mushroom Farming												P
	Dry-lot Farming												P
	Forestry	P		P	P	P	P	P	P	P	P	P	P
	Greenhouses < 50,000 SF	P											
	Greenhouses > 50,000 SF	SE											
	Farm Related Business	P											
	Roadside Farm Product Stand	P											
	Processing of Farm Products												P
	Animal Husbandry < 5 animals/acre	P											
	Animal Husbandry > 5 animals/acre	SE											
Residential Uses													
	Single Family Detached	P		P	P	P	P	P	P				
	Single Family Semi-Detached (Twin)				P	P	P	P	P				
	Two Family Detached (Duplex)				P	P	P	P	P				
	Multi-family Residential (Townhouses)					SE	P	P	P				
	Multi-family Residential (Apartments)					SE	P	P	P				
	Cluster Subdivisions			C	C								
	Mobil Home Park							SE					
	Mobil Home as Temporary Shelter (1 year)			P	P	P							
	In-law Quarters	C		C	C								
	Age-Restricted Residential Development				C			C		C			
	Planned Residential Development				SE	SE	SE	SE					
	Seasonal Housing (transient employees)												SE
Recreational Uses													
	Public Parks			P	P	P	P	P					
	Private / Public Outdoor Recreation Areas (swim/camps/golf courses)		P	SE									
	Minature Golf Course		P	N					P	P	P		
	Par 3 and/or Driving Range		P	N									
	Lodges and Clubs	C								P			
	Riding Academy	P											
	Amusement Parks / Race Tracks											SE	
Institutional / Conservation Uses													
	Municipal Use / Services	P		P	P	P	P	P	P	P	P	P	P
	- Community Center	P		P	P	P	P	P	P	P	P	P	P
	- Emergency Services	P		P	P	P	P	P	P	P	P	P	P
	Woodland	P											
	Game Preserve	P											

P = Permitted Use
SE = Special Exception Use (Zoning Hearing Board approval req'd)
C = Conditional Use (BOS Hearing approval req'd)
N = Not Permitted

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	Wildlife Sanctuary	P											
	Churches	SE		C	C	C	C	C	P	P		P	
	Public, Parochial & Private Schools		P	C	C	C	C	C	P	P	P	P	
	Schools providing corrective, rehab, or remedial care or instruction			N	N	N	N	N	N	N		P	
	Commercial, Trade or Business Schools								P	P		P	
	Cemetery	SE		C	C								
	Libraries and Museums									C	C		
	Hospital									C	C		
Commercial Uses													
	Assisted Living Facility									C			
	Bed and Breakfast	C							P	P			
	Boarding Home / Rooming House								P	SE			
	Group Home							C					
	Nursing Home									C	C		
	Physical Rehabilitation Center									C	C		
	Retail Sales								P				
	Retail Sales: Gasoline / Petroleum Products								N				
	Retail Sales: Motor Vehicle Service Stations								N	SE	N		P
	Retail Sales: Auto Body Shop								N	SE	N		P
	Business / Professional / Administrative / Governmental Offices								P	P	P		
	Financial Services (drive through not mentioned)								P		P		
	Retail Stores, Shops, Service Etablishments (w/o drive through)									P			
	Eating & Drinking Estab. (drive through not mentioned)								P		P		
	Eating & Drinking Estab. (w/o drive through)									P			
	Drive-in Establishment (Drive through)									SE			
	Sales: Autos / Trucks / Mobile Homes									P	N		
	Office Buildings									P			
	Financial Institutions (w/o drive through)									P			
	Bowling Alleys									P			
	Shopping Centers									P	SE		
	Funeral Homes / Crematoriums									C			
	Car Wash									SE			
	Inn								P	P			
	Motel										P		
	Hotel / Conference Center										P		
	Automobile Sales									P	N		
	Adult Business Uses								N	SE	N		
	Professional Studios									P			

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	Day Care Center (child & adult)									C	P		
	Animal Hospital, Vet. Facility, Comm. Kennel	P								SE	SE	C	SE
	Convience Store / Mini-Mart									C			
	Commercial Parking Facilities									SE			
	Wholesale Sales									SE	P		
	Wholesale Business / Storage & Warehouse Establishment (enclosed)										C	P	P
	Outdoor Storage										C		P
	Personal Storage Facility										N	P	P
	Research Est. & Lab or Product Test & Devel.										P	C	
	Industrial Uses												
	Manufacturing: Electronics											P	SE
	Manufacturing: Appliances											P	SE
	Manufacturing: Motor Vehicles / Aircraft / Boats											P	SE
	Manufacturing: Furniture											P	SE
	Manufacturing: Textile / Shoes / Upholstery											P	SE
	Manufacturing: Toy & Recreationsl Goods											P	SE
	Warehouse Retail Goods & Produce											P	P
	Wholesale Operations											P	P
	Freight Terminals & Rail Yards											P	P
	Beverage Bottling / Canneries / Food Processing											P	SE
	Tool & Die or Metal Fabrication											P	
	Dry Cleaning Plants											P	P
	Printing											P	
	Lumber Yard or Mill											P	
	Junkyards											SE	
	Quarries											SE	
	Fuel Storage (above or below ground)											SE	
	Utilities											SE	
	Landfills											SE	
	Sewage Treatment Plants											SE	
	Resource Recovery Facilities											SE	N
	Concrete & Asphalt Plants											SE	
	Petroleum Refining											SE	
	Slaughterhouses											SE	
	Industrial Parks											C	
	Explosives (Manuf./Warehouse/Wholesale)											C	
	Heavy Commercial Uses (enclosed)												P
	Heavy Commercial Uses (not enclosed)												P
	Public Transportation Terminal											SE	
	General Industrial Uses (enclosed)												SE
	Airport / Heliport											SE	

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	General Contracting											P	
	Energy Production facility (fossil fuel, biomass, wind, solar, nuclear)											SE	
General Accessory Uses / Misc. Uses													
	No-Impact Home Based Business	P		P	P	P	P	P					
	Home Occupation	P		P	P	P	P	P					
	Home Business	C		C					P				
	Billboards											SE	
	Communication Towers (new)	SE										C	
	Cell Tower Antenna	SE										C	
	Antenna Replacement / Collocation	P		P	P	P	P	P	P	P	P	P	P
	Any Other Use not permitted in any district by Right, SE, or Conditional Use											SE	

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