

**EAST UNION TOWNSHIP
SCHUYLKILL COUNTY
PENNSYLVANIA**

**EAST UNION TOWNSHIP
ZONING ORDINANCE**

**DATE OF ENACTMENT JUNE 11,
2009**

DATES OF AMENDMENTS

**JANUARY 3, 2011
SEPTEMBER 24, 2020
JANUARY 21, 2021**

**John R. Varaly, AICP Varaly
Associates, LLC Professional
Planning Consultants**

50 FINN STREET
WILKES-BARRE, PENNSYLVANIA 18705
PHONE (570) 574-3061
jvaraly@ptd.net

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<p>EAST UNION TOWNSHIP 2009 ZONING ORDINANCE, AS AMENDED TABLE OF CONTENTS</p>

ARTICLE 1 - GENERAL PROVISIONS

<u>SECTION</u>		<u>PAGE</u>
101	TITLE	1-1
102	PURPOSE	1-1
103	COMMUNITY DEVELOPMENT OBJECTIVES	1-1
104	REPEALING PROVISION	1-3
105	EFFECTIVE DATE	1-3

ARTICLE 2 - DEFINITIONS

<u>SECTION</u>		<u>PAGE</u>
201	APPLICATION AND INTERPRETATION	2-1
202	TERMS OR WORDS NOT DEFINED	2-1
203	DEFINITION OF TERMS	2-1 TO 2-37

ARTICLE 3 - GENERAL REGULATIONS

<u>SECTION</u>		<u>PAGE</u>
301	COMPLIANCE WITH ORDINANCE REQUIRED	3-1
302	INTERPRETATION AND CONFLICT	3-1
303	ATTACHED ACCESSORY STRUCTURES	3-1
304	UNATTACHED ACCESSORY STRUCTURES	3-1
305	CORNER LOT RESTRICTION	3-2
306	TYPES OF RESIDENTIAL ACCESSORY STRUCTURES	3-2
307	NONCOMMERCIAL SATELLITE DISH ANTENNA	3-2
308	RESIDENTIAL ACCESSORY STRUCTURES IN A NONRESIDENTIAL ZONE	3-2
309	PRIVATE NONCOMMERCIAL SWIMMING POOLS	3-3
310	LOTS DIVIDED BY ZONING BOUNDARIES	3-3
311	PROJECTIONS INTO REQUIRED YARDS	3-4
312	EXCEPTIONS TO HEIGHT LIMITATIONS	3-4
313	REQUIRED ACCESS	3-4
314	LAND DEVELOPMENT APPROVAL FOR CERTAIN USES	3-4
315	VISIBILITY AT INTERSECTIONS OF STREET	3-5
316	FENCES AND WALLS	3-5
317	PUBLIC UTILITIES	3-6
318	SEWAGE DISPOSAL	3-6
319	EXEMPTIONS CERTAIN FOR SIDEYARD SETBACKS	3-6
320	MOBILE HOMES	3-7

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<u>SECTION</u>		<u>PAGE</u>
321	TEMPORARY STRUCTURES/TEMPORARY USES	3-7
322	HIGHWAY OCCUPANCY PERMIT	3-8
323	SOIL EROSION AND SEDIMENTATION CONTROL PLAN	3-8
324	OUT-DOOR WOOD FIRED BOILER	3-8
325	USES NOT ADDRESSED WITHIN ORDINANCE	3-8
326	GENERAL NUISANCE	3-9
327	CONFLICTING REGULATIONS	3-9

ARTICLE 4 - ZONING MAP AND ZONING DISTRICTS

<u>SECTION</u>		<u>PAGE</u>
401	OFFICIAL ZONING MAP	4-1
402	CHANGES TO OFFICIAL ZONING MAP	4-1
403	INTERPRETATION OF BOUNDARIES	4-1
404	CLASSES OF ZONING DISTRICTS	4-2

ARTICLE 5 - ZONING DISTRICT REGULATIONS

<u>SECTION</u>		<u>PAGE</u>
501	A-1 AGRICULTURAL DISTRICT	5-1
502	CR CONSERVATION RESIDENTIAL DISTRICT	5-3
503	R-1 SINGLE FAMILY RESIDENTIAL DISTRICT	5-5
504	R-2 MULTIFAMILY RESIDENTIAL DISTRICT	5-7
505	C-1 LOCAL COMMERCIAL DISTRICT	5-9
506	C-2 HIGHWAY COMMERCIAL DISTRICT	5-11
507	1-1 GENERAL INDUSTRIAL DISTRICT	5-14
508	AREA, BULK AND DENSITY REGULATIONS	5-16

ARTICLE 6 - SPECIAL EXCEPTIONS

<u>SECTION</u>		<u>PAGE</u>
601	PURPOSE	6-1
602	GENERAL PROVISIONS	6-1
603	SITE PLAN	6-1
604	IMPACT ANALYSIS	6-3

ARTICLE 7 - CONDITIONAL USES

<u>SECTION</u>		<u>PAGE</u>
701	PURPOSE	7-1
702	GENERAL PROVISIONS	7-1
703	PROCEDURE FOR SUBMISSION AND DECISIONS	7-1
704	GENERAL STANDARDS	7-4

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<u>SECTION</u>	<u>PAGE</u>	
705	CLASSIFIED CONDITIONAL USES	7-5
706	ENVIRONMENTAL IMPACT STATEMENT	7-7
SUPPLEMENTAL REGULATIONS FOR CERTAIN CONDITIONAL USES		
707	SOLID WASTE	7-11
708	EXCAVATION AND EXTRACTION OF MINERALS, INCLUDING QUARRIES OF	7-15
709	WIND ENERGY FACILITY	7-16
710	SMALL WIND ENERGY CONVERSION SYSTEM	7-22
711	JUNKYARDS/AUTOMOTIVE WRECKING YARDS	7-25
712	SEXUALLY ORIENTED BUSINESS	7-26
713	METHADONE TREATMENT FACILITY	7-26
714	COMMERCIAL COMMUNICATION TOWER	7-27
715	BULK FUEL STORAGE	7-30
716	MOBILE HOME PARKS	7-31
717	AIRPORTS	7-31
718	HELIPORTS	7-31
719	GROUNDWATER OR SPRING WATER WITHDRAWAL FOR OFF-SITE CONSUMPTION	7-31

ARTICLE 8 - SUPPLEMENTAL REGULATIONS

<u>SECTION</u>	<u>PAGE</u>	
801	PURPOSE AND INTENT	8-1
802	USE REGULATIONS	8-1
802.01	ANIMAL HOSPITAL	8-1
802.02	AUTOMOTIVE RELATED ACTIVITIES	8-1
802.03	BANKS	8-2
802.04	BED AND BREAKFAST	8-2
802.05	BOARDING/ROOMING HOUSE	8-3
802.07	CAMPGROUND/RECREATIONAL VEHICLE CAMPGROUND	8-3
802.08	CEMETERIES	8-3
802.09	CLUB/PRIVATE LODGE	8-4
802.10	COMMERCIAL COMMUNICATION ANTENNAS ATTACHED TO BUILDING OR STRUCTURE	8-4
802.11	COMMERCIAL COMMUNICATION ANTENNAS CO-LOCATION	8-5
802.12	CONTRACTORS' STORAGE YARDS	8-5
802.13	DAY CARE FACILITIES	8-5
802.14	DWELLING OVER OR ATTACHED TO A BUSINESS	8-6
802.15	ENTERTAINMENT FACILITIES	8-6
802.16	FOOD PROCESSING	8-6
802.17	FORESTRY ACTIVITIES (TIMBER HARVESTING)	8-6
802.18	FUNERAL HOME	8-7
802.19	GARDEN APARTMENTS	8-7
802.20	GOLF COURSE	8-8
802.21	GROUP RESIDENCE	8-8

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<u>SECTION</u>	<u>PAGE</u>	
802.22	HOME OCCUPATIONS	8-9
802.23	INDUSTRIAL ACTIVITIES	8-9
802.24	KENNELS	8-10
802.25	MOTELS AND HOTELS	8-10
802.26	NO IMPACT HOME-BASED BUSINESS	8-10
802.27	OUTDOOR WOOD-FIRED BOILER	8-11
802.28	OUTDOOR STORAGE (COMMERCIAL)	8-13
802.29	PLACE OF WORSHIP	8-13
802.30	PUBLIC RECREATIONAL FACILITIES (OUTDOORS)	8-13
802.31	PUBLIC USES	8-14
802.32	PUBLIC UTILITY BUILDINGS AND STRUCTURES	8-14
802.33	RESTAURANTS AND TAVERNS	8-14
802.34	RESTAURANT, FAST FOOD	8-14
802.35	RIPARIAN BUFFER	8-15
802.36	SCHOOL, PUBLIC OR PRIVATE	8-15
802.37	SINGLE RESIDENTIAL STRUCTURE CONTAINING MULTIFAMILY DWELLING UNITS	8-15
802.38	TOWNHOUSES	8-15
802.39	TRUCK TERMINALS	8-16
802.40	WAREHOUSE AND DISTRIBUTION FACILITIES	8-16
802.41	WAREHOUSE (SELF STORAGE)	8-16
802.42	SUBSTANCE ABUSE TREATMENT FACILITY	8-16
802.43	MEDICAL MARIJUANA DISPENSARY	8-17
802.44	MEDICAL MARIJUANA GROWERS/PROCESSORS FACILITY	8-21
802.45	NON-COMMERCIAL WINDMILL	8-00
802.46	COMMERCIAL WIND ENERGY FACILITIES	8-00
802.47	ACCESSORY SOLAR ENERGY SYSTEM (ASES)	8-00
802.48	PRINCIPAL SOLAR ENERGY SYSTEM (PSES)	8-00

**ARTICLE 9 - NONCONFORMING LOTS, USES, STRUCTURES
AND BUILDINGS**

<u>SECTION</u>	<u>PAGE</u>	
901	INTENT	9-1
902	NONCONFORMING LOTS OF RECORD	9-1
903	CONTINUATION OF NONCONFORMITY	9-1
904	REGISTRATION OF NONCONFORMING USES AND STRUCTURES	9-1
905	CHANGES OF NONCONFORMING USES	9-2
 <u>SECTION</u>		 <u>PAGE</u>
906	ENLARGEMENT OF NONCONFORMING USES AND STRUCTURES	9-2
907	RESTORATION OF USE	9-3

908	TERMINATION OF NONCONFORMING USE AND/OR STRUCTURE	9-3
909	CERTIFICATE OF INTENTION FOR A NONCONFORMING USE	9-4

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ARTICLE 10 - OFF-STREET PARKING AND LOADING

<u>SECTION</u>		<u>PAGE</u>
1001	PURPOSE	10-1
1002	SIZE OF OFF-STREET PARKING SPACES	10-1
1003	DIMENSIONS AND DESIGN	10-1
1004	SIZE OF OFF-STREET LOADING SPACES	10-1
1005	ACCESS TO OFF-STREET PARKING OR LOADING AREAS	10-2
1006	LOCATION OF OFF-STREET PARKING AREAS	10-2
1007	DRAINAGE AND SURFACING OF OFF-STREET PARKING AREAS	10-2
1008	SCREENING AND LANDSCAPING	10-2
1009	LIGHTING	10-3
1010	DRIVEWAYS	10-3
1011	PARKING IN YARD AREAS	10-3
1012	EXISTING STRUCTURES AND USES	10-4
1013	CHANGE OF STRUCTURES OR USES	10-4
1014	FRACTIONAL SPACE	10-4
1015	MULTIPLE ACTIVITIES OR USES	10-4
1016	OFF-STREET PARKING REQUIREMENTS	10-4
1017	PARKING FOR OTHER COMMERCIAL USES	10-7
1018	OFF-STREET LOADING REQUIREMENTS	10-7
1019	PROVISION OF HANDICAPPED PARKING SPACES	10-7
1020	DESIGN FEATURES FOR HANDICAPPED PARKING SPACES	10-8
1021	SIGNAGE FOR HANDICAPPED PARKING	10-8
1022	MINIMUM NUMBER OF HANDICAPPED ACCESSIBLE SPACES	10-8

ARTICLE 11 - SIGN REGULATION

<u>SECTION</u>		<u>PAGE</u>
1101	SIGNS	11-1
1102	CONSTRUCTION TYPE	11-2
1103	PERMITTED SIGNS BY ZONING DISTRICT	11-2
1104	AREA, HEIGHT AND SETBACK REQUIREMENTS	11-3
1105	SIGNS RELATED TO NONCONFORMING USES	11-5
1106	AREA COMPUTATION OF SIGNS	11-5
1107	ILLUMINATED SIGNS	11-6
1108	MISCELLANEOUS SIGN PROVISIONS	11-6
1109	VERTICAL CLEARANCE	11-6
1110	PROHIBITED SIGNS	11-6
1111	PERMITS REQUIRED	11-7
1112	SIGN REGULATION TABLES	11-7

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ARTICLE 12 - FLOOD PLAIN MANAGEMENT

<u>SECTION</u>		<u>PAGE</u>
1201	INTENT	12-1
1202	SPECIAL DEFINITIONS	12-1
1203	ABROGATION AND GREATER RESTRICTIONS	12-5
1204	SEVERABILITY	12-5
1205	WARNING AND DISCLAIMER OF LIABILITY	12-5
1206	OVERLAY OF FLOODPLAIN DISTRICTS	12-5
1207	IDENTIFICATION OF ONE HUNDRED (100) YEAR FLOOD PLAIN DISTRICTS	12-6
1208	CHANGES TO DELINEATED BOUNDARIES	12-7
1209	INITIAL DETERMINATION OF BOUNDARIES	12-7
1210	ALTERATIONS TO WATERCOURSES	12-7
1211	FLOODWAY RESTRICTIONS	12-7
1212	SPECIAL REQUIREMENTS FOR THE SPECIAL FLOOD PLAIN AREA AND GENERAL FLOOD PLAIN AREA	12-8
1213	STRUCTURAL ANCHORING AND FLOODPROOFING REQUIREMENTS	12-8
1214	ISSUANCE OF BUILDING PERMIT	12-8
1215	FLOODPROOFING	12-9
1216	UTILITIES	12-11
1217	CERTIFICATION OF FLOODPROOFING	12-11
1218	FULLY ENCLOSED AREAS BELOW THE LOWEST FLOOR	12-12
1219	PROHIBITED USES	12-12
1220	REGULATIONS FOR HAZARDOUS MATERIALS	12-13
1221	IMPROVEMENTS	12-14
1222	VARIANCES	12-14
1223	MODIFICATION OF FREEBOARD REQUIREMENT AND ADMINISTRATIVE PROCEDURES	12-15

ARTICLE 13 - ENFORCEMENT AND ADMINISTRATION

<u>SECTION</u>		<u>PAGE</u>
1301	ZONING OFFICER	13-1
1302	ZONING PERMIT	13-2
1303	CERTIFICATE OF ZONING COMPLIANCE	13-3
1304	ENFORCEMENT PROCEDURES	13-4
1305	SCHEDULE OF FEES, CHARGES AND EXPENSES	13-6

ARTICLE 14 - AMENDMENTS

<u>SECTION</u>		<u>PAGE</u>
1401	AMENDMENT PROCEDURE	14-1
1402	APPLICATIONS FOR AMENDMENTS TO THE TEXT OR MAP	14-2

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<u>SECTION</u>		<u>PAGE</u>
1403	CURATIVE AMENDMENTS	14-2
1404	ENACTMENT OF AMENDMENTS	14-5
1405	NOTIFICATION TO COUNTY	14-5

ARTICLE 15 - ZONING HEARING BOARD

<u>SECTION</u>		<u>PAGE</u>
1501	MEMBERSHIP OF BOARD	15-1
1502	ALTERNATES TO ZONING HEARING BOARD	15-1
1503	REMOVAL OF MEMBERS	15-1
1504	ORGANIZATION OF BOARD	15-1
1505	EXPENDITURES FOR SERVICES	15-2
1506	HEARINGS	15-2
1507	MEDIATION OPTION	15-3
1508	JURISDICTION OF ZONING HEARING BOARD	15-4
1509	VARIANCES	15-5
1510	SPECIAL EXCEPTIONS	15-6
1511	PARTIES APPELLANT BEFORE THE BOARD	15-7
1512	TIME LIMITATIONS	15-7
1513	STAY OF PROCEEDINGS	15-8

ARTICLE 16 - PLANNED RESIDENTIAL DEVELOPMENTS

<u>SECTION</u>		<u>PAGE</u>
1601 - PURPOSE		16-1
1602 - REGULATORY AUTHORITY		16-1
1603 - DENSITY REGULATIONS		16-1
1604 - DIMENSIONAL REGULATIONS		16-2
1605 - SPECIAL PROVISIONS		16-3
1606 - DEVELOPMENT REGULATIONS		16-4
1607 - PHASING OF DEVELOPMENT		16-4
1608 - ENFORCEMENT AND MODIFICATIONS OF PROVISIONS OF PLAN		16-5
1609 - APPLICATION FOR TENTATIVE APPROVAL		16-6
1610 - PUBLIC HEARINGS		16-9
1611 - FINDINGS		16-10
1612 - STATUS OF PLAN AFTER TENTATIVE APPROVAL		16-11
1613 - APPLICATION FOR FINAL APPROVAL		16-12
16-14 - JURISDICTION AND LEGAL REMEDIES		16-14

ARTICLE 17 - APPEALS

<u>SECTION</u>		<u>PAGE</u>
1701 - APPEALS TO COURT		17-1

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**ARTICLE 1
GENERAL PROVISIONS**

SECTION 101 TITLE

The official title of this Ordinance is: East Union Township Zoning Ordinance.

SECTION 102 PURPOSE:

This Ordinance is enacted to accomplish the purposes enumerated in Section 604 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. The provisions of this Ordinance are designed to achieve the following:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency management preparedness, airports and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as reservation of natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- D. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided however, that the zoning ordinance shall not be deemed invalid for the failure to provide any other specific dwelling type.
- E. 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.

SECTION 103 COMMUNITY DEVELOPMENT OBJECTIVES

The enactment of this Ordinance is intended to assist in achieving and promoting the following goals and objectives:

- A. To maintain existing patterns of density development and the character of the Township while allowing for new growth and development.

- B. To ensure the use of land within the Township is capable of providing for sufficient development of residential, commercial, industrial and public uses to meet the needs of the Township in proper locations in relationship to available infrastructure.
- C. To use the Township's Zoning Ordinance to direct new commercial and/or industrial development to areas of existing developed areas where infrastructure and community facilities are adequate.
- D. To promote local economic viability by allowing home occupations and home-based businesses consistent with residential zoning districts and the overall community character.
- E. To examine all proposed developments in relationship to its potential impact upon environmental resources and to avoid all forms of pollution within the Township and region.
- F. To control common law nuisances and threats to public health and safety resulting from, among others, noise, lack of property maintenance, poor building practices, junk accumulation, odors and uncontrolled burning.
- G. To preserve the rural areas of the Township with consideration of implementing "Growing Greener" land use regulations as set forth by the Natural Lands Trust as a means to preserve open space including but not limited to farmland, environmentally sensitive areas, natural, scenic and cultural features of the Township's landscape.
- H. To encourage the use of Act 319 "Clean and Green" and other tax incentive programs as a means of preserving farmland and open space.
- I. To provide for a variety of housing types to satisfy diverse housing markets, including those for the elderly, single persons, handicapped individuals and couples without children.
- J. To foster an affordable housing market by evaluating the effect of land use controls on the cost of housing.
- K. To allow residential development in certain areas at a density sufficiently high to moderate the increasing cost of housing.
- L. To require all new residential developments to meet required design standards and provide proper community facilities via the proper enforcement of the Subdivision and Land Development Ordinance.
- M. To systematically identify local municipal community facilities and services needs with the development a capital improvements budget to meet such needs.

- N. To encourage and support volunteer fire, ambulance and other public service organizations.
- O. To identify any recreational needs of the Township and to locate any needed facilities in coordination with existing or planned regional, County or State Parks to foster a balanced recreational system.
- P. To provide an adequate transportation system for the safe movement of people and goods within all sectors of the Township and areas beyond.
- Q. To undertake an inventory and classify according to function all public roads in the Township and assess maintenance and needed improvements.
- R. To maintain an up-to-date Township road occupancy ordinance, setting standards for driveway access to Township roads to prevent adverse effects of stormwater drainage and utility improvements within the Township road right-of-way.
- S. To actively participate in all County and PA DOT highway planning programs to assure the Township's needs are addressed.
- T. To maintain up-to-date standards in Township ordinances for stormwater control, soil erosion and sedimentation control, sewage disposal, solid waste disposal and other environmental concerns.
- U. To periodically review the scope and provision of community and Township services and facilities, with the intent to improve and expand such services and facilities as needed within the fiscal means and limitations of the Township.
- V. To promote cooperation with other adjoining municipalities on intergovernmental issues of mutual concern.
- W. To conduct municipal affairs in an efficient, economical and fair manner for the welfare of all citizens.
- X. To be committed to participate in continuing education and training seminars related to zoning and land use.

SECTION 104 REPEALING PROVISION

All Ordinances of East Union Township, or any parts thereof, which are inconsistent or in conflict with this Ordinance, are hereby repealed to the extent of such inconsistency and/or conflict.

SECTION 105 EFFECTIVE DATE

THIS ORDINANCE SHALL TAKE EFFECT FIVE (5) FOLLOWING ITS DATE OF ENACTMENT:

**APPROVED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE
TOWNSHIP OF EAST UNION ON THIS 11th DAY OF JUNE, 2009.**

EAST UNION TOWNSHIP BOARD OF SUPERVISORS

Chairman

Vice Chairman

Secretary

ATTEST:

TOWNSHIP SECRETARY

**ARTICLE 2
DEFINITIONS**

SECTION 201 APPLICATION AND INTERPRETATION

The definition of words included herein are provided to facilitate the interpretation of this Ordinance for administrative and enforcement purposes. Unless expressly stated otherwise, within the context of the Ordinance, the following shall apply:

1. Words used in the present tense shall include the future tense.
2. The word "person" shall include a profit or nonprofit corporation, company, partnership, individual or single proprietorship.
3. The words "used" or "occupied" as applied to any land or building shall include the words "intended", "arranged", or "designed" to be used or occupied.
4. The word "building" shall include "part thereof" and "structure".
5. The word "lot" shall include "plot" or "parcel".
6. The word "shall" is always mandatory.
7. The singular number shall include the plural, and the plural the singular.
8. The masculine gender shall include the feminine and neuter.
9. The word "street" shall include "road", "highway", and "lane".

SECTION 202 TERMS OR WORDS NOT DEFINED

When terms, phrases, or words are not defined, they shall have the meaning as defined in The Latest Illustrated Book of Development Definitions (H. S. Moskowitz and C. G. Lindbloom, Rutgers, The State University of New Jersey, 2004) or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.

SECTION 203 DEFINITIONS OF TERMS

ABANDONMENT:

To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, subject to completion of the work within one year from the issuance of a zoning permit and/or building permit.

ABUTTING:

Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

ACCESS:

A way or means of approach to provide physical ingress and/or egress to a property.

ACCESSORY SOLAR ENERGY SYSTEM (ASES)

An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

ACCESSORY STRUCTURE:

A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

ACCESSORY USE:

A use incidental to, and on the same lot as, a principal use.

ADJOINING PROPERTY:

A property having a contiguous property boundary with a separate property, including properties with any amount of opposite front, rear or sideyard areas that are separated by a right-of-way, alley, or easement.

AGRICULTURE:

The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for storing the products. The term shall include incidental retail sales by the producer of products raised on the farm. The above uses shall not include, commercial hog farms, fur farms, fertilizer plants, animal kennels or concentrated animal feeding operations as defined and regulated under the Pennsylvania Nutrient Management Act, as amended.

AIRPORT:

An area of land designed and set aside for the landing and take-off of aircraft, licensed by the Federal Aviation Department and, or PennDOT, Bureau of Aviation which may include all necessary facilities for the housing and maintenance of aircraft.

ALTERATION:

Any change, addition, or modification in construction or occupancy of an existing structure.

ALTERATION, STRUCTURAL:

Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders or in the dimensions or configuration the roof and exterior walls.

AMENDMENT:

A change in the regulations and provisions of the East Union Township Zoning Ordinance, including changes to boundaries of Zoning Districts as provided upon the Zoning Map.

ANIMAL HOSPITAL:

A structure or building where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

ANTENNA, COMMUNICATION: (See Communications Antenna)

AUTOMOTIVE SALES:

The use of any building, structure or land, other than a street, for the display and sale or rental of motor vehicles, which are in operable condition. The owner/operator of this business must have a valid state license for the sale or rental of such motor vehicles. Any related repair shall be conducted within an enclosed building and shall be an accessory use.

AUTOMOBILE WRECKING YARD: (SEE ALSO JUNKYARDS)

The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

BASEMENT:

That portion of a building that is partly or completely below grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to the ceiling is five (5) feet or greater.

BED AND BREAKFAST:

A residence occupied by an owner providing short term lodging accommodations for compensation for transient guests. No more than five guest rooms shall be available for said accommodations. Any meals included as part of the services shall be restricted to individuals who have registered for lodging within said residence.

BOARDING HOUSE OR ROOMING HOUSE:

A structure or portion thereof that contains rooming units which are rented or leased, with the occupants of said units being non-transient, and using said location as a legal place of residence. The term “Boarding House or Rooming House,” shall specifically exclude the following:

Dwelling	Dwelling Unit
Motel and/or Hotel	Bed and Breakfast Facility
Group Residence	

BUFFER AREA:

A method of improvements designed to separate and substantially obstruct the view of two adjacent land uses or properties from one another. For the purpose of this Ordinance the when a buffer area is required it shall be deemed to represent a fence or stone wall with cork fitting, eight (8) feet in height with two staggered rows of evergreen trees planted in front of the fence with the spacing distance between trees the not less than eight feet or greater than ten (10) feet. Said trees shall be not less than eight (8) feet in height at the time of planting. Unless stated otherwise, a buffer area may be part of the minimum setback distance for the land use requiring said buffer.

BUILDING:

Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals, or property.

Building, Accessory: A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use.

Building Coverage: The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

Building Envelope: An area of a lot upon which development may occur. Excluding deed restrictions, covenants, easements or other site conditions, the governing minimum setbacks requirements for a given zoning district establishes the building envelope.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Building Height: The vertical distance of a building measure from the average elevation of the proposed finished grade within twenty (20) feet of the structure to the highest point of the roof for flat roofs; to the deck line of mansard roofs and to the average height between eaves and the ridge for gable, hip and gambrel roofs, excluding chimneys.

BULK FUEL STORAGE FACILITY:

Any facility where (1) gasoline is stored in bulk for distribution by delivery truck; (2)

fuel, including but not limited to kerosene, home heating oil, diesel fuel, gasoline, or propane, is stored in large volume tanks for distribution to retail or wholesale establishments; or (3) the total combined on-site storage of fuel exceeds twenty thousand (20,000) gallons.

CAMPGROUND/RECREATIONAL VEHICLE CAMPGROUND:

An area to be used for transient occupancy by camping in tents, camp trailers, recreational vehicles, travel trailers, or similar movable or temporary sleeping quarters.

CAMPSITE:

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

CAMPING UNIT:

Any tent, trailer, recreational vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreational, or vocational purposes.

CARPORT:

A roofed structure opened on two (2) or more sides and used for the storage of private motor vehicles. It may be constructed as a separate accessory structure or part of the principal structure.

CELLAR:

The portion of any building which is located partly underground, but having one-half or more of its height, measured from finished floor grade to finished ceiling, below the average grade of the adjoining land. A cellar shall not be counted as a story for the purposes of administering height regulations of this Ordinance.

CEMETERY:

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CHANGE OF USE:

Any use which differs from the previous use of a building, structure or land.

CHIMNEY:

A vertical structure containing one or more flues for drawing off emissions from a stationary source of combustion, including but not limited to those attached to an Outdoor Wood-Fired Boiler.

CHURCH: (SEE PLACE OF WORSHIP)

CLEAN WOOD:

Natural wood that has no paint, or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

CLEAR SIGHT TRIANGLE

A triangular-shaped portion of land established at street intersections in which nothing can be erected, constructed, planted or allowed to grow in such a manner to obstruct the sight distance of motorist entering or leaving the intersection.

CLINIC (MEDICAL):

A facility comprised of professional offices, for the examination and treatment of persons as outpatients by physicians, dentists or other licensed medical specialists, in which said medical practitioners work in cooperative association. Said clinics may provide medical services customarily available at hospitals, excluding overnight care of patients and 24-hour emergency service.

CHILD CARE FACILITY: (See DAY CARE FACILITY)

CHIMNEY:

A vertical structure containing one or more flues for drawing off emissions from a stationary source of combustion, including but not limited to those attached to an Outdoor Fuel Furnace

CLUB/PRIVATE LODGE:

An area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to bona fide members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. The club shall involve a meaningful and substantial membership system, as opposed to a token system. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant or an auditorium unless that particular use is permitted in that District and the requirements of that use are met.

COMMON OPEN SPACE:

A parcel or parcels of land, which may include an area of water, within a development site and designated and intended for the use or enjoyment of residents of a planned residential development, exclusive of streets, off-street parking areas and areas set aside for public facilities.

COMMERCIAL USE:

An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

COMMERCIAL COMMUNICATION ANTENNA:

Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio services, or any wireless communication signals, including without rotation, omnidirectional or whip antennas and directional or panel antennas, owned and operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residences mounted satellite dishes or television antennas or amateur radio equipment, including without limitation, ham or citizen band radio antennas.

COMMERCIAL COMMUNICATIONS EQUIPMENT BUILDING:

An unmanned building or cabinet containing communication equipment for the operation of a Commercial Communication Antenna and covering an area on the ground not greater than two hundred fifty (250) square feet.

COMMERCIAL COMMUNICATION TOWER

A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support a Commercial Communication Antenna.

COMMERCIAL COMMUNICATIONS TOWER; HEIGHT:

The vertical distance measured from the ground to the highest point on a communications Tower, including antennas mounted on the tower.

COMMERCIAL WIND ENERGY FACILITY:

A commercial electric generating facility, whose main purpose is to supply electricity to off-site customer(s), consisting of one or more Commercial WECS, and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities

CONDITIONAL USE:

A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a zoning district subject to approval by the Board of Supervisors and subject to special requirements, different from those usual requirements for the zoning district in which the conditional use may be located.

CONDOMINIUM:

A set of individual dwelling units or other areas of building each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which was

created under the PA Uniform Condominium Act of 1980, as amended.

CONTRACTOR'S STORAGE FACILITY:

A lot, building, or part thereof, used to store materials used by a contractor in the construction of a road, highway, structure or building, landscaping or utilities.

CONVENIENCE STORE:

Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same.

CONVENIENCE STORE WITH GAS SALES:

Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same, along with the retail sales of gasoline and related fuel products.

COUNTY PLANNING COMMISSION:

The Planning Commission of Schuylkill County.

CRITICAL AREAS

An area with one or more of the following characteristics: stream corridors, streams, flood plain areas, wetlands, slopes which equal or exceed fifteen (15%) percent, soils classified as highly acidic or highly erodible, soils classified as having a high-water table, land and associated soils which display poor percolation, mature stands of native vegetation and aquifer recharge and discharge area.

CROP FARMING

The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, wineries, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use.

DAY CARE SERVICES:

The provision of out-of-home care for children or adults for part of a twenty-four (24) hour day, excluding care provided by relatives.

DAY CARE FACILITY:

A facility for the provision of out-of-home care for children or adults for part of a twenty-four (24) hour day, excluding care provided by relatives, and licensed as such by the State.

DAY CARE CENTER:

A structure in which day care services are provided, with no portion of the structure being jointly used as a portion of a family residence.

DAY CARE HOME:

Means a residential structure in which day care services are provided for not more than six (6) persons at any one time, where the care areas are also used as a portion of a family residence.

DECISION:

Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be subject to appeal to the Court of Common Pleas of Schuylkill County.

DENSITY:

The number of dwelling units permitted per net unit of land.

DETENTION FACILITY:

A publicly operated or sponsored facility used to house and/or rehabilitate individuals detained, sentenced by, or under the jurisdiction of the criminal justice system, including but not limited to, jails, prisons, penitentiaries, reformatories, half-way houses and similar facilities.

DETERMINATION:

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

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

Determinations may be appealed only to the boards designated as having jurisdiction for such appeal.

DEVELOPMENT:

Any man-made improvements to improved or unimproved real estate. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or structure, any mining, dredging, filling, grading, paving, excavation, drilling, land

disturbance and any use or extension of the use of land shall be deemed to constitute a development.

DEVELOPMENT PLAN:

The provisions for development included within an application for a subdivision and/or land development, including all covenants relating to use, location and bulk of buildings and other structure intensity of use or density of development, streets, ways and parking facilities, common open space, easements and public facilities. The phrase "development plan" shall mean the written and graphic materials referred to in this definition.

DISTRICT:(See Zoning District)

DRIVEWAY:

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

DWELLING TYPES:

- A. DWELLING, SINGLE-FAMILY: A detached building arranged or used for occupancy by one (1) family. A mobile home or similar manufactured housing unit which is constructed to be permanently attached and anchored to a permanent foundation shall be deemed to be a single-family dwelling unit
- B. DWELLING, TWO FAMILY: A detached or semidetached building where not more than two (2) individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except by access to the outside or to a common cellar.
- C. DWELLING, MULTIPLE: A building containing three or more dwelling units entirely separated by vertical walls or horizontal floors, unpierced except by access to the outside or to a common cellar. The term "Townhouse" is excluded under this term (See Definition of Townhouse)
- D. TOWNHOUSE: A single structure consisting of not less than three (3) or more than six (6) dwelling units. Each dwelling unit shall have direct ground level access to the outdoors and connected to other dwelling units by one (1) or more party walls with no opening or connecting interior access between units. No dwelling units shall be located over or below another unit.
- E. MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

DWELLING UNIT:

One or more habitable rooms which are occupied, or which are intended or designed to be occupied as a residence by one family, with permanent facilities for living, sleeping, cooking, and sanitary facilities for exclusive use by the family residing therein.

EARTH DISTURBANCE 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:

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

EASEMENT, DRAINAGE:

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

EMERGENCY SERVICES FACILITY:

A building for the housing of fire, emergency medical or police equipment and for related activities.

ENTERTAINMENT FACILITIES:

Commercial establishments, excluding any sexually oriented business, engaged in providing entertainment for a fee or an admission charge, such as an arcade, bowling alley, billiard hall, roller skating rink or similar facilities.

ENVIRONMENTAL IMPACT STATEMENT

A report and/or series of reports on the effect of a proposed development or major action which may significantly affect the environment and associated features thereunder.

EXCAVATION AND EXTRACTION OF MINERALS:

The removal or recovery by any means whatsoever of minerals, as so defined in this Ordinance from land or water, on or above the surface thereof, or beneath the land surface whether exposed or submerged. It shall include the incidental screening, washing, crushing and grading of materials originating on the site, and mineral processing as an accessory use.

FACILITY OWNER: (Commercial Wind Energy Facility)

The entity or entities having a legal or equitable interest in a Commercial Wind Energy Facility, including the respective successors and assigns.

FAMILY:

One or more persons occupying a dwelling unit and living together as a single nonprofit housekeeping unit. Foster children placed into the care and custody of a family shall be deemed to be a member of the family. A group in excess of four (4) individuals who are not related by blood, marriage or legal adoption, shall not be deemed to constitute a family.

FENCE:

A structure functioning as a boundary or barrier constructed of materials recognized by the fencing industry. Hedges, shrubbery and/or similar vegetation shall not be deemed or considered to be a fence.

FOOD PROCESSING ESTABLISHMENT:

Manufacturing establishments producing or processing foods for human consumption and certain related products. Includes (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oils products; (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing, and by-product processing (not including facilities that also slaughter animals); and (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

FLOOR AREA, GROSS:

The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls.

FORESTRY: (ALSO SEE SECTION 802.14 TIMBERING HARVESTING)

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

FRONTAGE:

The length of the front lot line measured at the street right-of-way line.

GARAGE, PRIVATE:

A noncommercial building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor

vehicles with no facilities for mechanical service or repair of a commercial or public nature.

GARAGE, REPAIR: (SEE ALSO GASOLINE SERVICE STATION)

A commercial building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work.

GARDEN CENTER

A place of business where products and produce are sold to the general public. These centers may include a nursery and/or greenhouses, plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

GASOLINE SERVICE STATION:

A structure, building or area of land or portion thereof that is used for the retail sale of gasoline or any other motor vehicle fuel that may or may not include as an accessory use, the sale and installation of lubricants, tires, batteries, and similar accessories and other minor servicing and engine tune-ups of motor vehicles, excluding the major mechanical overhauling, paint, and body work of any type of vehicle. Gasoline service stations shall not include service and maintenance activities which include or are comparable to those provided for under the definition of a "Repair Garage".

GENERAL NUISANCE:

- A. Any use considered to be inconsistent with the public comfort, convenience, health, safety, and general welfare, including the following: fire and explosion hazards; electrical and radioactive disturbances; noise and vibration; dust, dirt, and fly ash; glare; smoke and odors; and other forms of air pollution.
- B. Any use operated or conducted in manner which directly or indirectly endangers the public health safety and/or welfare, including but not limited to having a detrimental effect on an adjoining property or use of property and/or the community.
- C. A property in a continuing state of disrepair that is not fit for human habitation and/or occupancy with the potential to attract vermin and/or deemed to be a fire hazard to adjoining properties.
- D. A property that contains trash, junk and/or more than one inoperable motor vehicle.

GLARE:

A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus

The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GOVERNING BODY:

The Board of Supervisors of East Union Township, Schuylkill County, Pennsylvania.

GREENHOUSE, COMMERCIAL:

Retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing, and/or display.

GROUND CLEARANCE:

The minimum distance between the ground and any part of the wind turbine blade, as measured from the lowest point of the arc of the blades.

GROUP RESIDENCE:

A dwelling unit which is shared under congregate living arrangements by more than four (4) persons, who are residents of the dwelling unit by virtue of their need to receive supervised services limited to health, social and/or rehabilitative services provided by a person or persons or their licensed or certified agents, a governmental agency or their licensed or certified agents, a responsible corporation or their licensed or certified agents, a partnership or limited partnership or their licensed or certified agents or any other legal entity. Such services shall be provided on a continuous basis in a family-like environment to persons who are in need of supervision and/or specialized services in a residential setting.

The following shall not be deemed to constitute a Group Residence:

A boarding home and/or a personal care boarding home.

A facility providing shelter and/or rehabilitative care or treatment of persons for alcoholism and/or an addiction to a controlled substance.

A facility for persons released from or under the jurisdiction of a governmental bureau of corrections or similar institution.

HAZARDOUS SUBSTANCES:

Any material that, by reason of its quantity, concentration, or physical, chemical or infectious characteristics may:

1. cause, or significantly contribute to, an increase in mortality or an increase in a serious irreversible or incapacitating irreversible illness.
2. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

This definition shall be deemed to include radioactive material, medical waste and any incendiary device and/or explosive device or material

HIGHWAY OCCUPANCY PERMIT:

A permit, issued by the Pennsylvania Department of Transportation, the Schuylkill County Road and Bridge Department or East Union Township which authorizes access from a parcel of land onto a highway, road or street which is under the respective jurisdiction of the above entities.

HEALTH/RECREATION FACILITY:

An indoor facility including uses such as game courts, exercise equipment, locker rooms, and related facilities.

HOME OCCUPATION:

An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the existing residential character of the neighborhood.

HOME OFFICE:

Residences of clergymen, architects, landscape architects, professional engineers, professional planners, registered land surveyors, lawyers, real estate agents, financial consultants, artists, teachers, musicians, or persons in other recognized professions, excluding medical practitioners, used to conduct their professions where the office use is incidental to the residential use of the premises. The following uses and/or services, including those which are similar in nature, are excluded from the classification as a Home Office: hair stylists, barbers, massage parlors, tanning salons, health spas, beauty spas, nutrition and weight management services, manicure and pedicure services, body piercing and body painting services.

HORSE FARM:

A building or structure and/or land whose operator keeps equines primarily for breeding and boarding and which operation may or may not be incidental to the owner's primary occupation.

HOTEL: (ALSO SEE MOTEL)

A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

HUB HEIGHT:

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

HUNTING AND FISHING CLUB

Land owned by an organized group of persons formed as a club that is used for hunting, fishing and similar types of passive recreation, and which may include buildings solely limited to recreational activities, temporary lodging, kitchen facilities and sanitary facilities for members and invited guests and routinely accessory storage buildings.

IMPACT ANALYSIS:

A study and/or report, which may be required at the discretion of the East Union Township Board of Supervisors prior to approval of a conditional use application and/or a rezoning application or by the Zoning Hearing Board prior to approval of an application for a special exception and/or variance to determine the potential impact of the proposed use on activities, utilities, traffic generation and circulation, surrounding land uses, community facilities, environmental features, critical areas, the public health, safety and welfare and other factors directly, indirectly or potentially affected. The applicant shall be responsible for all costs related to any and all reports and/or studies required by the East Union Township Board of Supervisors or Zoning Hearing Board under or within the context of the term "IMPACT ANALYSIS."

IMPERVIOUS SURFACE:

Any material and/or development that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surfaces shall include, but may not be limited to, buildings, roofs, surfaced, graveled or compacted parking areas, streets, sidewalks, driveways and similar vehicular and/or pedestrian right-of-ways.

IMPROVEMENTS:

Man-made physical additions, alterations, and/or changes to buildings or other structures which become part of, placed upon, or affixed to real estate.

INDUSTRY, HEAVY:

A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRY, LIGHT:

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

INSTITUTIONAL USE:

A structure or facility which provides medical, health, educational, social and/or rehabilitative services to more than eight (8) persons on a continuous and/or regular basis, excluding a facility for persons released from or under the jurisdiction of a governmental bureau of corrections or similar institution.

JUNK:

Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, and parts thereof

JUNKYARD: (SEE ALSO AUTOMOBILE WRECKING YARD):

An open area where wastes or used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials shall include but are not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. An automobile wrecking yard is also considered a junkyard.

KENNEL

Any structure or premises in which domestic animals such as dogs and/or cats 6 months or older are kept, boarded and/or trained commercial gain.

LAND DEVELOPMENT:

The improvement of one lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

- (A) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively.
- (B) A single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
- (C) A subdivision of land.
- (D) 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.
- (E) the conversion of an existing single-family detached dwelling or single-family semidetached dwelling into more than three (3) residential units. Any conversion, described above, which results in not more than three (3) residential units shall be deemed as a land development if the units are intended to be a condominium.

- (F) the development of a mobile home park or the expansion of an existing mobile home park.
- (G) a single residential structure containing more than five (5) residential units.

The development of any accessory building, including farm buildings, on a lot or lots which are subordinate to an existing principal building shall not be classified as a "Land Development."

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 propriety interest in land.

LOT:

A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit, for principal and accessory buildings or structures.

LOT AREA:

The total horizontal area within the lot lines of a lot.

LOT AREA, GROSS:

The area of land contained within the limits of the legally described property lines bounding the lot.

LOT AREA, NET:

The area of land contained within the limits of the legally described property lines bounding the lot, exclusive of any street or railroad rights-of-way, common open space, easements for the purposes of access, utility, or stormwater management, prohibitively steep slopes, the Floodplain Conservation District, and wetlands as defined by this Ordinance.

LOT, CORNER:

A lot abutting on and at the intersection of two (2) or more streets.

LOT COVERAGE:

Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings and structures, by the gross area of that lot.

LOT DEPTH:

The average horizontal distance between the front and rear lot lines.

LOT LINE, FRONT:

The lot line separating a lot from a street right-of-way.

LOT LINE:

A line dividing one (1) lot from another lot or from a street or alley.

LOT LINE, REAR:

The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three (3) lot lines will not have a rear lot line.

LOT LINE, SIDE:

Any lot line not a front or rear lot line.

LOT OF RECORD:

A lot which exists as shown or described upon a plat or deed and duly recorded in the Office of the Recorder of Deeds of Schuylkill County, Pennsylvania, on the effective date of the adoption of this Ordinance.

LOT, THROUGH:

A lot having both its front and rear yards abutting on a street.

LOT WIDTH:

The horizontal distance between side lot lines, measured at the required front setback line.

MANUFACTURED HOME:

A structure, transportable in one or more sections, which is built upon a chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term shall include park trailers, travel trailers, recreational and other similar vehicles placed upon a site for more than 180 consecutive days.

MANUFACTURED HOME PARK:

A parcel, or contiguous parcels of land, which has been planned and improved for the placement of two (2) or more manufactured homes.

MEDIATION:

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

MEDICAL MARIJUANA:

Marijuana for certified medical use under the Pennsylvania Medical Marijuana Act, PA Act 16 of 2016.

MEDICAL MARIJUANA DISPENSARY:

A person, including a partnership, association, corporation, trust, or other entity or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana, in accordance with the Pennsylvania Medical Marijuana Act, Pa Act 16 of 2016.

MEDICAL MARIJUANA GROWER/PROCESSOR FACILITY:

An indoor facility operated by a legal entity which holds a permit from the State Department of Health to grow and process medical marijuana.

MEDICAL MARIJUANA TRUCKING FACILITY:

A structure, building or land used to store trucks or delivery vehicles for transporting marijuana plants, seeds or other raw materials to a Medical Marijuana Facility, or transporting waste generated from a Medical Marijuana Facility for disposal to a facility authorized in the Commonwealth of Pennsylvania to accept such waste.

MEDICAL MARIJUANA WASTE FACILITY:

A structure, building or land used the storage, management and disposal of solid and liquid waste byproducts or remnants generated during the growing and processing of Medical Marijuana, but not part of the final product.

METEOROLOGICAL TOWER:

A tower used for the measurement of wind speed

METHADONE TREATMENT FACILITY:

A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

MINERALS:

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

MINERAL PROCESSING:

The refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means to specifications for sale or use, and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products.

MOBILE HOME:

A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

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 PARK:

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

MOTEL: (also see Hotel)

A building or group of buildings containing apartments and/or rooming units, each of which maintains a separate outside entrance and primarily offering transient lodging accommodations to the general public. Such building or group of buildings may also provide additional services such as restaurants, meeting rooms, and recreational facilities.

MOTOR VEHICLE, INOPERABLE

A car, truck, bus, or van that cannot be started and moved under its own power. A vehicle that is not currently licensed, including a recreational vehicle or trailer that is designed for travel on the public roads is also considered an inoperable vehicle.

MUNICIPALITY:

The Township of East Union, Schuylkill County, Pennsylvania.

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, pick-up, delivery, or removal functions to or from the premises in excess with those normally associated with a residential use. The business or commercial activity must also comply with the applicable supplemental requirements contained in Article 8 of this Ordinance.

NONCOMMERICAL WINDMILL:

A wind energy conversion system that is incidental and subordinate to another use on the same parcel and supplies electrical power solely for on-site use, which is intended to primarily reduce consumption of utility power at that location and not for resale.

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 the 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.

NONCONFORMING USE:

A use, whether of land or of structure, which does not comply with the applicable use and/or other provisions in the zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment to its location by reason of annexation.

NON-PARTICIPATING LANDOWNERS:

Any landowner except those on whose property all or a portion of a commercial wind energy facility is located pursuant to an agreement with the facility owner or operator.

NURSING HOME:

A facility, as defined under current State licensing requirements, that provides nursing care and related medical or other health services for a period of twenty-four hours or more for individuals not in need of hospitalization, but who because of age, illness or other infirmity, require high-intensity comprehensive planned nursing care.

OCCUPIED BUILDING:

A residence, school, hospital, church, public library, commercial building or other building used for public gathering that is in use when the permit application is submitted for a Wind Energy Facility (Commercial)

OFFICE:

A building or portion thereof containing rooms and/or space for conducting the affairs of a business, profession, service, industry or government.

OPEN SPACE:

An area that is intended to provide light and air, and is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

OPERATOR: (Wind Energy Facility, Commercial)

The entity responsible for the day-to-day operation and maintenance of a Wind Energy Facility, Commercial

OUTDOOR STORAGE (COMMERCIAL):

The keeping, in an unroofed area, of any goods, material, merchandise, equipment or vehicles which are related to the operation of a commercial business, excluding the storage of solid waste, hazardous substances, refuse, junk, junked vehicles, discarded and/or any inoperative durable items,

OUTDOOR WOOD-FIRED BOILER:

A fuel-burning device designed:

- (1) to burn clean wood or other approved solid fuels;
- (2) by the manufacturer specifically for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals (e.g., garages);
- (3) to heat building space and/or water via distribution, typically through pipes of a fluid heated in the device, typically water or a water/antifreeze mixture.

Outdoor wood-fired boilers are also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, etc.

PARCEL:

A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

PARKING SPACE:

An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one (1) motor vehicle.

PARTICIPATING LANDOWNER: (Wind Energy Facility, Commercial)

A landowner upon whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator. It may also include any

landowner having signed a lease, easement or waiver with the owner or operator of a Commercial Wind Energy Facility

PERMANENT FOUNDATION:

A support for a building or structure, reaching below the frost line, consisting of a full poured concrete or masonry foundation or any other type which is permitted under the design standards of the Pennsylvania Uniform Construction Code, on which the building or structure is anchored and is intended to remain indefinitely.

PERSONAL-CARE HOME

A facility, as defined under current State licensing requirements, and licensed as a such, in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four consecutive hours for more than three (3) adults who are not relatives of the operator of the facility and who require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self-administration but who do not require hospitalization or care in a skilled nursing or intermediate care facility.

PERSONAL SERVICES:

Any enterprise conducted for gain, which primarily offers services to the general public, such as shoe repair, valet service, watch repairing, barber shops, hair stylists, tanning salons, health spas, beauty spas, nutrition and weight management services, manicure and pedicure services, body piercing and body painting services and related activities.

PLACE OF WORSHIP:

A building used for religious services, including churches, synagogues, mosques and similar edifices.

PLANNING COMMISSION:

The Planning Commission of East Union Township.

PLANNED RESIDENTIAL DEVELOPMENT:

An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, with a development plan which does not correspond in lot size, bulk or type of dwelling density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of this Ordinance.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES;)

An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related

equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

PRINCIPAL USE:

The main use of land or structures, as distinguished from a secondary or accessory use.

PRIVATE:

Something owned, operated and supported by private individuals or a corporation, rather than by government, and not available for public use.

PROPERTY OWNERS ASSOCIATION:

A non-profit corporation organized by the developer or home owners of a residential development for the purpose of establishing an association of all property owners in a private development which purposes shall include the ownership and maintenance of open space common area and all development improvements and facilities.

PUBLIC:

Something owned, operated and supported by the Community, residents or other entity, governmental or private, for the use and benefit of the general public.

PUBLIC HEARING:

A formal meeting held pursuant to public notice by the East Union Township Board of Supervisors, Planning Commission or Zoning Hearing Board, which is intended to inform and obtain public comment prior to taking action on a particular subject matter or development.

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:

Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC USES:

Public parks and administrative, cultural and service buildings, excluding public land or buildings primarily devoted to the storage and maintenance of equipment or material.

PUBLIC UTILITY:

A private corporation or municipal authority with an exclusive franchise for providing a public service that operates under regulations of Federal, State and/or local government.

PUBLIC UTILITIES FACILITIES:(ESSENTIAL)

Telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves, or structures, pumping stations; telephone exchanges, and all other facilities, equipment and structures necessary for conducting a service by a public utility under the jurisdiction of the Pennsylvania Public Utility Commission, in accordance with Section 619 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

PUBLIC UTILITY TRANSMISSION TOWER:

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

QUARRY:

A tract of land where sand and gravel, rock, stone, and/or ore are excavated for sale or for off-tract use.

RECREATIONAL FACILITIES, COMMERCIAL:

Recreational facilities operated as a business and open to the public for a fee.

RECREATIONAL FACILITIES, PRIVATE:

Recreational facilities other than commercial or public, not operated for a profit, and only open to its members and their guests.

RECREATIONAL FACILITIES, PUBLIC:

Recreational facilities operated as a nonprofit enterprise by a governmental entity or a nonprofit organization, and open to the general public.

REPORT:

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

RESTAURANT:

A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in indispensable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

RESTAURANT, FAST FOOD:

An establishment which offers quick food service, including drive-through service, which is accomplished through a limited menu of items already prepared or prepared, fried, or grilled quickly. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

RIGHT-OF-WAY:

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or other special use.

RIPARIAN LAND:

Land that is traversed or bounded by a natural watercourse.

ROOMING UNIT:

A room or rooms, in a Boarding House and/or Rooming House forming a single habitable unit intended for living quarters but lacking separate bathroom, toilet and sanitary facilities and facilities for cooking and sleeping for exclusive use by occupant or occupants of the rooming unit.

ROTOR:

That portion of the wind turbine, i.e., blades and associated hub and shaft, which is intended to be moved or activated by the wind.

SATELLITE DISH ANTENNA:

A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrial and orbital based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations. TVROs (television reception only satellite dish antennas), and satellite microwave antennas. A satellite dish antenna that does not exceed three (3) feet in diameter and is attached to a building shall be exempt from securing zoning approval.

SEWAGE DISPOSAL, CENTRALIZED:

A sanitary sewage collection system, approved by the Pennsylvania Department of Environmental Protection, in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal facility.

SEWAGE DISPOSAL, ON-LOT:

Any facility designed to biochemically treat sewage within the boundaries of an individual lot in accordance with the applicable rules and regulations of the Pennsylvania Department of Environmental Protection.

SEXUALLY ORIENTED BUSINESS:

Sexually Oriented Bookstore: An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: (1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or (2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Sexually Oriented Entertainment: A nightclub, bar, restaurant, club or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Massage Parlor: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Specified Anatomical Areas: Specified anatomical areas, as used above within the definitions of “Adult Bookstore” and “Adult Entertainment” means and includes any of the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Specified sexual activities as used above within the context of “Adult Bookstore” and “Adult Entertainment” means and includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic

region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth as an "Sexually Oriented Business ".

SCHOOL:

A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools that are licensed by the State as such.

SCREENING:

The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

SEATING CAPACITY:

The actual seating capacity of an area based upon the number of seats or one seat per 18 inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the most recent standards under the BOCA Code or Pennsylvania Uniform Construction Code, based upon the more restrictive standards.

SELF-SERVICE STORAGE FACILITY:

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized, and controlled access stalls or lockers which are leased to individuals for the storage of the individual's property, possessions or wares.

SETBACK:

The required minimum horizontal distance between the building line and the related front, side or rear property line.

SHADOW FLICKER:

Alternating changes in light intensity caused by a moving wind rotor blade of a **wind mill** casting shadows on the ground or stationary objects

SHORT-TERM HOME RENTAL:

Any dwelling unit rented for the purpose of overnight lodging for a period of not less than one day and not more than 30 days on more than one occasion to someone other than a family member of the landowner where the landowner resides in the dwelling unit during the rental, or more than a total of 183 days per year. The term does not include a hotel, motel or short-term transient rental.

SHORT-TERM TRANSIENT RENTAL:

Any dwelling unit rented for the purpose of overnight lodging for a period of not less than one day and not more than 30 days where the landowner does not reside in the dwelling unit during any rental, or resides in the dwelling unit less than a total of 183 days per year. The term does not include a hotel, motel or short-term rental.

SHOPPING CENTER:

A group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site and designed for the provision of goods delivery separated from customer access.

SIGN:

A structure or device designed or intended to convey information to the public in written or pictorial form.

SIGN AREA:

The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than 24 inches apart.

SITE PLAN:

A plan prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and features proposed for a specific parcel of land.

SOLAR ARRAY:

A grouping of multiple solar modules with the purpose of harvesting solar energy.

SOLAR CELL:

The smallest basic solar electric device which generates electricity when exposed to light.

SOLAR EASEMENT:

A right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

SOLAR ENERGY:

Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR MODULE:

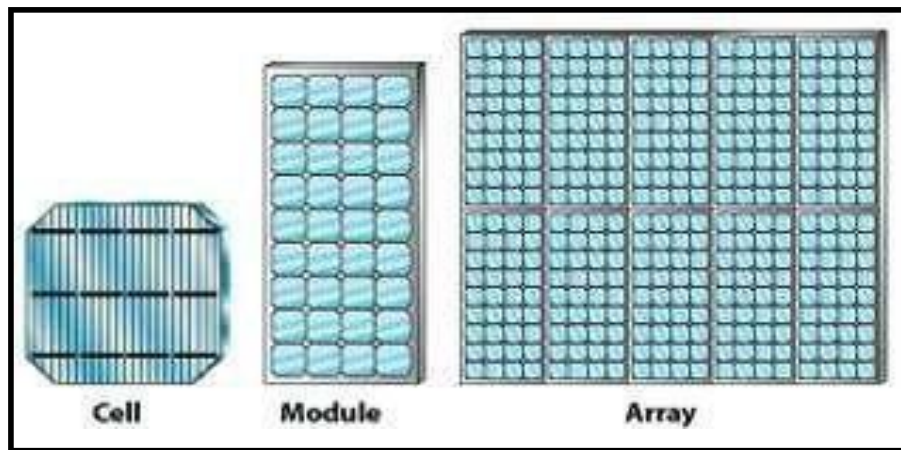
A grouping of solar cells with the purpose of harvesting solar energy.

SOLAR PANEL:

That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

SOLAR RELATED EQUIPMENT:

Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.



SPECIAL EXCEPTION:

A use which may only be permitted in a particular zoning district, by special approval, granted by the Zoning Hearing Board in accordance with the applicable provisions of this Ordinance.

SOLID WASTE OR WASTE:

Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semisolid or contained in gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities, excluding "Hazardous Substances" as so defined by this Ordinance and "Hazardous Waste", as so defined by the Pennsylvania Department of Environmental

Protection, pursuant to Chapter 271.1, under the Solid Waste Management Act, as amended.

SOLID WASTE FACILITY:

Any facility whose operations include the following as defined and regulated by the Pennsylvania Department of Environmental Protection: landfills, transfer stations, refuse vehicle staging areas, resource recovery facilities, waste disposal and processing facilities, and recycling facilities.

STORY:

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between such floor and the ceiling above. A basement shall be counted as a story if its ceiling equals or exceeds five (5) feet of the finished ground surface adjoining the exterior walls of such story.

STREET:

A public (dedicated) or private (undedicated) right-of-way, whether or not improved, intended for use by vehicular and pedestrian traffic.

STRUCTURE:

Any man-made object, the use of which requires an ascertainable stationary location on land, whether or not it is affixed to the land.

SUBDIVISION:

The division or redivision of a lot, tract or parcel of land into two or more lots, tracts or parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership of buildings or lot development.

SUBSTANCE ABUSE TREATMENT FACILITY:

A facility licensed by the Pennsylvania Department of Drug and Alcohol Programs which specializes in the evaluation and treatment of drug addiction and alcoholism. The services available at such a facility can be residential treatment, partial hospitalization treatment or outpatient treatment. For the purpose of this Ordinance a Substance Abuse Treatment Facility shall include the following terms as so defined within this Ordinance:

A Substance Abuse Detoxification Treatment Facility.

A Non-Hospital Drug Free Residential Substance Abuse Treatment Facility.

A Partial Hospitalization Treatment Facility.

Substance Abuse Detoxification Treatment Facility:

A facility licensed by the Pennsylvania Department of Drug and Alcohol Programs, which includes the overnight stay of patients, for the provision of medically-supervised detoxification and treatment of persons who have been

medically diagnosed as having a dependency on a controlled substance including but not limited to drugs and alcohol.

Non-Hospital Drug Free Residential Substance Abuse Treatment Facility: A facility licensed by the Pennsylvania Department of Drug and Alcohol Programs, representing transitional housing, which includes the overnight stay of patients, which may include psychological, social, and behavioral, counseling and supportive services designed to assist a person being treated for a substance abuse disorder to allow their gradual reentry into the community. No Substance Abuse Detoxification Treatment shall be provided at this facility.

Partial Hospitalization Substance Abuse Treatment Facility

A facility licensed by the Pennsylvania Department of Drug and Alcohol Programs, to provide persons with a substance abuse disorder who do not require 24-hour inpatient care, with a short-term intensive outpatient program for stabilization who do not require 24-hour inpatient care. No overnight stay of patients shall be permitted at such a facility.

TIMBER HARVESTING: (SEE ARTICLE 8, SECTION 802.16)

The cutting and removal of trees from their growing site, including the attendant operation of cutting and skidding machinery, for commercial purposes.

TOWER: (Also See Communications Tower)

A structure situated on a nonresidential site or lot which is intended for transmitting or receiving television, radio, or telephone communications.

TOWNHOUSE:

A single structure consisting of not less than three (3) or more than six (6) dwelling units. Each dwelling unit shall have direct ground level access to the outdoors and connected to other dwelling units by one (1) or more party walls with no opening or connecting interior access between units. No dwelling units shall be located over or below another unit.

TOWNSHIP:

Township of East Union, Schuylkill County, Pennsylvania.

TRUCK TERMINAL:

An area and its related structures used as a base of operations for multiple tractor-trailer trucks operated by a trucking company or to transfer loads that are not owned by the trucking company between tractor-trailer trucks. The facility may include accessory facilities for the repair of trucks, and sleeping and eating facilities for employees.

TURBINE HEIGHT:

The distance measured from the surface of the tower's foundation to the highest point of the turbine rotor plane at its furthest vertical extension.

VARIANCE:

A waiver granted by the Zoning Hearing Board from the terms and requirements of this Ordinance in accordance with Section 1509 of this Ordinance.

WAREHOUSE:

A building used primarily for storage of goods and material.

WAREHOUSING AND DISTRIBUTION:

A use engaged in storage, wholesale and distribution of manufactured products, supplies and equipment, excluding the bulk storage of material that are flammable, explosive, hazardous or commonly recognized as offensive.

WATER SUPPLY SYSTEM, CENTRALIZED:

A public or privately owned system, under the jurisdiction of the Pennsylvania Public Utility Commission, designed to transmit potable water from a common source to users, and in compliance with the governing standards of all applicable State agencies. Any water supply system not deemed as a centralized water supply system shall be deemed to be an on-site water supply system.

WATERCOURSE, NATURAL:

Any stream, creek, river, channel or similar waterway in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks.

WETLANDS:

Those areas that are inundated or saturated by the surface or ground water at a frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes but is not limited to wetland areas listed in The State Water Plan, The United States Forest Service Wetlands Inventory of Pennsylvania, The Pennsylvania Coastal Zone Management Plan and any wetland area designated by a river basin commission.

WIND ENERGY CONVERSION SYSTEM (“WECS”):

A machine designed for the purpose of converting wind energy into electrical energy. (Commonly known as “wind turbine” or “windmill”). The term WECS shall be used interchangeably with the terms “wind turbine” or “windmill,” with said terms having the same meaning as a WIND ENERGY CONVERSION SYSTEM (“WECS”)

WECS, COMMERCIAL:

A WECS that is the prime use on a parcel of land and supplies electrical power for off-site use.

WIND ENERGY FACILITY: (COMMERCIAL)

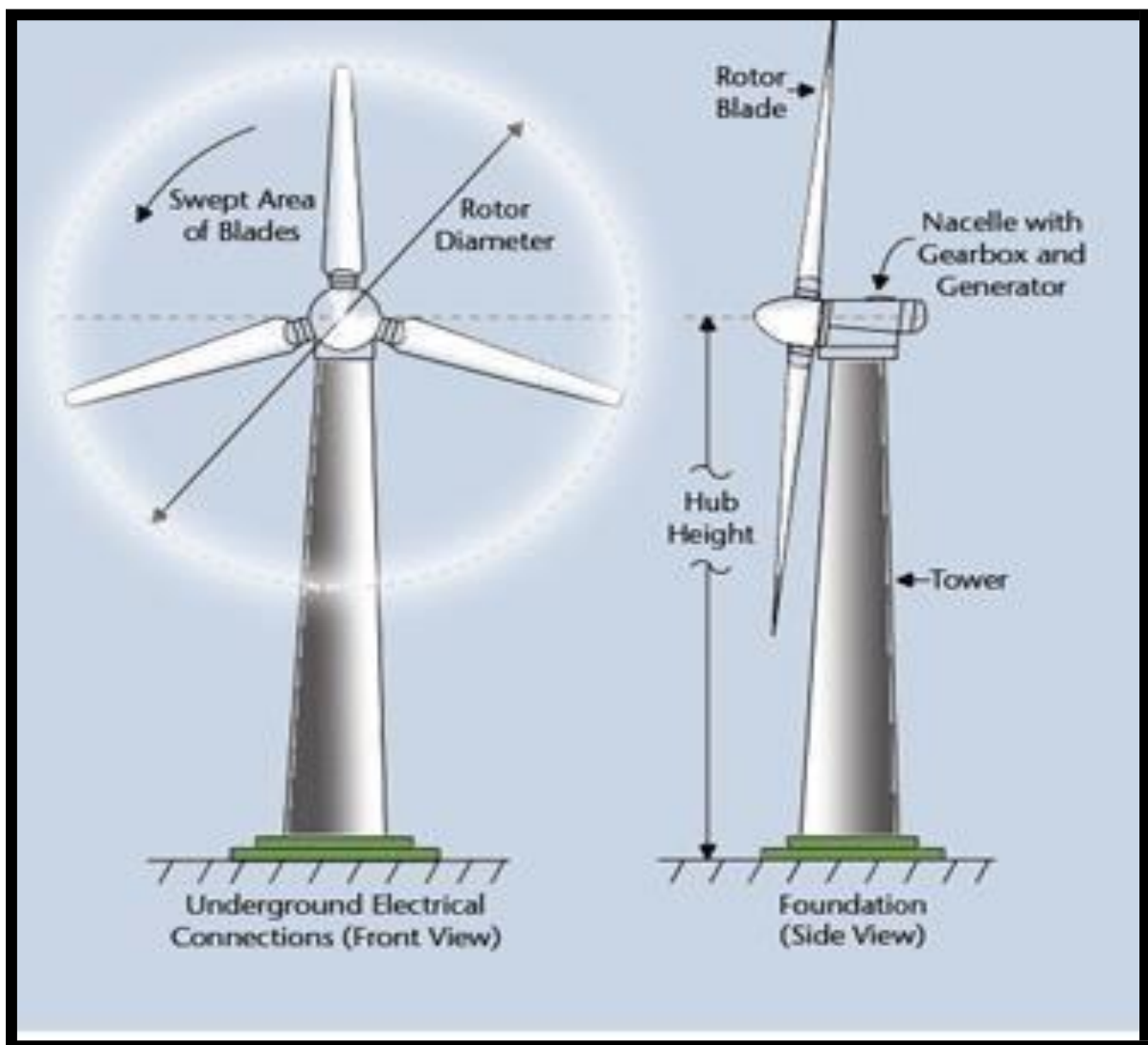
A commercial electric generating facility, whose main purpose is to supply electricity to off-site customer(s), consisting of one or more Commercial WECS, and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WIND TOWER:

The supporting structure of a wind turbine on which a rotor and accessory equipment are mounted.

WIND TURBINE:

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



WIND TURBINE HEIGHT:

The distance measured from the surface of the wind tower foundation to the highest point of the turbine rotor plane.

YARD:

An open space that lies between the principal building and the nearest lot line. Such yard is unoccupied and unobstructed from the ground up except for accessory buildings or projections which are expressly permitted by this Ordinance.

YARD, FRONT:

A space extending the full width of the lot between the principal building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

YARD, REAR:

A space extending the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building at the closest point to the rear lot line.

YARD, SIDE:

A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building.

YARD WASTE:

Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery, and other vegetative material.

ZONING DISTRICT:

A portion of East Union Township illustrated upon the Official Zoning Map, within which certain uniform regulations and requirements apply under the provisions of the Zoning Ordinance.

ZONING HEARING BOARD:

The Zoning Hearing Board of East Union Township, Schuylkill County, Pennsylvania.

ZONING MAP:

The official map which is part of the Zoning Ordinance and indicates and delineates the zoning districts of East Union Township, Schuylkill County, Pennsylvania.

ZONING OFFICER:

The administrative officer appointed by the Governing Body to administer and enforce the Zoning Ordinance of East Union Township, Schuylkill County.

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ARTICLE 4
ZONING MAP AND ZONING DISTRICTS

SECTION 401 OFFICIAL ZONING MAP

East Union Township is hereby divided into zoning districts, as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance, together with all future notations, references and amendments.

SECTION 402 CHANGES TO OFFICIAL ZONING MAP

Any changes to the location of zoning district boundaries or other matters portrayed upon the Official Zoning Map shall be undertaken in accordance with the applicable provisions contained within Article 14 of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended. Such changes shall be provided upon the Official Zoning Map promptly after the enactment of the subject amendment by the East Union Township Board of Supervisors.

SECTION 403 INTERPRETATION OF BOUNDARIES

For the interpretation of zoning district boundaries, the following subsections shall apply if or when a determination is not made by the Zoning Officer.

403.1 ZONING HEARING BOARD

If uncertainty exists as to the boundary of any zoning district shown upon the Official Zoning Map, the Zoning Hearing Board shall determine the location of such boundary according to the guidelines set forth in Section 403.2.

403.2 GUIDELINES

- (A) Zoning district boundary lines are intended to follow or parallel the center line of streets, streams and railroads; and the lot or property lines as they exist on a recorded deed or plan at the time of adoption of this Ordinance, unless such zoning district boundary lines are fixed by dimensions as shown on the Official Zoning Map.
- (B) Where a zoning district boundary is not fixed by dimensions and where it approximately follows lot lines, and does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- (C) In accordance with Section 310 of this Ordinance, if a Zoning District boundary line divides a lot held in single and separate ownership prior to the effective date of this Ordinance, placing eighty-five (85%) percent or more of the lot area in a particular Zoning District, the location of such district boundary line may be construed to include the remaining fifteen (15%) percent or less of the lot so divided, subject to the lot of

record not being greater than two (2) acres. It shall be the property owner's responsibility to provide documentation to the Zoning Officer to substantiate the location and area of land of the applicable Zoning Districts for the subject property.

- (D) If the guidelines within this Section above fail to provide and establish the boundary of a zoning district, a survey of the property or area of land in question shall be made by a registered surveyor, with the cost of the survey paid by the party who is questioning or contesting the boundary location.

SECTION 404 CLASSES OF ZONING DISTRICTS

For the purpose of this Ordinance, East Union is hereby divided into Zoning Districts as designated below and designed to serve the following purposes:

- **A-1 Agricultural District** - To promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. This zone also intends to protect and stabilize agricultural by eliminating uses that are incompatible with farming, but permitting limited agricultural support businesses. Residential uses are limited and any future inhabitants in this zone must be willing to accept the impacts associated with normal farming practices, and related businesses.
- **CR Conservation Residential District** - To provide for development with a low average intensity in areas that include significant important natural features, such as wetlands, mountainsides, ridgelines, creeks, flood-prone lands and steeply sloped areas. To vary density based upon the natural features of the land. To protect the water quality and habitats along creeks and around lakes, and promote groundwater recharge. To provide incentives and a certain amount of flexibility in lot layout through conservation-oriented development so that development can be clustered on the most suitable portions of a tract of land, while avoiding overly intense development.
- **R- 1 Single Family Residential District** - To provide for neighborhoods that are primarily composed of single family detached dwellings while maintaining a rural density. To protect these areas from incompatible uses.
- **R-2 Multi-Family Residential District** - To provide for higher density residential neighborhoods that are composed of various housing types. To protect these areas from incompatible uses.
- **C-1 Local Commercial District** - To provide for a mix of housing and light business uses in a manner that avoids conflicts between homes and intensive commercial uses. To primarily provide for smaller-scale uses that will not be obtrusive in the landscape and that will not overload the road system.
- **C-2 Highway Commercial District** - To provide for a wide range of commercial uses, particularly in areas that are not historic, not within a downtown or not adjacent to residential neighborhoods.

- **I 1 General Industrial District** - To provide for a very wide range of industrial and commercial uses. To control industrial operations to avoid nuisances and environmental hazards. To also provide opportunities for mineral extraction/quarrying uses.

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ARTICLE 5
ZONING DISTRICT REGULATIONS

SECTION 501 – A-1 AGRICULTURAL DISTRICT

501.1 PERMITTED USES (See Article 8, Supplemental Regulations)

- Agriculture, (as defined in Article 2)
- Animal Hospitals
- Accessory Solar Energy System
- Bed and Breakfast Establishments
- Cemeteries
- Club/Private Lodge
- Communication antennas mounted on an existing public utility transmission tower, building or other structure
- Commercial Greenhouses, Nurseries and Garden Shops
- Crop Farming
- Emergency Services Facility
- Essential Public Utility Facilities as defined in Article 2 of this Ordinance (excluding storage yards)
- Forestry (See Article 8, Section 802.17)
- Golf Courses
- Group Residence
- Horse Farm
- Home Occupations
- Home Office
- Hunting and Fishing Clubs
- Kennels
- No Impact Home Based Business
- Non-Commercial Windmill
- Outdoor Fuel Burning Furnace as an accessory use and subject to the Supplemental Regulations contained in Article 8, Section 802.27
- Place of Worship
- Public Recreational Facilities
- Public Uses
- Single-Family Detached Dwellings
- Stables (Private) in association with a single-family dwelling or farm.
- Stables (Commercial), including commercial horse-riding academy
- Tree Farm, including retail sales of trees and forestry products produced and/or processed upon the premises
- Wildlife Refuge
- Accessory Uses to the Above

501.2 USES PERMITTED BY SPECIAL EXCEPTION (See Article 6 and Article 8)

- Private Recreational Facilities
- Campgrounds/Recreational Vehicle Campgrounds

- Accessory Uses to the Above

501.3 PROHIBITED USES

- Any use which utilizes and/or stores any hazardous substances as defined in Article 2 of this Ordinance.

501.4 CONDITIONAL USES (See Article 7)

- Excavation and extraction of minerals, excluding Quarries, (as defined in Article 2)
- Airport and/or Heliport
- Commercial Wind Energy Facility
- Groundwater or Spring Water Withdrawal
- Commercial Communication Tower and related facilities
- Medical Marijuana Grower/Processor Facility
- Principal Solar Energy System
- Any nonresidential use permitted by right, excluding agricultural uses, shall be deemed a conditional use, with the approval of the same vested solely under the jurisdiction of the Board of Supervisors when the proposed use involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 15,000 square feet of buildings, structures and/or other impervious surface area.

501.5 SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or a "Land Development", as provided in Article 2 of this Ordinance, shall also be subject to the governing regulations and provisions of the East Union Township Subdivision and Land Development Ordinance.

SECTION 502 - CR CONSERVATION RESIDENTIAL DISTRICT

502.1 PERMITTED USES (See Article 8, Supplemental Regulations)

- Agriculture, (as defined in Article 2)
- Animal Hospitals
- Accessory Solar Energy System
- Bed and Breakfast Establishments
- Cemeteries
- Club/Private Lodge
- Communication antennas mounted on an existing public utility transmission tower, building or other structure
- Commercial Greenhouses, Nurseries and Garden Shops
- Crop Farming
- Emergency Services Facility
- Essential Public Utility Facilities as defined in Article 2 of this Ordinance (excluding storage yards)
- Forestry ((See Article 8, Section 802.17)
- Golf Courses
- Group Residence
- Home Occupations
- Home Office
- No Impact Home Based Business
- Nursing Homes
- Outdoor Fuel Burning Furnace as an accessory use and subject to the Supplemental Regulations contained in Article 8, Section 802.27
- Place of Worship
- Personal Services
- Public Recreational Facilities
- Public Uses
- Non-Commercial Windmill
- Single-Family Detached Dwellings
- Stables (Private) in association with a single family dwelling or farm.
- Tree Farm, including retail sales of trees and forestry products produced and/or processed upon the premises
- Wildlife Refuge
- Accessory Uses to the Above

502.2 USES PERMITTED BY SPECIAL EXCEPTION (See Article 6 and Article 8)

- Private Recreational Facilities
- School, Public or Private, Primary or Secondary
- Accessory Uses to the Above

502.3 PROHIBITED USES

- Any use which utilizes and/or stores any hazardous substances (as defined in Article 2)

502.4 CONDITIONAL USES (See Article 7)

- Commercial Communication Tower and related facilities
- Excavation and extraction of minerals, excluding Quarries, (as defined in Article 2)
- Planned Residential Development
- Short-Term Transient Rental
- Any nonresidential use permitted by right, excluding agricultural uses, shall be deemed a conditional use, with the approval of the same vested solely under the jurisdiction of the Board of Supervisors when the proposed use involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 15,000 square feet of buildings, structures and/or other impervious surface area.

502.5 SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or a "Land Development", as provided in Article 2 of this Ordinance, shall also be subject to the governing regulations and provisions of the East Union Township Subdivision and Land Development Ordinance.

SECTION 503 - R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

503.1 PERMITTED USES (See Article 8, Supplemental Regulations)

- Single-family Detached Dwellings
- Group Residence
- Accessory Solar Energy System
- Communication antennas mounted on an existing public utility transmission tower, building or other structure.
- Day Care Home
- Emergency Services Facility
- Essential Public Utility Facilities as defined in Article 2 of this Ordinance (excluding storage yards)
- Forestry (See Article 8, Section 802.17)
- Home Office
- No-Impact Home Based Business
- Non-Commercial Windmill
- Public Recreational Facilities
- Public Uses, as defined in Article 2
- Place of Worship
- Short-Term Home Rental
- Accessory Uses to the Above

501.2 USES PERMITTED BY SPECIAL EXCEPTION (See Article 6 and Article 8)

- Home Occupations
- Nursing Homes
- School, Public or Private, Primary or Secondary
- Accessory Uses to the Above

502.3 PROHIBITED USES

- Any use which utilizes and/or stores any hazardous substances as defined in Article 2 of this Ordinance.

503.4 CONDITIONAL USES (See Article 7)

- Any nonresidential use permitted by right, excluding agricultural uses, shall be deemed a conditional use, with the approval of the same vested solely under the jurisdiction of the Board of Supervisors when the proposed use involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 15,000 square feet of buildings, structures and/or other impervious surface area.

SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or a "Land Development", as provided in Article 2 of this Ordinance, shall also be subject to the governing regulations and provisions of the East Union Township Subdivision and Land Development Ordinance.

SECTION 504 - R-2 –MULTIFAMILY RESIDENTIAL DISTRICT

504.1 PERMITTED USES (See Article 8, Supplemental Regulations)

- Single-family Detached Dwellings (including mobile homes on permanent foundations)
- Two-Family Dwellings
- Townhouses
- No-Impact Home Based Business
- Accessory Solar Energy System
- Non-Commercial Windmill
- Public Recreational Facilities
- Place of Worship
- Group Residence
- Short-Term Home Rental
- Forestry (See Article 8, Section 802.17)
- Essential Public Utility Facilities as defined in Article 2 of this Ordinance (excluding storage yards)
- Accessory Uses to the Above

504.2 USES PERMITTED BY SPECIAL EXCEPTION (See Article 6 and Article 8)

- Bed and Breakfast
- Day Care Center
- Home Occupations
- Multiple Family Dwellings
- Nursing Home
- Personal Care Home
- Public Uses
- Accessory Uses to the Above

504.3 PROHIBITED USES

- Any use which utilizes and/or stores any hazardous substances as defined in Article 2 of this Ordinance.

504.4 CONDITIONAL USES (See Article 7)

- Mobile Home Parks (Homes on permanent foundations)
- Any nonresidential use permitted by right, excluding agricultural uses, shall be deemed a conditional use, with the approval of the same vested solely under the jurisdiction of the Board of Supervisors when the proposed use involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.

- (b) the initial or cumulative construction, placement or installation which equals or exceeds 15,000 square feet of buildings, structures and/or other impervious surface area.

504.5 SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or a "Land Development", as provided in Article 2 of this Ordinance, shall also be subject to the governing regulations and provisions of the East Union Township Subdivision and Land Development Ordinance.

SECTION 505 - C-1 LOCAL COMMERCIAL DISTRICT

505.1 PERMITTED USES (See Article 8, Supplemental Regulations)

A. RETAIL BUSINESSES WHICH DO NOT EXCEED 2,000 SQUARE FEET OF GROSS FLOOR AREA INCLUDING OR SIMILAR TO THE FOLLOWING:

- Artist, Music and Hobby Supplies
- Commercial Greenhouses, Nurseries and Garden Shops
- Convenience Stores
- Florist Shops
- Food/Grocery
- Forestry (See Article 8, Section 802.17)
- Greeting Cards, Newspapers, Books, Stationery and Gift Shops
- Medical Marijuana Dispensary
- Non-Commercial Windmill
- Pharmaceutical Products
- Accessory uses to the above

B. SERVICE-ORIENTED BUSINESS INCLUDING OR SIMILAR TO THE FOLLOWING:

- Day Care Centers
- Essential Public Utility Facilities as defined in Article 2 of this Ordinance (excluding storage yards)
- Personal Services
- Professional Offices
- Restaurants without live entertainment and not exceeding 2,000 square feet of gross floor area
- Taverns without live entertainment and not exceeding 2,000 square feet of gross floor area.
- Accessory uses to the above

C. RECREATION AND ENTERTAINMENT RELATED BUSINESS INCLUDING OR SIMILAR TO:

- Club or Lodge (Private)
- Public Recreational Facilities
- Entertainment Facilities
- Accessory uses to the above

D. RESIDENTIAL USES

- Single-family Detached Dwellings (including mobile homes on permanent foundations)
- Two-Family Dwellings
- Dwelling over and/or attached to Business
- Group Residence
- No-Impact Home Based Business

- Home Occupations
- Personal Care Home
- Accessory uses to the above.

E. MISCELLANEOUS

- Accessory Solar Energy System
- Essential Public Utility Facilities as defined in Article 2 of this Ordinance (excluding storage yards)
- Public Uses

505.2 USES PERMITTED BY SPECIAL EXCEPTION (See Article 6 and Article 8)

- Commercial Recreational Facilities without live entertainment and not exceeding 2,000 square feet of gross floor area.
- Entertainment Facilities without live entertainment and not exceeding 2,000 square feet of gross floor area.
- Accessory uses to the above

505.3 PROHIBITED USES

- Any use which utilizes and/or stores any hazardous substances as defined in Article 2 of this Ordinance.

505.4 CONDITIONAL USES (See Article 7)

- Short-Term Transient Rental
- Any nonresidential use permitted by right, excluding agricultural uses, shall be deemed a conditional use, with the approval of the same vested solely under the jurisdiction of the Board of Supervisors when the proposed use involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 15,000 square feet of buildings, structures and/or other impervious surface area.

505.5 SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development," as provided in Article 2 of this Ordinance, shall also be subject to the governing regulations and provisions of the East Union Township Subdivision and Land Development Ordinance.

SECTION 506 - C-2 HIGHWAY COMMERCIAL DISTRICT

506.1 PERMITTED USES (See Article 8, Supplemental Regulations)

A. RETAIL BUSINESSES AREA INCLUDING OR SIMILAR TO THE FOLLOWING:

- Artist, Music and Hobby Supplies
- Automotive Supplies
- Clothing and Clothing Accessories
- Commercial Greenhouses, Nurseries & Garden Shops
- Convenience Stores
- Convenience Stores with Gas Sales
- Equipment Sales and Repair
- Florist Shops
- Food/Grocery
- Forestry (See Article 8, Section 802.17)
- Greeting Cards, Books & Stationery
- Hardware
- Household Goods and Appliances
- Lumber Yards
- Medical Marijuana Dispensary
- Non-Commercial Windmill
- Office Equipment and Supplies
- Pharmaceutical Products
- Sporting Goods
- Variety Goods
- Accessory uses to the above

B. SERVICE-ORIENTED BUSINESS INCLUDING OR SIMILAR TO:

- Animal Hospital
- Automotive Sales
- Automotive Services, including reconditioning, detailing polishing, air conditioning, and similar services
- Banks
- Car Wash
- Day Care Centers
- Electronic Equipment and Products (Sales, Service and Repair)
- Entertainment Facilities
- Funeral Homes
- Gasoline Service Stations
- Health /Recreation Facility
- Hospital
- Medical Clinics
- Nursing Homes
- Personal Services
- Garage (storage of commercial vehicles)

- Professional/Business Offices
- Public Utility Facilities (as defined in Article 2 of this Ordinance), excluding storage yards.
- Repair Garage
- Restaurant, Fast Food
- Restaurants
- Taverns
- Warehouse Facilities, including self-storage.
- Contractors Storage Yards
- Accessory uses to the above

C. RECREATION AND ENTERTAINMENT RELATED BUSINESS INCLUDING OR SIMILAR TO:

- Club or Lodge (Private)
- Commercial Recreational Facilities
- Entertainment Facilities
- Health/Recreation Facility
- Private Recreational Facilities
- Public Recreational Facilities
- Accessory uses to the above

D. RESIDENTIAL USES

- Single-family Detached Dwellings (including mobile homes on permanent foundations)
- Two-Family Dwellings
- Dwelling over and/or attached to Business
- Group Residence
- Home Occupations
- No-Impact Home Based Business
- Nursing Home
- Personal Care Home
- Accessory uses to the above

E. MISCELLANEOUS

- Accessory Solar Energy System
- Essential Public Utility Facilities as defined in Article 2 of this Ordinance (excluding storage yards)
- Public Uses

506.2 USES PERMITTED BY SPECIAL EXCEPTION (See Article 6 and Article 8)

- Boarding or Rooming Homes
- Hotels/Motels
- Institutional Use (as defined in Article 2 of this Ordinance)
- Accessory uses to the above

506.3 PROHIBITED USES

- Any use which utilizes and/or stores any hazardous substances as defined in Article 2 of this Ordinance.

506.4 CONDITIONAL USES (See Article 7)

- Shopping Center
- Short-Term Transient Rental
- Any nonresidential use permitted by right, excluding agricultural uses, shall be deemed a conditional use, with the approval of the same vested solely under the jurisdiction of the Board of Supervisors when the proposed use involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 15,000 square feet of buildings, structures and/or other impervious surface area.

506.5 SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development," as provided in Article 2 of this Ordinance, shall also be subject to the governing regulations and provisions of the East Union Township Subdivision and Land Development Ordinance.

SECTION 507 – I-1 GENERAL INDUSTRIAL DISTRICT

507.1 PERMITTED USES (See Article 8, Supplemental Regulations)

Uses engaged in the production and sales for the following materials and/or services:

- Apparel, Textiles, Shoes and Apparel Accessories
- Assembly or Finishing of Products Using Materials Produced Elsewhere
- Automotive Sales Bulk Fuel Storage
- Accessory Solar Energy System
- Bulk Fuel Storage
- Computers and Electronic and Microelectronic Products
- Contractors' Offices, Shops and Storage Yards (for commercial uses which sell products such as: lumber, building, heating, plumbing, electrical, masonry, fencing and related material).
- Electrical Equipment, Appliances and Components
- Equipment Sales and Repairs
- Essential Public Utility Facilities as defined in Article 2 of this Ordinance
- Food Processing and Beverage Products, at an industrial scale
- Gasoline Service Stations
- Glass and Glass Products
- Industrial Equipment Sales, Rental and Service
- Lumberyards
- Machinery
- Manufactured or Modular Housing Manufacture
- Medical Equipment and Supplies
- Medical Marijuana Dispensary
- Non-Commercial Windmill
- Metal Products Fabrication
- Outdoor Storage (Commercial)
- Paving Materials, other than bulk manufacture of asphalt
- Pharmaceuticals and Medicines
- Print Shops
- Public Uses
- Public Utilities Facilities
- Public Utility Facilities
- Repair Garages
- Research and Testing Facilities
- Scientific, Electronic and Other Precision Instruments
- Stone or Monument Works
- Tool and Dye Shops
- Transportation Equipment
- Warehouse and Distribution Facilities
- Warehousing, including self-Storage Facilities
- Wholesale Sales Distributors
- Wood Products and Furniture (not including raw paper pulp)
- Accessory uses to the above

- Any Light Industrial uses not specifically contained in the above listing. The burden of proof that a proposed use can be classified as light industry shall rest with the applicant. (See Definition of Light Industry as defined in Article 2)

506.2 USES PERMITTED BY SPECIAL EXCEPTION

NONE

507.3 CONDITIONAL USES (See Article 7)

- Any use which utilizes and/or stores any hazardous substances as defined in Article 2 of this Ordinance.
- Automotive Wrecking Yards
- Commercial Communication Tower and related facilities defined in Article 2)
- Commercial Wind Energy
- Detention Facility
- Excavation and extraction of minerals
- Heavy Industry (as defined in Article 2)
- Junkyards
- Medical Marijuana Grower/Processor Facility
- Medical Marijuana Trucking Facility
- Methadone Treatment Facility
- Sewage Treatment Plants
- Sexually Oriented Business (as defined in Article 2)
- Substance Abuse Detoxification Treatment Facility
- Non-Hospital Drug Free Residential Substance Abuse Treatment Facility
- Partial Hospitalization Treatment Facility
- Principal Solar Energy System
- Solid Waste Facilities
- Truck Terminal
- Accessory uses to the above
- Any nonresidential use permitted by right, excluding agricultural uses, shall be deemed a conditional use, with the approval of the same vested solely under the jurisdiction of the Board of Supervisors when the proposed use involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 15,000 square feet of buildings, structures and/or other impervious surface area.

507.7 SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or a "Land Development", as provided in Article 2 of

this Ordinance, shall also be subject to the governing regulations and provisions of the East Union Township Subdivision and Land Development Ordinance.

SECTION 508 AREA, BULK AND DENSITY REGULATIONS¹

	Minimum	Minimum	Minimum	Minimum	Minimum	Maximum	Maximum
ZONING DISTRICT	LOT SIZE	WIDTH feet	FRONT YARD SETBACK feet	REAR YARD SETBACK feet	SIDE YARD SETBACK feet per side	LOT COVERAGE	BLDG. HEIGHT ⁴
A-1	1 acre	150	35	35	20	20%	35 ft or 2 ¹ / ₂ stories
CR	2 acres	200	50	50	25	15%	35 ft or 2 ¹ / ₂ stories
R-1	10,000 sq. ft. ²	80 ³	25 ³	25 ³	12 ³	20%	35 ft or 2 ¹ / ₂ stories
R-2	7,500 sq. ft. ²	50 ³	20 ³	20 ³	10 ³	25% ³	35 ft or 2 ¹ / ₂ stories
B-1	10,000 sq.ft. ²	75 ³	20 ³	20 ³	10 ³	40% ³	35 ft or 2 ¹ / ₂ stories
B-2	15,000 sq. ft. ²	100 ³	25 ³	20 ³	15 ³	50% ³	35 ft or 2 ¹ / ₂ stories
I-1	3 acres	200	75	75	50	35%	50 feet

1. The minimum requirements may be increased for certain uses as provided for under Article 7, Conditional Uses, Article 8, Supplemental Standards or as otherwise set forth in this Ordinance.
2. 1 acre for lots having on-lot sewage and on-lot water (wells).
3. For lots having on-lot sewage and on-lot water (wells) requirements for the A-1 District shall apply.
4. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes, chimneys, flagpoles, water towers, skylights; or to any accessory mechanical appurtenances usually located above the roof level. Height regulations for Wind Energy Facilities and Small Wind Energy Conversion Systems are governed under Article 7 of this Ordinance

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ARTICLE 6
SPECIAL EXCEPTIONS

SECTION 601 PURPOSE

The purpose of a use classified as a "special exception" is to provide expressed standards for regulating unique or special characteristics of certain uses which may otherwise allow such uses to be permitted by right within their respective zoning district, as provided in Article 5, Zoning District Regulations.

SECTION 602 GENERAL PROVISIONS

The authority for approving or denying applications for uses permitted by special exception shall be vested in the Zoning Hearing Board in accordance with the provisions contained in Article 15. Decisions by the Zoning Hearing Board shall be made pursuant to the standards and criteria set forth in Section 1510.2, the respective zoning district in which the use is located, all other applicable regulations of this Ordinance, other ordinances of the Township and any applicable State and/or Federal regulations.

SECTION 603 SITE PLAN

Uses classified as a special exception shall file, in addition to a zoning permit application and an application for hearing before the Zoning Hearing Board, a site plan at a scale of:

One (1) inch equals fifty (50) feet for uses/developments located upon properties in excess of two (2) acres.

OR

One (1) inch equals twenty (20) feet for uses/developments located upon properties being two (2) acres or less.

Please note that the subject applications must be signed by both the applicant and the landowner, regardless of any equitable interest or other documentation held by the applicant. Failure to provide an application bearing both signatures will be deemed to be an incomplete submission and shall represent a basis for denying the application.

Such site plan shall provide all applicable information required for the Zoning Hearing Board to render a decision, including but not limited to the following:

1. The location and size of all buildings and structures, both principal and accessory, both existing and proposed.
2. The location of all off-street parking areas and/or loading and unloading areas.
3. The location of all open space areas, including buffer areas and fencing, as applicable.
4. Traffic access to the site and internal traffic circulation including the width and pavement of traffic lanes, and aisle widths.

5. All streets, both public and private within two-hundred (200) feet of the site, including right-of-way and cartway widths.
6. Streams, ponds, watercourses, wetlands, or any other types of bodies of water, including natural or man-made drainage swales, located on the site or within two hundred (200) feet of the site.
7. The location, nature and terms of any existing or proposed easements on the site, and any easements both on-site and off-site which are used or intended to be used for access to the site, including the name and address of the owner or owners granting such easement.
8. The location of any residential structures which border the site on an adjoining lot and/or those within two hundred (200) feet of any property boundary line of the subject site.
9. The Map, Block and Lot Number of the subject parcel, as contained in the records of the Office of the Schuylkill County Recorder of Deeds.
10. A location map at a scale of not greater than one (1) inch equals two thousand (2,000) feet, indicating the relation of the site to its geographic proximity within the Township.
11. In cases when a proposed use includes new construction and/or grading of the site, applicant shall provide upon the site plan the contours of the site at vertical intervals of:
 - not more than five (5) feet for land with an average natural slope of five (5%) percent or less.
 - not more than ten (10) feet for land with an average natural slope exceeding five (5%) percent.
 - not more than twenty (20) feet for land with an average natural slope exceeding fifteen (15%) percent.

Topography data shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.
12. If applicable, the applicant shall submit a Soil Erosion and Sedimentation Plan and/or NPDES Permit for review and approval by the Schuylkill County Conservation District.
13. The applicant shall submit with the site plan, a narrative that outlines and fully describes all proposed uses or development of the site, along with all pertinent operational aspects, features and/or activities related to the proposed uses or development of the site.
14. The applicant shall supply any other information required by the East Union Township Zoning Hearing Board for determining the conformance of the

special exception use with the applicable regulations for that particular use.

SECTION 604 IMPACT ANALYSIS

In considering an application for a special exception, the Zoning Hearing Board shall have the authority to require the applicant to prepare an "Impact Analysis" on a particular aspect of the subject application and/or potential effect of the subject application in relationship to surrounding properties in accordance with the definition of said term as provided within Article 2 of this Ordinance.

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ARTICLE 7
CONDITIONAL USES

SECTION 701 PURPOSE

The purpose of a use classified as a “Conditional Use” is to provide expressed standards to regulate uses classified as such in particular zoning districts, as provided in Article 5 of this Ordinance.

SECTION 702 GENERAL PROVISIONS

The authority for approving or denying applications for uses permitted as a conditional use shall be vested in the East Union Township Board of Supervisors, with the East Union Township Planning Commission having the authority to review and submit their recommendations to the Board of Supervisors. Any Conditional Use application and plans for a proposed PRD or a Mobile Home Park shall also be submitted to Schuylkill County Planning Commission for its review and comment. Decisions by the Board of Supervisors shall be made in accordance with standards and criteria set forth in this Article, any studies and reports required within the context of an Impact Analysis, as so defined in Article 2 of this Ordinance, the respective zoning district in which the use is located, all other applicable regulations of this Ordinance, other ordinances of the Township and all applicable State and/or Federal regulations.

SECTION 703 PROCEDURE FOR SUBMISSION AND DECISIONS

The procedure for approval or denial of a conditional use shall be in accordance with the following:

- A. An application for a conditional use permit, bearing the signature of both the applicant and property owner, along with a copy of the deed to the property shall be submitted to the Zoning Officer with a site plan at a scale of not greater than:

One inch (1) equals fifty (50) feet for properties in excess of two (2) acres.

OR

One (1) inch equals twenty (20) feet for properties being two (2) acres or less.

Please note that a Conditional Use Application must be signed by both the applicant and the landowner, regardless of any equitable interest or other documentation held by the applicant. Failure to provide an application bearing both signatures will be deemed to be an incomplete submission and shall represent a basis for denying the application.

Such plan shall, at minimum, indicate:

1. The location and size of all buildings and structures, both principal and accessory, both existing and proposed.
2. The location of all off-street parking areas and/or loading and unloading areas.
3. The location of all open space areas, including buffer areas and fencing, as applicable.
4. Traffic access to the site and internal traffic circulation including the width and pavement of traffic lanes, and aisle widths.
5. All streets, both public and private within two-hundred (200) feet of the site, including right-of-way and cartway widths.
6. Streams, ponds, watercourses, wetlands, or any other types of bodies of water, including natural or man-made drainage swales, located on the site or within two hundred (200) feet of the site.
7. The location, nature and terms of any existing or proposed easements on the site, and any easements both on-site and off-site which are used or intended to be used for access to the site, including the name and address of the owner or owners granting such easement.
8. The location of any residential structures which border the site on an adjoining lot and/or those within two hundred (200) feet of any property boundary line of the subject site.
9. The Map, Block and Lot Number of the subject parcel, as contained in the records of the Office of the Schuylkill County Recorder of Deeds.
10. A location map at a scale of not greater than one (1) inch equals two thousand (2,000) feet, indicating the relation of the site to its geographic proximity within the Township.
11. In cases when a proposed use includes new construction and/or grading of the site, applicant shall provide upon the site plan the contours of the site at vertical intervals of:
 - not more than five (5) feet for land with an average natural slope of five (5%) percent or less.
 - not more than ten (10) feet for land with an average natural slope exceeding five (5%) percent.
 - not more than twenty (20) feet for land with an average natural slope exceeding fifteen (15%) percent.

Topography data shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or

from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.

12. If applicable, the applicant shall submit a Soil Erosion and Sedimentation Plan and/or NPDES Permit for review and approval by the Schuylkill County Conservation District.
 13. The applicant shall submit with the site plan, a narrative that outlines and fully describes all proposed uses or development of the site, along with all pertinent operational aspects, features and/or activities related to the proposed uses or development of the site.
 14. The applicant shall supply any other information required by the East Union Township Board of Supervisors for determining the conformance of the conditional use with the regulations for that particular use.
- B. Prior to approving or denying an application for a conditional use, the East Union Township Board of Supervisors shall conduct a public hearing pursuant to public notice. The Board of Supervisors shall submit the application for the proposed conditional use to the East Union Township Planning Commission, not less than thirty (30) days prior to the public hearing, to allow the Planning Commission to submit any such recommendations as they may deem appropriate. Any Conditional Use application and plans for a proposed PRD or a Mobile Home Park shall also be submitted to Schuylkill County Planning Commission for its review and comment.
- C. The public hearing shall be held and conducted in accordance with the same procedural guidelines, which govern the Zoning Hearing Board under Article 15 of this Ordinance. The term "Board of Supervisors" shall replace the term "Zoning Hearing Board" in relevant passages of said Article.
- D. The Board of Supervisors shall convene a hearing on a conditional use application within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time. The sixty (60) day time period shall not commence until the applicant has submitted a properly completed application, with all required signatures and all required fees. Each subsequent hearing 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.
- E. The Board of Supervisors shall render a final decision on a conditional use application within forty-five (45) days following the conclusion of the last public hearing. If the Board of Supervisors fails to render a final decision within forty-five (45) days following the conclusion of the last public hearing the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time

If the Board of Supervisors fails to conduct or complete the required hearing as provided for under Section 1506(D) of this Ordinance, the decision shall be deemed

to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.

When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by public notice. If the Board of Supervisors fails to provide such notice, the applicant may do so.

- F. The Board of Supervisors may grant an approval for a conditional use upon its determination that adequate evidence and information has been provided, which indicates the applicant's proposal meets the general and specific requirements for the type of conditional use in question, and any additional conditions and safeguards deemed necessary to protect the public health, safety and general welfare.

SECTION 704 GENERAL STANDARDS

The general standards contained herein, shall be utilized in the review of applications and plans for any use which is classified as a conditional use.

1. The proposed use shall not jeopardize the Community Development Objectives of this Ordinance nor shall it adversely affect the health, safety and welfare of the public and/or the environment.
2. Public services and facilities such as streets, sewers, water, police, and fire protection shall be adequate for the proposed use and/or development.
3. Existing streets and proposed access to the site shall be adequate regarding the width and pavement for emergency service vehicles.
4. The proposed use shall not adversely affect the public health, safety and welfare due to changes in traffic conditions. Existing streets and proposed access to the site shall be adequate to accommodate anticipated traffic volumes in a manner that avoids undue traffic congestion, and provides for the safety and convenience of pedestrian and vehicular traffic. The proposed use shall not result in unsafe or dangerous traffic conditions.
5. The proposed use shall be compatible with adjoining development and the character of the zoning district and neighborhood in which it is proposed to be located. The nature and intensity of the operation of the proposed use shall be considered regarding its compatibility or lack thereof.
6. The proposed use shall not adversely affect neighborhood property values and aesthetic characteristics in the neighborhood where it is proposed to be located.
7. The proposed use shall not adversely affect the public health, safety and welfare as related to drainage, air quality, noise and natural features of the land. The proposed use and/or development shall not be more objectionable in its operations in terms of

noise, fumes, odors, vibration, or lights than would be the operations of any permitted use in the subject Zoning District.

8. The submission of any reports and/or studies within the context of the definition "Impact Analysis" as contained within Article 2 of this Ordinance, must conclusively demonstrate that the proposed use or development will not have a negative impact upon the particular subject or subjects as defined by the Board of Supervisors including but not limited to the interest of protecting the health, safety and welfare of the public and environmental features and characteristics of the site and/or surrounding areas.
9. The proposed use and/or development shall not be injurious to the public interest nor shall it be operated in a manner to constitute a General Nuisance as defined in Article 2 of this Ordinance.

SECTION 705 **CLASSIFIED CONDITIONAL USES**

The following uses/developments are classified as conditional uses within Article 5 of this Ordinance:

A-1 AGRICULTURAL DISTRICT

- Excavation and extraction of minerals, excluding Quarries, (as defined in Article 2)
- Airport and/or Heliport
- Commercial Wind Energy Facility
- Groundwater or Spring Water Withdrawal
- Commercial Communication Tower and related facilities
- Medical Marijuana Grower/Processor Facility
- Principal Solar Energy System
- Any nonresidential use permitted by right, excluding agricultural uses, shall be deemed a conditional use, with the approval of the same vested solely under the jurisdiction of the Board of Supervisors when the proposed use involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 15,000 square feet of buildings, structures and/or other impervious surface area.

CR CONSERVATION RESIDENTIAL DISTRICT

- Commercial Communication Tower and related facilities
- Excavation and extraction of minerals, excluding Quarries, (as defined in Article 2)
- Planned Residential Development
- Short-Term Transient Rental
- Any nonresidential use permitted by right, excluding agricultural uses, shall be deemed a conditional use, with the approval of the same vested solely under the jurisdiction of the Board of Supervisors when the proposed use involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.

- (b) the initial or cumulative construction, placement or installation which equals or exceeds 15,000 square feet of buildings, structures and/or other

R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

- Any nonresidential use permitted by right, excluding agricultural uses, shall be deemed a conditional use, with the approval of the same vested solely under the jurisdiction of the Board of Supervisors when the proposed use involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 15,000 square feet of buildings, structures and/or other impervious surface area.

R-2 –MULTIFAMILY RESIDENTIAL DISTRICT

- Mobile Home Parks (Homes on permanent foundations)
- Any nonresidential use permitted by right, excluding agricultural uses, shall be deemed a conditional use, with the approval of the same vested solely under the jurisdiction of the Board of Supervisors when the proposed use involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 15,000 square feet of buildings, structures and/or other impervious surface area.

C-1 LOCAL COMMERCIAL DISTRICT

- Short-Term Transient Rental
- Any nonresidential use permitted by right, excluding agricultural uses, shall be deemed a conditional use, with the approval of the same vested solely under the jurisdiction of the Board of Supervisors when the proposed use involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 15,000 square feet of buildings, structures and/or other impervious surface area.

C-2 HIGHWAY COMMERCIAL DISTRICT

- Shopping Center
- Short-Term Transient Rental
- Any nonresidential use permitted by right, excluding agricultural uses, shall be deemed a conditional use, with the approval of the same vested solely under the jurisdiction of the Board of Supervisors when the proposed use involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds

80,000 square feet of surface area.

- (b) the initial or cumulative construction, placement or installation which equals or exceeds 15,000 square feet of buildings, structures and/or other impervious surface area.

L1 GENERAL INDUSTRIAL DISTRICT

- Any use which utilizes and/or stores any hazardous substances as defined in Article 2 of this Ordinance.
- Automotive Wrecking Yards
- Commercial Communication Tower and related facilities defined in Article 2)
- Wind Energy, Commercial
- Detention Facility
- Excavation and extraction of minerals
- Heavy Industry (as defined in Article 2)
- Junkyards
- Medical Marijuana Grower/Processor Facility
- Medical Marijuana Trucking Facility
- Methadone Treatment Facility
- Sewage Treatment Plants
- Sexually Oriented Business (as defined in Article 2)
- Substance Abuse Detoxification Treatment Facility
- Non-Hospital Drug Free Residential Substance Abuse Treatment Facility
- Partial Hospitalization Treatment Facility
- Principal Solar Energy System
- Solid Waste Facilities
- Truck Terminal
- Accessory uses to the above
- Any nonresidential use permitted by right, excluding agricultural uses, shall be deemed a conditional use, with the approval of the same vested solely under the jurisdiction of the Board of Supervisors when the proposed use involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 15,000 square feet of buildings, structures and/or other impervious surface area.

SECTION 706 ENVIRONMENTAL IMPACT STATEMENT

In addition to all other requirements, an Environmental Impact Statement shall be required for any use/development which is classified as a conditional use. The Board of Supervisors, at its sole discretion, may exempt a use from the submission of an Environmental Impact Statement, in whole or in part. Consideration of an exemption must be preceded by a written request submitted by the applicant which addresses the basis for the requested exemption. The purpose of the Environmental Impact Statement is to disclose the environmental consequences of a proposed action. This requirement is designed to protect the natural environment with respect to water quality, water supply, soil erosion, pollution of any kind, flooding and waste disposal. The intent is to preserve trees and vegetation, to protect water courses, air quality,

aquifers and the quality of life throughout East Union Township and its environs. An Environmental Impact Statement shall include a response to the following items and said proposed use/development shall further comply with all other applicable standards and requirements of this Ordinance:

706.01.

706.02. SOIL TYPES

- a. U.S.D.A. Soil Types (illustrated upon map).
- b. Permeability of soil on the site.
- c. Rate of percolation of water through the soil for every five acres.

706.02 SURFACE WATERS

- a. Distance of site from the nearest surface water and head waters of streams.
- b. Sources of runoff water.
- c. Rate of runoff from the site.
- d. Destination of runoff water and method of controlling downstream effects.
- e. Chemical additives to runoff water on the site.
- f. Submission of a soils erosion and sedimentation control plan meeting the requirements of the Schuylkill Conservation District.
- g. A storm water management plan which shall be developed in coordination with the soils erosion and sedimentation plan.

706.03 GROUND COVER INCLUDING TREES

- a. Extent of existing impervious ground cover on the site.
- b. Extent of proposed impervious ground cover on the site.
- c. Extent of existing vegetative cover on the site.
- d. Extent of proposed vegetative cover on the site.

706.04 TOPOGRAPHY

- a. Maximum existing elevation of site.
- b. Minimum existing elevation of site.

- c. Maximum proposed elevation of site.
- d. Minimum proposed elevation of site.
- e. Description of the topography of the site and all proposed changes in topography.

706.05 GROUND WATER

- a. Average depth to seasonal high-water table.
- b. Minimum depth to water table on site.
- c. Maximum depth to water table on site.

706.06 WATER SUPPLY

- a. The source and adequacy of water to be provided to the site.
- b. The projected water requirements (G.P.D.) for the site.
- c. The uses to which the water will be put.

706.07 SEWAGE SYSTEM

- a. Sewage disposal system (description and location on the site of system).
- b. Expected content of sewage effluents (human waste, pesticides, detergents, oils, heavy metals, and other chemicals).
- c. Projected daily volumes of sewage.
- d. Affected sewage treatment plant's present capacity and design capacity.

706.08 SOLID WASTE

- a. Estimated quantity of solid waste to be developed and/or processed on the site during and after construction.
- b. Method of disposal and/or processing of solid waste during and after construction.
- c. Plans for recycling of solid waste during and after construction.

706.09 AIR QUALITY

- a. Expected changes in air quality due to activities at the site during and after construction.
- b. Plans for control of emissions affecting air quality.

706.10 NOISE

- a. Noise levels, above existing levels, anticipated to be generated at the site, (source and magnitude), during and after construction.
- b. Proposed method for control of additional noise on-site during and after construction.

706.11 IMPACT OF PROPOSED USE/DEVELOPMENT

A description of the impacts on the environment and mitigating factors shall be provided for the following:

- a. Existing plant species, (upland and marine), and effects thereon.
- b. Existing animal species and effects thereon.
- c. Existing wild fowl and other birds and effects thereon.
- d. Effects of drainage and runoff.
- e. Effects on ground water quality.
- f. Effects on surface water quality.
- g. Effects on air quality.
- h. Projected amount and type of traffic to be generated and the effects of the same on public roads and highways.

706.12 IMPACT UPON CRITICAL AREAS

The applicant shall define, describe and identify upon a map, critical areas as defined in Article 2 of this Ordinance. A statement of any potential impact upon critical areas shall be provided by the applicant, including but not limited to adverse impacts which cannot be avoided and/or mitigated as a resulting effect of the development.

706.13 OTHER GOVERNMENTAL JURISDICTION

A list of all licenses, permits and other approvals required by County, State or Federal law and the status of each.

706.14 REVIEW PROCEDURE OF ENVIRONMENTAL IMPACT STATEMENT

- A. Upon receipt of an Environmental Impact Statement, the Board of Supervisors shall promptly forward the Environmental Impact Statement to the Township Planning Commission, the Township Planning Consultant, the Township Engineer and any other agency, firm or

individual which the Board of Supervisors may desire for their consultation and input.

- B. The Planning Commission shall review the applicant's Environmental Impact Statement and provide the Board of Supervisors with its comments and recommendations within thirty (30) days from the date of its submission to the Planning Commission.
- C. The Board of Supervisors shall have the discretion to retain the expertise of appropriate parties in their review of the Environmental Impact Statement.
- D. A determination by the Board of Supervisors of a potential adverse environmental impact which may result that cannot be fully mitigated by the applicant shall constitute sufficient basis for the denial of a conditional use permit.

706.15 MITIGATION OF ADVERSE IMPACTS

In the event that any information, data, and/or "Impact Analysis" indicate a projected and/or potential adverse impact, the applicant shall fully mitigate such impact. A determination of a potential adverse impact which may result and cannot be fully mitigated by the applicant shall constitute sufficient basis for the denial of a conditional use permit.

***SUPPLEMENTARY REGULATIONS FOR CERTAIN CONDITIONAL USES.
THESE REGULATIONS ARE IN ADDITION TO THOSE CONTAINED IN
SECTIONS 704 AND SECTION 706 OF THIS ORDINANCE.***

SECTION 707 SOLID WASTE FACILITY

A solid waste facility shall conclusively demonstrate conformance to all of the following items:

- A. The applicant shall provide a comprehensive soil analysis and groundwater report which shall conclusively demonstrate that the proposed design, construction and operation of the solid waste facility shall not pollute surface or groundwater, nor otherwise cause any potential health or environmental hazard. Said report shall be jointly signed and certified by the applicant and the consultant, who prepares the report, attesting to the accuracy of information and the validity of said report.
- B. The applicant shall sign an agreement prepared by the Township Solicitor, prior to final approval of the application for a Conditional Use Permit which shall specify all the terms and conditions of approval, including the Township's authority to revoke the Permit for the violation of any terms and/or conditions under which the application was approved. Prior to formal action to revoke the Conditional Use Permit, the Board of Supervisors shall convene a public hearing, pursuant to public notice, to consider testimony and evidence relative to

the alleged violations. Based upon the testimony and evidence provided, the Board of Supervisors shall render a decision.

- C. The land area and/or parcel of land on which the solid waste facility is located shall not exceed twenty (20) acres, whether developed initially or cumulatively.
- D. The applicant of a proposed solid waste facility shall provide conclusive evidence, based upon a mining report, soil analysis, test borings and any other appropriate technical data which conclusively demonstrates that the subsurface conditions beneath any area to be utilized as a landfill is capable of sustaining the bearing load of projected and/or planned quantity of material to be deposited and/or disposed of upon the site. The applicant and the person, party or firm providing such evidence shall jointly sign and certify the accuracy and validity of the information and data which is provided as conclusive evidence.
- E. Any application for a Conditional Use Permit for a solid waste facility, which includes the operation of a landfill, shall include a proposed reuse of the property and/or area utilized as a landfill upon the cessation of landfill activities. The proposed reuse of the property shall not be inconsistent with the Community Development Objectives of this Ordinance and land uses, existing and planned, on property which adjoins the site of the Facility.
- F. The applicant shall be required to create an escrow fund to finance the proposed and planned reuse and development of any area utilized as a landfill based upon the projected life expectancy of any area within the solid waste facility which is utilized as a landfill. Such fund shall be funded while the property is still being used for a landfill with annual increment payments. The annual increment payment shall be based upon the estimated cost of the proposed reuse of the site divided by the number of years which the landfill is expected to operate. Such fund shall be separate and distinct from any funding and/or bonding requirement pursuant to closure activities.
- G. A solid waste facility may conduct and operate all approved functional aspects within the Facility from the hours of 7:00 A.M. to 4:00 P.M. from Monday through Friday. Said Facility shall not conduct and/or operate any approved functional aspects associated with the Facility on Saturdays, Sundays and all legally recognized holidays by the federal government and/or the Commonwealth of Pennsylvania.
- H. The entire site of a solid waste facility shall be enclosed with industrial type gauge fencing which shall be ten (10) feet in height. All gates shall be closed and locked at the end of business hours. There shall be no advertising of any kind displayed upon the fence.
- I. No operations and/or activities permitted within a solid waste facility shall be permitted within one thousand (1,000) feet of any property line boundary.
- J. All solid waste facilities and staging areas which store the solid waste at any stage prior to disposal at an approved facility shall maintain the aforesaid solid

waste within a completely enclosed building. Storage of materials, supplies or solid waste in motor vehicles, trucks, trailers or other containers normally used to transport the materials shall not be permitted unless the aforesaid motor vehicles, trucks, trailers or other containers shall be stored within a completely enclosed building.

- K. A solid waste facility shall provide for treatment and disposal of all liquid effluent and discharges generated by the facility due to the storage, washing or other process used in treating and/or processing the solid waste. Any water discharge from the facility after being treated by the waste water treatment system shall meet all applicable regulations and requirements of the Pennsylvania Department of Environmental Protection.
- L. All storm water collected on the site shall be treated by the facility's wastewater treatment system. Parking of motor vehicles containing solid waste or motor vehicles which have not been properly cleaned and washed shall only be permitted in completely enclosed buildings, handling areas or parking areas in which containment of spillage, leakage or other contaminants is provided.
- M. The owner and/or operator of any solid waste facility shall be required to monitor the ground and surface water in the vicinity of the facility. Water testing shall be conducted every three (3) months on any stream within 500 feet of any areas used for the storage or disposal of solid waste, if water drainage from the facility is discharged into said stream. For each testing period two (2) testing samples shall be collected: one sample shall be taken from the stream at a point upstream of the facility drainage area and one sample shall be taken from the stream at a point below the facility drainage area. In addition, the well location, if applicable, located on the premises shall also be sampled every three (3) months. All water samples shall be collected and analyzed by an independent party which is a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Board of Supervisors, and the results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the facility shall immediately cease operation until such time as the source of the contamination has been identified and totally corrected.
- O. The area or areas upon which any permitted operations and/or activities within a solid waste facility are conducted shall be entirely screened. Such screening shall consist of a variety of evergreen trees, approved by the Board of Supervisors, planted not more than six (6) feet apart and being not less than eight (8') feet in height at the time of planting. Said screening shall be located not greater than three hundred (300) feet from the operations and/or activities which are subject to being screened. The applicant and/or operator of the Facility shall be responsible to maintain such screening, including the replacement of any trees which are damaged, die or otherwise fail to grow.
- P. The applicant shall provide a detailed narrative which fully describes the daily operations of all permitted functions and activities within the proposed solid

waste facility, including the projected daily volume and tonnage of refuse being accepted for processing and/or disposal.

- Q. The applicant shall submit to the Board of Supervisors, a copy of their commercial policy of liability insurance covering third party claims for property damage and personal injury.
- R. Vehicular access for ingress, egress and regress to a solid waste facility shall be solely limited to private access roads. Such private access roads shall only have access to a state legislative route with no permitted access to or from any local streets and/or roads.
- S. The owner and or operator of a solid waste facility shall provide an emergency response plan to address potential hazards associated with its operations. Said plan shall be submitted for review and comment to the local fire companies which serve East Union Township.
- T. Any solid waste facility which processes sludge, prior to its final disposal, shall be designed to include a liner in accordance with the applicable standards of the Department of Environmental Protection for the liner within a proposed landfill.
- U. Any solid waste facility which includes incineration shall be designed and operated in a manner to limit emissions by not less than ten (10%) percent below the applicable allowable emission standards of the Pennsylvania Department of Environmental Protection or the United States Environmental Protection Agency, based upon the more restrictive regulations for reducing and/or limiting air pollution. Any emissions stack or similar structure shall not exceed one hundred (100) feet in height.
- V. The applicant shall in addition to other required information and data provide an "Impact Analysis" that addresses the impact of the proposed operation and activities of a solid waste facility in relationship to the following items:
 - 1. All streets and roads which shall and/or are likely to be utilized for means of access to and from the site, including projected truck traffic which shall be generated in relationship to the projected daily volume of waste being transported to the solid waste facility.
 - 2. The suitability of the site for the proposed operations and activities of the solid waste facility in relationship to the soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features which are located both on-site and off-site of the Facility.
 - 3. The impact, both on-site and off-site, of the proposed operations and activities of the solid waste facility on the soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features regarding the degree to which these are protected or destroyed, the tolerance of these resources to the proposed development and any adverse environmental impacts.

4. The impact of the proposed operations and activities of the Solid Waste Facility upon any locations or structures of historical and/or cultural significance within 3,000 feet of any property line of the facility.

SECTION 708 EXCAVATION AND EXTRACTION OF MINERALS,
INCLUDING QUARRIES

Excavation and extraction of minerals, as defined in Article 2, shall be considered a temporary use, subject to the following requirements:

- A. Project Narrative: A written report shall be submitted by the applicant that includes the type of minerals proposed to be excavated, extracted, and/or removed from the site, the volume of such material and the maximum length of time associated with the proposed operation based upon the stated volume of material. Said narrative shall also describe normal, daily operational features performed upon the site, including but not limited to, proposed hours of operation, anticipated noise levels, and the type and volume of truck traffic to be generated with the proposed traffic routes to and from the site.
- B. Map: Submission of a map or maps at a scale of not greater than one (1) inch equals fifty (50) feet that outlines the entire property and the proposed area subject to excavation, extraction, and/or removal of minerals. Said map shall indicate existing contours prior to the start of work, and proposed final contours, including the proposed maximum depth of excavation at all points subject to excavation. Said map or maps shall also contain surface features showing the location of buildings, dwellings, places of worship, schools, railroads, highways and public uses within a distance of five hundred (500) feet from the perimeter of the proposed use.
- C. Bond, Backfilling and Fees: The applicant shall provide documentation that all applicable State requirements relative to providing a bond that guarantees the restoration and backfilling of any land proposed to be excavated or otherwise disturbed has been secured.
- D. Insurance: That a Certificate of Insurance evidencing that the quarry operator has general liability insurance with limits of \$500,000 per accident and \$1,000,000 in the aggregate for bodily injury and personal injuries, and \$1,000,000 per accident and in the aggregate for property damage, be filed with the Board of Supervisors; which Certificate shall indicate that East Union Township is listed as an additional insured on the aforementioned policy for losses arising out of the named insured's operations at the quarry.
- E. Distance Provisions: The perimeter of any excavation under this Section shall not be nearer than one thousand (1,000) feet from any building, property line or street, except that owned by the applicant.
- F. Timing: If blasting is proposed to be included as part of the excavation/extraction process, such approval must be specifically granted by the East Union Township

Board of Supervisors as an element of the Conditional Use approval. Blasting, if permitted by the Township Board of Supervisors, shall occur only between the hours of 9:00 A.M. and 4:00 P.M. local time excluding Saturdays, Sundays and the following holidays:

January 1st
Memorial Day
July 4th
Labor Day
Thanksgiving
Christmas

All blasting shall be in accordance with regulations promulgated by the Pennsylvania Department of Environmental Protection. The applicant shall provide the Township with not less than a seventy-two (72) hour advance notice.

- G. Location of Processing Equipment: To reduce airborne dust, dirt and noise, all structures for sorting, crushing, grinding, loading, weighing, washing and other operations shall be not less than one thousand (1000) feet from the right-of-way of any street, and/or one thousand (1000) feet from any residential building or the boundary of a residential zoning district.
- H. Drainage: All excavations both during operations and after completion shall be drained to prevent the formation of pools of water. Adequate measures shall be documented and approved as part of the application process. Said measures shall be implemented prior to any excavation operation.
- I. Limitation on Land Area: At any given time, the active excavation/extraction areas shall not exceed ten (10) acres in area on any lot or tract of land. Additional areas may be approved on the completion and cessation of previous approvals.
- J. Compliance with State Requirements: Final and/or unconditional approval for excavation, extraction and/or minerals under the provisions of this Ordinance shall not be issued until the applicant documents that all required licenses and/or permits have been properly secured from the applicable State and /or Federal agencies, including but not limited to the Pennsylvania Department of Environmental Protection.

SECTION 709 WIND ENERGY FACILITIES (COMMERCIAL)

A. APPLICATION AND PLAN REQUIREMENTS.

Applications for Commercial Wind Energy Facilities shall at a minimum include the following information:

- (1) A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the approximate generating capacity of the facility; the approximate number, representative types and

height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

- (2) An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the facility.
- (3) Identification of the properties on which the proposed wind energy facility will be located, and the properties adjacent to the site of the facility.
- (4) A site plan, sealed by a professional land surveyor, at a scale not greater than one (1") inch one hundred (100') feet showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substations, electrical cabling from the facility to the substations, ancillary equipment, buildings and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of all applicable setbacks.
- (5) A survey drawing at an appropriate and legible scale showing the proposed location of the wind energy facility (including access roads) as it relates to the boundaries of the parcel, adjacent ownerships and existing residences, schools, churches, hospitals, libraries, federal, state, county or local parks, and recognized historic or heritage sites within a distance of 2,000 feet or less from any property boundary.
- (6) As applicable, copies of all proposed leases required to be secured by the applicant, shall be provided, if the applicant is not the sole owner of the parcel or parcels on which the wind energy facility is proposed to be constructed. Boundaries of said leases shall be clearly illustrated upon the site plan.
- (7) Documents related to decommissioning, including a schedule for such Process and financial security.
- (8) Other relevant studies, reports, certifications and approvals as may be reasonably required by East Union Township to ensure compliance with this Section.

B. DESIGN AND INSTALLATION REGULATIONS.

- (1) **Safety Certifications.** The design of the facility shall conform to all applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Dot Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

- (2) Uniform Construction Code. To the extent applicable, the wind energy facility shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and the regulations adopted by the Pennsylvania Department of Labor and Industry.
- (3) The owner of a wind energy facility shall have all components of the Facility inspected in compliance with the established standards of the manufacturer, with each inspection not to exceed a twelve (12) month period, for structural and operational integrity by a licensed professional engineer, and shall submit a copy of the inspection report to the Township.
- (4) Standard scaled drawings of proposed wind turbine structures, including maximum height, the tower, base and footings.
- (5) Control and Brakes. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- (6) Electrical Components. All electrical components of the wind energy facility shall conform to relevant and applicable local, State and national codes, and relevant and applicable international standards.
- (7) Visual Appearance and Power Lines.
 - (a) Wind energy facilities shall be a non-obtrusive color such as white, off-white or gray.
 - (b) Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
 - (c) Wind energy facilities shall be designed and located to minimize adverse visual impacts from neighboring areas to the greatest extent feasible. The applicant shall provide three-dimensional graphic information that accurately portrays the visual impact of proposed wind energy facilities from various vantage points selected by the Board of Supervisors. This graphic information shall provide wind energy facilities superimposed, upon selected vantage points The Board of Supervisors shall also require the applicant to conduct a balloon test to confirm the visual impact.
 - (d) Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator.
 - (e) On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.

- (f) Wind energy facilities shall provide evidence of a signed interconnection agreement, or letter of intent, with the interconnecting utility company.
- (8) Warnings. A clearly visible warning sign concerning voltage must be placed the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.
- (9) Climb Protection/Locks. Wind turbines shall not be climbable up to 15 feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

C. LOT SIZE REQUIREMENTS

In order for a tract(s) of land to be eligible for a wind energy facility, it shall have a minimum lot size derived as follows: (6 acres X number of Wind Turbines) + 18 acres = minimum lot size.

D. MAXIMUM HEIGHT REQUIREMENTS.

The maximum Wind Turbine Height, as so defined in this Ordinance, shall not exceed 400 feet.

E. SETBACK REQUIREMENTS.

- (1) A Wind Turbine shall be set back from the nearest Occupied Building or Non-Occupied Building on the participating landowner's property a distance not less than 2, or times the Wind Turbine Height. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building or Non-Occupied Building.
- (2) A Wind Turbine shall be set back from the nearest Occupied Building or Non-Occupied Building located on a non-participating Landowner's property a distance of not less than 5 times the Wind Turbine Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied or Non-Occupied Building.
- (3) A Wind Turbine shall be set back from the nearest property line a distance of not less than 2, times the Wind Turbine Height. The setback distance shall be measured to the center of the Wind Turbine base.
- (4) A Wind Turbine shall be set back from the nearest public road a distance not less 2 than times the Wind Turbine Height as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.
- (5) A Wind Turbine shall be set back from above-ground power lines, public

telephone lines and television cable lines a distance no less than 2 times the Wind Turbine Height. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on such lines.

- (6) A Wind Turbine shall be set back at least (2,000 feet from Important Bird Areas as identified by Pennsylvania Audubon and at least 2,000, feet from identified wetlands.

F. NUISANCE ISSUES:

- (1) All wind turbines shall be located so that the level of noise produced by wind turbine operation shall not exceed 45 dBA, measured at all points of the site's property line. Methods for measuring and reporting acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.
- (2) The applicant shall document that the radio, television, telephone or reception of similar signals from nearby properties will not be disturbed or diminished by the installation of any wind turbine.
- (3) No vibration associated with the operation of a wind turbine shall be permitted which is detectable without instruments at or beyond the property line; and no use shall generate any vibration which is capable of causing damage to buildings, structures, equipment alignment, or structural soundness.
- (4) A wind turbine shall not cause shadow flicker on any occupied building on a non-participating landowner's property. The facility owner and operator shall conduct, at the applicant's expense a modeling study demonstrating that shadow flicker shall not occur on any occupied building or a non-participating property.
- (5) The facility owner and operator shall provide current contact information to the Township which includes at minimum a phone number and identifies a responsible person for the Township or public to contact regarding emergencies, inquiries and complaints throughout the life of the project. The applicant shall provide the Board of Supervisors a written plan outlining procedures on how complaints about noise, communications interference and vibration and/or other issues will be addressed. For the life of the project, the current contact information shall be conspicuously posted upon locations throughout the property and upon the bases of all wind turbines.

G. USE OF PUBLIC ROADS

- (1) The applicant shall identify all local public roads to be used within East Union Township to transport equipment and parts for construction, operation or maintenance of the wind energy facility.

- (2) The applicant shall hire a licensed professional engineer to document the condition of Township roads prior to the start of construction or development activities upon the property. Said documentation shall include photographs and video recordings of all approved travel routes to substantiate the report. The applicant shall ensure that the Township Road Master is present when photographs and video tapes are taken. Copies of the inspection report, photographs, and video tapes shall be submitted to the Township. The applicant's engineer shall document the road conditions again within thirty (30) days from the completion of construction or as weather permits, as determined by the Board of Supervisors. Completion of construction shall be deemed to be the date on which final land development approval is granted by the Board of Supervisors.
- (3) A bond shall be posted by the applicant to compensate the Township for any damage to Township roads in compliance with State regulations.
- (4) The applicant is responsible for all for repairs and remediation of any damaged roads resulting from the installation or subsequent maintenance of a Wind Energy Facility. Such repairs and remediation shall be completed with 30 days from the time of damage unless a greater amount of time is approved by the Board of Supervisors

H. LOCAL EMERGENCY SERVICES

The applicant shall provide a copy of the project summary and site plan to local emergency services providers, including paid and volunteer fire departments. At the request of such emergency services providers, the applicant shall cooperate in the development and implementation of an emergency response plan for the wind energy facility.

I. LIABILITY INSURANCE

A current general liability policy (adjusted annually to the rate of inflation) covering bodily injury and property damage with limits of at least \$1 million per occurrence and not less than \$3 million in the aggregate shall be maintained by the facility owner or operator. Certificates of insurance shall be provided to the Township as a part of the applicant's application.

J. DECOMMISSIONING.

- (1) The facility owner or operator of a commercial wind energy facility and/or the owner or operator of a noncommercial windmill shall, at his expense, complete decommissioning of the wind energy facility, or individual wind turbines, within 12 months after the end of the useful life of the facility or wind turbines. Such facility or wind turbines shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.

- (2) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- (3) Disturbed earth shall be graded and re-seeded, unless the landowner, leasing land for a wind energy facility, requests in writing that the access roads or other land surface areas not be restored.
- (4) An independent and certified professional engineer shall be retained to estimate the cost of decommissioning without regard to salvage value of the equipment. Said estimates shall be submitted to East Union Township after the first year of operation and every fifth year thereafter.
- (5) The facility owner or operator of a commercial wind energy facility shall post and maintain decommissioning funds in an amount equal to the identified decommissioning cost. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator of a commercial wind energy facility posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by East Union Township.
- (6) Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to East Union Township.
- (7) If the facility owner or operator of a commercial wind energy facility fails to complete decommissioning within the periods described by subsections (J) (1) then East Union Township shall take such measures as necessary to complete decommissioning.
- (8) The escrow agent shall release the decommissioning funds when the facility owner or operator of a commercial wind energy facility has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

SECTION 710 PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)

A. COMPLIANCE WITH INDUSTRY STANDARDS

The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM),), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code, regulations adopted by the Pennsylvania Department of Labor and Industry, and with all other applicable fire

and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the permit application.

B. INSTALLERS

PSES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

- (1) Is certified by the North American Board of Certified Energy Practitioners (NABCEP) for solar thermal installation.
- (2) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited solar thermal training program or a solar collector's manufacturer's training program and successfully installed a minimum of three solar thermal systems.

C. MAINTAIN IN GOOD WORKING ORDER

Upon completion of installation, the PSES shall be maintained in good working order in accordance with manufacturer's standards of and any other codes under which the PSES was constructed. Failure of the owner to maintain the PSES in good working order is grounds for appropriate enforcement actions by East Union Township in accordance with applicable ordinances.

D. UNDERGROUND REQUIREMENTS

All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

E. UTILITY NOTIFICATION

The owner of a PSES shall provide East Union Township with written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.

F. SIGNAGE

No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.

G. GLARE

- (1) All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.

- (2) The applicant has the burden of proving that any glare produced does not have a significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

H. NOISE STUDY

A noise study shall be performed and included in the zoning/building permit application. The noise study shall be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 45dBA, as measured at the property line.

I. TREE AND LANDSCAPING REMOVAL

No trees or other landscaping otherwise required by the Township ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.

J. CONTACT INFORMATION

The PSES owner and/or operator shall provide current contact information to the Township which includes at minimum a phone number and identifies a responsible person for the Township or public to contact regarding emergencies, inquiries and complaints throughout the life of the project. The PSES owner and/or operator shall the Board of Supervisors a written plan outlining procedures on how complaints a will be addressed. For the life of the project, the current contact information shall be conspicuously posted upon locations throughout the property

K. SOLAR EASEMENTS

Where a subdivision or land development proposes a PSES, solar easements may be provided. If a solar easement, intended to guarantee unobstructed solar access, is desired by the applicant and/or property owner for an ASES, such matter shall be carried out as a civil agreement between or among all applicable parties. East Union Township shall not be a party to any agreement designed to provide a solar easement, nor shall East Union Township be responsible for ensuring the maintenance of any solar easement. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance.

L. DECOMMISSIONING

- (1) The PSES owner is required to notify [municipality] immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.

- (2) The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. The owner shall also restore the land to its original condition, including forestry plantings of the same type/variety and density as the original. If the owner fails to dismantle and/or remove the PSES and restore the land within the established time frames, East Union Township may complete the decommissioning and land restoration at the owner's expense.
- (3) At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to East Union Township to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original.

M. PERMIT REQUIREMENTS

- (1) A Zoning Permit Application shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the PSES on the property, including property lines. Permits shall be kept on the premises where the PSES is constructed.
- (2) PSES shall comply with East Union Township] zoning and subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
- (3) The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.
- (4) Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
- (5) Routine maintenance or like-kind replacements do not require a permit.

N. GROUND MOUNTED PRINCIPAL SOLAR SYSTEMS

(1) Lot Size

A PSES shall require a lot size of not less than ten (10) acres.

(2) Setbacks

A PSES shall be setback distance of not less than 100 feet to any property line

(3) Height

Ground mounted PSES shall not exceed 20 feet in height.

(4) Lot Coverage

The surface area of the arrays of a ground mounted PSES, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located. The PSES shall not exceed the maximum lot coverage requirements of the underlying zoning district.

(5) The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the East Union Township stormwater management regulations.

(6) PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.

SECTION 711 JUNKYARDS AND/OR AUTOMOTIVE WRECKING YARDS

All new junk yards and automotive wrecking yards, or the proposed expansion of an existing junk yard and automotive wrecking yard, shall comply with the following:

- A. Such premises shall at all times be maintained so as not to constitute a nuisance or menace to the health of the community or residents nearby or a place for the breeding of rodents and vermin.
- B. Burning of any materials shall be prohibited.
- C. No oil, grease, tires or gasoline shall be burned at any time.
- D. No garbage, organic waste, rubbish, toxic materials and hazardous materials shall be stored on such premises.
- E. Whenever any motor vehicle shall be received on such premises as junk, all gasoline, oil, antifreeze, transmission fluid and/or other toxic fluid or hazardous material shall be drained and/or removed said vehicles and

disposed of in a manner consistent with the applicable rules and regulations of the Pennsylvania Department of Environmental Protection.

- F. The storage of any combustible materials, such as gasoline, oil or related items, shall be placed in fireproof containers and stored within fireproof sheds.
- G. The manner of storage and arrangement of junk and the drainage facilities on the site shall be such as to prevent the accumulation of stagnant water upon the premises. A storm water drainage plan shall be required.
- H. There shall be no stockpiling of motor vehicles or any junk piled higher than four (4) feet.
- I. Fire lanes of a minimum width of twenty (20) feet in width shall be provided for every forty (40) linear feet of junk, which shall be kept open and unobstructed for proper access for fire fighting equipment and safety purposes.
- J. Junk shall not be stored within one hundred (100) feet of any adjoining property line or nearer than one hundred (100) feet to any adjoining or abutting street.
- K. All junkyards shall be completely screened from view on all sides by a buffer area as so defined in Article 2 of this Ordinance. The required fence shall be not closer than ten (10) feet to any property line.
- L. Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.
- M. All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin.
- N. Such premises may be open for business or any work in connection with the storage, processing and transportation or removal of junk only on Monday, through Saturday from 8:00 A.M. to 4:00 P.M., local time.

SECTION 712 SEXUALLY ORIENTED BUSINESS

No Sexually Oriented Business, as so defined in Article 2 of this Ordinance, shall be located less than 1,000 feet from any of the following uses:

- 1. A residential dwelling.
- 2. A place of worship
- 3. A public or quasi-public use or structure.

4. A zoning boundary of any zoning district in which residences are permitted as a principal permitted use.

Measurements of the required distance shall be made in a straight line, from the nearest portion of the structure or premises of an adult use, to the nearest property line of the above noted uses. The structure and/or premises of an adult use, including all off-street parking areas shall be completely enclosed by a fence, not less than eight (8) feet in height and screened by a variety of evergreen trees which shall be planted not more than six (6) feet apart and being not less than eight (8) feet in height at the time of planting. The owner of the property shall be responsible to maintain such screening, including the replacement of any trees which are damaged, die, removed by whatever means or otherwise fail to grow.

SECTION 713 METHADONE TREATMENT FACILITY

- A. A methadone treatment facility shall be located upon a lot having an area of not less than thirty thousand (30,000) square feet, applicable for either new construction or for adaptive reuse of an existing structure.
- B. Any proposed methadone treatment facility shall include with its submission of a zoning permit application, an operational narrative which accurately describes the nature of medical services to be offered and the names of the medical practitioners providing said services. A licensed physician, a MD or a DO, shall be on duty at the facility during the methadone treatment facility's hours of operation
- C. Prior to occupancy, any existing structure proposed for adaptive reuse as a methadone treatment facility shall be brought into compliance with all current building codes and all other applicable Township, County, State and Federal regulations.
- D. Any methadone treatment facility with direct access and/or frontage along a State Legislative Route shall include with its submission of a zoning permit application, a traffic impact analysis prepared by a professional licensed engineer with expertise in transportation and traffic planning. Such analysis shall address the following:
 1. The number of vehicle trips expected to be generated during an average weekday including both a.m. and p.m. peak hours of adjacent street traffic.
 2. The number and types of vehicles, with an origin or destination at the subject site, the need for which is generated by said use.
 3. The routes, roadways or streets to reach the methadone treatment facility.
 4. The impact of the levels-of service at intersections within one half (1/2) mile of said methadone treatment facility.

5. Recommended traffic control devices designed to mitigate any documented adverse impact on adjacent roadways.
- E. Required Off-Street Parking - Twelve (12) spaces for every doctor, licensed medical practitioner, and/or counselor; employed at the facility and one (1) additional space for every one hundred (100) square feet of gross floor area. All off-street parking areas shall be adequately lighted, with a lighting plan included within the submission of the required site plan.

SECTION 714 COMMERCIAL COMMUNICATION TOWER

A. STRUCTURAL INTEGRITY AND SAFETY

1. A commercial antenna and support structure for a wireless commercial communication site shall be designed and constructed to meet or exceed all applicable standards of the American National Standards Institute, NSI/EPA-222-E manual, as amended and also to FAA standards for marking and lighting requirements of obstructions to air navigation as set within the most recent edition of Advisory Circular AC 70/7460-1H including any amendments thereto
2. A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222-E manual, as amended, shall be submitted to document and verify the design specifications of the foundation for the commercial antenna and support structure, and anchors for the guy wires, if used.
3. The operational use of a commercial antenna, as so defined within this Ordinance, including those mounted upon a support structure or to an existing structure, shall comply with all applicable rules and regulations of the FCC and the FAA.
4. The applicant or owner of a commercial antenna and support structure shall provide a design certificate and an operational certificate, prepared by a professional engineer, which certifies compliance with the standards addressed in the above items A, B and C. The design certificate shall be submitted with the Zoning Application for the proposed commercial antenna and support structure. The operational certificate shall include “as-built” drawings and written certification from the applicant’s professional engineer that all applicable regulations have been met.

B. HEIGHT AND SETBACK REQUIREMENTS

1. A commercial antenna when mounted upon an existing structure, including an existing building, shall not exceed the height of the existing structure by more than eight (8) feet.
2. A commercial antenna and support structure shall be setback from any

property line to a distance that is not less than one hundred and fifty (150%) percent of the height of the antenna and support structure as measured in linear feet.

3. Any building utilized as a component of a commercial enterprise in the collection and/or transmission of telecommunication signals, radio signals, television signals, wireless phone signals or similar signals shall be completely enclosed by a fence, eight (8) feet in height, with such building meeting the setback requirements for the zoning district in which it is located.
4. The applicant shall demonstrate, using technological evidence, that the commercial antenna and support structure must be located where it is being proposed and that it represents the minimum height required to function satisfactorily.
5. A commercial antenna and support structure shall be designed with excess capacity beyond the initial intended use in order to encourage secondary users to lease the balance of the capacity at reasonable rates. When a new antenna and support structure is proposed, the applicant must demonstrate that all alternatives to the construction of a new antenna support structure have been exhausted.
6. All commercial antennas that equal or exceed one hundred (100) feet in height shall be designed and equipped with FAA approved warning lights.
7. Up to the height of the tallest nearby trees, the commercial antenna and support structure shall be a brownish color, whether painted brown or caused by oxidation or otherwise, to lessen its visual impact. Above that height, it shall be designed in both color and structural configuration to be camouflaged with surrounding trees and vegetation in a manner that will minimize its visual impact.
8. A commercial antenna and support structure or an antenna mounted upon an existing structure shall be removed by the owner of the same within six (6) months of the discontinuance of its use. The owner shall provide East Union Township with a copy of the notice to the FCC of intent to cease operations. The six month period for the removal of the antenna and support structure or an antenna mounted upon an existing structure shall commence on the date indicated for ceasing operations.

C. SITE PLANS

- 1 A site plan in conformance with the governing standards of the East Union Township Subdivision and Land Development Ordinance, as amended, shall also be required when the location of a free-standing commercial antenna and support structure represents a described parcel of land subject to a lease, within an existing deed of record.

2. A new site plan shall not be required when a proposed antenna is to be located on an existing free-standing commercial antenna support structure or a public utility transmission tower.

D. SUPPLEMENTAL STANDARDS AND CRITERIA

1. The applicant shall demonstrate that the proposed commercial antenna and support structure complies with all applicable State and Federal standards.
2. The applicant shall demonstrate that the proposed commercial antenna and its support structure are safe and the surrounding properties will not be negatively affected by support structure failure, falling ice or other debris.
3. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
4. A commercial antenna and support structure shall be designed with excess capacity beyond the initial intended use in order to encourage secondary users to lease the balance of the capacity at reasonable rates. When a new antenna and support structure is proposed, the applicant must demonstrate that all alternatives to the construction of a new antenna support structure have been exhausted.
5. The commercial antenna and support structure shall be a brownish color (whether painted brown or caused by oxidation or otherwise to lessen its visual impact) up to the height of the tallest nearby trees. Above that height, it shall be painted silver or another color that will minimize its visual impact.

E. DECOMMISSIONING AND RESTORATION REQUIREMENTS

A commercial communication tower shall be removed from the site upon its cessation of use. The applicant shall include the following information regarding decommissioning and removal of the commercial communications tower and restoring the site:

1. The anticipated and/or estimated life of the project;
2. The estimated decommissioning costs in current dollars;
3. The method and schedule for updating the costs of decommissioning and restoration;
4. The method of ensuring that funds will be available for decommissioning and restoration; and
5. The anticipated manner in which the project will be decommissioned and the

site restored.

6. The Board of Supervisors shall require the applicant to provide an appropriate and adequate demolition bond for purposes of removing the commercial communications tower in case the applicant fails to do so as required above. Proof of this bond shall be provided each year and shall be a continuing condition for the life of the project.
7. The sufficiency of the demolition bond shall be confirmed at least every five years by an analysis and report of the cost of removal and property restoration to be performed by a licensed professional engineer, the cost of same to be borne by the applicant. If said analysis and report determines that the amount of the bond in force is insufficient to cover the removal, disposal and restoration costs, the bond shall be increased to the amount necessary to cover such costs within 10 days of the applicant's receipt of such report.

SECTION 715 BULK FUEL STORAGE

Bulk fuel storage shall be located on a tract of land not less than five (5) acres. Storage tanks shall be located not less than one hundred (100) feet from any property line and shall be not less than five hundred (500) feet from any dwelling, school, church or similar use. Cylinder filling rooms, pumps, compressors and truck filling stations shall be located two hundred fifty (250) feet from all property lines. The tank storage area shall be fenced with an eight (8) feet high industrial gauge fence. If the storage property abuts on the side or rear property line containing a residence, the fence shall be screened from view by a dense growth of evergreens at least five (5) feet in height at the time of planting. Bulk fuel storage facilities shall be developed in full compliance with all applicable federal, state and insurance regulations.

SECTION 716 MOBILE HOME PARKS

The standards and regulations provided herein shall apply to both the development of new mobile home parks and the expansion of existing ones. The development of a mobile home park, including the expansion of an existing one, shall also be deemed as a subdivision or land development and shall be subject to applicable regulations of the Township's Subdivision and Land Development Ordinance. Customary accessory residential uses shall be permitted, along with common areas for use by residents of the mobile home park.

SECTION 717 AIRPORTS

Any proposed airport shall have a lot size of not less than 20 acres. The applicant shall demonstrate that the airport has been located and designed to minimize noise nuisances to other properties which shall include but may not be limited to acoustical testing at perimeter points along property lines. All runways shall be setback not less than 300 feet from any property line. All buildings associated with the operation of the airport shall be setback not less than 200 feet from any property line. A proposed airport shall be designed, constructed and operated in full compliance with all applicable regulations, requirements and/or standards of the Federal Aviation Administration and/or the Bureau

of Aviation, Pennsylvania Department of Transportation regulations. In the event of any conflicting regulations, requirements and/or standards, the more restrictive shall apply.

SECTION 718 HELIPORTS

Any proposed heliport shall have a lot size of not less than 10 acres. The applicant shall demonstrate that the heliport has been located and designed to minimize noise nuisances to other properties which shall include but may not be limited to acoustical testing at perimeter points along property lines. All landing areas shall be setback not less than 300 feet from any property line. All buildings associated with the operation of the heliport shall be setback not less than 200 feet from any property line. A proposed heliport shall be designed, constructed and operated in full compliance with all applicable regulations, requirements and/or standards of the Federal Aviation Administration and/or the Bureau of Aviation, Pennsylvania Department of Transportation regulations. In the event of any conflicting regulations, requirements and/or standards, the more restrictive shall apply.

SECTION 719 GROUNDWATER OR SPRING WATER WITHDRAWAL FOR OFF-SITE CONSUMPTION

- A. If the water will be trucked off-site, the applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated.
- B. If the water will be trucked off-site, any area used for loading or unloading of tractor-trailer trucks shall be setback a minimum of 150 feet from any adjacent property line.
- C. No bottling or processing operations shall be permitted on-site in an A-1 District.
- D. Zoning approval for the withdrawal of water shall be subject to approval from the Delaware River Basin Commission or Susquehanna River Basin Commission based upon applicable jurisdiction.
- E. If the water is exclusively utilized for to supply potable to adjacent lots or as part of a public water system, it shall not be considered off-site consumption.

SECTION 720 MEDICAL MARIJUANA GROWERS/ PROCESSORS FACILITY

A minimum lot size of 1 acre shall be required. The property on which the facility is located shall be surrounded by a fence not less than 8 feet in height and constructed with industry-standard materials. There shall be no odors, fumes smoke, dust or any other noxious pollutants discharge from the facility which exceed Federal and Commonwealth regulations. There shall be no storage of any form of marijuana or its byproducts outside the facility.

SECTION 721 MEDICAL MARIJUANA TRUCKING FACILITY.

- A. The minimum lot size shall not be less than four acres.

- B. Access drives shall be sufficient in width to accommodate the use, but in no event exceed 25 feet in width. Access drives must connect to a public street.
- C. No Medical Marijuana, marijuana plants, seeds or other raw materials, or any waste generated from a Medical Marijuana Facility shall be stored on site or within a truck or delivery vehicle on site.
- D. No parking, loading, idling, storage of any kind, or trucking use shall be allowed within the buffer yard. All truck idling in excess of fifteen (15) minutes shall be prohibited.
- E. Any licenses, permits, or approvals required by the Pennsylvania Department of Health for the use or user must be obtained and a copy provided to the Township.

SECTION 722 MEDICAL MARIJUANA WASTE FACILITY

- A. The use shall be located not less than 250 feet from any street right-of-way, lot line, one hundred-year floodplain, edge of a surface water body, creek, stream or wetland; and not less than 1,000 feet from any residential zoning district, or lot line where a residential dwelling unit, public, private, or parochial school or day-care center, place of worship, or public recreational activity is located.
- B. The days and hours of operation shall be limited to Monday through Friday from 8 a.m. to 5 p.m. and Saturday from 8 a.m. to 4:00 p.m. The facility shall not conduct any approved operations at any other times and deliveries shall only be permitted during the permitted hours of operation.
- C. The property shall have one point of ingress and egress, which shall be from a public road sufficient in size to accommodate the proposed traffic generated from the use. The access drive shall be improved in accordance with the East Union Township Subdivision and Land Development Ordinance. A second access drive shall be provided, but restricted to use by emergency vehicles only, and shall be clearly marked and identified as such. The application shall also be accompanied by a plan of the site that includes the location of access drives and proposed structures, and an emergency response plan to address potential safety concerns associated with the use.
- D. The property shall at all times be maintained so as not to constitute a private or public nuisance, or adversely impact the public health, safety or welfare.
- E. The proposed use shall have a minimum lot size of five acres and a maximum lot size of 10 acres, whether developed initially or cumulatively, with a maximum total capacity to treat or dispose of waste of not more than 500 tons per day.
- F. Except for the required access drives (which shall be secured by locked gates, which may only be open during business hours) the property shall be completely screened by a wall or fence not less than eight feet in height and a planting strip not less than five feet in depth, with shrubbery, plants or evergreen trees which are a minimum of six feet in height at the time of planting. This area must then be

suitably landscaped and maintained with a schedule to be approved by the Township. In addition, an attendant shall be present during all periods of the operation to ensure that: (1) only authorized waste is accepted; (2) the access drives remain unobstructed; and (3) waste is properly stored and disposed of.

- G. Loading and unloading of waste shall occur within an enclosed building and no outdoor storage of waste shall be permitted. Waste material shall be secured until properly disposed of in accordance with state law.
- H. All applications shall include the same information, written materials and plans that are to be submitted to the Pennsylvania Department of Environmental Protection, and/or the Pennsylvania Department of Health, as part of the state permitting and approval process.
- I. The property may not be used as a Medical Marijuana Dispensary or as a Grower and Processor of Medical Marijuana.

SECTION 723 SHORT-TERM TRANSIENT RENTAL

In addition to securing zoning approval, a Short-Term Transient Rental will also be required to secure a permit in accordance with the East Union Township Short Term Rental Ordinance.

SECTION 724 SUBSTANCE ABUSE TREATMENT FACILITY

- 1. Any type of Substance Abuse Treatment Facility as defined in Article 2 of this Ordinance shall require to be licensed by the Pennsylvania Department of Drug and Alcohol Programs.
- 2. Maximum Number of Beds: The maximum number of beds within any type of substance abuse treatment facility which allows overnight stay of patients shall be based upon the applicable regulations of the Pennsylvania Department Drug and Alcohol Program, but in no case shall such a facility be designed and/or used to accommodate more than 20 overnight patients.
- 3. Any type of substance abuse treatment facility shall provide a narrative that fully describes all services to be provided within the facility.
- 4. Any type of substance abuse treatment facility shall provide a floor plan of the facility showing the use of all areas within the facility with the dimensions and square feet of each room therein and its intended purpose and use.
- 5. Any type of substance abuse treatment facility shall provide its intended hours of operation.
- 6. Any type of substance abuse treatment facility shall provide a copy of on-site management plan, or its equivalent, as required by the Pennsylvania Department of Drug and Alcohol Programs, which includes emergency operations and persons responsible for implementation of stated measures and/or operations.

7. Any type of substance abuse treatment facility shall provide the maximum number of employees employed by the facility including those indirectly employed under contracted services.
8. Insurance Coverage - A Substance Abuse Treatment Facility which allows overnight stay of patients shall obtain and maintain the following liability insurance coverage:
 - a. Comprehensive general liability insurance coverage insuring the public against bodily injury or property damage arising out of or resulting from or incidental to the operation or use of the facility.
 - b. At a minimum, the policies shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence and two million five hundred thousand dollars \$2,500,000.00) per aggregate.
 - c. Coverage shall remain in full force during the entire time that the facility is permitted. Failure to provide such proof shall result in revocation of zoning approval.
9. Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.
10. Off-street parking shall be provided at a ratio of one (1) vehicle parking space per each employee, including those via contracted services, plus one vehicle parking space for every two (2) beds. Off-street parking shall be subject to all other applicable provisions within the East Union Township Zoning Ordinance governing off-street parking.

ARTICLE 8
SUPPLEMENTAL REGULATIONS

SECTION 801 PURPOSE AND INTENT

Certain uses of land and/or buildings, as specified herein, whether permitted by right, special exception and or conditional use, shall be subject to supplemental regulations in addition to those of the district in which the use is located.

SECTION 802 USE REGULATIONS

802.01 ANIMAL HOSPITAL

An animal hospital shall maintain all activities within a completely enclosed soundproof building, and no objectionable odors shall be vented outside the building. No animal hospital shall be located less than one-hundred (100) feet from any property line.

802.02 AUTOMOBILE RELATED ACTIVITIES

- A. Automotive Repairs (Repair Garage): Activities including the repair of automobiles, trucks, snowmobiles and motorcycles shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize noise, vibrations, fumes and glare. Said buildings shall be equipped with oil containment facilities/equipment which shall prohibit any oil from being discharged upon the ground or into streams, aquifers and/or environment. Refuse and/or waste oil shall be removed from site with disposal required in accordance with governing standards of the Pennsylvania Department of Environmental Protection. Only vehicles to be repaired on the premises or picked up by the vehicles' owner may be stored in the yard area. Where the operation abuts on the side or rear property line of any district having residences as a principal permitted use, a solid wall or solid opaque fencing eight (8) feet in height, designed to conceal and screen the automotive repair facility from adjoining properties, shall be constructed and maintained in good condition along such boundary. Outdoor trash dumpsters shall be concealed within an area surrounded by a solid opaque fencing not less than six (6) feet in height. The provision of any outside lighting shall be directed away from adjacent properties.

- B. Automotive Sales: Where the operation of an automotive sales use abuts on the side or rear property line of any district having residences as a principal permitted use, a solid wall or solid opaque fencing eight (8) feet in height, designed to conceal and screen the automotive sales facility from adjoining properties, shall be constructed and maintained in good condition along such boundary. Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height. The provision of any outside lighting shall be directed away from adjacent properties.

- C. Gasoline Service Stations (Also Includes Convenience Stores with Gasoline Sales): When a service station abuts on the rear or side lot line on the side

or rear property line of any district with residences as a principal permitted use, a solid wall or solid opaque fencing eight (8) feet in height, designed to conceal and screen the gasoline service station from adjoining properties, shall be constructed and maintained in good condition along such boundary. Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height. The provision of any outside lighting shall be directed away from adjacent properties. When a service station occupies a corner lot, the access driveways shall be located at least sixty (60) feet from the intersection of the front and side street lines of the lot. Gasoline pumps or other service appliances and canopies may be located in the required front yard subject to having a setback of not less than twenty feet from the right-of-way line of the adjoining road. All repairs, service, storage or similar activities in connection with the use shall be conducted within the building where adequate measures shall be taken to minimize noise, fumes and glare. Outside lighting shall be directed away from adjacent properties

- D. Car Wash: Appropriate drainage facilities for washing activities shall be provided that prevent water from the car wash operation from flowing onto sidewalks or streets. The facility shall be designed with a water reclamation system. The site shall be sufficiently large to accommodate three (3) cars per stall waiting washing during peak periods so that lines along public streets are avoided. Such operations shall also comply with any applicable regulations of the Pennsylvania Department of Environmental Protection. Car wash operations abutting on the side or rear property lines of a district having residences as a principal permitted use shall provide a solid wall or solid opaque fencing eight (8) feet in height and well maintained along such boundary. Outdoor trash dumpsters shall be concealed within an area by solid opaque fencing, not less than six (6) feet in height. Outdoor lighting shall be directed away from adjacent properties. Any car wash that is located within 200 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

802.03 BANKS

Banks and other similar financial offices shall provide sufficient space to accommodate parking, vehicular circulation areas for drive-in tellers, access areas for parking lots separated from drive-in areas, and areas for pedestrian traffic separated from vehicular traffic for safety. Canopies over drive-through areas shall meet all yard setback requirements.

802.04 BED AND BREAKFAST

A Bed and Breakfast shall be within an owner-occupied dwelling containing not more than three (3) bed and breakfast units which are rented on a nightly basis for periods of normally not more than a week. Dining and other facilities shall not be open to the public, but shall be exclusively for the use of the residents and registered guests. Breakfast shall be the only meal served. Two off street parking spaces shall be provided for each rental unit.

802.05 BOARDING/ROOMING HOUSE

The property shall be limited to providing lodging for not more than four (4) persons, excluding the owner of the property. Off-street parking spaces shall be provided for each person residing therein.

802.06 BULK FUEL STORAGE

The bulk storage of natural and manufactured gas shall comply with the following requirements:

- A. Storage tanks shall be located not less than one hundred (100') feet from any property line and shall be not less than five hundred (500') feet from any dwelling, school, church or similar use.
- B. Cylinder filling rooms, pumps, compressors and truck filling stations shall be located seventy-five (75') feet from all property lines.
- C. The tank storage area shall be fenced with an eight (8') feet high industrial gauge fence. If the property abuts on the side or rear property line containing a residence, the property shall be screened from view by a dense growth of evergreens at least five (5') feet in height at the time of planting.
- D. Bulk fuel storage facilities shall be developed in full compliance with all applicable federal, state and insurance regulations.

802.07 CAMPGROUND/RECREATIONAL VEHICLE CAMPGROUND:

A Campground and/or /Recreational Vehicle Campground shall comply with the following requirements:

- A. Minimum lot area - 5 acres
- B. Retail sales shall be on-site as an accessory use to serve persons camping on the site.
- C. A Campground and/or a Recreational Vehicle Campground and accessory uses therein shall have a minimum setback distance of 50 feet from any lot line. Within this setback distance any existing healthy trees will be maintained and preserved.
- D. No recreational vehicle shall be occupied on the site for more than 6 months in any calendar year by any one individual or one family, other than a resident manager/caretaker.

802.08 CEMETERIES

The property shall not be less than ten (10) acres. A structure, grave or place of permanent burial shall be set back not less than fifty (50) feet from the property line. The cemetery shall be enclosed along all boundaries by a fence, wall or shrubbery, or any combination thereof, at least four (4) feet in height. The interior roads shall have a

minimum width of fifteen (15) feet and shall be properly maintained with either gravel or paving.

802.09 CLUB/PRIVATE LODGE

Buildings utilized for such purposes shall not be less than forty (40) feet from any property line. Where such use abuts any R District, the following requirements shall apply to the side and rear yard property boundaries:

- Construction of a solid wall or solid opaque fencing eight (8) feet in height, designed to conceal and screen the facility from adjoining properties.
- Within a required rear yard or side yard setback, there shall be a landscaped planting strip not less than four (4) feet in depth, planted with shrubs or trees which are not less than three (3) feet high at the time of planting and which are of a type that may be expected to form a year-round dense screen at least four (4) feet high within three (3) years. The landscaped planting strip shall be maintained in good condition at all times, including the replacement of any shrubs or trees which are damaged, die or otherwise fail to grow.

Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height. The provision of any outside lighting shall be directed away from adjacent properties.

802.10 COMMERCIAL COMMUNICATION ANTENNAS (ATTACHED)

A Commercial Communication Antenna when attached to an existing building or structure shall subject to the following requirements:

- (1) A Commercial Communications Antenna mounted on a building or other structure shall not exceed eight (8) feet in height above the existing building or structure.
- (2) A Commercial Communications Antenna shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. A copy of the subject standards shall be submitted with a Zoning Permit Application.
- (3) The applicant shall provide a copy of its current Federal Communication Commission license.
- (4) The applicant shall provide certification and documentation from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, considering wind and other loads associated with such mount or location.

(5) The applicant shall provide evidence of agreements and/or easements necessary to provide access to the building or structure on which the Commercial Communications Antenna is to be mounted.

(6) The applicant shall provide A Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 million per occurrence.

802.11 COMMERCIAL COMMUNICATION ANTENNAS (CO-LOCATION)

The placement of a Commercial Communication Antenna upon an existing Commercial Communication Tower or an existing public utility transmission tower shall be permitted by right in all nonresidential zoning districts

802.12 CONTRACTORS' STORAGE YARDS

Commercial or industrial uses utilizing outdoor storage space of more than 1,000 square feet, shall be located on a tract of land not less than two (2) acres. Supplies stored outdoors shall be neatly arranged and no required yard setback areas shall be used for storage. There shall be a roadway fourteen (14) feet in width provided for every forty linear (40) feet of stored materials. The roadway shall be kept passable for fire-fighting equipment. Where such use abuts any R District, the following requirements shall apply to the side and rear yard property boundaries:

- Construction of a solid wall or solid opaque fencing eight (8) feet in height, designed to conceal and screen the storage areas from adjoining properties.
- Within a required rear yard or side yard setback, there shall be a landscaped planting strip not less than four (4) feet in depth, planted with shrubs or trees which are not less than three (3) feet high at the time of planting and which are of a type that may be expected to form a year-round dense screen at least four (4) feet high within three (3) years. The landscaped planting strip shall be maintained in good condition at all times, including the replacement of any shrubs or trees which are damaged, die or otherwise fail to grow.

Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height. The provision of any outside lighting shall be directed away from adjacent properties.

802.13 DAY CARE FACILITIES

All day care facilities shall comply with the following:

- A. The applicant or owner shall provide evidence of certification of compliance with all appropriate regulations of any designated State agency whose approval and/or license is required by the laws of the Commonwealth.
- B. Noise and all other possible disturbing aspects connected such use shall be controlled to the extent that the operation of such use shall

not unduly interfere with the use and enjoyment of properties in the surrounding area.

- C. All day care facilities shall have an outdoor play area which shall be completely enclosed with a fence six (6') feet in height. Outdoor play activities shall be limited to the hours between 10:00 A.M. to 5:00 P.M. local time. The minimum area of said play area shall be three-hundred (300) square feet or ten (10) square feet per child, whichever is greater.
- D. The applicant shall supply evidence that vehicular traffic congestion will be avoided in "pick-up and drop-off points" utilized in transporting individuals to and from the facility.

802.14 DWELLING OVER OR ATTACHED TO A BUSINESS

A dwelling unit over or attached to business establishments may be permitted provided that such dwelling is occupied by the owner or manager of such business. Said dwelling unit shall be designed as living quarters with private access, having adequate natural light and kitchen and bathroom facilities. The required off-street parking shall include residence parking spaces in addition to commercial parking spaces as required by Article 11.

802.15 ENTERTAINMENT FACILITIES

Entertainment facilities as defined in Article 2 of this Ordinance shall provide proper parking areas with vehicular circulation and access designed to minimize any potential traffic congestion. Such facilities shall not be closer than fifty (50) feet from any boundary of a district having residences as principal permitted use, shall provide adequate screening from any residential district, and shall be conducted entirely within an enclosed structure.

802.16 FOOD PROCESSING

The processing, packaging, dressing and treatment of meat, poultry and fish products, shall be conducted wholly within a completely enclosed building. Smoke, noise, or odors affecting adjacent property shall be prohibited.

802.17 FORESTRY ACTIVITIES (TIMBER HARVESTING)

In order to preserve forests and the environmental and economic benefits that they provide, it is the policy of East Union Township to encourage the owners of forest land to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, historical and amenity values. The timber harvesting regulations set forth in this Section are intended to further this policy by:

1. promoting good forest stewardship;
2. protecting the rights of adjoining property owners;
3. minimizing the potential for adverse environmental impacts;
4. preserving historical and environmental sensitive areas; and
5. avoiding unreasonable and unnecessary restrictions of the right to practice forestry.

“Forestry activities that include timbering operations that exceed five (5) acres shall be conducted in accordance with the following requirements:

1. A Zoning Permit Application shall be submitted to the East Union Township Zoning Officer prior to harvesting or otherwise removing trees on any tract of land larger than five (5) acres;
2. Prior to the start of operations, a Forestry Management Plan shall be prepared and filed with the submission of the Zoning Permit Application Said plan shall be prepared by a qualified forester or forest technician, with a four-year degree from and accredited college;
3. The Forestry Management Plan shall be consistent with the Timber Harvesting Guidelines of the Pennsylvania Forestry Association;
4. Prior to the approval of the Zoning Permit Application, an Erosion and Sediment Control Plan shall be submitted by the Applicant to the Schuylkill County Conservation District for its review, recommendation and approval;
5. Clear cutting shall be prohibited except on tracts of less than five (5) acres;
6. When harvesting or otherwise removing on tracts larger than five (5) acres, at least 30% of the forest cover (canopy) shall be kept and the residual trees shall be well distributed. At least 30% of these residual trees shall be composed of highest value species as determined and documented by the Forestry Management Plan;
7. Clear cutting is prohibited on acres with slopes greater than 15% or within the 100-year floodway.

802.18 FUNERAL HOME

Funeral homes shall accommodate all of the parking areas required as provided in Article 11 of this Ordinance. In addition, sufficient area shall be provided for vehicular circulation on the lot and for the assembly area for the procession beyond the street right-of-way line. Points of vehicular access to the site shall not create traffic hazards on the street. Loading and unloading areas for ambulances and hearses shall be within an enclosed building or shall be screened from view from adjacent properties by a solid wall or solid opaque fencing six (6) feet in height. Outside lighting shall be directed away from adjacent properties.

802.19 GARDEN APARTMENTS

All multi-family residential development of garden apartments shall be subject to the following requirements and all other applicable requirements of this Ordinance:

- A. Garden Apartments shall be connected to and serviced by a Centralized Sewage Disposal System as defined in Article 2 of this Ordinance.
- B. Minimum lot size shall be 2 acres.
- C. Minimum lot width shall be 200 feet.
- D. Maximum percentage of building coverage on a lot shall be 40 percent.
- E. Minimum front yard setback shall be 50 feet.

- F. Minimum rear yard setback shall be 50 feet.
- H. Minimum side yard setback shall be 50 feet.
- I. Maximum density shall be 10 units per (1) acre.
- J. Maximum building height shall not exceed 3 stories or 35 feet.
- K. Minimum distance between principal structures shall not be less than 35 feet.
- L. Minimum front yard setback for off-street parking areas shall not be less than 30 feet.
- M. Minimum side yard setbacks for off-street parking areas shall be not less than 15 feet.
- N. Minimum rear yard setbacks for off-street parking areas shall be not less than 15 feet.
- O. Two (2) off-street parking spaces shall be provided for each dwelling unit.
- P. Unattached accessory structures, such as swimming pools, garages, carports and sheds shall be prohibited in the front yard. Unattached accessory structures located in the side or rear yard shall have five (5) foot side and rear yard setbacks. Attached structures shall have the same setbacks as required for principal structures.

802.20 GOLF COURSE

A Golf Course shall have a minimum lot size of not less than 10 acres. A golf course may include a restaurant, clubhouse and retail sales related to the use. Any building and/or structures located upon the property provided that such building is located a minimum of 100 feet away from any lot line.

802.21 GROUP RESIDENCE

Any party wishing to establish and/or operate a "Group Residence", in addition to all other applicable zoning regulations and/or requirements, shall be subject to the following supplemental requirements:

- A. The maximum occupancy of a Group Residence shall not exceed eight (9) persons, excluding staff. The occupancy of said Group Residence shall be governed by the standards and requirements as provided for within the most recent housing code standards by the governing code as provided for under the Pennsylvania Uniform Construction Code.
- B. The Group Residence shall be under the jurisdictional and regulatory control of a governmental entity (County, State and/or Federal).
- C. The applicant and/or operator of a Group Residence shall provide written documentation from the applicable governmental entity which certifies said Group Residence complies with the location, supervised services, operation, staffing and management of all applicable standards and regulations of the subject governing program.
- D. The applicable requirements and standards which govern off-street parking for a single-family dwelling shall also govern for a Group Residence, however two (2) additional off-street parking spaces shall be provided and if there is any required staffing associated with the management and operation of a Group Residence.

802.22 HOME OCCUPATIONS

A home occupation which is conducted within a dwelling unit or an existing accessory building to the dwelling shall be subject to the following provisions:

- A. The occupation shall be carried on wholly indoors, within the principal building or within a building accessory thereto.
- B. There shall be permitted a sign, not to exceed two (2) square feet in surface area, placed flat against the building as a wall sign, and shall not be permitted above the first story level. No other exterior display or exterior storage of materials or any other exterior indication of the home occupation shall be permitted.
- C. There shall be no maintenance of a stock in trade or show windows or displays or advertising visible outside the premises.
- D. There shall be no repetitive servicing by truck.
- E. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
- F. The home occupation shall be carried on only by members of the immediate family residing in the dwelling unit, plus not more than two (2) additional employees. Licensed medical practitioners and attorneys may have more than two (2) additional employees, subject to approval by the Zoning Hearing Board.
- G. The floor area devoted to a home occupation, regardless of where located on a lot, shall be equivalent to not more than twenty-five (25%) percent of the floor area of the dwelling unit.
- H. Each home occupation shall have off-street parking as indicated below, in addition to that required for the dwelling unit:
 - (1) Four (4) spaces for each physician, dentist, or other licensed medical practitioner.
 - (2) Three (3) spaces for all other home occupations.

Among the uses that shall not constitute a home occupation are the following; animal hospital; commercial stables kennels; funeral parlors or undertaking establishments; antique shop; restaurants; rooming, boarding, nursing or convalescent homes; health facilities; auto repair shops, and grocery stores.

802.23 INDUSTRIAL ACTIVITIES

In addition to the applicable requirements of this Ordinance, all industrial activities and uses permitted by right, special exception and/or conditional use shall comply with all regulations governing odors, fumes, dust, smoke, vibration, noise, sewage, industrial waste, fire hazards and any other of the activities and uses with side effects that are

deemed injurious to the public health, safety and welfare by the United States Environmental Protection Agency (EPA), the Pennsylvania Department of Environmental Protection (DEP) and the Pennsylvania Department of Labor and Industry. It shall be the responsibility of the applicant to provide the Zoning Officer with a complete listing of all State and Federal regulations governing the proposed use and written compliance from the governing agency. All industries are required to supply the Township Emergency Management Agency and the Fire Department with all applicable MSDS sheets, emergency operations and evacuation plans.

802.24 KENNELS

Kennels in which animals are kept, boarded or trained shall be subject to the following requirements:

- A. All buildings in which animals are housed, including outdoor runs shall be located not less than 300 feet from all property lines
- B. Buildings shall be adequately soundproofed so that sounds generated within the buildings.
- C. No animal shall be permitted to use outdoor runs from 9 p.m. to 8 a.m. Runs for dogs shall be separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
- D. Commercial dog breeding kennels shall be required to hold a valid license from the Pennsylvania Department of Agriculture, Pennsylvania Bureau of Dog Law Enforcement.
- E. Minimum lot area - 3 acres

802.25 MOTELS AND HOTELS

Motel and Hotel uses shall require a minimum lot size of not less than three (3) acres with a lot width of not less than two hundred (200) feet.

- A. The hotel/motel shall be serviced by centralized sewage and centralized water.
- B. There shall be more than ten (10) sleeping rooms.
- C. Fifty (50%) percent or more of the gross floor area shall be devoted to sleeping rooms.
- D. There may be club rooms, ballrooms, and common dining facilities.
- E. In the case of a corner lot, access drives shall be not less than eighty (80) feet from the intersection of any two streets as measured from the intersection of their right-of-way lines.

802.26 NO IMPACT HOME-BASED BUSINESS

A No Impact Home-Based Business, as defined in Article 2 of this Ordinance, shall be

permitted by right in all Residential Zoning Districts and zoning districts in which residences are permitted as a principal permitted use, except that such permission shall not supersede any deed restriction, covenant, or agreement restricting the use of the land, nor any master deed, bylaw, or other document applicable to common interest ownership community. The following standards and criteria shall apply to a No Impact Home-Based Business:

- 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 the 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, including, but not limited to, parking, signs or lights.
- E. The business activity shall 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 shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with a residential use in the neighborhood.
- G. The business activity shall not occupy more than twenty-five (25%) of the habitable floor area.
- H. The business shall not involve any illegal activity.

802.27 OUTDOOR WOOD-FIRED BOILER:

An Outdoor Wood-Fired Boiler shall be deemed to be an accessory structure permitted in the A-1 and CR zoning districts. Outdoor Wood-Fired Boiler shall only be located within a rear yard of a property. An Outdoor Wood-Fired Boiler shall comply with the following standards

- A. The property must have a lot area of not less than five (5) acres.
- B. A safe flue or chimney shall be provided which has a minimum termination height of fifteen (15) feet above the natural ground level upon which the outdoor wood-fired boiler is located and be provided with a spark arresting device designed and approved for that purpose.
- C. A fan or blower attached to the appliance to increase the efficiency of the Outdoor Wood-Fired Boiler.

- D. An outdoor wood-fired boiler shall be located not less than three hundred (300) feet from any property line.
- E. The outdoor wood-fired boiler shall have an orange hang tag that signifies that it meets the EPA's standards for Phase 1 air emission levels of 0.60 pounds of fine particulates per million BTU heat input and qualifies for the EPS's voluntary program.
- F. All outdoor wood-fired boilers shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder. In the event of a conflict, the regulations promulgated within this Section shall apply unless the manufacturer's instructions more restrictive, in which case the manufacturer's instructions shall apply.
- G. The owner of the outdoor wood-fired boiler shall produce the manufacturer's instructions for all devices that do not conform to the requirements of this Section.
- H. All outdoor wood-fired boilers may only be utilized for the sole purpose of furnishing heat to a structure or building and/or providing hot water during the time period of October 1 through May 1; and subject to meeting the requirements of this Section.
- I. No homemade outdoor wood-fired boilers will be allowed.
- J. Only natural clean wood may be burned in outdoor wood-fired boiler. Regardless of the manufacturer's instructions an outdoor wood-fired boiler shall not be used to burn any of the following materials:
- Any material that does not meet the definition of clean wood.
 - Furniture
 - Garbage
 - Tires
 - Lawn clippings or yard waste
 - Wet or soggy wood
 - Material containing plastic
 - Material containing rubber
 - Waste petroleum products
 - Paints and paint thinners
 - Chemicals
 - Any hazardous waste
 - Coal
 - Glossy colored paper
 - Construction and demolition debris
 - Plywood
 - Particleboard
 - Salt water driftwood
 - Manure
 - Animal carcasses
 - Asphalt products
- K. All storage of materials to be burnt in the outdoor wood-fired boiler shall be neatly stacked and/or stored under cover and free from insects (termites, ants, etc.) or any type of disease carrying rodents.

- L. Ashes or waste cannot be accumulated in a large area on the property. They may be dispersed on the property as long as no accumulation can be seen (for example: spread in a driveway). Any large accumulation of ashes or waste must be disposed of weekly with the owner's trash.

802.28 OUTDOOR STORAGE (COMMERCIAL)

Outdoor storage, as defined in Article 2, shall be enclosed with a chain link fence eight (8) feet in height. A soil Erosion and Sedimentation Control Plan and Stormwater Drainage Plan shall be required for all areas of impervious surface to be provided for such storage. A complete listing of all types of machinery, material and items to be stored therein shall be attached to the required Zoning Application. No hazardous substance, as so defined in Article 2 of this Ordinance, shall be permitted upon the site. Where such storage areas abut on the side or rear property line of any R District, a solid wall or solid opaque fencing eight (8) feet in height, designed to conceal and screen the storage area from adjoining properties, shall be constructed and maintained in good condition along such boundary. In front of the fence or wall there shall also be a landscaped planting strip at least four (4) feet wide, planted with shrubs or trees which are not less than three (3) feet high at the time of planting and which are of a type that may be expected to form a year-round dense screen at least four (4) feet high within three (3) years

802.29 PLACE OF WORSHIP:

A place of worship shall be subject to the following requirements:

- A. Minimum lot area- 1.5 acres unless a larger lot area is required by the applicable zoning district in which it is located.
- B. A primary or secondary school and/or a child or adult day care center may be approved on the same lot as a place of worship provided the requirements for such uses are also met.
- C. A maximum of one dwelling unit may be permitted on the same lot to house staff employees of the place of worship.
- D. A parking area shall accommodate all parking spaces for each permitted use as required in Article 11 of this Ordinance.
- E. If more than one principal structure is proposed, the subject development shall also require approval as a land development under East Union Township Subdivision and Land Development Ordinance.

802.30 PUBLIC RECREATIONAL FACILITIES - (OUTDOORS)

All such facilities shall conform to the following regulations:

- A. No outdoor recreation activity, excluding trails and nature paths, shall be conducted closer than thirty-five (35) feet to any property line.

- B. Storm drainage from the site shall be channeled to natural drainage courses and away from adjoining properties.

802.31 PUBLIC USES

MUNICIPAL, POLICE AND FIRE BUILDINGS: Where the parking area abuts the side or rear property lines of an adjoining residential use, a fence being not less than six (6) feet in height along with a planting of shrubbery or evergreen trees shall be provided.

802.32 PUBLIC UTILITY BUILDINGS AND STRUCTURES

Public utility facilities as defined in Article 2 shall conform to the following regulations for properties containing such uses:

- A. Access and parking shall be provided only in relationship to the maintenance and servicing of such facilities.
- B. A chain-link fence and locked gate eight (8) feet in height shall surround the building or structures of such facilities.
- C. Outside lighting shall be directed away from adjacent properties.
- D. The location, design and operation of such facilities shall not adversely affect the character of any adjacent residential properties.
- E. A buffer area not less than ten (10) feet in depth and comprised of trees and/or shrubs designed to conceal such buildings or structures of such facilities shall be required.

802.33 RESTAURANTS AND TAVERNS

For those establishments located on a corner lot, no access drive shall be located less than sixty (60) feet from an intersection, as measured from the right-of-way lines, from the intersection of the two abutting streets. Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height. The provision of any outside lighting shall be directed away from adjacent properties.

802.34 RESTAURANT, FAST FOOD

For those establishments located on a corner lot, no access drive shall be located less than sixty (60) feet from an intersection, as measured from the right-of-way lines, from the intersection of the two abutting streets. Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height. The provision of any outside lighting shall be directed away from adjacent properties. All drive-through lanes shall be distinctly marked and shall be separate from circulation lanes. Lanes shall not cross any principal pedestrian access to the building or site. To avoid internal traffic congestion, the site layout shall provide a minimum queuing distance of 150 feet for vehicles between start of lane order to service window and a minimum queuing distance of fifty (50) feet from start of lane to order.

802.35 RIPARIAN BUFFER:

In all Zoning Districts, a minimum setback of one hundred (100) feet from any Natural Watercourse, (as defined in Article 2) shall be required for any form of development and/or improvements

802.36 SCHOOL, PUBLIC OR PRIVATE

A school shall be subject to the following requirements:

- A. Minimum lot area - 2 acres in a residential district. In any other district, the use shall meet the standard minimum lot area requirement for that district.
- B. Excluding points of access, there shall be a buffer area along all side yard and rear yard property lines not less than ten (10) feet in depth that shall be comprised of landscaped planting strip. The buffer area shall be included as part of a required yard setback. The landscaped planting strip shall be maintained in good condition at all times, including the replacement of any shrubs or trees which are damaged, die or otherwise fail to grow.
- C. There shall be a side yard and rear yard setback of not less than 20 feet in a residential district. In any other district, the applicable minimum side yard and rear yard minimum for that district shall apply.
- D. All outside lighting shall be directed away from adjacent properties.

802.37 SINGLE RESIDENTIAL STRUCTURES, CONTAINING
MULTIFAMILY DWELLING UNITS

Such structures shall be connected to and serviced by a Centralized Sewage Disposal System as defined in Article 2 of this Ordinance and shall have a lot area of not less than three thousand (3,000) square feet for each dwelling. A minimum lot width of not less than one hundred (100) feet shall be required. Each side yard shall have a setback of not less than fifteen (15) feet.

802.38 TOWNHOUSES

Townhouses which are not being developed as part of a Planned Residential Development shall be subject to the following provisions and all applicable provisions of the East Union Township Subdivision and Land Development Ordinance:

- A. Townhouses shall be connected to and serviced by a Centralized Sewage Disposal System as defined in Article 2 of this Ordinance.
- B. Minimum lot size for the development of Townhouses shall be Two (2) acres.
- C. Minimum Lot Width shall be two-hundred (200) feet.
- D. Maximum percentage of building coverage on a lot per dwelling unit, exclusive of common or public open areas, shall be forty (40%) percent.

- E. Minimum front yard setback shall be not less than thirty (30) feet.
- F. No side yard setbacks shall be required for attached interior Townhouse units. A minimum side yard setback of not less than fifteen (15) feet shall be required only at the ends of the rows of Townhouses.
- G. Minimum rear yard setback shall be not less than thirty (30) feet.
- H. Maximum building height shall be 2¹/₂ stories or thirty-five (35) feet.
- I. Minimum distance between principal structures shall be not less than thirty (30) feet.
- J. Minimum front yard setback for off-street parking areas shall be not less than ten (10) feet.
- K. Minimum rear yard setbacks for off-street parking areas shall be not less than fifteen (15) feet.
- L. Two (2) off-street parking spaces shall be provided for each dwelling unit.
- M. Unattached accessory structures such as pools, garages, carports and sheds shall be prohibited in the front yard. Unattached accessory structures located in the side or rear yard shall have not less than five (5) feet side and rear yard setbacks. Attached accessory structures shall have the same setbacks as required for principal structures.

802.39 TRUCK TERMINALS

The property shall not be less than three (3) acres in area. No truck parking or terminal operation shall be allowed within one-hundred (100) feet of any lot line. Outside lighting shall be directed away from adjacent properties.

802.40 WAREHOUSE AND DISTRIBUTION FACILITIES

All materials shall be stored within a completely enclosed building and yard areas shall be kept clear of junk, trash or other types of debris. No warehouse activities, including parking and/or loading areas, shall be allowed within (25) feet of any property line.

802.41 WAREHOUSE (SELF STORAGE)

These facilities may be a building or group of buildings in a controlled-access and fenced compound, containing varying sizes of individual compartmentalized and controlled-access stalls or lockers for dead storage of customers' goods and personal property, with storage space available for rental to the general public. All storage shall be contained within a completely enclosed building or buildings. There shall be a minimum spacing of twenty-five (25) feet between buildings for traffic circulation, parking and fire lane purposes. All outside lighting shall be directed away from adjacent properties.

1. Any type of Substance Abuse Treatment Facility as defined in Section 1 of this Ordinance shall require to be licensed by the Pennsylvania Department of Drug and Alcohol Programs.
2. Maximum Number of Beds: The maximum number of beds within any type of substance abuse treatment facility which allows overnight stay of patients shall be based upon the applicable regulations of the Pennsylvania Department of Drug and Alcohol Program, but in no case shall such a facility be designed and/or used to accommodate more than 20 overnight patients.
3. Any type of substance abuse treatment facility shall provide a narrative that fully describes all services to be provided within the facility.
4. Any type of substance abuse treatment facility shall provide a floor plan of the facility showing the use of all areas within the facility with the dimensions and square feet of each room therein and its intended purpose and use.
5. Any type of substance abuse treatment facility shall provide its intended hours of operation.
6. Any type of substance abuse treatment facility shall provide a copy of on-site management plan, or its equivalent, as required by the Pennsylvania Department of Drug and Alcohol Programs, which includes emergency operations and persons responsible for implementation of stated measures and/or operations.
7. Any type of substance abuse treatment facility shall provide the maximum number of employees employed by the facility including those indirectly employed under contracted services.
8. Insurance Coverage – A Substance Abuse Treatment Facility which allows overnight stay of patients shall obtain and maintain the following liability coverage:
 - a. Comprehensive general liability insurance coverage insuring the public against bodily injury or property damage arising out of or resulting from or incidental to the operation or use of the facility.
 - b. At a minimum, the policies shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence and two million five hundred thousand dollars (\$2,500,000.00) per aggregate.
 - c. Coverage shall remain in full force during the entire time that the facility is permitted. Failure to provide such proof shall result in revocation of zoning approval.
9. Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting

shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.

10. Off-street parking shall be provided at a ratio of one (1) vehicle parking space per each employee, including those via contracted services, plus one vehicle parking space for every two (2) beds. Off-street parking shall be subject to all other applicable provisions within the East Union Township Zoning Ordinance governing off-street parking.

802.43 MEDICAL MARIJUANA DISPENSARY

- * A dispensary may only dispense medical marijuana in an indoor, enclosed, secure facility.
- * A dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
- * 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.

802.44 MEDICAL MARIJUANA GROWERS/PROCESSORS FACILITY

A minimum lot size of 1 acre shall be required. The property on which the facility is located shall be surrounded by a fence not less than 8 feet in height and constructed with industry-standard materials. There shall be no odors, fumes smoke, dust or any other noxious pollutants discharge from the facility which exceed Federal and Commonwealth regulations. There shall be no storage of any form of marijuana or its byproducts outside the facility.

802.45 NON-COMMERICAL WINDMILL

A Non-Commercial Windmill shall be deemed to be an accessory structure permitted in all zoning districts subject to compliance with regulations contained within this section.

A. DESIGN AND INSTALLATION

1. Design Safety Certification

The design of a Non-Commercial Windmill shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer's from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

2. All components of a Non-Commercial Windmill shall be designed and constructed to be in compliance with pertinent provisions of the Pennsylvania Uniform Construction Code.

3. Controls and Brakes

A Non-Commercial Windmill shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

4. Rotor Blades

The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.

5. Electrical Components

All components of a Non-Commercial Windmill shall conform to the all applicable requirements of the Pennsylvania Uniform Construction Code and shall conform and be maintained in compliance with all federal, state and local requirements.

The applicant shall demonstrate a Non-Commercial Windmill shall not cause disruption or loss of radio, telephone, television or similar signals, and shall be required to mitigate any harm caused by the operation of the system.

At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, or generator where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.

B. VISUAL APPEARANCE

1. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
2. A Non-Commercial Windmill's tower and blades shall be painted in a non-reflective, light gray or light blue hue, which blends with sky and clouds.
3. A Non-Commercial Windmill shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible, the system:
 - shall not project above the top of ridgelines.
 - shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant

adverse visual impacts on neighboring residential areas.

C. LOT SIZE, SETBACK AND HEIGHT REQUIREMENTS:

1. A Non-Commercial Windmill shall not exceed a maximum height of eighty (80) feet and shall be located on a lot with a minimum size of not less than two (2) acres.
2. Setback requirements. A Non-Commercial Windmill shall not be located closer to a property line than two and a half (2.5) times the wind turbine height as measured from the center point of the base of the tower.
3. The number of Non-Commercial Windmill permissible per lot shall be as follows:

Lot Size	Number
2 acres to 5 acres	1
5+ acres to 10 acres	2
+10 acres	3

D. CLIMB PREVENTION/LOCKS

1. Towers shall be constructed to provide one of the following means of controlled access or other appropriate method of controlled access:
 - Tower-climbing apparatus located no closer than 15 feet from the ground.
 - A locked anti-climb device installed on the tower.
2. A locked, protective fence at least six feet in height shall enclose the tower and electrical equipment to prevent entry by non-authorized persons.

E. NOISE AND SHADOW FLICKER

1. Audible sound from a Non-Commercial Windmill shall not exceed 45 dBA, measured at all points of the site's property line. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.
2. Reasonable efforts shall be made to preclude shadow flicker to any off-site building not owned by the applicant. The applicant shall provide an assessment of potential buildings that could be affected.

F. ABANDONMENT

A Non-Commercial Windmill which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from

the property at the expense of the property owner.

802.46 COMMERCIAL WIND ENERGY FACILITIES

A. APPLICATION AND PLAN REQUIREMENTS

Applications for Commercial Wind Energy Facilities shall at minimum include the following information:

- (1) A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the approximate generating capacity of the facility; the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufactures, and a description of ancillary facilities.
- (2) An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the facility.
- (3) Identification of the properties on which the proposed wind energy facility will be located, and the properties adjacent to the site of the facility.
- (4) A site plan, sealed by a professional land surveyor, at a scale not greater than one (1”) inch one hundred (100’) feet showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substations, electrical cabling from the facility to the substations, ancillary equipment, buildings and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries or all applicable setbacks.
- (5) A survey drawing at an appropriate and legible scale showing the proposed location of the wind energy facility (including access roads) as it relates to the boundaries of the parcel, adjacent ownerships and existing residents, schools, churches, hospitals, libraries, federal, state, county or local parks, and recognized historic or heritage sties within a distance of 2,000 feet or less from any property boundary.
- (6) As applicable, copies of all proposed leases required to be secured by the applicant, shall be provided, if the applicant is not the sole owner of the parcel or parcels on which the wind energy facility is proposed to be constructed. Boundaries of said leases shall be clearly illustrated upon the site plan.
- (7) Documents related to decommissioning, including a schedule for such process and financial security.
- (8) Other relevant studies, reports, certifications and approvals as may be reasonably required by East Union Township to ensure compliance with this Section.

B. DESIGN AND INSTALLATION REGULATIONS.

- (1) Safety Certifications. The design of the facility shall conform to all applicable industry standards, including those of the American National Standards

Institute. The applicant shall submit certifications of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Dot Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

- (2) Uniform Construction Code. To the extent applicable, the wind energy facility shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and the regulations adopted by the Pennsylvania Department of Labor and Industry.
- (3) The owner of a wind energy facility shall have all components of the Facility inspected in compliance with the established standards of the manufacturer, with each inspection not to exceed a twelve (12) month period, for structural and operational integrity by a licensed professional engineer, and shall submit a copy of the inspection report to the Township.
- (4) Standard scaled drawings of proposed wind turbine structures, including maximum height, the tower, base and footings.
- (5) Control and Brakes. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including carryable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- (6) Electrical Components. All electrical components of the wind energy facility shall conform to relevant and applicable local, State and national codes, and relevant and applicable international standards.
- (7) Visual Appearance and Power Lines.
 - (a) Wind energy facilities shall be a non-obtrusive color such as, white, off-white or gray.
 - (b) Wind energy facilities shall not be artificially lightened, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
 - (c) Wind Energy facilities shall be designed and located to minimize adverse visual impacts from neighboring areas to the greatest extent feasible. The applicant shall provide three dimensional graphic information that accurately portrays the visual impact of proposed wind energy from various vantage points selected by the Board of Supervisors. This graphic information shall provide wind energy facilities superimposed, upon selected vantage points The Board of Supervisors shall also require the applicant to conduct a balloon test to confirm the visual impact.
 - (d) Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator.
 - (e) On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.
 - (f) Wind energy facilities shall provide evidence of signed interconnection agreement, or letter of intent, with the interconnecting utility company.

- (8) Warnings. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.
- (9) Climb Protection/Locks. Wind turbines shall not be climbable up to 15 feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced.

LOT SIZE REQUIREMENTS

In order for a tract(s) of land to be eligible for a wind energy facility, it shall have a minimum lot size derived as follows: (6 acres X number of Wind Turbines) + 18 acres = minimum lot size.

MAXIMUM HEIGHT REQUIREMENTS.

The maximum Wind Turbine Height, as so defined in this Ordinance, shall not exceed 400 feet.

SETBACK REQUIREMENTS.

- (1) A Wind Turbine shall be set back from the nearest Occupied Building or Non-Occupied Building on the participating landowner's property a distance not less than 2, or times the Wind Turbine Height. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building or Non-Occupied Building.
- (2) A Wind Turbine shall be set back from the nearest Occupied Building or Non-Occupied Building located on a non-participating Landowner's property a distance of not less than 5 times the Wind Turbine Height, as Measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied or Non-Occupied Building.
- (3) A Wind Turbine shall be set back from the nearest property line a distance of not less than 2, times the Wind Turbine Height. The setback distance shall be measured to the center of the Wind Turbine base.
- (4) A Wind Turbine shall be set back from the nearest public road a distance not less 2 than times the Wind Turbine Height as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.
- (5) A Wind Turbine shall be set back from the above-ground power lines, public telephone lines and television cable lines a distance no less than 2 times the Wind Turbine Height. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on such lines.
- (6) A Wind Turbine shall be set back at least (2,000 feet from Important Bird Areas as identified by Pennsylvania Audubon and at least 2,000, feet from identified wetlands.

F. NUISANCE ISSUES:

- (1) All wind turbines shall be located so that the level of noise produced by wind turbine operation shall not exceed 45 Dba, measured at all points of the site's property line. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 – 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from the Wind Turbine Generation Systems Volume I: First Tier.
- (2) The applicant shall document that the radio, television, telephone or reception of similar signals from nearby properties will not be disturbed or diminished by the installation of any wind turbine.
- (3) No vibration associated with the operation of a wind turbine shall be permitted which is detectable without instruments at or beyond the property line; and no used shall generate any vibration which is capable of causing damage to buildings, structures, equipment alignment, or structural soundness.
- (4) A wind turbine shall not cause shadow flicker on any occupied building on a non-participating landowner's property. The facility owner and operator shall conduct, at the applicant's expense a modeling study demonstrating that shadow flicker shall not occur on any occupied building oR a non-participating property.
- (5) The facility owner and operator shall provide current contact information to the Township which includes at minimum a phone number and identifies a responsible person for the Township or public to contact regarding emergencies, inquires and complaints throughout the life of the project. The applicant shall provide the Board of Supervisors a written plan outlining procedure on how complaints about noise, communications interference and vibration and/or other issues will be addressed. For the life of the project, the current contact information shall be conspicuously posted upon locations throughout the property and upon the bases of all wind turbines.

USE OF PUBLIC ROADS

- (1) The applicant shall identify all local public roads to be used within East Union Township to transport equipment and parts for construction, operation or maintenance of the wind energy facility.
- (2) The applicant shall hire a licensed professional engineer to document the condition of Township roads prior to the start of construction or development activities upon the property. Said documentation shall include photographs and video recordings of all approved travel routes to substantiate the report. The applicant shall ensure that the Township Road Master is present when photographs and video tapes are taken. Copies of the transportation inspection report, photographs, and video tapes shall be submitted to the Township. The applicant's engineer shall document the road conditions again within thirty (30) days from the completion of construction or as weather permits, as determined by the Board of Supervisors. Completion of construction shall be deemed to be the date of which final land development approval is granted by the Board of Supervisors.

- (3) A bond shall be posted by the applicant to compensate the Township for any damage to Township roads in compliance with State regulations.
- (4) The applicant is responsible for all for repairs and remediation of any damaged roads resulting from the installation or subsequent maintenance of a Wind Energy Facility. Such repairs and remediation shall be completed with 30 days from the time of damage unless a greater amount of time is approved by the Board of Supervisors.

LOCAL EMERGENCY SERVICES

The applicant shall provide a copy of the project summary and site plan to local emergency services providers, including paid and volunteer fire departments. At the request of such emergency services providers, the applicant shall cooperate in the development and implementation of an emergency response plan for the wind energy facility.

LIABILITY INSURANCE

A current general liability policy (adjusted to the rate of inflation) covering bodily injury and property damage with limits of at least \$1 million per occurrence and not less than \$3 million in the aggregate shall be maintained by the facility owner or operator. Certificates of insurance shall be provided to the Township as part of the applicant's application.

DECOMMISSIONING

- (1) The facility owner or operator of a commercial wind energy facility and/or the owner or operator of a noncommercial windmill shall, at his expense, complete decommissioning of the wind energy facility, or individual wind turbines, within 12 months after the end of the useful life of the facility or wind turbines. Such facility or wind turbines shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.
- (2) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- (3) Disturbed earth shall be graded and re-seeded, unless the landowner, leasing land for a wind energy facility, request in writing that the access roads or other land surface areas not be restored.
- (4) An independent and certified professional engineer shall be retained to estimate the cost of decommissioning without regard to salvage value of the equipment. Said estimates shall be submitted to East Union Township after the first year of operation and every fifth year thereafter.
- (5) The facility owner or operator of a commercial wind energy facility shall post and maintain decommissioning funds in an amount equal to the identified decommissioning cost. The decommissioning funds shall be posted and maintained with a bonding company of Federal Commonwealth chartered lending institution chosen by the facility posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by East Union Township.

- (6) Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to East Union Township.
- (7) If the facility owner or operator of a commercial wind energy facility fails to complete decommissioning within the periods described by subsections (J) (1) then East Union Township shall take such measures as necessary to complete decommissioning.
- (8) The escrow agent shall release the decommissioning funds when the facility owner or operator of a commercial wind energy facility has demonstrated and the Township concurs that decommissioning had been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

802.47 ACCESSORY SOLAR ENERGY SYSTEM (ASES)

A. PERMITTED AS AN ACCESSORY STRUCTURE

ASES shall be permitted as a use by right as an accessory structure in all zoning districts.

B. COMPLIANCE WITH INDUSTRY STANDARDS

The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code, regulations adopted by the Pennsylvania Department of Labor and Industry, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the permit application.

C. INSTALLERS

ASES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

- (1) Is certified by the North American Board of Certified Energy Practitioners (NABCEP) for PV installation.
- (2) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
- (3) For residential applications, a registered home improvement contractor with the Attorney General's Office.

D. MAINTAIN IN GOOD WORKING ORDER

Upon completion of installation, the ASES shall be maintained in good working order in accordance with manufacturer's standards of and any other codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by East Union Township in accordance with all applicable ordinances.

E. UNDERGROUND REQUIREMENTS

All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.

F. SIGNAGE

The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

G. GLARE

- (1) All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
- (2) The applicant has the burden of proving that any glare produced does not have a significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

H. SOLAR EASEMENTS

If a solar easement, intended to guarantee unobstructed solar access, is desired by the applicant and/or property owner for an ASES, such matter shall be carried out as a civil agreement between or among all applicable parties. East Union Township shall not be a party to any agreement designed to provide a solar easement, nor shall East Union Township be responsible for ensuring the maintenance of any solar easement.

I. DECOMMISSIONING

- (1) Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by the system owner and/or operator, or upon termination of the useful life of same.
- (2) The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
- (3) The ASES owner shall, at the request of East Union Township, provide information concerning the amount of energy generated by the ASES in the last 12 months.

J. ZONING PERMIT REQUIREMENTS

- (1) A Zoning Permit Application shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. The applicant shall be required to secure all applicable building permits required under the PA Uniform Construction Code. All Permits shall be kept on the premises where the ASES is constructed.
- (2) A new Zoning Permit shall be required if an ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
- (3) The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.
- (4) Prior to the issuance of a Zoning Permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself:
 - (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or
 - (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
- (5) Routine maintenance or like kind replacements do not require a permit.

K. ROOF MOUNTED AND WALL MOUNTED ACCESSORY SOLAR ENERGY SYSTEMS

(1) Location

A roof mounted or wall mounted ASES may be located on a principal or accessory building.

(2) Setbacks

(a) Wall mounted ASES shall comply with the setbacks for principal and accessory structures of the underlying zoning districts.

(b) Solar panels shall not extend beyond any portion of the roof edge.

(3) Height

ASES mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within the

underlying zoning district.

(4) Code Compliance

For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the PA Uniform Construction Code and that the roof or wall is capable of holding the load imposed on the structure. Applications for roof mounted ASES shall be accompanied by engineer stamped plans that demonstrate the structural sufficiency of the roof to hold the weight of the ASES.

L. GROUND MOUNTED ACCESSORY SOLAR ENERGY SYSTEMS

(1) Setbacks

(a) The minimum yard setbacks from side and rear property lines shall comply with the required setbacks for a principal structure setback of the underlying zoning district.

(b) Ground mounted ASES are prohibited in front yards, between the principal building and the public street, excluding front yard locations which are located not less than 200 feet from the front property line.

(2) Height

Freestanding ground mounted ASES shall not exceed 20 feet in height above the ground elevation surrounding the systems.

(3) Coverage

(a) The surface area of the arrays of a ground mounted ASES, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located. ASE shall not exceed the maximum lot coverage requirements of the underlying zoning district.

(b) If applicable, the applicant shall submit a Stormwater Management Plan that demonstrates compliance with the East Union Township stormwater management regulations.

(4) Screening

Ground mounted ASES when located less than 50 feet from a property line shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen using two staggered rows of evergreen trees planted in along the nearest side or rear yard boundary of ASES with the spacing distance between trees not less than eight feet or greater than ten (10) feet. Said trees shall be not less than six (6) feet in height at the time of planting. In lieu of a planting screen, a decorative fence meeting requirements of the Zoning Ordinance may be used if along such a boundary.

(5) Safety/Warning Signage

Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.

(6) Location Restrictions

Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

802.48 PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)

A. COMPLIANCE WITH INDUSTRY STANDARDS

The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code, regulations adopted by the Pennsylvania Department of Labor and Industry, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the permit application.

B. INSTALLERS

PSES installers must demonstrate they are listed as a certified installer on the PA Department of the Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

- (1) Is certified by the North American Board of Certified Energy Practitioners (NABCEP). for solar thermal installation.
- (2) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited solar thermal training program or solar collector's manufacturer's training program and successfully installed a minimum of three solar thermal systems.

C. MAINTAIN IN GOOD WORKING ORDER

Upon completion of installation, the PSES shall be maintained in good working order in accordance with manufacturer's standards of and any other codes under which the PSES was constructed. Failure of the owner to maintain the PSES in good working order is grounds for appropriate enforcement actions by East Union Township in accordance with applicable ordinances.

D. UNDERGROUND REQUIREMENTS

All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

E. UTILITY NOTIFICATION

The owner of a PSES shall provide East Union Township with written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.

F. SIGNAGE

No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.

G. GLARE

(1) All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.

(2) The applicant has the burden of proving that any glare produced does not have a significant adverse impact on neighboring or adjacent uses either through siting or mitigation

H. NOISE STUDY

A noise study shall be performed and included in the zoning/building permit application. The noise study shall be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 45dBA, as measured at the property line.

I. TREE AND LANDSCAPING REMOVAL

No trees or other landscaping otherwise required by the Township ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.

J. CONTRACT INFORMATION

The PSES owner and/or operator shall provide current contact information to the Township which includes at minimum a phone number and identifies a responsible person for the Township or public to contact regarding emergencies, inquires and complaints throughout the life of the project. The PSES owner and/or operator shall the Board of Supervisors a written plan outlining procedure on how complaints a will be addressed. For the life of the project, the current contact information shall be conspicuously posted upon locations throughout the property.

K. SOLAR EASEMENTS

Where a subdivision or land development proposes a PSES, solar easements may be provided. If a solar easement, intended to guarantee unobstructed solar access, is desired by the applicant and/or property owner for an ASES, such matter shall be carried out as a civil agreement between or among all applicable parties. East Union Township shall not be a party to any agreement designed to provide a solar easement, nor shall East Union

Township be responsible for ensuring the maintenance of any solar easement. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance.

L. DECOMMISSIONING

- (1) The PSES owner is required to notify [municipality] immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
- (2) The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. The owner shall also restore the land to its original condition, including forestry plantings of the same type/variety and density as the original. If the owner fails to dismantle and/or remove the PSES and restore the land within the established time frames, East Union Township may complete the decommissioning and land restoration at the owner's expense.
- (3) At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to East Union Township to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original.
- (4) Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in titles or, create in the property itself : (a) the right to remain free of shadows and/ or obstructions to solar energy cause by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
- (5) Routine maintenance or like-kind replacements do not require a permit.

N. GROUND MOUNRED PRINCIPAL SOLAR SYSTEMS

- (1) Lot Size
A PSES shall require a lot size of not less than ten (10) acres.
- (2) Setbacks
A PSES shall be setback distance of not less than 100 feet to any property line
- (3) Height
Ground mounted PSES shall not exceed 20 feet in height.
- (4) Lot Coverage

The surface area of the arrays of a ground mounted PSES, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located. The PSES shall not exceed the maximum lot coverage requirements of the underlying zoning district.

- (5) The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the East Union Township stormwater management regulations.
- (6) PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.

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ARTICLE 9

NONCONFORMING LOTS, USES, STRUCTURES AND BUILDINGS

SECTION 901 INTENT

Within the zoning districts established by this Ordinance or subsequent amendments thereto, there may exist or will exist certain nonconforming uses of structures and/or land which if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations, although such uses would be prohibited, regulated or restricted under the terms and provisions of this Ordinance or subsequent amendments thereto.

SECTION 902 NONCONFORMING LOTS OF RECORD

In any zoning district, structures, both principal and accessory, maybe erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions or regulations of this Ordinance, even though such lots fail to meet the requirements for the area and/or width of the zoning district in which such lot is located. The erection of a structure on such a lot shall, however, conform to front, rear and side yard requirements for the zoning district in which such lot is located. Variances from the aforementioned yard requirements may be obtained only through action of the Zoning Hearing Board.

If two (2) or more adjacent lots, with continuous frontage, in single ownership, are lots of record at the effective date of the adoption or amendment of this Ordinance, and if such lots do not meet the required lot area and/or width requirements, such lots shall be considered to be an undivided parcel and no portions of such parcel shall be used or sold in a manner which further diminishes compliance with the required lot area and/or width requirement for the zoning district in which such lots are located.

SECTION 903 CONTINUATION OF NONCONFORMITY

Any lawful nonconforming use and/or nonconforming structure may be continued except as otherwise provided in this Article, but any nonconforming use and/or structure shall not be enlarged, reconstructed, structurally altered or changed except as permitted by provisions of this Article.

SECTION 904 REGISTRATION OF NONCONFORMING USES AND STRUCTURES

The Zoning Officer may prepare and maintain an accurate listing of all nonconforming uses and structures. The Zoning Officer or the property owner may initiate the process of certifying the nonconformity of a given property. The Zoning Officer shall issue a Certificate of Nonconformity where he finds the use or structure, although not in compliance with all applicable requirements of the zoning district in which it is located, to be a lawful nonconforming use or structure.

SECTION 905 CHANGES OF NONCONFORMING USES

The Zoning Hearing Board may grant a special exception to allow one (1) nonconforming use to be changed to another nonconforming use, if the Board finds that all of the following provisions will be met:

- A. No structural alterations are made.
- B. The proposed change shall be less objectionable in external effects than that of the previous or existing nonconforming use, and shall be more consistent with its physical surrounding.
- C. There shall be no increase in traffic generation or congestion, including both vehicular and pedestrian traffic.
- D. There shall be no increase in the danger of fire or explosion.
- E. There shall be no increase in noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration, lighting or electrical disturbances.
- F. There shall be no increased threat to health by any reason, including that of rodent, vermin or otherwise.

SECTION 906 ENLARGEMENT OF NONCONFORMING USES AND STRUCTURES

The Zoning Hearing Board may grant a special exception for the enlargement of a nonconforming use and/or structure, if the Board finds the following standards will be met:

- A. The enlargement will not replace a conforming use.
- B. The nonconforming structure and/or use, after enlargement, shall comply with the yard and lot coverage requirements applicable to the zoning district in which it is located.
- C. The use and/or structure, after enlargement, shall comply with all applicable off-street parking and/or loading requirements for said use and/or structure.
- D. Not more than one (1) enlargement of a nonconforming use and/or structure shall be permitted.
- E. A nonconforming structure and/or use shall not be enlarged beyond the limits of the zoning lot on which it is located. Expansion to an adjoining lot shall be prohibited, even if such adjoining lot was in the same ownership at the effective date of the adoption of this Ordinance.

- F. The enlargement shall not exceed twenty-five (25%) percent of the gross floor area or land area as it existed at the time the structure or use first became nonconforming.

SECTION 907 RESTORATION OF USE

A nonconforming use and/or structure which has been damaged or destroyed by fire, explosion, windstorm, flood or other similar act or cause to the extent of more than sixty (60%) percent of its reproduction value at the time of the damage shall not be restored except in conformity with the regulations of the zoning district in which it is located.

When damage is less than sixty (60%) percent of its reproduction value, a nonconforming building or other structure may be repaired or reconstructed and used as before the time of the damage, provided such repairs or reconstruction are completed within one (1) year of the date of such damage.

A conforming residential use, which is constructed on a lot that is nonconforming with respect to lot area, lot width, and/or yard areas, may be reconstructed on the same lot subject to receiving approval from the Zoning Hearing Board for any necessary variances.

SECTION 908 TERMINATION OF NONCONFORMING USE AND/OR STRUCTURE

908.1 NONCONFORMING USE AND/OR STRUCTURE

A nonconforming use and/or structure shall not be reconstructed when damaged to an extent greater than sixty (60%) percent of its reproduction value at the time of the damage and said nonconforming use and/or structure shall be deemed terminated.

908.2 CHANGE OF NONCONFORMING USE

Where a nonconforming use is changed into a conforming use, a nonconforming use shall not thereafter be resumed. A change of one (1) nonconforming use, without approval by the Zoning Hearing Board, shall be considered an abandonment of the prior nonconforming use, which shall not thereafter be resumed.

908.3 ABANDONMENT OF NONCONFORMING USE

The right to a nonconforming use shall be terminated and a nonconforming use shall not be resumed if a nonconforming use is abandoned. A nonconforming use shall be deemed abandoned, if it is changed as set forth in Section 908.2 of this Ordinance or if it is discontinued for a continuous period of one (1) year and the owner of said property fails to obtain a Certificate of Intention in accordance with Section 909 of this Ordinance which indicates his or her intent to resume the nonconforming use.

908.4 NONCONFORMING MOBILE HOMES

The removal of a mobile home as a nonconforming use upon a property with the intent to replace it with another mobile home may be permitted in accordance with the following standards:

1. The property owner shall provide the Zoning Officer with written notice of his intent to replace the structure and the date on which the current mobile home will be removed from the lot.
2. The placement of the new mobile home upon the lot shall be in conformance with all applicable setback requirements and area requirements for zoning district in which it is located.
3. A new mobile home shall be located upon the lot and connected with all utilities, including sewage, and ready for occupancy within one hundred and eighty (180) days from the date on previous mobile home was removed.

The removal of a mobile home as a conforming use upon a property with the intent to replace it with another mobile home shall be in conformance with all applicable setback requirements and area requirements for zoning district in which it is located.

908.5 UNSAFE STRUCTURES

If a nonconforming structure, containing a nonconforming use, becomes physically unsafe due to lack of maintenance or repairs and has been legally condemned, it shall not thereafter be restored, repaired or rebuilt except in conformity with uses permitted within the zoning district in which such structure is located.

SECTION 909 CERTIFICATE OF INTENTION FOR A NONCONFORMING USE

A Certificate of Intention shall be required in any instance when a nonconforming use of a structure, building and/or land is to be discontinued for a period of more than one (1) year and the owner of the nonconforming use wishes to maintain a legal nonconforming status. A Certificate of Intention form shall be completed by the owner of the discontinued nonconforming use. Said completed Certificate of Intention form shall be submitted to and approved by the Zoning Officer. The applicant shall indicate in writing the reason or basis for the discontinuation of the nonconforming use and the anticipated date on which the nonconforming use will resume.

A Certificate of Intention, as issued and approved by the Zoning Officer, shall be valid for a period of one year from the date of issuance. A Certificate of Intention may be renewed annually by the owner of the nonconforming use. Failure to renew a Certificate

ofIntention shall constitute a deemed abandonment of the use and forfeiture of the legal nonconforming use status of the property.

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ARTICLE 10
OFF-STREET PARKING AND LOADING

SECTION 1001 PURPOSE

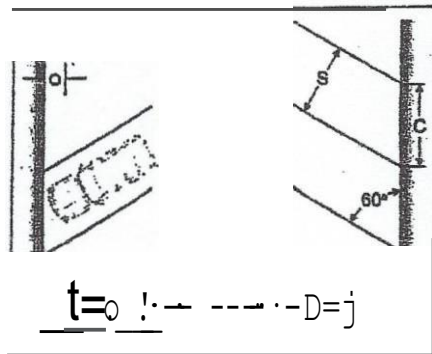
Off-street parking, loading and unloading facilities shall be provided to lessen traffic congestion in the streets. The facilities required by these provisions shall be available throughout the hours of operation for the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes covered garage or carport or uncovered parking lot space located off the public right-of-way.

SECTION 1002 SIZE OF OFF-STREET PARKING SPACES

Each off-street parking space shall have an area of not less than one hundred and sixty two (162) square feet, being nine (9) feet in width and eighteen (18) feet in length.

SECTION 1003 DIMENSIONS AND DESIGN

The dimension and design of off-street parking areas, including on-grade parking lots and parking garages, shall comply with the following standards:



Parking Stall and Access Isle Geometry.

Parking Stall Dimensions

stall Angle (degrees)	S Stall Width (ft.)	C Stall Length (ft.)	O Stall Depth (ft.)	O Front Over-hang (ft.)	A* Aisle Width (ft.)	W Module Width (ft.)
90	9	9.5	18	3	24	60
60	9.5	11.0	20.5	2.6	16-	57-
45	9.5	13.4	19.5	2.1	14-	53-

The minimum width for aisles providing access to stalls with two-way traffic shall be twenty-four (24) feet.

SECTION 1004 SIZE OF OFF-STREET LOADING SPACES

Each off-street loading space shall be not less than fifty (50) feet in depth, twelve (12) feet in width and provide an overhead clearance of not less than fourteen (14) feet. All loading areas shall be designed, constructed and used so that all vehicular maneuvering is

contained within the lot and no vehicle shall be permitted to back into or out of the public right-of-way.

SECTION 1005 ACCESS TO OFF-STREET PARKING OR LOADING AREAS

There shall be adequate ingress or egress to all parking spaces. There shall be provided an access drive leading to off-street parking and/or loading areas. Such access drive shall not be less than ten (10) feet in width for residential uses and not less than twenty (20) feet, or greater than thirty (30) feet for any nonresidential use. Access drives to such off-street parking and/or loading areas shall be limited to well defined locations, not to exceed two (2) along each front, side or rear lot lines. For corner properties, all access drives shall be not less than thirty-five (35) feet from the intersection of streets, as measured along the right-of-way lines, unless a greater distance is required for a specific use as contained within Article 8, Supplemental Regulations.

SECTION 1006 LOCATION OF OFF-STREET PARKING AREAS

The required off-street parking spaces for any type of use shall be located on the same lot as the principal use to which it is accessory. The required off-street parking may be permitted on another lot subject to the following requirements:

- A. The lot to be used for off-street parking and the lot on which the principal use is located shall be in the same zoning district.
- B. The lot to be used for off-street parking and the lot on which the principal use is located shall be held under the same ownership.
- C. The lot to be used for off-street parking shall be not less than four hundred (400) feet to any lot line on which the principal structure is located.

SECTION 1007 DRAINAGE AND SURFACING OF OFF-STREET PARKING AREAS

Any off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a pavement structure of bituminous asphalt, or concrete. Excluding points of ingress or regress the parking area shall be curbed. The design, location and material for any proposed catch basins shall be referred to the Township Engineer for review and approval. A determination of the need for the installation of catch basins shall be based upon the review recommendation of the Township Engineer.

SECTION 1008 SCREENING AND LANDSCAPING

A. SIDEYARDS AND REAR YARDS

The side and rear yards areas of properties that contain off-street parking for ten (10) or more vehicles and/or any off-street loading areas, shall be screened along such borders as provided herein:

- 1. A planting strip not less than five (5) feet in depth, containing ornamental grass, shrubbery, plants and/or a similar vegetative cover that are a minimum of three (3) feet in height at the time of planting.

2. Such borders shall also be screened by a solid opaque fence, six (6) feet in height, or in lieu of a fence, an evergreen hedge not less than five (5) feet in height at the time of planting with a spacing distance of not greater than four (4) feet between each planting.

B. FRONT YARDS

The front yards areas of properties that contain off-street parking for ten (10) or more vehicles and/or any off-street loading areas, shall be screened along such borders as provided herein:

1. A planting strip not less than ten (10) feet in depth shall be provided between the parking areas and the abutting street right-of-way except for the location of access drives to the property. Said planting strip shall contain ornamental grass, shrubbery, plants or a similar vegetative cover.
2. Said planting strip shall also contain one (1) shade tree for each forty (40) linear feet of planting strip. Said trees shall be not less than eight (8) feet in height at the time of planting.

C. INTERIOR LANDSCAPING

Off-street parking areas that contain twenty (20) or more parking spaces, in addition to the compliance with regulations contained under items A and B of this Section, shall provide interior landscaping to said parking area. Said landscaping shall be not less than five (5%) percent of the total area that is paved and utilized for parking and or loading. Interior landscaped areas shall contain ornamental grass, shrubbery, plants or a similar vegetative cover and a minimum of one (1) shade tree not less than eight (8') feet in height at the time of planting.

SECTION 1009 LIGHTING

Any lighting used to illuminate off-street parking or loading areas shall be arranged to reflect the light away from adjoining properties and the public right-of-way. A

SECTION 1010 DRIVEWAYS

- A. Residential: All driveways shall have a minimum setback distance of ten (10) feet to any sideyard or rear yard property line. Townhouses, with exception of end units, shall be excluded from this provision.
- B. Nonresidential Uses: All driveways shall have a minimum setback distance of fifteen (15) feet to any sideyard or rear yard property line.

SECTION 1011 PARKING IN YARD AREAS

Required parking for residential properties shall be permitted within the required front, rear and/or side yard setbacks, provided that the minimum setback distance to any area used for

off-street parking is not less than ten (10) feet to the nearest point of a side yard or rear yard property line and not less than fifteen (15) feet from the front yard property line.

Any off-street parking areas for a nonresidential use, when abutting a residential zoning district or a residential property shall be setback a minimum of fifteen (15) feet from the rear yard and any side yard property line.

SECTION 1012 EXISTING STRUCTURES AND USES

Structures and uses in existence at the date of adoption of this Ordinance shall not be subject to the off-street parking or off-street loading requirements, so long as a structure or use is not changed, altered or expanded. Existing off-street parking or off-street loading facilities provided prior to the adoption of this Ordinance shall not be reduced below the minimum required in this Ordinance.

SECTION 1013 CHANGES OF STRUCTURES OR USES

Whenever the existing use of a building, structure or land is proposed to be changed to a new use, off-street parking and/or off-street loading facilities shall be provided as required for such new use. However, if said building or structure was erected or the use of the land established prior to the effective date of this Ordinance, additional off-street parking or off-street loading facilities shall be mandatory only in the amount by which the requirements for the new use would exceed those for the existing use.

SECTION 1014 FRACTIONAL SPACE

When required parking computation results in fractions, any fraction less than one-half ($1/2$) shall be disregarded and any fraction equal to or greater than one-half ($1/2$) shall be construed to require a full space.

SECTION 1015 MULTIPLE ACTIVITIES OR USES

In any instance where a nonresidential structure, building or use of land contains more than one (1) defined use, the required parking for each specific use shall be provided.

SECTION 1016 OFF-STREET PARKING REQUIREMENTS

Any structure, building or use of land hereafter erected, converted, enlarged or placed into use shall comply with the minimum off-street parking spaces as provided herein:

1. Residential Structure: Two (2) spaces for each dwelling unit.
2. Boarding House or Rooming House: Two (2) spaces for each guestroom.
3. Personal Care Facility: Two (2) spaces for each person residing therein based upon the maximum number persons permitted under its State license.
4. Churches and Similar Places of Worship: One (1) space for every four (4) seats in the main assembly room or one (1) space for each twelve (12) feet of bench length.

5. Places of Public or Private Assembly, including Auditoriums or Meeting Halls: One (1) space for every four (4) seats or one (1) space for each fifty (50) square feet of floor area when there is no fixed seating.
6. Schools, Elementary and Secondary: One (1) space for each staff member, plus one (1) space for every twenty (20) classroom seats.
7. Day Care Facility: One (1) space for each employee, plus one (1) space for every five (5) persons, based upon the maximum number of persons which the facility is licensed to serve.
8. Medical or Dental Offices or Clinics: Six (6) spaces for every doctor, dentist, chiropractor or other licensed medical practitioner, plus one for each staff member.
9. Methadone Treatment Facility: Twelve (12) spaces for every doctor, licensed medical practitioner, and/or counselor; employed at the facility, plus one (1) additional space for every one hundred (100) square feet of gross floor area.
10. Clubs/Lodges (Private) One (1) space for every one hundred (100) square feet of gross floor area.
11. Public Uses: One (1) space for every two hundred (200) square feet of gross floor area, excluding storage area for vehicles and/or equipment.
12. Public Utility Facilities: Two spaces per facility; if the facility includes maintenance and/or storage yards then the required number of spaces shall be one (1) space for each employee assigned to work at such facility.
13. Outdoor Recreational Facilities: In cases where such facilities include spectator seating, there shall be one (1) space for every four (4) seats; facilities which do not provide any spectator seating shall provide one (1) space for every two thousand (2,000) square feet in the recreational site, plus an additional ten (10) spaces, if there is a swimming pool and an additional two (2) spaces if there is playground equipment.
14. Retail Businesses: One (1) space for every two hundred (200) square feet of gross floor area.
15. Restaurants and Taverns: One (1) space for every two and one half (2¹/₂) seats, plus two (2) spaces for every three (3) employees based upon the maximum working shift.
16. Fast Food Restaurants: One (1) space for every eighty (80) square of service or dining area. A fast food restaurant with a drive-in window shall, in addition to the above requirements, provide stacking spaces for the drive-through window services in conformance with Section 802.29 of this Ordinance.

17. Personal Services: As defined in Article 2 of this Ordinance, such establishments shall provide one (1) space for every three hundred (300) square feet of gross floor area.
18. Animal Hospital: Five (5) spaces for every veterinarian.
19. Animal Kennel: One (1) space for each kennel and three (3) additional spaces for staff.
20. Group Residence: One (1) space for each two employees based upon the maximum working shift and one (1) space for each two residents who are eligible to operate a vehicle.
21. Offices: One (1) space for every two hundred (200) square feet of gross floor area.
22. Funeral Homes: Twenty (20) spaces for each viewing parlor.
23. Self-Storage Warehouse: One (1) space for every ten (10) stalls or lockers available for rental, plus one (1) for each employee on the maximum working shift.
24. Gasoline Service Stations: Two (2) exterior spaces for each service bay, one (1) space for each pump, plus one (1) space for every two hundred (200) square feet of gross floor area which is used for the sale of retail goods, including food and/or beverages.
25. Automotive Sales: One (1) exterior space for every six hundred (600) square feet of gross interior floor space plus one (1) additional space per each 5,000 square feet of open sales or display area.
26. Automotive Repairs: One (1) exterior space for every two hundred (200) square feet of gross interior floor area.
27. Equipment Sales and Repairs: One (1) exterior space for every two hundred (200) square feet of gross floor space.
28. Entertainment Facilities: Such facilities as defined in Article 2 of this Ordinance, shall require one (1) space for every two hundred (200) square feet of gross floor area.
29. Motels and Hotels: One (1) space for each unit for guest accommodations plus one (1) space for each two (2) employees on the maximum working shift. Any such facility which also serves food and/or beverages shall also comply with the parking requirements of a restaurant or tavern.
30. Hospitals/Nursing Homes: One (1) space for every three (3) beds, based upon the maximum number of beds permitted under its State license, plus one (1) space each employee on the maximum working shift.

31. Industrial, Manufacturing, Wholesale and Warehouse Establishments and/or Facilities: One (1) space for every five hundred (500) square feet of gross floor area; plus one (1) space for each employee on the maximum working shift; in any case, however, the total parking area shall be not less than twenty-five (25%) percent of the total gross square feet of the building.
32. Sexually Oriented Businesses
- a. Adult Bookstore: One (1) space for every one hundred (100) square feet of gross floor area, plus two additional (2) spaces for every three (3) employees based upon the maximum working shift.
- b. Adult Entertainment: One (1) space for every one hundred (100) square feet of gross floor area, plus:
- one (1) additional space for every two (2) seats and/or, one (1) space for each fifty (50) square feet of floor area when there is no fixed seating.
 - two (2) additional spaces for every three (3) employees based upon the maximum working shift.
- c. Massage Parlor: One (1) space for every one hundred (100) square feet of gross floor area, plus two (2) additional spaces for every three (3) employees based upon the maximum working shift.

SECTION 1017 PARKING FOR OTHER COMMERCIAL USES

Any commercial use or nonresidential use of a structure, building or land, not specifically listed within Section 1016 of this Ordinance shall provide one (1) off-street parking space for every two hundred (200) square feet of gross floor area or lot area.

SECTION 1018 OFF-STREET LOADING REQUIREMENTS

All commercial and industrial establishments shall provide off-street loading, unloading and commercial vehicle storage space adequate for their needs. In no case shall a public right-of-way be used for the loading, unloading or storage of such vehicles.

SECTION 1019 PROVISION OF HANDICAPPED PARKING SPACES

Any business, individual or corporation that owns, leases or operates a facility which includes the provision of public accommodations and/or commercial facilities shall be governed by the provision of this section. A commercial facility shall include any business whose operations are open to the general public. A facility which provides public accommodations shall include, but may not be limited to the following:

- places of lodging
- establishments serving food or drink
- places of exhibition or entertainment
- places of public gathering

- sales or rental establishments
- service establishments, stations used for specified public transportation.
- places of public display or collection
- places of recreation
- places of education
- social service center establishments, and places of exercise or recreation.

SECTION 1020 DESIGN FEATURES FOR HANDICAPPED PARKING SPACES

The following provisions shall apply for required handicapped parking spaces:

1. An area not less than five (5) feet in width shall be provided between each handicapped parking space. Said area shall be marked and/or designed to prevent parking therein.
2. An area not less than eight (8) feet in width shall be provided between each van accessible parking space. Said area shall be marked and/or designed to prevent parking therein.
3. Vehicular access to handicapped parking areas shall have a minimum vertical clearance of not less than nine and one half (9¹/₂) feet.
4. An off-street parking area shall be designed to provide convenient, accessible routes from the handicapped parking areas to an accessible building entrance and to public streets and sidewalks which adjoin the off-street parking area.

Handicapped accessible spaces, serving a particular facility, shall be located on the shortest accessible route of travel from the parking area to an accessible entrance.

SECTION 1021 SIGNAGE FOR HANDICAPPED PARKING

Handicapped accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Parking spaces designed for vans shall have an additional sign reading "Van-Accessible" mounted below the accessibility sign. Such signs shall be located in a manner so a vehicle cannot obscure them.

SECTION 1022 MINIMUM NUMBER OF HANDICAPPED ACCESSIBLE SPACES

When parking spaces are provided for self-parking by employees or visitors, or both, within the total number of off-street parking spaces required under Section 1015 and/or Section 1016 of this Ordinance, the following table shall be used to determine the required number of handicapped accessible spaces.

<u>TOTAL NUMBER OF SPACES</u>	<u>REQUIRED NUMBER OF ACCESSIBLE SPACES</u>
1 TO 25	1
26 TO 50	2
51 TO 75	3
76 TO 100	4

TOTAL NUMBER OF SPACES

REQUIRED NUMBER OF ACCESSIBLE SPACES

101 TO 150

5

151 TO 200

6

201 TO 300

7

301 TO 400

8

401 TO 500

9

501 TO 1000

2 PERCENT OF TOTAL

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**ARTICLE 11
SIGN REGULATIONS**

SECTION 1101 SIGNS

1101.1 TYPE AND USE OF SIGNS

All signs shall be classified according to type and use as provided herein:

- A. **IDENTIFICATION SIGN**: A sign which communicates the name and/or address of an occupant or a permitted home occupation upon the zoning lot on which the sign is located.
- B. **BUSINESS SIGN**: A sign which communicates information concerning a business, profession, commodity, service, entertainment or development which is sold, offered, prepared, manufactured or conducted upon the zoning lot where the sign is located.
- C. **BILLBOARD OR OFF PREMISE ADVERTISING SIGN**: A sign which communicates information concerning a subject, business, profession, activity, commodity, service, entertainment or development not related to, sold, offered, prepared or manufactured on the zoning lot where the sign is located.
- D. **REAL ESTATE SIGN**: A temporary sign, having an area not greater than eight (8) square feet in area which advertises the sale, rental or development of the premises upon which the sign is located.
- E. **SUBDIVISION/DEVELOPMENT ADVERTISING SIGN**: A temporary real estate sign, not greater than sixty (60) square feet in area, which advertises the sale of property within an approved subdivision or planned residential development.
- F. **INSTITUTIONAL SIGN**: A sign which identifies a use pertaining to a school, church, hospital or other institution of a similar public or semipublic nature.
- G. **ON-SITE DIRECTIONAL AND/OR INFORMATIONAL SIGN**: A sign commonly associated with, and limited to, information and directions necessary for visitors entering or exiting a property, including signs marking entrance and exits, parking areas, circulation direction, restrooms and pick-up and delivery areas. Such signs shall contain no advertising material.
- H. **SUBDIVISION/DEVELOPMENT IDENTIFICATION SIGN**: A sign that displays the name of a subdivision and/or development at an entrance to the site upon which the subdivision or development is located.
- I. **EVENT SIGNS**: A temporary sign advertising private not-for-profit events and fund-raisers such as picnics, bazaars, gaming events, arts and crafts shows, and similar types of fundraising activities.

- J. POLITICAL SIGNS: A temporary sign advertising the name of a candidate, a political event and/or a public issue which relates to a political cause and/or policy.

SECTION 1102 CONSTRUCTION TYPES

All signs shall be classified according to construction types as provided herein:

- A. FREESTANDING SIGN: A sign not attached or applied to a principal building but supported by another structure, including structures designed for the sign itself and accessory structures.
- B. WALL SIGN: A sign attached, painted or affixed to the wall of a principal structure or accessory structure, not projecting over any public right-of-way and not extending more than two (2) feet from the building or structure.
- C. PROJECTING SIGN: A sign which projects outward or extends more than two (2) feet from the building or structure.
- D. ELECTRONIC MESSAGE BOARD SIGN: A sign related to a business or institutional use whose alphabetic, pictographic or symbolic informational content may be changed or altered on a fixed display screen composed of electrically illuminated segments.

SECTION 1103 PERMITTED SIGNS BY ZONING DISTRICT

The establishment, erection or reconstruction of any sign shall be in accordance with the regulations as set forth herein:

- A. IDENTIFICATION SIGN: Such signs shall be permitted in all zoning districts.
- B. BUSINESS SIGNS: Such signs shall be permitted in the C-1, C-2, CR, A-1 and I-1 Zoning Districts.
- C. REAL ESTATE SIGNS: Such signs shall be permitted in all zoning districts.
- D. SUBDIVISION/DEVELOPMENT ADVERTISING SIGNS: Such signs shall be permitted in all zoning districts.
- E. INSTITUTIONAL SIGNS: Such signs shall be permitted in all zoning districts.
- F. ON-SITE DIRECTIONAL AND/OR INFORMATIONAL SIGN: Such signs shall be permitted in all zoning districts.
- G. BILLBOARD SIGNS: Such signs shall be permitted in an I-1 zoning district.
- H. SUBDIVISION/DEVELOPMENT IDENTIFICATION SIGNS: Such signs shall be permitted in all zoning districts.

- I. POLITICAL SIGNS: Such signs shall be permitted in all zoning districts.
- J. EVENT SIGNS: Such signs shall be permitted in all zoning districts.

SECTION 1104 AREA, HEIGHT AND SETBACK REQUIREMENTS

The establishment, erection or reconstruction of permitted signs shall be governed by the following regulations:

- A. IDENTIFICATION SIGN: An identification sign shall not exceed six (6) square feet in area. Such a sign shall be setback not less than ten (10) feet from any property line. The maximum height of an identification sign, if free standing, shall not exceed eight (8) feet in height, or if attached to a building shall not be higher than the first story of the building to which it is attached.
- B. BUSINESS SIGN: A business sign shall not exceed the square feet of area for the following Zoning Districts:

- A-1 District - Sixteen (16) square feet
- CR District - Sixteen (16) square feet
- C-1 District - Thirty-Two (32) square feet
- C-2 District - Sixty-Four (64) square feet
- I-1 District - One Hundred (100) square feet

In a shopping center or an integrated grouping of commercial or industrial uses which is classified as a "Land Development", in addition to permitting each individual business establishment to display a business sign, one (1) sign shall be permitted on the lot, that indicates the name of the shopping center and/or the names of the business establishments located therein. Only one (1) such sign shall be permitted on the lot and such sign shall not exceed three hundred (300) square feet in area.

A business sign shall have a minimum front yard setback of not less than twenty-five (25%) percent of the required setback for a principal structure in the zoning district in which the sign is located. If an existing building has a front yard setback which is less than ten (10) feet, the sign shall be attached flat against the building as a wall sign.

The maximum height of any business sign shall not exceed twelve (12) feet.

- C. REAL ESTATE SIGN: A temporary real estate sign shall not exceed eight (8) square feet in area and shall be located on the same lot on which the property is offered for sale or rental. The sign shall be setback not less than ten (10) feet from any property line and shall be removed from the premises within thirty (30) days after the sale or rental of the property.
- D. SUBDIVISION/DEVELOPMENT ADVERTISING SIGN: A subdivision/development advertising sign shall be considered a temporary real estate sign and shall not exceed

thirty-two (32) square feet in area. The sign shall be located on the same property on which lots and/or homes in the subdivision are offered for sale. Not more than one (1) sign shall be erected in any subdivision, and such signs shall be setback not less than thirty-five (35) feet from any property line. The sign shall be removed from the premises within thirty (30) days after the last lot and/or home is sold.

E. INSTITUTIONAL SIGN: An institutional sign for public and semipublic facilities, such as schools, churches, hospitals, libraries, colleges or other institutions of a similar nature shall not exceed thirty-two (32) square feet in area. The maximum height of such signs shall not exceed twelve (12) feet. An institutional sign shall have a setback of not less than ten (10) feet from any property line.

F. ON-SITE DIRECTIONAL AND/OR INFORMATIONAL SIGN: An on-site directional and/or informational sign shall not exceed six (6) square feet in area. A front, rear or side yard setback of not less than five (5) feet shall be required for such signs. The maximum height of such signs shall not exceed six (6) feet.

G. BILLBOARD SIGN OR OFF PREMISE ADVERTISING SIGN: The following regulations shall apply to any billboard and/or off-premise advertising sign. The advertising surface area of any panel shall not exceed 300 square feet and not more than one (1) double-faced panel shall be permitted on the same structure or standard.

- Such a sign shall not be located within 200 feet of any residential structure or residential zoning district.
- There shall be a minimum spacing distance of 1,000 feet between all such signs.
- Such signs shall be setback not less than two-hundred (200) feet from the center line of any public right-of-way for vehicular traffic
- Such signs shall not be attached to a building nor shall such signs be permitted to project above the maximum height limitation for the zoning district in which it is located.

H. SUBDIVISION/DEVELOPMENT IDENTIFICATION SIGN: A subdivision/development identification sign shall not exceed ten (10) square feet in area **and** . Not more than one (1) sign shall be erected at any entrance point to the subdivision/development. Such signs shall be setback not less than ten (10) feet any property line. The maximum height of such signs shall not exceed ten (10) feet.

I. EVENT SIGN: An event sign shall not exceed six (6) square feet in area. Such signs shall not be attached to any tree, utility pole or structure or any other location within a public right-of-way. Such signs shall not be posted more than forty-five (45) days in advance of the scheduled event and shall be removed within fifteen (15) days following the event. An event sign shall have a setback of not less than

five (5') feet from any property line. The maximum height of such signs shall not exceed six (6) feet.

- J. **POLITICAL SIGNS.** A political sign shall not exceed six (6) square feet in area, having dimensions of 2 x 3 feet. Such signs shall not be attached to any tree, utility pole or structure and/or any other location within a public right-of-way. Such signs shall not be posted more than forty-five (45) days in advance of the scheduled election date and shall be removed within fifteen (15) days following the election. A political sign shall have a setback of not less than five (5) feet from any property line. The maximum height of such signs shall not exceed six (6) feet.
- K. **NUMBER OF SIGNS:** Excluding on-site directional and/or informational signs and temporary signs, not more than two (2) signs shall be permitted on any property located in any zoning district. In the case of a property located upon a corner lot, a total of three (3) signs may be permitted.

SECTION 1105 SIGNS RELATED TO NONCONFORMING USES

An existing sign related to a legally established nonconforming use shall be considered a nonconforming sign that may be continued at its present dimensions and location, but shall not be enlarged. Where a nonconforming use is lawfully changed to another nonconforming use, a new sign shall be permitted being the same type and size as the previous sign. The new sign shall be erected on the property at the same location as the previous sign. The sign may be erected at a different location provided it meets all applicable regulations within Article 5 and for the zoning district in which it is located.

SECTION 1106 AREA COMPUTATION OF SIGNS

The area of a sign shall be construed to include all lettering, wording and accompanying design and symbols, together with the background including border and trim, whether open or enclosed on which they are displayed, but not including any supporting framework and bracing that are incidental to the display itself. Computation of the area for particular signs shall be in accordance with the following regulations:

- A. **WALL SIGN:** For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying design or symbols together with any backing associated with the sign.
- B. **SEPARATE SYMBOLS:** Where the sign consists of individual letters or symbols attached to or painted on a surface; building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape that encompasses all of the letters and symbols.
- C. **DOUBLE-FACE SIGN:** With the exception of a billboard, when computing the area of a double-face sign, only one (1) sign shall be considered, provided both faces are identical.

- D. CYLINDRICAL SIGN: The area of a cylindrical sign shall be computed by multiplying one-half ($1/2$) of the circumference by the height of the sign.

SECTION 1107 ILLUMINATED SIGNS

Signs may be illuminated by direct lighting, provided such lighting is shielded so no direct light will shine on abutting properties or the normal line of vision of the public using the streets.

SECTION 1108 MISCELLANEOUS SIGN PROVISIONS

1108.1 CONSTRUCTION SITES

Non-illuminated temporary signs not greater than twenty (20) square feet related to a developer, contractor or subcontractor working at a construction site may be permitted upon the property provided they shall be removed within seven (7) days after completion of the construction work and not more than one (1) sign shall be placed on each street frontage of the construction site. Such signs shall not be permitted within any public right-of-way.

1108.2 VEHICLES OR STRUCTURES

Any vehicle or structure to which a sign is affixed which communicates information concerning a subject, business, profession, activity, commodity, service, entertainment or development not related to, sold, offered, prepared or manufactured on the zoning lot where the sign is located shall be considered a Billboard Sign or Off Premise Advertising Sign.

1108.3 FARM PRODUCTS

Signs advertising the sale of farm products grown on premises are permitted, provided (1) the size of any such sign is not in excess of eight (8) square feet, (2) not more than two signs are used, and (3) the signs shall only be displayed when such products are on sale. Such signs shall not be permitted within any public right-of-way.

SECTION 1109 VERTICAL CLEARANCE

A freestanding sign and a projecting sign shall have a vertical distance of not less than nine (9) feet as measured from the lowest edge or point of the sign to the highest ground elevation located beneath the sign.

SECTION 1110 PROHIBITED SIGNS

The following types of signs shall not be permitted in any zoning district:

- A. Signs that are located in such a position which endangers vehicular and/or pedestrian traffic by obscuring the site distance.

- B. Signs which by design and/or location may be confused with traffic signs or signals.
- C. Any sign located in or extending into a public right-of-way, including sidewalk areas, except an official street sign or traffic control sign.
- D. Any freestanding or projecting sign within an area bounded by the intersection of two (2) public or private streets, for a distance of twenty (20) feet along the centerline of the right-of-way of such streets from the point of their intersection.
- E. Signs which due to their construction and/or location would constitute a hazard or a potential danger to the community.
- F. Signs placed, inscribed or supported upon the roof or upon any structure which extends above the eaves of the roof of any building.
- G. Signs on mobile stands which can be moved from place to place.
- H. Signs which emit smoke, visible vapors or particles, sound, or odor.

SECTION 1111 PERMITS REQUIRED

A zoning permit shall be required for the erection, alteration or relocation of any sign, excluding a temporary sign, which exceeds eight (8) square feet in surface area. Real estate signs and subdivision/land development signs shall be exempt.

SECTION 1112 SIGN REGULATION TABLES

**TABLE A
SIGNS PERMITTED BY ZONING DISTRICT**

TYPE OF SIGN PERMITTED BY ZONING DISTRICT							
TYPE OF SIGN	R-1	R-2	CR	A-1	C-1	C-2	I
Identification	X	X	X	X	X	X	X
Business			X	X	X	X	X
Real Estate	X	X	X	X	X	X	X
Subdivision/Development	X	X	X	X	X	X	X
Institutional	X	X	X	X	X	X	X
On-Site Directional					X	X	X
Electronic Message Board Sign:					X	X	
Billboard/Off-Premise Advertising							X
Subdivision/Development Identification	X	X	X	X	X	X	X
Event Sign	X	X	X	X	X	X	X
Political Sign	X	X	X	X	X	X	X

X-Indicates Permitted in District

**TABLE B
MAXIMUM AREA AND HEIGHT OF SIGNS**

AREA AND HEIGHT REQUIREMENTS		
TYPE OF SIGN	Maximum Area of Sign	Maximum Height of Free-Standing Sign
Identification	6 sq. ft.	8 feet
Business	See Section 1104(B)	12 feet
Real Estate*	8 sq. ft.	8 ft.
Subdivision/Development*	20 sq. ft.	8 ft.
Institutional	32 sq. ft.	12 ft.
On-Site Directional	6 sq. ft.	6 ft.
Billboard/Off-Premise Advertising	300 sq. ft.	20 ft
Subdivision/Development Identification	10 sq. ft.	10 ft
Event Sign*	6 sq. ft.	6 ft
Political Sign*	6 sq. ft.	6ft

* Temporary Signs

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ARTICLE 12
FLOOD PLAIN MANAGEMENT

SECTION 1201 STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of the Township of East Union does hereby order as follows.

SECTION 1202 GENERAL PROVISIONS

Section 1202.01 Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

Section 1202.02 Applicability

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township of East Union unless a Permit has been obtained from the Floodplain Administrator.

Section 1202.03 Abrogation and Greater Restrictions

This ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

Section 1202.04 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 1202.05 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Township of East Union or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION 1203 ADMINISTRATION

Section 1203.01 Designation of the Floodplain Administrator

The Zoning Officer is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Chief Executive Officer.

Section 1203.02 Permits Required

A Permit shall be required before any construction or development is undertaken within any area of the Township of East Union.

Section 1203.03 Duties and Responsibilities of the Floodplain Administrator

- A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act,

Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

- C. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement/substantial damage determination can be made, in accordance with FEMA's Substantial Improvement/Substantial Damage Desk Reference.
- D. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any cumulative substantial damage concerns can be addressed before the permit is issued.
- E. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- F. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- G. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- H. The Floodplain Administrator shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- I. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program as requested.
- J. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.
- K. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2015 IBC and the 2015 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.

Section 1203.04 Application Procedures and Requirements

- A. Application for such a Permit shall be made, in writing, to the Floodplain

Administrator on forms supplied by the Township of East Union. Such application shall contain the following:

1. Name and address of applicant.
2. Name and address of owner of land on which proposed construction is to occur.
3. Name and address of contractor.
4. Site location including address.
5. Listing of other permits required.
6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
3. adequate drainage is provided so as to reduce exposure to flood hazards;
4. structures will be anchored to prevent floatation, collapse, or lateral movement;
5. building materials are flood-resistant;
6. appropriate practices that minimize flood damage have been used; and
7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

1. A completed Permit Application Form.
2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale, and date;

- b. topographic contour lines, if available;
 - c. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - d. the location of all existing streets, driveways, and other access ways; and
 - e. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - b. the elevation of the base flood; and
 - c. supplemental information as may be necessary under 34 PA Code, the 2015 IBC or the 2015 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.
4. The following data and documentation:
- a. detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - b. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
 - c. documentation, certified by a registered professional engineer or architect, to show that the effect of any proposed development within a Floodway Area (See section 1204.02 A) will not increase the base flood elevation at any point.
 - d. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (See Section 1204.02 B) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the community.
 - e. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

f. detailed information needed to determine compliance with Section 1205.03 F., Storage, and Section 1205.04, Development Which May Endanger Human Life, including:

- i. the amount, location and purpose of any materials or substances referred to in Sections 1205.03 F. and 1205.04 which are intended to be used, produced, stored or otherwise maintained on site.
- ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 1205.04 during a base flood.

g. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

h. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

D. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

Section 1203.05 Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

Section 1203.06 Changes

After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

Section 1203.07 Placards

In addition to the Permit, the Floodplain Administrator shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit, the date of its issuance, and be signed by the Floodplain Administrator.

Section 1203.08 Start of Construction

Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within twelve (12) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of development permit does not refer to the zoning approval.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinance & FIRM/FIS in effect at the time the extension is granted.

Section 1203.09 Enforcement

A. Notices

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. be in writing;
2. include a statement of the reasons for its issuance;
3. allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
4. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; and
5. contain an outline of remedial actions which, if taken, will effect

compliance with the provisions of this Ordinance.

B. Penalties

Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable thereof in a civil enforcement proceeding commenced by the Floodplain Administrator, shall pay a judgment of not more than \$500.00, plus all court costs, including reasonable attorney fees incurred by the Township of East Union as a result of said proceedings. Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Section shall be paid over to the municipality. In addition to the above, all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The entry of a judgement for any violation of, or noncompliance with this Ordinance shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

Section 1203.10 Appeals

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- B. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Municipalities Planning Code and any other local ordinance.
- C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

SECTION 1204 IDENTIFICATION OF FLOODPLAIN AREAS

Section 1204.01 Identification

The identified floodplain area shall be any areas of Township of East Union, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated May 18, 2021 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Township of East Union and declared to be a part of this ordinance.

Section 1204.02 Description and Special Requirements of Identified Floodplain Areas

The identified floodplain area shall consist of the following specific areas:

- A. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.
1. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 2. Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
1. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
 2. AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
 - i. No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted in an AE Zone without floodway, unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels of more than one foot within the entire community during the occurrence of the base flood discharge.
 - ii. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality. In the absence of any of the above data or documentation, the community may require elevation of the lowest floor to be at least three feet above the highest adjacent grade.

- D. The AO and AH Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

Section 1204.03 Changes in Identification of Area

The Identified Floodplain Area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See 1205.01 (B) for situations where FEMA notification is required.

Section 1204.04 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township of East Union and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

Section 1204.05 Jurisdictional Boundary Changes

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

SECTION 1205 TECHNICAL PROVISIONS

Section 1205.01 General

A. Alteration or Relocation of Watercourse

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.

2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
3. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

B. When Township of East Union proposes to permit the following encroachments:

- any development that causes a rise in the base flood elevations within the floodway; or
- any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
- alteration or relocation of a stream (including but not limited to installing culverts and bridges)

the applicant shall (as per 44 CFR Part 65.12):

1. apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
2. Upon receipt of the FEMA Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.
3. Upon completion of the proposed encroachments, the applicant shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

Section 1205.02 Elevation and Floodproofing Requirements

A. Residential Structures

1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation.
2. In A Zones, where there are no Base Flood Elevations specified on the

FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation determined in accordance with Section 1204.02.C of this ordinance.

3. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
4. The design and construction standards and specifications contained in the 2015 International Building Code (IBC) and in the 2015 International Residential Code (IRC) or the latest edition thereof adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

B. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:
 - a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
2. In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the Regulatory Flood Elevation determined in accordance with Section 1204.02.C of this ordinance.
3. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
4. Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards. There should be a statement submitted with the permit application and a statement submitted with the as-built Floodproofing Certificate prior to the issuance of the Certificate of Occupancy.

5. Any non-residential structure that will be floodproofed must submit the following to the Floodplain Administrator along with the non-residential Floodproofing Certificate and prior to the issuance of the Certificate of Occupancy:
 - a. An Inspection and Maintenance Plan detailing the annual maintenance of floodproofed components ensuring that all components will operate properly under flood conditions. Components that must be inspected include at a minimum:
 1. Mechanical equipment such as sump pumps and generators,
 2. Flood shields and closures,
 3. Walls and wall penetrations, and
 4. Levees and berms (as applicable)
 - b. Flood Emergency Operation Plan detailing the procedures to be followed during a flooding event, and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must produce the plan. An adequate plan must include the following:
 1. An established chain of command and responsibility with leadership responsibilities clearly defined for all aspects of the plan.
 2. A procedure for notification of necessary parties when flooding threatens and flood warnings are issued. Personnel required to be at the building should have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned in the event that the primary persons responsible are unable to complete their assigned duties under the plan.
 3. A list of specific duties assigned to ensure that all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.
 4. An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.
 5. A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community officials.
6. The design and construction standards and specifications contained in the 2015 International Building Code (IBC) and in the 2015 International

Residential Code (IRC) or the latest revision thereof as adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

C. Space below the lowest floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space installed on two (2) separate walls
 - b. the bottom of all openings shall be no higher than one (1) foot above grade.
 - c. openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

E. Accessory structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. floor area shall not exceed 600 square feet.
3. The structure will have a low damage potential.

4. the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. power lines, wiring, and outlets will be elevated to the Regulatory Flood Elevation.
6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. sanitary facilities are prohibited.
8. the structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. the bottom of all openings shall be no higher than one (1) foot above grade.
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
9. For accessory structures that are 200 square feet or larger in area (footprint) and that are below the base flood elevation, a variance is required as set forth in Section 1208. If a variance is granted, a signed Declaration of Land Restriction (Non-conversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.

Section 1205.03 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill

1. If fill is used, it shall:
 - a. extend laterally at least fifteen (15) feet beyond the building line from all points;
 - b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
 - c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

- d. be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
- e. be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

D. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 1205.04, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) used at or below the Regulatory Flood Elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

1. Water heaters, furnaces, air conditioning and ventilating units, and other

electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist floatation, collapse, and lateral movement

2. Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.

M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination

The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and supplement the requirements of this ordinance.

International Building Code (IBC) 2015 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2015 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania: Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

Section 1205.04 Development That May Endanger Human Life

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or,
2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
3. will involve the production, storage, or use of any amount of radioactive substances;

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

- Acetone
- Ammonia
- Benzene
- Calcium carbide

- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any Floodway Area, any structure of the kind described in Subsection A., above, shall be prohibited. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Section 5.04 (A), above, shall be elevated to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation and built in accordance with Sections 1205.01, 1205.02 and 1205.03.

C. Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section 1205.04 (A) above, shall be built in accordance with Sections 1205.01, 1205.02 and 1205.03 including:

1. elevated, or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation, and
2. designed to prevent pollution from the structure or activity during the course of a base flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

Section 1205.05 Special Requirements for Subdivisions and Development

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant.

Section 1205.05

Special Requirements for Manufactured Homes

- A. Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
1. placed on a permanent foundation;
 2. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation;
 3. and anchored to resist flotation, collapse, or lateral movement.
- B. Equipment requirement:
1. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist flotation, collapse, and lateral movement.
 2. Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.
- C. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2015 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.
- D. Consideration shall be given to the installation requirements of the 2015 IBC, and the 2015 IRC or the latest revision thereto as adopted by the Commonwealth of Pennsylvania, and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

Section 1205.07

Special Requirements for Recreational Vehicles

- A. Recreational vehicles in Zones A, A1-30, AH and AE must either:
1. be on the site for fewer than 180 consecutive days, and
 2. be fully licensed and ready for highway use,
- or
3. meet the permit requirements for manufactured homes in Section 1205.06.

SECTION 1206 PROHIBITED ACTIVITIES

Section 1206.01 General

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area:

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - 1. Hospitals
 - 2. Nursing homes
 - 3. Jails or prisons
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

SECTION 1207 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 1207.01 Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 1207.02 shall apply.

Section 1207.02 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

- A. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
- B. No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- D. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2015 IBC and the 2015 IRC or most recent revision thereof as adopted by the Commonwealth of Pennsylvania.
- E. Within any Floodway Area/District (See Section 1204.02 A), no new construction

or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

- F. Within any AE Area/District without Floodway (See Section 1204.02 B), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- G. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- H. Any modification, alteration, reconstruction, or improvement of any kind occurring as a result of “cumulative substantial damage,” as defined in this Ordinance, shall be undertaken only in full compliance with the provisions of this Ordinance.

SECTION 1208 VARIANCES

Section 1208.01 General

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township of East Union Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

Section 1208.02 Variance Procedures and Conditions

Requests for variances shall be considered by the Township of East Union Zoning Hearing Board in accordance with the procedures contained in Section 1203.10 and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
- B. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. No variances shall be granted for a proposed accessory structure that exceeds 600 square feet in size. A signed Non-Conversion Agreement is required as a condition of receiving the variance.
- D. Except for a possible modification of the Regulatory Flood Elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Development Which May Endanger Human Life (Section 1205.04).
- E. No variance shall be granted for Prohibited Activities (Section 1206).
- F. If granted, a variance shall involve only the least modification necessary to provide relief.
- G. In granting any variance, the Township of East Union Zoning Hearing Board shall

attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

- H. Whenever a variance is granted, the Township of East Union Zoning Hearing Board shall notify the applicant in writing that:
 - 1. The granting of the variance may result in increased premium rates for flood insurance.
 - 2. Such variances may increase the risks to life and property.
- I. In reviewing any request for a variance, the Township of East Union Zoning Hearing Board shall consider, at a minimum, the following:
 - 1. That there is good and sufficient cause.
 - 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 - 3. That the granting of the variance will
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- J. A complete record of all variance requests and related actions shall be maintained by the Township of East Union Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

SECTION 1209 DEFINITIONS

Section 1209.01 General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its' most reasonable application.

Section 1209.02 Specific Definitions

- 1. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- 2. 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).

3. Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
4. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
5. Basement - any area of the building having its floor below ground level on all sides.
6. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
7. Cumulative substantial damage – flood related damages sustained by a structure on two or more separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.
8. Declaration of Land Restriction (Non-Conversion Agreement) - A form signed by the property owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.
9. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
10. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
11. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
12. Flood - a temporary inundation of normally dry land areas.
13. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
14. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency

Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

15. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
16. Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
17. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
18. Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
19. Historic structures – any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior or
 - ii. Directly by the Secretary of the Interior in states without approved programs.
20. Identified Floodplain Area- this term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 1204.01 and 1204.02 for the specifics on what areas the community has included in the Identified Floodplain Area.
21. Lowest floor - the lowest floor of the lowest fully enclosed area (including

basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

22. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
23. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
24. New construction - structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after September 1, 1986 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
25. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
26. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
27. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated September 1, 1986, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
28. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated September 1, 1986, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
29. Recreational vehicle - a vehicle which is:
 - a. built on a single chassis;
 - b. not more than 400 square feet, measured at the largest horizontal projections;

- c. designed to be self-propelled or permanently towable by a light-duty truck; and
 - d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
30. Regulatory Flood Elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet. The freeboard safety factor also applies to utilities and ductwork.
31. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
32. Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
33. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
34. Subdivision - the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
35. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
36. Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of

the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "cumulative substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

37. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
38. Variance- A grant of relief by a community from the terms of a floodplain management regulation.
39. Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION 1210 ENACTMENT

Section 1210.01 Repealer

All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed to the extent of their inconsistencies, and specifically former Article 12 and former Sections 1201 through 1232 of the East Union Township Zoning Ordinance, which are being replaced in its entirety with this Article 12, Sections 1201 through 1210.

Section 1210.02 Adoption

This Ordinance shall be effective on the date of its adoption and shall remain in force until modified, amended or rescinded by the Township of East Union, Schuylkill County, Pennsylvania.

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ARTICLE 13
ENFORCEMENT AND ADMINISTRATION

SECTION 1301 ZONING OFFICER

1301.1 APPOINTMENT

A Zoning Officer, who shall not hold any elected office within East Union Township, shall be appointed by the Township Board of Supervisors. The Zoning Officer shall meet qualifications established by East Union Township, which shall at minimum include a working knowledge of municipal zoning.

1301.2 DUTIES AND POWERS OF THE ZONING OFFICER

It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance in accordance with its literal terms and said Officer shall not have the power to permit any construction, alteration or any use or change of use to land or structure which does not conform to the applicable provisions within this Ordinance. The Zoning Officer's duties shall include but are not limited to the following:

- (A) Receive and review all applications for zoning permits and to approve and issue zoning permits when warranted.
- (B) Keep an official record of all business and activities, including all complaints of zoning violations of any of the provisions of this Ordinance and the resulting action of said complaints.
- (C) Conduct inspections of properties as required to fulfill his/her duties. In conducting such activities, the Zoning Officer may have access to any land, building or structure, subject to the consent and/or right of entry by the owner or tenant or by securing a search warrant issued by a Court of proper jurisdiction.
- (D) Issue permits as authorized by the Zoning Hearing Board or the Board of Supervisors, pursuant to the requirements and applicable procedures of this Ordinance or by written order of a Court of proper jurisdiction.
- (E) Issue Certificates of Nonconformity to nonconforming uses and/or structures and to maintain a listing of such as required.
- (F) Maintain the Zoning Map, showing the current zoning districts of all land and the zoning text, including amendments thereto.
- (G) Notify the Zoning Hearing Board, Planning Commission, Board of Supervisors and SALDO Administrator of required and/or requested hearings based upon the completion of his review and processing of applications for a zoning permit. The submission of an application for a zoning permit to the Zoning Officer and his determination that a hearing before the Zoning Hearing Board or the Board of Supervisors is either required or requested shall be a prerequisite for any application

being forwarded to either the Zoning Hearing Board or the Board of Supervisors for consideration.

- (H) Participate in proceedings before the Zoning Hearing Board, Planning Commission or Board of Supervisors and at their request, furnish such facts, records and similar information which may assist them in rendering decisions.
- (I) In the event of a violation of this Ordinance, provide written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct the violation. Such written notice may be served personally or by certified mail. Corrective action may include an order to cease and desist the illegal use and/or activity of land, buildings, signs, or structures; or to remove illegal buildings, structures, additions, signs, and/or structural alterations.

SECTION 1302 ZONING PERMIT

1302.1 ISSUANCE OF PERMIT

No building, structure or sign shall be erected, constructed, moved, added to or structurally altered, nor shall any land, structure or building be put to any use without first obtaining a zoning permit from the Zoning Officer. No application shall be submitted to or considered by the Zoning Hearing Board until the Zoning Officer has received an application for a Zoning Permit and has determined that an approval and/or review by the Zoning Hearing Board, Planning Commission or Board of Supervisors is required or requested by the applicant. No such permit shall be issued except in conformity with the provisions of this Ordinance or upon written approval from the Zoning Hearing Board in the form of a Special Exception, Variance or an Administrative Appeal, upon written approval from the Board of Supervisors in the form of a Conditional Use Permit or as otherwise provided for by this Ordinance or any Court of proper jurisdiction. Normal and routine maintenance and repairs to a structure shall be exempt from obtaining a zoning permit. Interior remodeling of a structure shall also be exempt from obtaining a zoning permit provided that such remodeling does not include structural alterations or result in a change in the use of the structure.

1302.2 FORM OF APPLICATION

All applications for permits shall be made in writing by the owner, his authorized agent or equitable owner and shall be filed with the Zoning Officer on forms prescribed by the same. All applications which seek approval, involving new construction, additions, structural alterations, a change of use and/or any other form of improvements to a property shall be accompanied by two (2) sets of plans and information which includes but is not limited to the following:

- (A) A plan drawn to scale, indicating the actual dimensions and shape of the lot to be built upon and a written statement that the applicant is the owner or authorized agent of the owner or equitable owner.
- (B) The exact size and location on the lot of existing and/or proposed structures, buildings or signs, including proposed additions thereto.

- (C) The number and type of dwelling units, if applicable.
- (D) The amount and location of parking and/or loading facilities.
- (E) The existing use and/or proposed use of the property.
- (F) The height of the building, structure and/or sign.
- (G) A detailed scale drawing of all signs, existing and proposed, indicating their location and how they are and/or will be affixed to the property.
- (H) Existing and/or proposed access to the site, including the name of the public street and/or road.
- (I) Any other information deemed necessary by the Zoning Officer to determine conformance with the provisions and regulations of this Ordinance.

1302.3 PROCESSING APPLICATIONS

The Zoning Officer shall return one (1) copy of the plans and accompanying information to the applicant upon marking such copies approved or denied and attested to the same by his signature. One (1) copy of the plans and accompanying information shall be retained by the Zoning Officer and kept on file.

1302.4 TIME PERIOD FOR PROCESSING APPLICATION

A properly completed zoning permit shall be approved or denied within thirty (30) days from the date of receipt of a completed application and plans along with any additional information as required by the Zoning Officer. A zoning permit shall not be deemed complete, until all applicable and associated fees are paid in full. In cases of denial, the applicant shall be informed of his/her rights of appeal as prescribed within this Ordinance. Such notice shall be in writing under the signature of the Zoning Officer.

1302.5 EXPIRATION OF ZONING PERMIT

A zoning permit shall expire one (1) year from the date of issuance, if the work described in said permit has not commenced, including permits authorized to be issued by the Zoning Hearing Board. If the work described within the zoning permit has commenced within the prescribed one (1) year period, the permit shall expire two (2) years from the date of issuance. In such cases, should the applicant wish to pursue the work described within the expired permit, a new application shall be required with the payment of new fees.

1302.6 REVOCATION OF PERMITS

The Zoning Officer may revoke a permit or approval issued in error under the provisions of this Ordinance or in the case of any false statements or misrepresentation of fact in the

application or on the plans on which the permit or approval was based or for any other just cause as set forth in this Ordinance.

SECTION 1303 ENFORCEMENT PROCEDURES

1303.1 NOTICE OF VIOLATION

If in the judgment of the Zoning Officer, it appears that a violation of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending a violation notice to the owner of record of the parcel of land on which the violation has occurred, to any person who has filed a written request to receive violation notices regarding the parcel of land and to any other person requested in writing by the owner of record. The violation notice shall include, but may not be limited to the following:

- A. The name of the owner of record and any other person against whom East Union Township intends to take action.
- B. The location and/or address of the property in violation.
- C. The specific violations with a description of the requirements which have not been met, citing in each instance the applicable sections and provisions of this Ordinance.
- D. The date by which the steps for compliance must be commenced and the date by which the steps for compliance must be completed.
- E. That the recipient of the violation notice has the right to appeal the violation notice and request a hearing on the same before the Zoning Hearing Board within thirty (30) days from the issuance of the violation notice. Section 1506 (M) shall govern the procedural process of any appeal of a violation notice.
- F. Failure to comply with the notice within the specified time period, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation, with a description of sanctions which shall result to correct or abate the violation.

1303.2 CAUSES OF ACTION

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, Township Board of Supervisors or, with the approval of the Township Board of Supervisors, an officer or agent of East Union Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceedings to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation of this Ordinance. When such action is instituted by a landowner or tenant, notice of that action shall be served upon East Union Township not less than thirty (30) days prior to the time the action is begun by serving a copy of the complaint to

the Township Board of Supervisors. No action may be taken until such notice has been given.

1303.3 JURISDICTION

District Justices shall have initial jurisdiction over proceedings brought under Section 1303.4 of this Ordinance.

1303.4 ENFORCEMENT REMEDIES

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in civil enforcement proceedings commenced by East Union Township or the Zoning Officer, shall pay a judgment of not more than five-hundred (\$500.00) dollars, plus all court costs, including reasonable attorney fees incurred by East Union Township as a result of said proceedings. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, East Union Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there has been a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation. In such cases, there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to East Union Township.

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.

Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than East Union Township the right to commence any action for enforcement pursuant to this Section.

SECTION 1304 SCHEDULE OF FEES, CHARGES AND EXPENSES

The Township Board of Supervisors shall establish by resolution a schedule of fees, charges and expenses and collection procedures for Zoning Permits, Certificates of Zoning Compliance, Certificates of Nonconformance, appeals to the Zoning Hearing Board, applications for conditional uses, amendments to the Zoning Ordinance or Zoning Map and any other matters pertaining to the administration of this Ordinance. The schedule of fees, charges and expenses shall be available for public inspection and may be altered or amended by resolution of the Township Board of Supervisors. No action shall be taken on any application, appeal or certificate until all related fees, charges and expenses have been paid in full. An application shall not be deemed as filed until completed and submitted with payment in full of appropriate fees and applicable supporting documentation.

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**ARTICLE 14
AMENDMENTS**

SECTION 1401 AMENDMENT PROCEDURE

The provisions of this Ordinance and the boundaries of the zoning districts as set forth upon the Zoning Map, may from time to time be amended by the Township Board of Supervisors in accordance with the provisions as set forth in the Pennsylvania Municipalities Planning Code, Act 247, as amended. Prior to adopting any amendment to this Ordinance or to the Zoning Map, the following procedures shall be met:

- (A) Any proposed amendment, not initiated by the Township Planning Commission, shall be referred to the Township Planning Commission not less than thirty (30) days prior to a public hearing before the Township Board of Supervisors to provide the Township Planning Commission an opportunity to submit any comments or recommendations regarding the proposed amendment.
- (B) Prior to voting on the enactment of any proposed amendment, the Township Board of Supervisors shall hold a public hearing pursuant to public notice. If, after any public hearing held upon a proposed amendment, said amendment is substantially changed, or is revised to include land not previously affected by the proposed amendment, the Township Board of Supervisors shall hold another public hearing before proceeding to vote on the amendment.
- (C) Any recommendation of the Township Planning Commission shall be submitted to the Township Board of Supervisors in writing.
- (D) Not less than thirty (30) days prior to the public hearing, the Township Board of Supervisors shall submit the proposed amendment to the Schuylkill County Planning Commission for its comments and recommendation. In addition to the proposed amendment, the Township Board of Supervisors shall submit any required fees charged by the Schuylkill County Planning Commission for their review.
- (E) Proposed action shall not be taken until the Township Planning Commission and the Schuylkill County Planning Commission comments and recommendations are submitted to the Township Board of Supervisors. If either Commission fails to act within thirty (30) days, from its receipt of the proposed amendment, the Township Board of Supervisors may proceed without such recommendation.
- (F) When a proposed amendment involves a Zoning Map change, the following procedures shall be applicable:
 - 1. Notice of the public hearing shall be conspicuously posted by Township at points deemed sufficient along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted not less than one (1) week prior to the date of the public hearing.
 - 2. Notice of the public hearing shall be mailed by the Township, at least thirty (30) days prior to the date of the public hearing, by first class mail to the

addresses to which real estate tax bills are sent to property owners whose properties:

- are located within the property or area proposed to be rezoned.
- have a common property boundary with the property or area proposed to be rezoned.
- are located within a distance of two hundred (200) feet of any property boundary line of the property or area proposed to be rezoned.

The above information shall be based upon current tax records within the Schuylkill County Tax Assessment Office. The party requesting the zoning boundary amendment shall be responsible for securing such information and providing the same to the Township. The notice shall include the location, time and date of the public hearing. A good faith effort and substantial compliance shall be deemed to satisfy this requirement. While it shall be the intent of East Union Township to provide written notice to such owners, failure to do so shall not invalidate an otherwise duly enacted ordinance that amends in the Zoning Map.

3. The above requirement shall not apply when the rezoning constitutes a comprehensive rezoning.

SECTION 1402 APPLICATIONS FOR AMENDMENTS TO THE TEXT OR MAP

The application for a proposed amendment, which is not submitted as a curative amendment, to the text of this Ordinance or to the Zoning Map, shall be submitted in writing to the Zoning Officer, who shall process said application in accordance with Section 1401 of this Ordinance. An application shall contain the following information as applicable:

- (A) The applicant's name and address and/or the name and address of his authorized agent or the equitable owner.
- (B) A copy of the deed to the property, and when the applicant is not the owner of the property, appropriate documentation to establish the applicant's standing as the equitable owner.
- (C) A signed statement by the owner of record, or applicant as the case may be, attesting to the truth of the facts of all information contained within the application.
- (D) A scaled plan of the area proposed to be rezoned, which indicates abutting streets, the zone classification of adjoining properties and the names and addresses of the true and correct owners of record within the area proposed to be rezoned and physically bordering the area to be rezoned as evidenced by tax records within the Schuylkill County Tax Assessor's Office.
- (E) Plans, drawings and explanatory material, which describes in detail the applicant's proposed use and/or development of the property.
- (F) Specify those Sections of this Ordinance or areas upon the Zoning Map which will be affected by the proposed amendment.

SECTION 1403 CURATIVE AMENDMENTS

1403.1 INITIATED BY LANDOWNER

A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Township Board of Supervisors with a written request that his challenge and proposed amendment to cure the alleged defect, be heard and decided by the Township Board of Supervisors. In addition to the written request and proposed amendment, the landowner shall also submit plans, drawings and explanatory material, which describes in detail his proposed use or development. The Township Board of Supervisors shall commence a public hearing pursuant to public notice within sixty (60) days of the landowner's request. The sixty (60) day period shall not commence until all required information and material is submitted, along with all related fees. Failure to convene a public hearing within sixty (60) days of the landowner's request shall not result in a deemed approval.

The curative amendment and supporting information shall be referred to the Township Planning Commission and the Schuylkill County Planning Commission for its review and comment not less than thirty (30) days prior to the public hearing.

The public hearing before the Township Board of Supervisors shall be conducted in accordance with the procedures contained in Section 806 of this Ordinance and all references therein to the Zoning Hearing Board shall, for the purposes of this Section, be references to the Township Board of Supervisors. Public notice of the required public hearing shall include notice of the validity of those particular provisions of this Ordinance and/or the Zoning Map which are in question, along with the place where the proposed amendment, plans, drawings, explanatory material and any other pertinent information may be examined by the public.

If the Township Board of Supervisors determines that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revisions, or it may adopt an alternative amendment which will cure the challenged defects. The Township Board of Supervisors shall consider in addition to the landowner's proposed curative amendment, plans, drawings and explanatory material the following items:

- (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 and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance and/or Zoning Map.
- (C) The suitability of the site for the intensity of use proposed in relationship to the site's soils, slopes, woodlands, flood plains, aquifers, natural resources and other natural features.
- (D) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood

plains, aquifers, natural resources and other natural features, in relationship to the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

- (E) The impact of the proposal on the preservation of agriculture and any other land uses which are essential to the public health and welfare.

The proposed curative amendment shall be deemed denied in accordance with any of the following:

- (A) Failure to commence the public hearing within sixty (60) days of the landowner's request.
- (B) When the Township Board of Supervisors notifies the landowner that it will not adopt the curative amendment.
- (C) When the Township Board of Supervisors adopts another curative amendment which is unacceptable to the landowner.
- (D) When the Township Board of Supervisors fails to act on the request within forty-five (45) days after the close of the last public hearing on the request, unless the time is extended by mutual consent by the landowner and the Township Board of Supervisors.

1403.2 INITIATED BY THE TOWNSHIP

If the Township Board of Supervisors determines this Ordinance or the Official Zoning Map, or any portion thereof, to be substantially invalid, it shall declare such by a formal action and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following said declaration, the Township Board of Supervisors shall by resolution make specific findings setting forth the declared invalidity which may include:

- (A) References to specific uses which are either not permitted or not permitted in sufficient quantity.
- (B) Reference to a class of use or uses which require revision.
- (C) Reference to the entire Ordinance and/or Map which requires revisions.

Within one hundred eighty (180) days from the date of the declaration and proposal as set forth in this Section, the Township Board of Supervisors shall enact a curative amendment to correct those portions deemed invalid or reaffirm the validity of those portions initially deemed to be invalid. Upon the initiation of procedures as set forth in this Section, the Township Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment, nor shall the Zoning Hearing Board be required to consider a substantive challenge to the validity of the Zoning Ordinance or Zoning Map, pursuant to Section 1508 (A) of this Ordinance, based upon grounds identical to or substantially similar to those specified in the Township Board of Supervisors' resolution.

The Township Board of Supervisors, having utilized the procedures as set forth in this Section, may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment or reaffirmation of the validity of this Ordinance and/or Zoning Map. However, if after the date of declaration and proposal, there is a substantially new duty or obligation imposed upon township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, Township may utilize the provisions of this Section to prepare a curative amendment to fulfill said duty or obligation.

SECTION 1404 ENACTMENT OF AMENDMENTS

A proposed amendment to this Ordinance or to the Zoning Map shall be enacted in conformance with the following:

- (A) The Township Board of Supervisors shall conduct a public hearing pursuant to public notice and in accordance with the procedures as contained within Section 1401 of this Ordinance.
- (B) Public notice shall include the time, place and date of the meeting at which enactment will be considered and a place within Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.
- (C) Public notice shall include either the full text of the amendment or the title and a brief summary of the amendment as prepared by the municipal solicitor. If the full text is not included, then a copy of such shall be supplied to the newspaper in which the public notice is published, and an attested copy to the County Law Library.
- (D) In the event substantial changes are made to the proposed amendment, before voting upon enactment, the Township Board of Supervisors shall, not less than ten days prior to enactment, readvertise in one newspaper of general circulation in Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the changes.

SECTION 1405 NOTIFICATION TO COUNTY

Within thirty (30) days after the enactment of an amendment to this Ordinance or to the Zoning Map, a copy of the amendment shall be forwarded to the Schuylkill County Planning Commission.

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ARTICLE 15
ZONING HEARING BOARD

SECTION 1501 MEMBERSHIP OF BOARD

The membership of the Zoning Hearing Board shall consist of five (5) residents of East Union Township appointed by the East Union Township Board of Supervisors by resolution. The terms of office for Board members shall be five (5) years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Township Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township, including membership upon the Planning Commission.

SECTION 1502 ALTERNATES TO ZONING HEARING BOARD

The Township Board of Supervisors may appoint by resolution one resident of East Union Township to serve as an alternate member of the Board. When seated pursuant to the provisions of Section 1504 of this Ordinance, 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 proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. An alternate shall hold no other office in the Township, including membership on the Planning Commission. An alternate may participate in any proceedings or discussions of the Board, but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to Section 1504 of this Ordinance. The term of office for an alternate member of the Zoning Hearing Board shall be one (1) year.

SECTION 1503 REMOVAL OF MEMBERS

Any Board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office or for any other just cause by the Township Board of Supervisors. Prior to any vote by the Township Board of Supervisors, the member shall receive notice fifteen (15) days in advance of the date at which it intends to take such a vote. A hearing before the Township Board of Supervisors shall be held in connection with the vote, if the member requests a hearing in writing.

SECTION 1504 ORGANIZATION OF BOARD

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board. The Board, however, may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 1506. If by any reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate the alternate member of the Board to be seated to establish a quorum. The 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.

The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of East Union Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit an annual report of its activities to the Township Board of Supervisors.

SECTION 1505 EXPENDITURES FOR SERVICES

Within the limits of appropriated funds, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and technical services which they may deem necessary to augment the Board in the performance of their duties.

SECTION 1506 HEARINGS

The Zoning Hearing Board shall conduct hearings and render decisions in accordance with the following:

- A. Notice of hearings before the Board shall be by public notice; a notice published once a week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of matters to be considered at the hearing by the Board. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
- B. Written notice of all hearings before the Board shall be conspicuously posted on the affected property not less than one week prior to the hearing.

Written notice of all hearings before the Board shall be conspicuously posted on the affected property by the owner at least one week prior to the hearing. The owner shall provide the Hearing Board with a notarized affidavit of posting.

Written notice shall be given to the following parties:

1. The Zoning Officer.
2. The applicant.
3. The owner of record of the subject property before the Board, if different than that of the applicant.
4. The owner of record of any property which has an adjoining or contiguous property boundary with the subject property before the Board. An adjoining or contiguous property boundary shall be deemed to also include such properties which have any amount of opposite front, rear or sideyard areas including those properties that are separated from the subject property before the Board by a public or private street, road, alley and/or similar right-of-way. In cases of a corner property subject to a hearing before the Board, in addition to the owners of record with an adjoining or contiguous property boundary, notice shall also be given to any owner of record of any property

which has frontage along the intersection of the public or private streets or roads in question.

5. Any party or person who has submitted a written request to receive notification on the subject property.

The applicant shall be responsible for providing the Zoning Hearing Board with the names and addresses of the true and correct owners of record based upon the records contained in the Schuylkill County Tax Assessor's Office. While it shall be the intent of the East Union Township Zoning Hearing Board to provide written notice to property owners which have a common side yard, rear yard or opposite frontage to the subject property before the Board, failure to do so, shall not represent a basis for appeal or otherwise invalidate a decision and/or finding of the Zoning Hearing Board.

- C. The Township Board of Supervisors may prescribe reasonable fees with respect to hearings before the Board. Fees for said hearings may include compensation for the secretary, and if applicable, members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board or expenses for engineering, architectural or other technical consultants or expert witnesses.
- D. The first hearing shall be held within sixty (60) days from the applicant's request, unless the applicant has agreed in writing to an extension of time. The sixty (60) day time period shall not commence until the applicant has submitted a properly completed application, with all required signatures, supporting information, the names and mailing addresses of parties to receive notice of the hearing, and all required fees. Each subsequent hearing 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 Zoning Hearing Board or Hearing Officer shall assure that the applicant receives at least seven (7) 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 hearings. Persons opposed to the application may, upon 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.
- E. 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, unless the appellant or applicant, as the case may be, in addition to the Township, agree to waive any decision or findings by the Board and accept the decision or findings of the hearing officer as final. If the decision or findings of the hearing officer are to be accepted as final, all parties to the hearing must agree to such stipulation at the outset of the hearing.

- F. The parties to the hearing shall be the Township, any person affected by the application who has made a 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 to the hearing enter appearances in writing on forms provided by the Board for such purpose.
- G. The presiding chairman or acting chairman of the Board or hearing officer shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties to the hearing.
- H. The parties to the hearing shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and arguments and to cross-examine adverse witnesses on all relevant issues.
- I. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- J. 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 the event the cost of additional copies shall be paid by the person requesting such copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- K. The Board, collectively or individually, or the hearing officer, shall not communicate directly or indirectly with any party or his representatives in connection with any issue before the Board 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 its solicitor, unless all parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- L. The Board or the hearing officer, as the case may be, shall render a written decision or, if no decision is called for, provide written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. If the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of the Ordinance or any other ordinance, rule or regulation, shall contain a reference to the provisions relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties of record within forty-five (45) days. The parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, with the Board's decision entered no later than thirty (30) days after the

report of the hearing officer. If the Board fails to commence, conduct or complete the required hearing as provided for under Section 1506(D), 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. If a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above 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 same manner as provided under Section 1506(A) and written notice of the decision shall be mailed to those parties identified under Section 1506(B). If the Board fails to provide such notice, the applicant may do so. Nothing contained within this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- M. In any appeal of an enforcement notice under Section 1304.1 of this Ordinance to the Zoning Hearing Board shall require that the Zoning Officer and/or Township provide its evidence first to the Board regarding the basis, nature and supporting information regarding the subject enforcement notice. Upon the conclusion of the same, the appealing party shall provide the Board with his/her evidence in contesting the subject enforcement notice. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to said party, if Zoning Hearing Board or any subsequent Court rules in favor of the appealing party.
- N. The final decision or, where no decision is called for, the findings shall be rendered by the Zoning Hearing Board at a public hearing and/or public meeting. A copy of the written decision or findings shall be delivered to the applicant personally or mailed to him not later than the day following the date of the Board's decision or findings. The Zoning Hearing Board shall provide by mail or otherwise, to all persons who have filed their name and address with the Board, not later than the last day of the hearing, a statement of brief notice of the decision or findings and a statement of the place and at which a copy of the full decision or findings may be examined.

SECTION 1507 MEDIATION OPTION

1507.1

Mediation may be utilized as an aid designed to supplement, as opposed to replacing, any proceedings before and under the jurisdiction of the Zoning Hearing Board. In no case, however, shall the Board or any member of the Board, initiate the use of mediation. No member of the Board shall be allowed to participate as a mediating party or be present during any sessions of mediation. Nothing within this Section shall be interpreted as expanding or limiting municipal police powers or modifying any principles of substantive law.

1507.2

Mediation shall be voluntary among all subject parties with the appropriateness of mediation determined by the particular issues of each case and the willingness among all the subject parties to negotiate. In order to supplement proceedings before the Zoning Hearing Board, the following information shall be submitted to the Board in written form and signed by all parties to the mediation, the selected mediator, and the Zoning Hearing Board.

- A. Method and commitment of funding of mediation.
- B. The mediator shall be an attorney and/or an individual who is certified by the American Arbitration Association, who shall possess a working knowledge of municipal zoning and subdivision practices and procedures.
- C. A schedule which shall clearly prescribe the time limitations for both the start and completion of mediation. The completion date shall be adhered to even if the negotiations fail to result in a mediated agreement by said date.
- D. Suspension of the appropriate time limitations which apply to the Zoning Hearing Board in convening a hearing and/or rendering a decision, once a hearing is convened, subject to executing a document of expressed written consent by the mediating parties, and by the Zoning Hearing Board.
- E. Identification of all subject parties and affording them the opportunity to participate.
- F. A determination of whether some or all of the mediation sessions shall be opened or closed to the public, subject to governing legal constraints.
- G. An agreement among the mediating parties, that any mediated solution be in written form and subject to review and approval by the Zoning Hearing Board.
- H. Any mediation which concludes within the prescribed time limits under Item C of this Section, which does resolve in whole or in part, the issues subject to mediation, shall then proceed under the hearing process before the Zoning Hearing Board.
- I. No offer or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

SECTION 1508 JURISDICTION OF ZONING HEARING BOARD

The Zoning Hearing Board, in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except for those brought before the Township Board of Supervisors under Section 1403.1 of this Ordinance.
- B. Challenges to the validity of any land use ordinance, based upon procedural questions or alleged defects in the process of enactment or adoption. Challenges based upon procedural questions or alleged defects shall be raised by an appeal to the Board within thirty (30) days after the effective date of the Ordinance subject to the appeal.
- C. Appeals from the determination of the zoning officer, including but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the

issuance of any cease-and-desist order, the revocation of a zoning permitted/or building permit or the registration or refusal to register any nonconforming use, structure or lot.

- D. Appeals from a determination by the zoning officer with reference to the administration of any flood plain provision or regulation within any land use ordinance.
- E. Applications for variances, pursuant to Section 1509 of this Ordinance.
- F. Applications for special exceptions pursuant to Section 1510 of this Ordinance.
- G. Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management not related to development which is classified as a subdivision, land development, or a planned residential development.

SECTION 1509 VARIANCES

1509.1 INITIAL DETERMINATION BY ZONING OFFICER

An application for a variance shall not be submitted to or considered by the Zoning Hearing Board until the following procedure has been completed:

1. The applicant submits an application for a Zoning Permit to the Zoning Officer in accordance with Section 1302 of this Ordinance.
2. The Zoning Officer is reviewing the subject application renders a determination that the proposed development and/or use of property fails to comply with an applicable provision and/or regulations of this Ordinance.
3. The Zoning Officer specifies the applicable Sections of this Ordinance relative to the applicant's need to secure a variance(s) from the Zoning Hearing Board.

1509.2 PROVISIONS FOR GRANTING VARIANCES

The Zoning Hearing Board shall hear requests for variances if it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the zoning officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 1510 SPECIAL EXCEPTIONS

1510.1 INITIAL DETERMINATION BY ZONING OFFICER

An application for a special exception use shall not be submitted to or considered by the Zoning Hearing Board until the following procedure has been completed:

1. The applicant submits an application for a zoning permit to the Zoning Officer in accordance with Section 1302 of this Ordinance.
2. The Zoning Officer shall also render a determination regarding whether the proposed development and/or use is required to secure any variances from the Zoning Hearing Board, in addition to securing a special exception approval.

1510.2 PROVISIONS FOR GRANTING A SPECIAL EXCEPTION APPROVAL

The Zoning Hearing Board shall hear and decide requests for uses and/or development which are permitted as special exception uses. Special exception uses may be referred to the Planning Commission for its review, comments and recommendations prior to final action by the Board. The Board shall grant approval only upon the determination that the proposed use and/or development conforms with all applicable standards and provisions within this Ordinance and the following expressed standards and criteria:

1. The proposed use shall not jeopardize the Community Development Objectives of this Ordinance nor shall it adversely affect the health, safety and welfare of the public and/or the environment.
2. Public services and facilities such as streets, sewers, water, police, and fire protection shall be adequate for the proposed use and/or development.
3. Existing streets and proposed access to the site shall be adequate regarding the

- width and pavement for emergency service vehicles.
4. Existing streets and proposed access to the site shall be adequate to accommodate anticipated traffic volumes in a manner that avoids undue traffic congestion, and provides for the safety and convenience of pedestrian and vehicular traffic. The proposed use shall not result in unsafe or dangerous traffic conditions.
 5. The proposed use shall be compatible with adjoining development and the character of the zoning district and neighborhood in which it is proposed to be located. The nature and intensity of the operation of the proposed use shall be considered regarding its compatibility or lack thereof.
 6. The proposed use shall not substantially impair the value of other property in the neighborhood where it is proposed to be located.
 7. The proposed use and/or development shall not be more objectionable in its operations in terms of noise, fumes, odors, vibration, or lights than would be the operations of any permitted use in the subject Zoning District.
 8. The submission of any reports and/or studies, required by the Zoning Hearing Board within the context of the definition "Impact Analysis" as contained defined in Article 2 of this Ordinance, which conclusively demonstrates that the proposed use or development will not have a negative impact upon the particular subject or subjects as defined by the Zoning Hearing Board, in requiring such reports and/or studies.
 9. The proposed use and/or development shall not be injurious to the public interest.

In granting approval, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 1511 PARTIES APPELLANT BEFORE THE BOARD

Appeal and/or applications for hearings before the Zoning Hearing Board pursuant to those matters contained within Section 1509 of this Ordinance, may be filed with the Board in writing by the affected landowner or by any aggrieved person or party. The Board shall not accept appeals or applications for hearings from any tenant or equitable owner of a property without the express written consent of the landowner. In such cases, the landowner's signature shall be required upon all applicable forms, applications or documents which are to be submitted to the Board.

SECTION 1512 TIME LIMITATIONS

1512.1

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for the development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by

the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan for a Planned Residential Development, pursuant to Section 709 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, or from an adverse decision by a zoning officer on a challenge to the validity of an ordinance or map based upon substantive grounds, pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

1512.2

Any landowner wishing to appeal a decision of the Zoning Hearing Board shall be required to file such appeal to a court of competent jurisdiction within thirty (30) days after the notice of the Board's determination is issued. Failure to do so within the prescribed thirty (30) day time period shall preclude any further appeal of the Board's decision.

SECTION 1513 STAY OF PROCEEDINGS

1513.1

Upon filing of any proceeding referred to in Section 1508 of this Ordinance, and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the zoning officer or other appropriate agency or body. When the application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post a bond as a condition to continuing the proceedings before the Board.

1513.2

After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all the evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

1513.3

The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory.

1513.4

If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

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ARTICLE 16
PLANNED RESIDENTIAL DEVELOPMENTS

SECTION 1601 PURPOSE

The provisions of this Article are intended to permit and encourage innovations in residential development through permitting a greater variety, type, design, and layout of dwellings; and by allowing the development of well-planned, higher density, residential neighborhoods or groups of residences on sites larger than normal building lots. To give the site planner maximum freedom, more intensive use of land may be permitted, and the coverage, height, setback and other requirements may be varied under circumstances which will ensure more imaginative use of a building site than can be achieved under the standard regulations of this Ordinance. This provision is intended to encourage a more efficient use of open space, and public services. This development may contain individual single-family to multi-family dwellings, and common property which is planned and developed as a unit.

SECTION 1602 REGULATORY AUTHORITY

Pursuant to Section 702 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, the authority to approve or disapprove applications and plans for a planned residential development is vested with the governing body. The East Union Township Board of Supervisors hereby retains such authority. The Township Board of Supervisors grants East Union Township Planning Commission to act in an advisory capacity to review and to provide comment to the Township Board of Supervisors when considering a Planned Residential Development. Review and comment shall also be required by the Schuylkill County Planning Commission under the same procedures applicable to a subdivision and/or land development.

SECTION 1603 USE REGULATIONS

The principal permitted uses shall include:

- A. Single-family Detached Dwellings
- B. Two-family Dwellings
- C. Townhouses
- E. Accessory Uses: Customary accessory uses and buildings to the above shall be permitted in accordance with the applicable provisions of this Ordinance.

SECTION 1603 DENSITY REGULATIONS

The following methodology shall be applicable to determine area requirements within this Article:

The following methodology shall be applicable to determine area requirements within this Article:

A. Gross Area:

All land within a parcel, based upon the existing deed, proposed to be developed as a PRD.

B. Net Area Available for Development:

The Gross Area minus the sum of all environmentally constrained land or other areas as listed below:

- flood plains
- wetlands that cannot be reasonably incorporated into usable common open space.
- natural bodies of water including ponds, creeks, streams or, lakes,
- existing public or private street
- utility right-of ways, both subsurface and overhead, that cannot be reasonably incorporated into usable common open space.
- rock outcrops
- slopes which equal or exceed twenty-five (25%) percent,
- any other area which contains sensitive environmental features that may not be suitable for development.

C. Net Residential Area:

The “Net Area Available for Development” minus required open space.

D. Common Open Space:

Not less than twenty (20%) percent of “Net Area Available for Development” shall be designated, designed and devoted to common open space for the use and enjoyment of the residents therein.

E. Residential Density:

The permitted maximum residential density for the Net Residential Area of a PRD shall be as follows:

Zoning District	Minimum Lot Area of District	Maximum Density for PRD ¹
CR	1 acre	one unit per each 20,000 sq. ft

¹ Maximum density based upon central sewage and a potable water supply provided by a centralized water system; otherwise, the maximum density shall be increased to one unit per acre

SECTION 1604 DIMENSIONAL REGULATIONS

All planned residential developments shall be subject to the following:

- A. Minimum Tract Area: A planned residential development shall have a gross land area of not less than twenty (20) acres.
- B. Distance Between Buildings: No buildings or structure, including porches, decks or balconies shall be less than thirty (30') feet to any other

building or structure.

- C. Setback Requirements: The minimum front, side and rear setbacks for a Planned Residential Development shall each be not less than fifty (50) feet to the property lines of adjoining properties. A planting strip of not less than twenty (20) feet in width shall be along all property lines at the periphery of the development where necessary to preserve the privacy of neighboring residents.

Land adjacent to a lake, pond, stream, wetlands, or watercourse shall remain as permanent open space for a distance of not less than one hundred (100') feet from the water's edge, unless superseded by more restrictive standards.

- D. Maximum Building Height: No structures within a PRD shall exceed 2¹/₂ stories, with a maximum height not to exceed forty-five (45) feet.

SECTION 1605 SPECIAL PROVISIONS

OWNERSHIP OF PROPERTY

The tract of land for a PRD may be owned, leased or controlled either by a single person, or corporation or a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in the project. In the case of multiple ownership, the approved plan shall be binding on all owners.

When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvements, operation and maintenance of common property and facilities including private streets, drives, service and parking areas and recreational and open space areas.

MAINTENANCE OF COMMON PROPERTY

In the event that the organization established to own and maintain the common property, or any successor organization, fails to maintain such property in reasonable order, the Township Board of Supervisors may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed to maintain the common property in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice.

At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within 30 days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the development and to prevent the common property from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and

maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common property, call a public hearing upon notice to such organization, or to the residents and owners of the development to be held by the Township, at which hearing such organization or the residents and owners of the development shall show cause why such maintenance by the Town shall not, at the election of the Township, continue for a succeeding year.

If the Township shall determine that such organization is ready and able to maintain said common property in a reasonable condition, it shall cease to maintain said common property at the end of said year. If the Township shall determine such organization is not ready and able to maintain said common property in a reasonable condition, the Township may at its discretion, continue to maintain said common property during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

The cost of such maintenance by the Township shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space, and shall become a lien on said properties. The municipality at the time of entering upon said common open space for the purpose of maintenance shall file a notice of lien in the office of the prothonotary of the County, upon the properties affected by the lien within the planned residential development.

The decision of the Township Board of Supervisors shall be subject to appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals as provided for under the Pennsylvania Municipalities Planning Code, Act 247, as amended

SECTION 1606 DEVELOPMENT REGULATIONS

A Planned Residential Development shall be subject to the following standards and regulations:

- A. Requirements For Improvements and Design: All improvements, including but not limited to, streets, curbing, sidewalks, stormwater detention facilities, drainage facilities, water supply facilities, sewage disposal, street lighting, tree lawns, etc., unless otherwise exempted, shall be designed and constructed in conformance with the standards and requirements of the East Union Township Subdivision and Land Development Ordinance.
- B. Sewage Disposal: Disposal of sanitary sewage shall be by means of centralized sewers and shall conform to the design standards of the East Union Township Subdivision and Land Development Ordinance. The proposed sewage collection system and treatment facility shall require DEP approval as a prerequisite and/or condition to tentative approval of a development plan.

- C. Water Supply: The water supply shall be off-site system supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the planned residential development in question shall be required. Whichever form is appropriate, shall be considered as acceptable evidence.

SECTION 1607 PHASING OF DEVELOPMENT

A planned residential development may be constructed in phases subject to the following:

- A. The application for tentative approval shall cover the entire area to be developed with a schedule delineating all proposed phases, as well as the dates by which applications for final approval of each phase shall be filed. Such schedule shall be updated annually by the applicant on or before the anniversary date of the approval of the development plan, until all phases are completed and granted final approval by the Township Board of Supervisors. Any modification in the aforesaid schedule shall be subject to approval of the Township Board of Supervisors in its discretion.
- B. Not less than fifteen (15%) percent of the total number of dwelling units to be constructed shall be included in the first phase.
- C. The second and any subsequent phases shall be completed in accordance with the tentatively approved plan, with each phase containing not less than fifteen (15%) of the total number of dwelling units.
- D. The Township Board of Supervisors may impose further conditions upon the filing of any phase of a development plan, as it may deem necessary to assure the orderly development of the plan and/or to protect the public health, safety and welfare.

SECTION 1608 ENFORCEMENT AND MODIFICATION OF PROVISIONS OF PLAN

To further the mutual interest of the residents of the planned residential development and of the public in the preservation of the integrity of the development plan, as finally approved, and to insure that modifications, if any, in the development plan shall not impair the reasonable reliance of said residents upon the provisions of the development plan, nor result in changes that would adversely affect the public interest, the enforcement and modifications of the provisions of the development as finally approved, whether those are recorded by plat, covenant, easement or otherwise, shall be subject to the following:

- A. Provisions of the development plan relating to the use, bulk and location of buildings and structures; the quantity and location of common open

space, except as otherwise provided herein; and the intensity of use or the density of residential units shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers of regulation otherwise granted the Township by law.

- B. All provisions of the development plan shall run in favor of the residents of the planned residential development, but only to the extent expressly provided in the development plan and in accordance with the terms of the development plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by said residents acting individually, jointly or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of residents of the planned residential development except as to those portions of the development plan which have been finally approved and have been recorded.
- C. All those provisions of the development plan authorized to be enforced by the Township under this Section may be modified, removed or released by the Township, except grants of easements relating to the service or equipment of a public utility, subject to the following conditions:
 - (1) No such modification, removal or release of the provisions of the development plan by the Township shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or in equity, as provided in this Section.
 - (2) No modification, removal or release of the provisions of the development plan by the Township shall be permitted except upon a finding by the Township Board of Supervisors, following a public hearing pursuant to public notice, called and held in accordance with the provisions of this Section, that the same is consistent with the efficient development and preservation of the entire planned residential development, does not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or public interest, and is not granted solely to confer a special benefit upon any person.
- D. Residents of the planned residential development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan, but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this Section.

SECTION 1609 APPLICATION FOR TENTATIVE APPROVAL

The application for approval, tentative and final, of a planned residential development as provided for by this Ordinance, shall be in lieu of all other procedures or approvals otherwise required by the Zoning Ordinance and Subdivision and Land Development Ordinance of the Township, except where specifically indicated. The procedures herein described for approval or disapproval of a development plan for a planned residential development and the continuing administration thereof are established in the public interests in order to provide an expeditious method for processing a development plan for a planned residential development and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by a multiplicity of local procedures, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property. An application for tentative approval shall be consistent with the following:

A. Informal Consultation:

The landowner and Township Board of Supervisors may consult informally at a public meeting or work session concerning the proposed planned residential development prior to the filing of an application for tentative approval, provided that no statement or representation by a member of the Township Board of Supervisors shall be binding upon the Township Board of Supervisors as a whole. The informal consultation is intended to allow the landowner and Township officials to exchange comments and discuss issues which may be of particular significance to the site.

B. Application and Fee:

An application for tentative approval shall be filed by or on behalf of the landowner with the Zoning Officer. An application fee of five hundred (\$500.00) dollars, plus fifty (\$50.00) dollars per housing unit, based upon total number of proposed housing units, shall be paid upon filing the required application.

C. Relationship to Planning, Zoning and Subdivision:

All planning, zoning and subdivision matters relating to the platting, use and development of the planned residential development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the Township, shall be determined and established by the Township Board of Supervisors.

D. Required Documentation:

The application for tentative approval shall include documentation illustrating compliance with all of the standards for a planned residential development and, where necessary, the Township shall order such documentation to aid them in their review.

An original and ten (10) copies of the application shall be submitted along with ten (10) copies of each of the following:

1. Any required study and/or report, prepared as an Impact Analysis, which may be required at the discretion of the Township Board of Supervisors. A determination of the need for any such study and/or report may be made at the time of the informal consultation or during the public hearing for consideration of tentative approval of the development plan.
2. The development plan for the entire site, in addition to all other requirements shall include information and documentation noted herein:
 - (a) The location, size and topography of the site and the legal nature of the landowner's interest in the land proposed to be developed.
 - (b) The density of land use to be allocated to parts and/or phases of the site to be developed.
 - (c) The location and size of common open space and the form of organization proposed to own and maintain the common open space.
 - (d) The use and height, bulk and location of buildings and other structures.
 - (e) The means and feasibility of proposals for the disposition of sanitary waste and storm water.
 - (f) The substance of covenants, grants or easement or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.
 - (g) Provisions for parking of vehicles and the location and width of proposed streets and any other form of public rights-of-way, excluding common open space.
 - (h) The required modifications in the Township land use regulations as contained within the Township's Zoning Ordinance and Subdivision and Land Development Ordinance, otherwise applicable to the subject property.
 - (i) The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources.

- (j) In the case of development plans, which call for development over a period of years, a schedule showing the proposed timetable within which applications for final approval of all phases of the planned residential development are intended to be filed. This schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.
- (k) A plan map at a scale of not greater than one (1") inch equals fifty (50') feet, with contours for each two (2') feet change in elevation. A location map shall also be provided at a scale of not greater than one (1) inch equals two thousand (2,000) feet, indicating the relation of the site to its geographic proximity within the Township. The drafting standards applicable for a major subdivision and/or land development, as provided for within the East Union Township Subdivision and Land Development Ordinance, shall apply.

E. Statement of Landowner:

The application shall also include a written statement by the landowner setting forth the reasons why, in his opinion, the planned residential development would be in the public interest and consistent with the Community Development Objectives of this Ordinance, including any subsequent amendments.

F. Application and Approval Procedures in Lieu of Others:

The application for tentative and final approval of a development plan for a planned residential development prescribed herein shall be in lieu of all other procedures and approvals required by the Zoning Ordinance and Subdivision and Land Development Ordinance of the Township, unless otherwise expressly stated.

G. Referrals and Review of Plan:

The application for tentative approval shall be filed with the Zoning Officer, who shall be authorized to accept such applications under the Zoning Ordinance. Copies of the application and tentative plan shall be referred to the agencies and officials as required by the Township's Subdivision and Land Development Ordinance for their review and comment. Said reports shall be available prior the public hearing.

SECTION 1610 PUBLIC HEARINGS

Within sixty (60) days after the filing of an application for tentative approval of a

planned residential development pursuant to this Article, a public hearing pursuant to public notice on said application shall be held by the Township Board of Supervisors in the manner prescribed in the Ordinance for the enactment of an amendment to the Zoning Ordinance.

The chairman or in his absence, the acting chairman, of the Township Board of Supervisors, may administer oaths and compel the attendants of witnesses. All testimony by witnesses shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

A verbatim record of the hearing shall be provided by the Township Board of Supervisors whenever such records are requested by any party to the proceedings, with the cost of making and transcribing such a record shall be paid by those parties wishing to obtain such copies. All exhibits accepted as evidence shall be properly identified and the reason for any exclusion shall be clearly noted in the record.

The Township Board of Supervisors may continue the public hearing as required provided that in any event, the public hearing or hearings shall be concluded within sixty (60) days following the date of the first public hearing.

SECTION 1611 FINDINGS

The Township Board of Supervisors, within sixty (60) days following the conclusion of the public hearing, or within one hundred eighty (180) days after the date of filing the application, whichever occurs first, shall by official written communication to the landowner, either:

- A. Grant tentative approval to the development plan as submitted.
- B. Grant tentative approval subject to specified conditions not included in the development plan as submitted.
- C. Deny the tentative approval to the development plan.

Failure to act within the prescribed time period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Township Board of Supervisors, notify said Board of Supervisors of his refusal to accept all said conditions, in which case the Township Board of Supervisors shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not notify the Township Board of Supervisors of his refusal to accept all said conditions within thirty (30) days after receiving a copy of the official written communication of the Township Board of Supervisors, tentative approval of the development plan, with all said conditions, shall stand as granted.

The grant or denial of tentative approval by official written communication shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the denial, and said communication shall set forth particulars in what respect the development plan would or would not be in the public

interest including but not limited to findings of facts and conclusions based upon the following:

- A. Those respects in which the development plan is or is not consistent with the Community Development Objectives of this Ordinance, including any subsequent amendments thereto.
- B. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use and the reasons why such departures are or are not deemed to be in the public interest.
- C. The purpose, locations and amount of common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
- D. The physical design of the development plan and the manner in which said design does or does not make adequate provisions for public services, (including but not limited to sewage, water and stormwater runoff) provide adequate control for vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
- E. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood or area of the Township in which it is proposed to be established.
- F. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents of the planned residential development in the integrity of the development plan.

In the event a development plan is granted tentative approval, with or without conditions, the Township Board of Supervisors may set forth in the official written communication, the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part or phase thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than ninety (90) days. In the case of development plans which extend over a period of years, the time between applications for final approval of each part of the plan shall not be less than one (1) year.

SECTION 1612 STATUS OF PLAN AFTER TENTATIVE APPROVAL

The official written communication provided for in this Article shall be certified by the Township Secretary and filed in his/her office; a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed as an

amendment to the Zoning Map, effective and so noted upon the Zoning Map upon final approval.

Tentative approval of a development plan shall not qualify a plan of the planned residential development for recording nor authorize development or the issuance of any zoning permit. A development plan, which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending the application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed within the periods of time specified in the official written communication granting tentative approval.

In the event that a development plan is given tentative approval and thereafter, but prior to the final approval, the landowner shall elect to abandon said development plan and shall so notify the Township Board of Supervisors in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development for which final approval has not been given shall be subject to those Township land use ordinances otherwise applicable thereto. The same shall be noted on the Zoning Map and in the records of the Township Secretary.

SECTION 1613 APPLICATION FOR FINAL APPROVAL

An application for final approval may be for all of the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made through the Zoning Officer for review by the Township Board of Supervisors and subject to approval by the Township Board of Supervisors within the time or times specified by the official written communication granting tentative approval. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing shall not be required.

The application shall include all drawings, specifications for required improvements, covenants, easements, a financial guarantee and all other such requirements as specified within the East Union Township Subdivision and Land Development Ordinance, as well as any conditions set forth in the official written communication granting tentative approval.

In the event that the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the Ordinance and the official written communication of tentative approval, the Township Board of Supervisors shall, within forty-five (45) days of such filing, grant such development plan final approval.

In the event the development plan as submitted contains variations from the development plan given tentative approval, the Township Board of Supervisors may refuse to grant final approval and shall, within forty-five (45) days from the filing of

the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one (1) or more said variations are objectionable and not in the public interest.

In the event of such refusal the landowner may either:

- A. Refile his application for final approval without the variations to which the Township Board of Supervisors deemed objectionable and not in the public interest.
- B. File a written request with the Township Board of Supervisors that it hold a public hearing on his/her application for final approval.

If the landowner wishes to take either of such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he/she shall be deemed to have abandoned the development plan.

Any such public hearing shall be held pursuant to public notice within thirty (30) days after the request for the hearing is made in writing by the landowner. The hearing shall be conducted in the manner prescribed in this Ordinance for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the public hearing, the Township Board of Supervisors shall, by official written communication, either grant final approval to the development plan or deny final approval.

The grant or denial of final approval of the development plan shall, in cases arising under this Section, be in the form and contain findings required for an application for tentative approval as set forth in this Article.

A development plan, or any part thereof, which has been given final approval, shall be so signed and certified without delay by the Township Board of Supervisors. Said development plan shall be filed of record forthwith in the Office of the Recorder of Deeds of Schuylkill County before any development shall take place in accordance therewith. Upon filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion in accordance with the time provisions as provided for within the East Union Township Subdivision and Land Development Ordinance, said planned residential development or part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat the developer shall record the plat within ninety (90) days from the date of approval and post a financial security in accordance with the East Union Township Subdivision and Land Development Ordinance.

In the event that a development plan, or section thereof, is given final approval and thereafter the landowner shall abandon such plan or section thereof that has been

finally approved, and shall so notify the Township Board of Supervisors in writing; or in the event the landowner shall fail to commence and carry out the planned residential development in accordance with the time provisions as provided within the East Union Township Subdivision and Land Development Ordinance, after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to the Township Zoning Ordinance in the manner prescribed for such amendments by this Ordinance.

SECTION 1614 JURISDICTION AND LEGAL REMEDIES

A. JURISDICTION

District Justices shall have initial jurisdiction over proceedings brought under B., LEGAL REMEDIES

B. LEGAL REMEDIES

- . Any person, partnership or corporation who or which has violated the planned residential development provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by East Union Township, shall pay a judgment of not more than five-hundred (\$500.00) dollars, plus all court costs, including reasonable attorney fees incurred East Union Township as a result of said proceedings. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, East Union Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there has been a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation. In such cases, there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to East Union Township.
- . 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.

Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than East Union Township the right to commence any action for enforcement pursuant to this Section.

ARTICLE 17

APPEALS

SECTION 1701 APPEALS TO COURT

The procedures set forth in Article X-A of the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall constitute the exclusive mode for securing judicial review of any decision rendered or deemed to have been made under this Ordinance.