

Township of Ruscombmanor
Berks County, Pennsylvania

Zoning Ordinance
of 1973
as Amended

Adopted August 1, 2013

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ARTICLE I

OBJECTIVE, PURPOSES, INTERPRETATION, SHORT TITLE, DEFINITION OF TERMS

Section 100 Statement of Community Development Objectives

It shall be, and is hereby declared to be, the objective of Ruscombmanor Township to provide for the orderly development of the Community through its Zoning Ordinance and Subdivision Regulations as presently in effect or hereafter amended in order to carry into effect the purposes, plans, and guidelines as set forth in the Ruscombmanor Township Comprehensive Plan, which Plan is herein incorporated by reference, and to recognize that circumstances can necessitate the adoption and timely pursuit of new goals and the enactment of new zoning ordinances which may neither require nor allow for the completion of a new comprehensive plan and approval of new community development objectives.

Section 101 Purposes

This Ordinance is enacted in accordance with the Pennsylvania Municipalities Planning Code, for the following purposes: 1) to promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare, coordinated and practical community development, and proper density of population, emergency management preparedness and operations and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable, and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements, as well as preservation of the natural, scenic, and historic values in the environment and preservation of forest, wetlands, aquifers and floodplains. 2) to prevent overcrowding of land, blight, danger and congestion in travel and transportation and loss of health, life or property from fire, flood, panic or other dangers. Zoning ordinances shall be made in accordance with the spirit and intent of the Comprehensive Plan, and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures. 3) to protect prime agricultural and farmland considering topography, soil type, and classification and present use. To encourage the continuity, development and viability of agricultural operations. 4) 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 multi-family dwellings in various arrangements, mobile homes and mobile home parks. 5) to accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

Section 102 Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

Section 103 Short Title

This Ordinance shall be known and may be cited as “The Ruscombmanor Township Zoning Ordinance of 1973, as amended”.

Section 104 Definition of Terms

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meaning herein indicated. The singular shall include the plural, and the plural shall include the singular. The word “used” shall include the words “arranged”, “designed”, or “intended to be used.” The present tense shall include the future tense. The word “shall” is always mandatory.

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

Accessory Building or Structure: A building or structure subordinate to the main building, located on the same lot, and used for purposes customarily and clearly incidental to those of the main building.

Accessory Use: A use subordinate to the main use of land or of a building on the same lot and customarily and clearly incidental thereto.

Age Qualified Residential Development: A residential development consisting of a number of dwelling units in which at least one family resident in each dwelling unit shall be at least 55 years of age, no resident is under the age of 18 years, and no more than two occupants are between the ages of 18 years and 55 years.

Agricultural Operation: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological developments within the agricultural industry.

Agriculture: The cultivation of the soil and the raising and harvesting of the products of

the soil, including but not limited to nursery, horticulture and animal husbandry. The term includes an Agricultural Operation and Concentrated Animal Operation, but excludes mushroom culture and production.

Alteration: An alteration, as applied to a building or structure, is any change, rearrangement in the structural parts, or any enlargement, whether by extending on any side by increasing in height, or moving from one location or position to another.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

Authority or Municipal Authority: A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164) known as the “Municipality Authorities Act of 1945”.

Basement: An area, partly underground, but having one-half or more of its clear height above the average level of the adjoining ground.

Bed and Breakfast: An existing home and/or accessory buildings refurbished, restored, redecorated and converted to an owner occupied facility containing sleeping rooms available for transient guests subject to the conditions of Section 1321 of this Ordinance.

Billboards: A sign which directs attention to a business, commodity, service or entertainment, conducted, sold or offered elsewhere than upon the premises where the sign is displayed.

Board of Supervisors: The governing body of the Township of Ruscombmanor, Berks County, Pennsylvania.

Buffer Yard: A strip of required yard space adjacent to the new boundary of a property or district, not less in width than is designated in this Ordinance, and on which is placed year-around shrubbery, hedges, evergreens, or other suitable plantings.

Building: Any structures, including a mobilehome or trailer, having a roof supported by columns, piers, or walls used for the housing or enclosure of persons, animals, or chattels.

Building Area: The aggregate of the maximum horizontal cross-section areas of all building and structures on a lot, excluding cornices, eaves, gutters, or chimneys projecting not more than thirty (30) inches; steps, one story open porches, or chimneys not extending more than one (1) story and not projecting more than five (5) feet; and balconies and terraces.

Building Line or Setback Line: The line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the district in which the lot is located.

Cellar: An area, partly underground and having more than one-half of its clear height below the average level of the adjoining ground.

Center Line of Street or Road: A line midway between and parallel to the street right-of-way lines.

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

Communications Equipment Building: An unmanned Building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

Communications Tower: A Structure other than a Building, such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

Concentrated Animal Operation: Agricultural Operations with eight or more animal equivalent units where the animal density exceeds two AEUs per acre on an annualized basis.

Conditional Use: A permitted use of land in a given zoning district which requires the approval of the Board of Supervisors in conformance with the provisions of Section 1309 of this Ordinance.

Corner Lot: A lot at the point of intersection of and abutting on two or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of the two streets. Upon presentation of an application for establishment of a use on a corner lot, the Township Zoning Officer shall designate which yard abutting a street will be considered the front yard. The yard opposite that yard shall meet the rear yard requirements of the applicable zoning district. Any yard adjoining a street which was not designated the front yard must meet the front yard requirements of the applicable zoning district, and the yard opposite that yard shall meet the side yard requirements of the applicable zoning district. In the case of a building to be placed on a corner lot, such that the front of the building will not be parallel to a street line, yards shall be provided so that no building will be placed closer to a street than the front yard requirement of the applicable zoning district, so that no portion of the rear of the building will be placed closer to a lot line than the rear yard requirement of the applicable zoning district, and so that no portion of a side of the building will be placed closer to a lot line than the side yard requirement of the applicable zoning district.

Density gross: The total number of dwelling units on a given tract divided by the total number of acres in the tract, not including existing dedicated roads, but including all residential streets to be built in conjunction with subdivision development and all land set aside and dedicated for public use.

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

Development of regional significance and impact: any land development that, because of its character, magnitude or location will have substantial effect upon the health, safety or welfare of citizens in more than one municipality.

Domestic Animal: An Animal associated with a home or household for purposes of individual use by that household or as part of a 4-H project, not to be construed or considered as part of a commercial agricultural operation.

Dwelling:

- a. **Single-Family:** A building, on a lot, designed and occupied exclusively as a residence for one family, excluding trailers or mobilehomes unless the mobilehome is affixed on a permanent continuous foundation with wheels and hitch removed.
- b. **Two-Family:** A building, on a lot, designed and occupied exclusively as a residence for two families with one family living wholly or partly over the other and having no cooking or sanitary facilities in common with the other dwelling unit. This type of dwelling unit shall be considered a two-family apartment.
- c. **Multi-Family:** A building, on a lot, designed and occupied exclusively as a residence for three (3) or more families living independently of each other and having no cooking or sanitary facilities in common with any other dwelling unit. This type of dwelling unit shall be considered an apartment, excluding the aforementioned two-family apartment.
- d. **Semi-detached:** A building, on a lot, designed and occupied exclusively as a residence for two families, one family living on each side of a common wall. This type of dwelling shall be considered a twin unit or duplex.
- e. **Attached:** A building, on a lot, designed and occupied exclusively as a residence for one family, arranged as a group of three or more connected buildings, but no more than six connected buildings in a row. This type of dwelling shall be considered a townhouse unit.

Dwelling Unit: One (1) or more rooms designed and equipped for one (1) family, or persons living together as one (1) family, to occupy as a residence, but shall not include tourist homes or cabins, lodging houses, hotels, motels, or other similar places offering overnight accommodations for transients.

Electric Substation: An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public, provided that in Residence Districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, or housing of repair crews, or office or place of business.

Employees or Number of Employees: The greatest number of persons to be employed on the premises in question at any one time of the day or night.

Family: One (1) or more persons, related by blood, marriage or adoption or not more than three (3) unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

Farm: A tract of land used for agriculture.

Farm Building: Any building used for storing agricultural equipment or farm produce, housing livestock or poultry, and processing dairy products. The term “Farm Building” shall not include dwellings and mushroom culture houses.

Floor Area or Gross Floor Area: The sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls and from the center line of walls separating two (2) buildings. The term shall include basements, elevator shafts and stairwells at each story, floor space used for mechanical equipment (with structural headroom of six feet, six inches or more), penthouses, attic space (whether or not a floor has actually been laid providing structural headroom of six (6) feet, six (6) inches or more), interior balconies, and mezzanines. It shall not include stair and elevator penthouses or cellars unless said cellars are utilized for anything other than storage rooms, utility rooms, mechanical equipment rooms, etc.

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

Group Home: A household of not more than six (6) members (including caregivers who reside or sleep over in the dwelling), not necessarily related by blood, marriage, adoption or legal guardianship, who, because of their physical, emotional or behavioral condition or their social or interpersonal skills otherwise would limit, inhibit or prevent their ability to function as useful or productive members of society, are provided supportive services through a nonprofit social service agency.

Hazardous: risky, dangerous or perilous.

Height of a Communications Tower: The vertical distance measured from the ground level to the highest point on a Communications Tower, excluding antennas mounted on the tower.

Height of Building or Structure: The vertical measurement from the mean level of the ground abutting the building or structure to the highest point in the roof line of a flat roof or of a roof having a slope of less than fifteen (15) degrees from the horizontal, and to a point midway between the peak and the eaves of a roof having a slope of fifteen (15) degrees or more; provided that chimneys, spires, towers, elevator penthouses, tanks, and similar projections of the building shall not be included in calculating the height. Farm buildings are excluded from any height restriction.

Home Occupation: An occupation customarily carried on within a dwelling unit and as indicated in the Home Occupation regulations of this Ordinance.

Junk Yard or Salvage Yard: A lot, land, or structure, or parts thereof used for the collection, storage, dismantling, salvage or sale of used and discarded materials, including, but not limited to, waste paper, rags, scrap metal, or other scrap, salvage, or discarded material, vehicles or machinery. The deposit or storage of three or more unlicensed, wrecked or disabled vehicles shall be deemed to be a “junk yard”.

Kennel: The commercial boarding or breeding of more than three (3) dogs or cats on a lot.

Landowner: A legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land.

Large Grazing Animal: Livestock. An animal customarily bred and raised commercially which at adulthood exceeds 300 pounds in weight. Animals raised in association with a 4-H project are excluded from this definition.

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 as a unit.

Gross Lot Area: Total area of lot contained within the lot lines including land area excluded in the determination of Net Lot Area as defined by Section 1313 of this Ordinance.

Lot Area: Net Lot Area.

Lot Width: The distance between side lot lines measured at the minimum front yard line.

Net Lot Area: Lot area as determined by Section 1313 of this Ordinance.

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

Mobilehome: 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.

Mobilehome Lot: A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome.

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

Motor Vehicle Service Station: Any area of land, including structures thereon, or any building or part thereof, that is used for sale of gasoline or other vehicle fuel or accessories, and which may or may not include facilities for lubricating, washing, or otherwise servicing motor vehicles, but which shall not include painting, body and fender repairs, or sale, rental, and storage of vehicles.

Multiplex: attached dwelling arranged in a group of no more than six units in a variety of configurations: side by side, back to back or vertical, but excluding townhouses.

Municipal Engineer: a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

Municipal Use: Use by Ruscombmanor Township, Berks County, Pennsylvania and any municipal authority created by the Township.

Municipality: The Township of Ruscombmanor, Berks 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, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the requirements of Section 1312.

Non-Conforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance. but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

Non-Conforming Structure or Building: A structure or building, or part thereof which does not conform to the applicable provisions or requirements of the district in which it is located, either at the time of enactment of this Ordinance or as a result of subsequent amendments thereto, where such building or structure lawfully existed prior to the enactment of this Ordinance or any such amendments. Such non-conforming structures include, but are not limited to, non-conforming signs.

Non-Conforming Use: A use of building, structure or land which does not conform to the applicable regulations of the district in which it is located, either at the time of the enactment of this Ordinance or as a result of subsequent amendments thereto, but which did not violate any applicable use regulations prior to the enactment of this Ordinance or any such amendments. However, no existing use shall be deemed non-conforming solely because of the existence of less than the required off-street parking spaces.

Noxious: harmful to the health; injurious, morally injurious; corrupting; unwholesome.

Off-Street Loading Space: An on-the-property space for the standing, loading, and unloading of vehicles to avoid undue interference with the public use of streets and alleys. Such space shall be not less than fourteen (14) feet in width, fifteen (15) feet in height and fifty-five (55) feet in length, exclusive of access aisles and maneuvering space.

Off-Street Parking Space: A space containing a minimum area of two hundred (200) square feet with a minimum width of ten (10) feet, for the parking of an automobile. In determining the dimensions of such space, access drives and aisles shall not be included. Minimum vertical clearance shall be six and one-half (6 ½) feet.

Offensive: unpleasant as to the senses; disgusting; repugnant.

Open Area: Free of all buildings, paving, outside storage and structures except as permitted by this Ordinance. Landscaping or screening as permitted by this Ordinance may occur within the open area.

Preservation or Protection: Conservation and safeguards of natural and historic resources. Not to be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

Prime Agricultural Land: Land used for agricultural purposes that contain soils of the first, second or third class as defined by the U.S. Department of Agriculture natural resource and conservation services county soil survey.

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

Private Garage: An accessory building used for the storage of motor vehicles and farm equipment, which may include one (1) commercial vehicle, and for the storage of not more than two (2) private non-commercial vehicles owned and used by persons other than the owner or tenant of the premises.

Professional Office: Doctor, surgeon, dentist, psychiatrist, psychologist, chiropractor and licensed professional people offering similar medical care, lawyer, architect, artist, accountant, insurance agent, real estate broker, teacher, engineer, musician, surveyor, landscape architect, land planner, systems analyst, computer programmer or similar professional use.

Public Garage: A building, not a private garage, used for the repair or servicing of motor vehicles owned and used by persons other than the owner-tenant of the premises and/or for the storage of more than two (2) motor vehicles owned and used by persons other than the owner or tenant of the premises, excluding a truck depot.

Public Hearing: A formal meeting held pursuant to public notice by the Township intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

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 matters to be considered at the hearing. The first publication shall not be more than thirty (30) and the second publication shall not be less than seven (7) days from the date of the hearing.

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.

Public Water and Public Sewer: A "public water" is any municipally or privately owned water system for the distribution and sale of water, in accordance with the laws of the Commonwealth of Pennsylvania. A "public sewer" is any municipal or privately owned sewer system in which sewage is collected from buildings and piped to an approved sewage disposal plant or central septic tank disposal system and approved by the Pennsylvania Department of Environmental Protection. It also may be referred to as "off-lot" or "off-site" sewer.

Right-of-Way: The total width of any land reserved or dedicated as a street, road, lane, crosswalk or for other public or semi-public uses.

Seats: The seating capacity of a particular building as determined by the specifications and plans filed with the Zoning Officer; in the event individual seats are not provided, each twenty (20) inches of benches or similar seating accommodations shall be considered as one seat for the purposes of this Ordinance.

Sign: Any structure, device, display, or part thereof, or device attached thereto, or painted or represented thereon, located outside, on or within the building in such a manner that the sign is viewed from outside the building, which shall be used for the purpose of bringing the subject thereof to the attention of the public or which displays or includes any letter, word, motto, banner, pennant, flag, insignia, device or representation which is in the nature of an advertisement, announcement, direction or attraction, but not including the flag, emblem, or insignia of the United States of America, the Commonwealth of Pennsylvania or any political subdivision thereof.

Single and Separate Ownership: The ownership of a lot by one (1) or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any adjoining lot.

Small Wind Energy System or Wind System: A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion-like electronics, which has a rated capacity of not more than 50 kW and which is intended to primarily reduce on-site consumption of utility power.

Solar Energy: Radiant energy (direct, diffuse and reflected) received from the sun.

Solar Energy System: Any solar collector or other solar energy device, or any structural designed feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage, and distribution of Solar Energy for space heating or cooling, for water heating or for production of electricity.

Special Exception: A use permitted with special permission, granted by the Zoning Hearing Board, to occupy and use land and/or a building for specific purposes in accordance with this Ordinance when such use is not permitted by right.

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 be no floor above it, then the space between any floor and the ceiling next above it. A basement, but not a cellar, shall be deemed to be a story. Each level of a split level building, excluding cellars, shall be considered a ½ story.

Street: A public street, road or highway which is legally open or officially plotted by the Township, or a private street, road, or way over which the owners or tenants of two (2) or more lots held in single and separate ownership have the right-of-way.

Street Line: The dividing line between a lot and the outside boundary of a public street, road or highway right-of-way legally open or officially mapped by a municipality or higher governmental authority, between a lot and the outside boundary of a street shown on a recorded subdivision or land development plan, or between a lot and a private street, road or way over which the owners or tenants of one or more lots held in single and separate ownership have a right-of-way.

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

Swimming Pool: A swimming pool (above or below ground level) and the apparatus and equipment pertaining to the swimming pool maintained by an individual for the sole use of his household and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence excluding any container designed to hold less than twenty-four (24) inches of water or less than five hundred (500) cubic feet of water.

Telephone Central Office: A building or part of a building used for the transmission and exchange of telephone or radio messages; provided that, in Residence Districts, such use shall not include the transaction of business with the public, storage of materials, trucks, or repair facilities, or housing of repair crews.

Timber Stand Improvement: The removal of trees of undesirable species, form or condition from the main canopy of the stand to improve the health and composition of the stand.

Township: The Township of Ruscombmanor, Berks County, Pennsylvania, its Board of Supervisors or its duly authorized agents.

Township Specifications: Specifications duly adopted by the Board of Supervisors by formal resolution for a specific purpose.

Variance: A form of zoning regulatory relief pursued through and granted by the Township Zoning Hearing Board in accord with Section 1706.2.

Wooded Area: A tree mass or plant community in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Any area, grove, or stand of mature or largely mature trees (i.e., larger than six inches diameter at breast height “dbh”) covering an area of one-quarter acre or more, or consisting of ten (10) individual trees larger than six (6) inches dbh. For the purposes of this Ordinance, the extent of any tree mass or plant community or any part thereof shall be measured from the outer-most dripline of all the trees in the community. Wooded Areas do not include orchards or old fields (former agricultural fields or pastures where natural succession has been allowed to occur, but where most trees are smaller than six (6) inches dbh). Wooded Area shall include any area where timber has been harvested within the previous three (3) years or disturbance has occurred within the previous three (3) years in an area which would have met the definition of Wooded Area prior to timbering or disturbance.

Yards:

- a. **Front:** An open area between an adjacent street right-of-way line drawn parallel thereto, at such minimum distance therefrom as may be specified herein for any zoning district and extending for the full width of the lot.
- b. **Side:** An open area between the side lot line and a line drawn parallel thereto at such minimum distance therefrom as may be specified herein for any zoning district and extending from the front yard to the rear yard.

- c. **Rear:** An open area between the rear lot line and a line drawn parallel thereto, at such minimum distance therefrom as may be specified herein for any zoning district and extending for the full width of the lot.
- d. **Interior:** The open space separating any buildings situated on a lot held in single and separate ownership.

Zoning Map or Official Zoning Map: Ruscombmanor Township Zoning Maps.

Zoning Ordinance or this Ordinance: The Ruscombmanor Township Zoning Ordinance of 1973, as amended.

ARTICLE II

CLASSIFICATION OF DISTRICTS

Section 200 Classes of Districts

For the purposes of this Ordinance, Ruscombmanor Township is hereby divided into seven (7) classes of districts which shall be designated as follows:

R-1	Residential District
R-2	Multi-Family Residential Districts
R-2A	Multi-Family Residential Districts
C	Retail Commercial Districts
HC	Highway Commercial Districts
LI-1	Limited Industrial Districts
L1-2	Limited Industrial Districts

Section 201 Zoning Map

The boundaries of said districts shall be as shown on the map attached to and made a part of this Ordinance, which map shall be known as the Official Zoning Map of Ruscombmanor Township. The Zoning Map and all notation, reference, and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of this Ordinance as if all were fully described herein.

201.1 Identification of Official Zoning Map.

The Official Zoning Map shall be identified by the signature of the Township and attested to by the Secretary of the Township, together with the date of the adoption of the Map.

201.2 Changing the Official Zoning Map.

If, in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township.

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance or any state law, if applicable. All changes shall be noted on the Official Zoning Map by date with a brief description of the nature of the change.

201.3 Location of Official Map.

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

201.4 Replacement of Official Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Township may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereto. The new Official Zoning Map shall be identified by the signatures of the Township, attested by the Secretary of the Township.

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

Section 202 **District Boundaries**

Where uncertainty exists as to boundaries of any district as shown on said map, the following rules shall apply:

- 202.1** District boundary lines are intended to follow the center line of streets, streams, and railroads; and lot or property lines as they exist on plans of record at the time of the adoption of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map or are referenced to an Ordinance describing such lines.
- 202.2** Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- 202.3** In unsubdivided land or where a district boundary divides a lot, the location of such boundary unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the map.
- 202.4** In case any further uncertainty exists, the Zoning Hearing Board shall interpret the intent of the map as to locations of district boundaries.

ARTICLE III

R-1 RESIDENTIAL DISTRICT

Section 300 Purpose

R-1 Residential Districts are designed primarily to provide for the special needs of the large rural and undeveloped areas of the Township and to encourage the preservation of ample and appropriate areas for continued agriculture, recreation, conservation and other open space purposes. Accordingly, the district incorporates a density standard which, among other things, (a) provides for farm and low density dwelling use, with area regulations geared to the nature of the permitted uses and the likelihood of the absence of public water, sanitary sewer or other services, (b) prevents the haphazard mixing of commercial, industrial, and residential use, (c) discourages premature subdivision and isolated development, and (d) facilitates the conservation of forest, water and other natural resources, thereby reducing demands on the water table and minimizing erosion. In R-1 Residential Districts, the following regulations shall apply:

Section 301 Use Regulations

A building or structure may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- 301.1** Single family detached dwelling of not less than 900 square feet of living space.
- 301.2** Agriculture. Any building used for keeping or raising livestock or poultry shall be situated not less than 100' from any street line, proposed street line, property line or dwelling other than the owner's dwelling.
- 301.3** Roadside stand for the sale of farm or nursery products, seventy-five (75) percent of which are produced on the property where offered for sale, provided (a) such stand shall be situated not less than fifteen (15) feet from any street line or proposed street line, within which off-street parking facilities for the patrons of the roadside stand shall be provided, and (b) that any such stand shall be removed or kept in good condition during seasons when products are not being offered for sale.
- 301.4** Public library, public park or public recreation area.
- 301.5** Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses.
- 301.6** No-Impact Home-Based Business, subject to the provisions of Section 1312., and Home Occupations, subject to the provisions of Section 1325.
- 301.7** Professional Office employing no more than two (2) employees.

- 301.8** Accessory use of one amateur radio transmitting and receiving antenna, subject to the height restrictions contained in Section 1319.1. and 1319.2.
- 301.9** Municipal Use
- 301.10** The following uses when authorized by the Zoning Hearing Board as a Special Exception, provided that any such use be located on a site of not less than five (5) acres.
- a. Private educational, religious or philanthropic use.
 - b. Privately owned outdoor recreational area for use by the general public, such as park, picnic grounds, riding stable or academy, swimming area, and golf course, provided that (1) the use and its design are compatible with the natural character of the area; (2) the use shall include only necessary accessory structures; and (3) no commercial activity shall be permitted except for charging of admission, the sale of refreshments, the rental of athletic equipment, or such other purpose as is clearly incidental to the permitted outdoor recreation use.
 - c. Hospital, convalescent home or sanitarium.
 - d. Cemetery.
 - e. Public, private or parochial school.
 - f. Church or other place of worship.
 - g. Telephone office or utility substation, provided that any such use be located on a site of not less than one (1) acre.
 - h. Boarding of horses and riding stables, subject to the provisions of Section 1318 of this Ordinance.
 - i. Kennel, when the following requirements are satisfied:
 - (1) No building or structure associated with a kennel shall be closer than 350 feet from the property line.
 - (2) No building or structure associated with a kennel shall be closer than 450 feet from a dwelling or place of lodging, other than a dwelling or place of public lodging located on the same property upon which the kennel is located.
 - (3) A planting of arborvitae or similar evergreen plant screening at least six feet (6') in height must surround outdoor pens and runs.
 - (4) No animals are permitted outdoors between the hours of 8:00 P.M. and 8:00 A.M.
 - (5) Kennel buildings shall be sound-proof so that sounds generated within the building cannot be perceived at the lot lines.

- (6) Odors causing annoyance or discomfort to the public beyond the boundaries of the lot on which the kennel is located are prohibited.
- (7) Kennels must comply with all applicable state codes and regulations.
- j. Bed and Breakfast, subject to the provisions of Section 1321.
- k. Group Home, when the following requirements are satisfied:
 - (1) All group homes shall hold a valid license, specifically as a group home, from the Pennsylvania Department of Public Welfare and shall meet all current Department regulations, including those standards governing indoor space and applicable state and local building and fire safety codes.
 - (2) The individual or organization owning and/or operating the group home shall provide to the Township evidence of its financial stability.
 - (3) The residential exterior appearance of the structure and premises shall be maintained. No external alterations, additions, or changes to the exterior of the structure are permitted, except as may be required by the Pennsylvania Department of Welfare or other governmental agency, or as may be needed for safety reasons or to accommodate the physically handicapped.
 - (4) There shall be no more than one (1) kitchen or cooking facility. Meals shall be served to occupants and visitors only. No separate cooking facilities are permitted for any occupant.
 - (5) No group home shall be located within four hundred (400) feet of any other group home.
 - (6) Facilities which house persons who are likely to pose a physical threat to the community may not be deemed "group homes" under the provisions of this Ordinance. Such persons include, but are not necessarily limited to, individuals who have potentially violent behavioral disorders or who have been convicted of violent crimes.
 - (7) The minimum lot size (net lot area) shall be three (3) acres.

301.11 The following uses when authorized by the Board of Supervisors as a Conditional Use in accordance with the provisions of §1609:

- a. Except as provided in §301.8 above, Amateur Radio Transmitting and Receiving Antennas, subject to the provisions of §1319.
- b. Age Qualified Residential Developments, subject to the provisions of ARTICLE XII.

Section 302 Area and Height Regulations

302.1 R-1 Area & Height Regulations

	<u>On-site sewer & water</u>	<u>Public sewer & water</u>
Minimum lot size (Net Lot Area)	65,340 sq. ft.	30,000 sq. ft.
Minimum lot width	175 ft.	125 ft.
Maximum building area	15%	15%
Minimum Open Area	80%	60%
Minimum front yard	60 ft.	60 ft.
Minimum side yard (2)	25 ft.	25 ft.
Minimum rear yard	30 ft.	30 ft.
Maximum height (principal building)	35 ft.	35 ft.
Maximum height (accessory building)*	25 ft.	25 ft.

*Note: Farm accessory buildings are exempt from this regulation.

302.2 Attached Garages.

Attached private garages which are connected to any dwelling with or without a breezeway, shall be considered a part of the dwelling for the purpose of measuring any required open spaces. All such attached garages shall be fire-proofed in accordance with the Building Code of the Township.

ARTICLE IV

R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

Section 400 Purpose

R-2 Residential Districts are designed primarily to encourage the orderly expansion of development by directing more intensive development into those portions of the Township in which utilities and other municipal and urban services can most logically and economically be provided. In R-2 Residential Districts the following regulations shall apply:

Section 401 Use Regulations

A building or structure may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- 401.1 Any use permitted by right in “R-1” Residential Districts.
- 401.2 Semi-detached, Attached, Two-Family or Multi-Family dwellings.

Section 402 Area and Height Regulations

- 402.1 Area and height regulations for R-1 Residential District land uses permitted in the R-2 District shall conform to the R-1 area and height regulations as contained in Section 302.
- 402.2 Area and height regulations for Semi-detached, Attached, Multi-Family and Two-Family dwellings shall be as follows:

R-2 Area & Height Regulations - Semi-detached units

	On-site sewer & water	Public sewer & water
Minimum lot size (Net Lot Area)	30,000 sq. ft./d.u.	15,000 sq. ft./d.u.
Minimum lot width	125 ft.	60 ft.
Maximum building area	15%	15%
Minimum Open Area	65%	50%
Minimum front yard	30 ft.	30 ft.
Minimum side yard (1)	20 ft.	20 ft.
Minimum rear yard	30 ft.	30 ft.
Maximum height (principal building)	35 ft.	35 ft.
Maximum height (accessory building)*	25 ft.	25 ft.

*Note: Farm buildings are exempt from this regulation.

R-2 Area & Height Regulations - Attached units (townhouses)

	<u>Public sewer & water</u>
Minimum tract size (Net Lot Area)	10 acres
Maximum tract density (Gross Density)	8 d.u./acre
Maximum tract building area	30%
Minimum lot requirements (if provided)	
Minimum lot area	2,500 sq. ft.
Minimum lot width	25 ft.
Minimum front yard	25 ft.
Minimum rear yard	20 ft.
Maximum building area	40%
Minimum building setback from road	
R-O-W or parking	25 ft.
Minimum building separation	40 ft.*
Minimum buffer yard/landscape screen	25 ft.
Minimum open space	20%

*Note: The minimum building separation shall be established by current ISO (or successor agency) standards for building separation, but in no case shall that building separation be less than forty (40) feet.

R-2 Area & Height Regulations - Multi-Family units (Apartments)

	<u>Public sewer & water</u>
Minimum tract size (Net Lot Area)	10 acres
Maximum tract density (Gross Density)	8 d.u./acre
Maximum tract building area	20%
Minimum building setback from road	
R-O-W or parking	25 ft.
Minimum building separation	40 ft.*
Minimum buffer yard/landscape screen	20 ft.
Minimum open space	20%

*Note: The minimum building separation shall be established by current ISO (or successor agency) standards for building separation, but in no case shall that building separation be less than forty (40) feet.

R-2 Area & Height Regulations - Two-Family units

	<u>On-site sewer & water</u>	<u>Public sewer & water</u>
Minimum lot size (Net Lot Area)	60,000 sq. ft./building	30,000 sq. ft./ building
Minimum lot width	175 ft.	125 ft.
Maximum building area	15%	15%
Minimum Open Area	75%	55%
Minimum front yard	60 ft.	60 ft.
Minimum side yard (2)	25 ft.	25 ft.
Minimum rear yard	30 ft.	30 ft.
Maximum height (principal building)	35 ft.	35 ft.
Maximum height (accessory building)*	25 ft.	25 ft.

*Note: Farm buildings are exempt from this regulation.

Section 403 Special Regulations

403.1 Multi-Family Developments

- a. A buffer strip shall be provided along the entire perimeter of the property on which Multi-Family dwelling units are erected, of at least twenty (20) feet in width measured inward from the property line and retained in natural woods, or be suitably landscaped with grass and/or ground cover, shrubs and trees. No parking shall be allowed in this area.
- b. Streets may be dedicated to the Township at the time of construction, and if so dedicated, they shall conform with all applicable Township Ordinances and regulations.
- c. Each dwelling shall be served by a public water supply and public central sewage disposal system or systems in conformity with all state, county and Township statutes, ordinances and regulations.
- d. Multi-Family development shall be subject to all of the standards and provisions contained in the Township of Ruscombmanor Subdivision and Land Development Ordinance of 1987, as amended, and shall be reviewed and approved in accordance with said Ordinance.
- e. A Multi-Family residential development shall have at least two accessways (streets), which shall be no closer than 250 feet and each accessway shall be at least thirty-three (33) feet wide unless a different width is specified by the Township of Ruscombmanor Subdivision and Land Development Ordinance of 1987, as amended.

ARTICLE V

R-2A MULTI-FAMILY RESIDENTIAL DISTRICT

Section 500 Purpose

The R-2A Multi-Family Residential District is designed primarily to encourage more intensive development into those portions of the Township that directly abut Fleetwood Borough and Richmond Township where the provision of utilities and other municipal and urban services can most logically and economically be provided. In R-2A Residential Districts the following regulations shall apply:

Section 501 Use Regulations

A building or structure may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

501.1 Any use permitted by right in “R-2” Residential Districts.

501.2 Mobilehome parks.

Section 502 Area and Height Regulations

502.1 Except for residential uses, area and height regulations for R-1 Residential District land uses permitted in the R-2A shall conform to R-1 area and height regulations as contained in Section 302. Area and height regulations for residential land uses permitted in the R-2A shall conform to the R-2 area and height regulations as contained in sub-section 402.2.

..

.....**702.2**

A Multi-Family residential development shall have at least two accessways (streets), which shall be no closer than 250 feet and each accessway shall be at least thirty-three (33) feet wide unless a different width is specified by the Township of Ruscombmanor Subdivision and Land Development Ordinance of 1987, as amended.

502.3 R-2A Area & Height Regulations for Mobilehome Parks

	Public sewer & water
Minimum tract size (Net Lot Area)	10 acres
Maximum tract density (Gross Density)	8 d.u./acre
Minimum lot requirements:	
Minimum lot size	10,000 sq. ft.
Minimum front yard	20 ft.
Minimum side yard (2)	10 ft.
Minimum unit separation	20 ft. *
Minimum rear yard	10 ft.
Minimum buffer yard/landscape screen	20 ft.
Minimum open space	30%
Maximum impervious coverage	60%

*Note: Minimum unit separation shall be established by current ISO (or successor agency) standards for unit separation, but in no case shall the unit separation be less than twenty (20) feet.

Section 503 Special Regulations

503.1 Multi-Family and Mobilehome Park developments shall conform to the requirements of Sections 403.1. and 503.2. of this Ordinance.

503.2 Mobilehome Park Development.

- a. The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted shall be equal to fifty percent (50%) of the spaces to be included in the mobilehome park.
- b. No space shall be rented for residential use of a mobilehome in any such park except for periods of thirty (30) days or more.
- c. All provisions and regulations of the Township dealing with mobilehome parks must be met.

ARTICLE VI

C-RETAIL COMMERCIAL DISTRICT

Section 600 Purpose

C-Retail Commercial Districts are designed to provide for the special needs of retail businesses, to encourage development in compact shopping areas or centers, in appropriate locations and to provide for low density dwelling use. In C-Retail Commercial Districts, the following regulations shall apply.

Section 601 Use Regulations

A building or structure may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- 601.1 Any use permitted by right in R-l Residence Districts.
- 601.2 Dwelling for one-family located in the same building as a permitted by right business use, provided that the dwelling unit contains a minimum of six hundred (600) square feet of living space.
- 601.3 Retail store or establishment; restaurant; professional office; agency or studio; bank; personal service shop such as tailor, dressmaking, beauty, barber, and shoe repair.
- 601.4 Bakery confectionery or custom shop for the production of articles to be sold at retail on the premises.
- 601.5 Hand or automatic self-service laundry; dry cleaning or clothes pressing agency.
- 601.6 Mortuary.
- 601.7 Telephone central office, utility line, electric substation.
- 601.8 A building owned and/or operated by the Township for a municipal office, municipal meeting hall and/or municipal garage.
- 601.9 The following uses when authorized by the Zoning Hearing Board as a Special Exception subject to the provisions of Section 1311.
 - a. Indoor place of amusement, recreation, or assembly.
 - b. Club or lodge.
 - c. Craftmen's or general service shop, including plumbing, heating, carpentry, welding, tool and similar small shop.

- 601.10** Storage in conjunction with retail store or other permitted use, provided that such storage shall be limited to a reasonable supply of the goods which are to be sold and displayed on the premises. Such storage shall be within a building or fenced area, and no goods, articles or equipment shall be displayed or offered for sale beyond the front line of the building on such premises or beyond the side lines of buildings on corner premises.
- 601.11** Any use of the same general character as any of the above permitted uses provided that no use which is noxious, offensive or hazardous shall be permitted.
- 601.12** Accessory use on the same lot with and customarily incidental to any of the above permitted uses; and signs when erected and maintained in accordance with the provisions of Article XV.
- 601.13** The uses permitted by right and the uses permitted by special exception shall not include adult entertainment uses, as described in this Ordinance.

Section 602 Area and Height Regulations

Every building hereafter erected or used in whole or in part as a dwelling shall comply with the area and height regulations prescribed for R-1 Residence District in Article III hereof. For commercial and other buildings, no part of which is used as a dwelling, the following area and height regulations shall apply, subject to the requirements of Section 603.

602.1 Lot Area and width.

A lot area and lot width sufficient in size to assure adequate water supply and sewage disposal facilities shall be provided, subject to the provisions of Section 1310. In no case, however, shall the lot area and lot width be less than the following:

- a. Net lot area - 43,560 square feet.
Lot width - One hundred (100) feet.
- b. In the case of a group of attached structures with common water supply and sewage disposal facilities, the lot area shall be not less than five thousand (5,000) square feet per individual establishment.

602.2 Building and Open Areas.

Not more than fifty (50) percent of the lot area may be occupied by buildings. At least 20% of the net lot area shall be maintained open area.

602.3 Yards.

Front, side and rear yards shall be provided on each lot as follows:

a. Front Yard.

There shall be a front yard on each street or road on which the lot abuts which shall be not less than thirty-five (35) feet in depth, subject to the provisions of Section 603.

b. Side Yards.

Two, neither less than twenty (20) feet in width, except that where a lot adjoins land zoned residential or land used for residential purposes, the adjoining side yard shall be not less than twenty-five (25) feet in width.

c. Rear Yard.

Not less than twenty-five (25) feet in depth.

602.4 Height Regulations.

No building or structure shall exceed thirty-five (35) feet in height, provided that such height limits may be exceeded for each foot by which the width of each side yard is increased beyond minimum side yard requirements, up to a maximum height of forty-five (45) feet

Section 603 Special Design and Area Requirements

In order to encourage the sound development of highway frontage, the following special provisions shall apply in any location which abuts a State Highway:

603.1 Access Barrier.

Access to the public highway or street shall be controlled in the interest of public safety. Each building or group of buildings used for commercial or non-residential purposes, and its parking or service areas, shall be physically separated from the highway or street by a curb, planting strip or other suitable barrier against unchanneled motor vehicle access or egress, except for accessways as authorized in Section 603.2 below.

603.2 Accessways.

Each separate use, grouping of attached buildings, or grouping of uses permitted as part of a single integrated plan, shall have not more than two (2) accessways to any one public highway or street. Neither of such accessways shall be more than thirty (30) feet in width. The intent of this section is to promote access management and to encourage the fronting of commercial structures upon a marginal street, private roadway or similar area and not directly upon a public highway. Adequate acceleration, deceleration, and center left turn lanes shall be provided for access intersections to shopping centers and in other locations where desirable and required by PADOT.

603.3 Off-street Parking and Loading.

Off-street parking and loading areas shall be provided in accordance with the general provisions of Section 1400-1402. In addition, areas provided for the loading and unloading of delivery trucks and other vehicles and for the servicing of establishments or shops by refuse collection, fuel and other service vehicles shall be adequate in size, and shall be so arranged that they may be used without blocking or otherwise interfering with the use of the accessways or automobile parking facilities.

Section 604 **Special Buffer Requirement Adjacent to Residential District or Residential Use**

604.1 Minimum Requirements.

- a. The front, rear or side yard of any lot used for commercial or other non-residential purpose, which adjoins land zoned residential, or land used for residential purposes, shall be not less than twenty-five (25) feet in depth measured from the boundary line.
- b. Where the side and/or rear yard of any lot used for commercial or other non-residential purpose adjoins land zoned residential or land used for residential purposes, a buffer yard shall be provided with that yard adjoining the land zoned residential or used for residential purposes, in accordance with the provisions of Section 1308 and the Design Standards of the Subdivision and Land Development Ordinance.
- c. Along each street line, the twenty (20) feet of the required front yard adjacent to the street shall be suitably landscaped except for necessary walkways and accessways, subject to the provisions of Section 1305 relating to vision obstruction.

ARTICLE VII

HC - HIGHWAY COMMERCIAL DISTRICT

Section 700 Purpose

HC - Highway Commercial Districts are designed primarily to encourage the sound and appropriate commercial development of compact segments of highway frontage, to provide for the special needs of a wide range of highway and service type business establishments, and to protect major highways as thoroughfares. In HC - Highway Commercial Districts, the following regulations shall apply:

Section 701 Use Regulations

A building or structure may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- 701.1** Any use permitted by right in C-Retail Commercial Districts.
- 701.2** Tourist, rooming or boarding house, which has not more than three (3) rental rooms.
- 701.3** Laboratory for research and testing, not involving danger from fire or explosion.
- 701.4** Commercial greenhouse.
- 701.5** Indoor place of amusement, recreation or assembly.
- 701.6** Club or lodge; private vocational or trade school.
- 701.7** Warehouse or storage within a completely enclosed building.
- 701.8** Wholesale establishment; frozen food locker.
- 701.9** Contractor, craftsmen's or general service shop; including plumbing, heating, carpentry, welding, tool and similar small shop.
- 701.10** Automobile sales agency, public garage, service station, parking garage or lot, provided that all facilities are located and all services are conducted on the lot.
- 701.11** The following additional uses when authorized as a Special Exception by the Zoning Hearing Board subject to the requirements of Section 1311.
 - a. Limited manufacture as follows: Clothing and other textile products; creamery; jewelry, novelty products from such previously prepared materials as wood, felt, fur, glass, paper, plastic and shell; and precision instruments, provided that (1) such use as is permitted is not incongruous with the commercial character of the district, (2) all processes are conducted within a completely enclosed building, and (3) the use shall not be noxious, offensive, or hazardous.

- b. Outdoor place of amusement, recreation or assembly, provided that satisfactory provisions are made to safeguard highways from congestion and hazard.
- c. Car lot or trailer sales agency, distributing, express, or hauling station, provided that (1) adequate planting, fencing, or other buffer arrangements are made to safeguard the character of the surrounding area, and (2) satisfactory provisions are made to safeguard highways from undue congestion and hazard.
- d. Tourist cabin court, hotel, or motel, for transient guests only, on a lot area of not less than two (2) acres.
- e. Yard for storage, sale or distribution of coal, building materials or products of manufacturing uses permitted in the Township (but not including junk yard, salvage or scrap yard, automobile or other wrecking yard), provided that the area used for such use is enclosed and suitably screened from the surrounding area by a satisfactory planting or other barrier not less than six (6) feet in height approved by the Zoning Hearing Board.
- f. Any use of the same general character as any of the uses permitted in this District provided that no use which is noxious, offensive, or hazardous shall be permitted.

701.12 Accessory use on the same lot with and customarily incidental to any of the above permitted uses, and signs when erected and maintained in accordance with the provisions of Article XV of this Ordinance.

701.13 The uses permitted by right and the uses permitted by special exception shall not include adult entertainment uses, as described in this Ordinance.

Section 702 Area and Height Regulations

Every building or structure hereafter erected or used in whole or in part as a dwelling shall comply with the area and height regulations prescribed for R-1 Residential District in Article III. For commercial and other buildings or structures, no part of which is used as a dwelling, the following area and height regulations shall apply, subject to the requirements of Section 703.

702.1 Lot Area and Lot Width.

A lot area and lot width sufficient in size to assure adequate water supply and sewage disposal facilities, shall be provided, subject to the provisions of Section 1310. In no case, however, shall the lot area and lot width be less than the following:

- a. Net lot area - 43,560 square feet.
Lot width - One hundred (100) feet.

- b. In the case of a group of attached structures with common water supply and sewage disposal facilities, the lot area shall be not less than seven-thousand five-hundred (7,500) square feet per individual establishment.

702.2 Building and Open Areas.

Not more than forty (40) percent of the area may be occupied by buildings. At least 20% of the net lot area shall be maintained open area.

702.3 Yards.

Front, side and rear yards shall be provided on each lot as follows:

- a. Front Yard.

There shall be a front yard on each street or road on which the lot abuts which shall be not less than thirty-five (35) feet in depth.

- b. Side Yards.

Except as provided in a. immediately above, two yards, neither less than twenty (20) feet in width. See definition of Corner Lot.

- c. Rear Yard.

One yard, not less than twenty-five (25) feet in depth.

702.4 Height Regulations.

No building or structure shall exceed thirty-five (35) feet in height provided that such height limits may be exceeded for each foot by which the width of each side yard is increased beyond minimum side yard requirements, up to a maximum height of forty-five (45) feet.

Section 703 **Special Design Requirements**

In order to encourage the sound development of highway frontage, the following special provisions shall apply in any location which abuts a State Highway.

703.1 Access Barrier.

Access to the public highway or street shall be controlled in the interest of public safety. Each building or group of buildings used for commercial or non-residential purposes, and its parking or service areas, shall be physically separated from the highway or street by a curb, planting strip, or other suitable barrier against unchanneled motor vehicle access or egress, except for accessways as authorized in paragraph 2 below.

703.2 Accessways.

Each separate use, grouping of attached buildings, or grouping of uses permitted as part of a single integrated plan, shall have not more than two (2) accessways to any one public highway or street. Neither of such accessways shall be more than thirty (30) feet in width. The intent of this Section is to encourage the use of common accessways by two or more permitted highway uses in order to reduce the number of closeness of access points along the highway, and to encourage the fronting of commercial structures upon a marginal street, private roadway or similar area and not directly upon a public highway. Adequate deceleration lanes shall be provided in the vicinity of shopping centers and in other locations where desirable.

703.3 Off-Street Parking and Loading.

Off-street parking and loading areas shall be provided in accordance with the general provisions of Sections 1400-1402. In addition, areas provided for the loading and unloading of delivery trucks and other vehicles and for the servicing of establishments or shops by refuse collection, fuel, and other service vehicles shall be adequate in size, and shall be so arranged that they may be used without blocking or otherwise interfering with the use of accessways or automobile parking facilities.

Section 704 **Special Yard and Buffer Requirement Adjacent to Residential District or Residential Use.**

704.1 Minimum Requirements.

- a. The front, rear or side yard of any lot used for commercial or other non-residential purpose, which adjoins land zoned residential, or land used for residential purposes, shall be not less than fifty (50) feet in width or depth measured from the boundary line.
- b. Where the side and/or rear yard of any lot used for commercial or other non-residential purpose adjoins land zoned residential or land used for residential purposes, a buffer yard shall be provided with that yard adjoining the land zoned residential or used for residential purposes, in accordance with the provisions of Section 1308 and the Design Standards of the Subdivision and Land Development Ordinance.
- c. Along each street line, the twenty (20) feet of the required front yard adjacent to the street shall be suitably landscaped except for necessary walkways and accessways, subject to the provisions of Section 1305 relating to vision obstruction.

ARTICLE VIII

LI-1 LIMITED INDUSTRIAL DISTRICT

Section 800 Purpose

The purpose of the LI-1 Limited Industrial District is to permit and encourage Industrial Development of various types in selected locations which will constitute a harmonious and appropriate part of the physical development of the Township, that will contribute to the soundness of the economic base of the Township, and which will otherwise further the general purposes of this Ordinance as set forth in Section 100.

Section 801 Procedural Requirements

Applications for permits pursuant to this Article shall be submitted in accordance with the requirements of Section 1602.

Section 802 Use Regulations

A building or structure may be erected or used and a lot may be used or occupied for any of the following uses and no other, provided that any use permitted in the District shall conform with the Performance Standards set forth in Section 1311 of this Ordinance.

- 802.1** Agricultural, in accordance with Section 301.2 of this Ordinance, and Forestry.
- 802.2** Research, testing or experimental laboratory.
- 802.3** Office buildings, provided that each lot shall have a side yards aggregate of not less than fifty (50) feet, the provisions of Section 803.4b. notwithstanding.
- 802.4** Wholesale business establishment including wholesale dairy or bakery.
- 802.5** Warehouse or yard for storage, sale, and distribution of ice, coal, fuel oil, building materials, or products of manufacturing uses permitted in this district.
- 802.6** Manufacture of products from the following previously processed and prepared materials: bone ceramics, cork, feathers, felt, fur, glass, hair, horn, leather, metal, paper, plaster, plastics, wood, precious and semi-precious stones, rubber, shells, textiles, and tobacco.
- 802.7** Manufacture of electrical appliances and supplies; small or hand tools; hardware; toys, jewelry, clocks and watches; musical, professional and scientific instruments; optical goods; machinery and machine tools; electric equipment; motors; iron and steel products, including fabrication and assembly.
- 802.8** Truck or hauling stations and public garage including the storage of refuse trucks provided the entire use is contained within a building.

- 802.9** Compounding of pharmaceutical products.
- 802.10** The following uses shall be permitted only when served with both public water and public sanitary sewer facilities.
- a. Milk or soft drink bottling establishment;
 - b. Packing, processing, and canning of meat, fish, and food products;
 - c. Manufacture of non-alcoholic beverages;
 - d. Laundry, dry cleaning, and dyeing plant;
 - e. Metal and metal products treatment and processing, such as: enameling, lacquering, galvanizing, electroplating, finishing, grinding, sharpening, polishing, cleaning, rustproofing, painting and heat treating.
- 802.11** Commercial greenhouse.
- 802.12** Indoor place of amusement, recreation or assembly.
- 802.13** Warehouses or storage within a completely enclosed building.
- 802.14** Contractor, craftsman's or general service shop, including plumbing, heating, carpentry, welding, tool and similar small shop.
- 802.15** Dwelling quarters for watchmen or caretaker employed on the premises.
- 802.16** Limited manufacture as follows: Clothing and other textile products; creamery; jewelry, novelty products from such previously prepared materials as wood, felt, fur, glass, paper, plastic and shell; and precision instruments, provided that (1) such use as is permitted is not incongruous with the commercial character of the district, (2) all processes are conducted within a completely enclosed building, and (3) the use shall not be noxious, offensive or hazardous.
- 802.17** Yard for storage, sale or distribution of coal, building materials or products of manufacturing uses permitted in the Township (but not including junk yard, salvage or scrap yard, automobile or other wrecking yard), provided that the area used for such use is enclosed and suitably screened from the surrounding area by a satisfactory planting or other barrier not less than six (6) feet in height approved by the Zoning Hearing Board.
- 802.18** Accessory use on the same lot with and customarily incidental to any of the above permitted uses, and including signs when erected and maintained in accordance with the provisions of Article XV of this Ordinance.
- a. Municipal Use

802.19 The following uses when authorized as a Special Exception by the Zoning Hearing Board subject to the requirements of Section 1311:

- a. Air Transportation Facility.
- b. Any use of the same general character as any of the above permitted uses provided that no use which is noxious, offensive, or hazardous shall be permitted. The following uses are specifically prohibited:
 - (1) Abattoir or stock yard.
 - (2) Chemical manufacture as follows: acetylene; aniline; dyes; ammonia; carbide, caustic soda; cellulose; chlorine; carbon black and bone black; cleaning and polishing preparations; creosote; exterminating agents; hydrogen and oxygen; industrial alcohol; nitrating of cotton or other materials; nitrates of an explosive nature; potash; plastic materials and synthetic rosins; pyroxylin; rayon yarn; hydrochloric, picric, or sulfuric acids and derivatives.
 - (3) Incineration or reduction of garbage, offal and dead animals or fat rendering.
 - (4) Leather and fur tanning, curing, finishing and dyeing.
 - (5) Junk, salvage, or automobile wrecking yard.
 - (6) Manufacture of asphalt, charcoal and lampblack; coal, coke and tar products, explosives; fertilizer; glue, size and gelatin; ink, linoleum and oilcloth; matches, paint, varnishes and turpentine; rubber, caoutchouc, gutta percha (including processing); soap; starch; shoddy and waste products.
 - (7) The reduction, refining, smelting, and alloying of metal and metal ores.
 - (8) Refining of petroleum or petroleum products.
 - (9) Distillation of wood or bones.
 - (10) Reduction or processing of wood pulp or wood fibers.
- c. Adult Entertainment Uses, which uses shall not be permitted in any other zoning district in the Township, subject to the conditions contained in §1323:
 - (1) adult arcades;
 - (2) adult bookstores, adult novelty stores, or adult video stores;
 - (3) adult cabarets;

- (4) adult motion picture theaters;
- (5) adult theaters;
- (6) escort agencies
- (7) nude model studios; and
- (8) sexual encounter centers.

Adult entertainment uses shall not include any use which is prohibited by or would be in violation of the provisions of Ordinance No. 96-02, enacted March 7, 1996.

As used herein in §802.19.C the following words shall have the meaning indicated:

- (a) ADULT ARCADE means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas”.
- (b) ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - (i) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; or
 - (ii) instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

- (c) ADULT CABARET means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - (i) persons who appear in a state of nudity or semi-nudity; or
 - (ii) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
 - (iii) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- (d) ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- (e) ADULT THEATER means a theater, concern, hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.

- (f) EMPLOYEE means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
- (g) ESCORT means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (h) ESCORT AGENCY means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- (i) ESTABLISHMENT means and includes any of the following:
 - (i) the opening or commencement of any sexually oriented business as a new business;
 - (ii) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (iii) the addition of any sexually oriented business to any other existing sexually oriented business; or
 - (iv) the relocation of any sexually oriented business.
- (j) NUDE MODEL STUDIO means any place where a person who appears semi-nude, in a state of nudity, or who displays “specified anatomical areas” and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- (i) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 - (ii) where in order to participate in a class a student must enroll at least three days in advance of the class; and
 - (iii) where no more than one nude or semi-nude model is on the premises at any one time.
- (k) NUDITY or a STATE OF NUDITY means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.
- (l) PERSON means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- (m) SEMI-NUDE or in a SEMI-NUDE CONDITION means the state of dress in which clothing partially or opaquely covers Specified Anatomical Areas.
- (n) SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
 - (i) physical contact in the form of wrestling or tumbling between persons of the opposite sex, or
 - (ii) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
- (o) SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- (p) SPECIFIED ANATOMICAL AREAS means human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely covered.

- (q) SPECIFIED SEXUAL ACTIVITIES means any of the following:
- (i) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (ii) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 - (iii) excretory functions as part of or in connection with any of the activities set forth in (a) and (b) above.

Section 803 Area and Height Regulations

803.1 Lot Area and Width.

Each lot shall have a net lot area of not less than five (5) acres, and a lot width of not less than two hundred fifty feet (250'), provided that the use is permitted in Section 802.3, and 802.11 through 802.14 above shall have a net lot area of not less than two (2) acres and a lot width of not less than one hundred seventy-five feet (175').

803.2 Floor Area Ratio.

The total floor area of principal and accessory buildings excluding cellar areas, shall not exceed fifty (50) percent of the lot area.

803.3 Lot Area Ratio.

Principal and accessory buildings shall occupy not more than twenty-five (25) percent of the lot area. All structures including outdoor storage shall occupy not more than fifty (50) percent of the lot area. At least 20% of the net lot area shall be maintained open area.

803.4 Yard Requirements.

a. Front Yard.

There shall be a front yard along each street or proposed street on which a lot abuts which shall be not less than seventy-five (75) feet in depth.

b. Side and Rear Yards.

There shall be two (2) side yards on each lot neither of which shall be less than twenty-five (25) feet in width with an aggregate of not less than one hundred (100) feet, provided that the uses permitted in Section 802.3 and 802.11 through 802.14 above shall have two (2) side yards on each lot, neither of which shall be less than twenty-five (25) feet in width with an aggregate of not less than sixty (60) feet. There shall be a rear yard on each lot which shall be not less than fifty (50) feet in depth.

c. Buffer Yard

Where the side and/or rear yard of a lot adjoins land zoned residential, or land used for residential purposes, a buffer yard shall be provided within the side and rear yard adjoining the land zoned residential or used for residential purposes in accordance with the provisions of Section 1308 and the Design Standards of the Subdivision and Land Development Ordinance.

803.5 Height Regulations.

No building or structure shall exceed forty-five (45) feet, or two (2) stories in height.

803.6 Off-Street parking and loading facilities shall be provided in accordance with the provisions of Article XIV.

ARTICLE IX

LI-2 LIMITED INDUSTRIAL DISTRICT

Section 900 Purpose

The L1-2 Limited Industrial District is designed to facilitate land intensive industrial land uses and agri-business land uses in areas of the Township conducive to these land uses and the orderly development of the municipality.

Section 901 Procedural Requirements

Applications for permits pursuant to this Article shall be submitted in accordance with the requirements of Article XVI.

Section 902 Use Regulations

A building or structure may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

902.1 Mushroom culture subject to the following provisions:

- a. Minimum lot size shall not be less than twenty-five (25) acres.
- b. No store or office building shall be closer than one hundred (100) feet to any lot line.
- c. No structure used for mushroom culture shall be closer than two hundred fifty (250) feet to any lot line or street line or within five hundred (500) feet of any existing residence except the residence of the owner of the structure or residence for workers in the said structures.
- d. Total area under roof shall occupy not more than fifteen (15) percent of the total lot area.
- e. All waste or spent compost from mushroom culture houses must be spread not more than one foot deep rather than piled and shall not be located closer than five hundred (500) feet to any property line.
- f. All spent compost must be steamed for two (2) hours at no less than 160 degrees Fahrenheit within twenty-four (24) hours before leaving culture house.
- g. Temporary labor camps providing the Commonwealth of Pennsylvania Regulations for Migratory Farm Labor Camps are satisfied.

- 902.2** Agri-business uses such as farm implement sales and service and feed and grain sales (but not fertilizer rendering or incineration or reduction of dead animals) and warehouse or yard for above ground storage and offsite distribution of fuel oil and related liquid petroleum products.
- 902.3** Agricultural, in accordance with Section 301.2, and Forestry.
- 902.4** Sanitary landfill or incinerator when authorized by the Zoning Hearing Board as a Special Exception and when the following requirements are satisfied:
- a. Such facility shall be established and operated in accordance with the applicable requirements of all regulating bodies such as the Pennsylvania Department of Environmental Protection
 - b. A lot area of not less than one hundred (100) acres shall be provided.
 - c. No sanitary landfilling operation or incineration shall take place within one thousand (1,000) feet of any street or property line.
 - d. The lot shall have direct access to either an arterial or collector highway as shown on the appropriate municipal zoning map.
 - e. It shall be demonstrated that the use, because of its location and proposed method of operation, will not have an adverse effect upon any surrounding areas of the County.
- 902.5** Sand, clay, gravel, or similar extractive operations including borrow pits. Borrow pits - an excavation for the purpose of removing of material to be used for filling in another location (usually in construction).
- 902.6** Stone Quarries. Stone quarries whose ultimate depth shall be more than twenty-five (25) feet shall provide the following:
- a. A screen planting within the setback area required in Section 903.4 shall be required. Such screen shall be no less than twenty-five (25) feet in width and set back from the excavation so as to keep the area next to the excavation planted in grass or ground cover and clear of any obstruction. Such planting shall not interfere with the provisions of Section 1305.
 - b. A chain link (or equal) fence at least ten (10) feet high and with an extra slanted section on top strung with barbed wire shall be placed at either the inner or outer edge of planting.
 - c. Warning signs shall be placed on the fence at intervals of not less than one hundred (100) feet completely surrounding the area.
 - d. No piles of overburden or product shall exceed forty (40) feet in height from the original grade.

902.7 Mineral extraction in accord with the requirements of the Act of May 31, 1945 (P.L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act", the Act of December 19, 1984 (P.L. 1093, No. 219), known as the "Noncoal Surface Mining Conservation and Reclamation Act", and the Act of December 19, 1984 (P.L. 1140, No. 223), known as the "Oil and Gas Act", and to the extent that the subsidence impacts of coal extraction are regulated by the Act of April 27, 1966 (1st Sp.Sess., P.L. 31, No. 1), known as "The Bituminous Mine Subsidence and Land Conservation Act".

902.8 Air Transportation Facility when authorized by the Zoning Hearing Board as a special exception.

a. Municipal Use

902.9 Any other use not permitted by right, conditional use, or special exception in any district in the Township when authorized by the Zoning Hearing Board as a special exception.

Section 903 Area and Height Regulations

903.1 Lot Area and Width.

Each lot shall have a net lot area of not less than five (5) acres, and a lot width of not less than two hundred fifty feet (250').

903.2 Floor Area Ratio.

The total floor area of principal and accessory buildings excluding cellar area, shall not exceed fifty (50) percent of the lot area.

903.3 Lot Area Ratio.

Principal and accessory buildings shall occupy not more than twenty-five (25) percent of the lot area. All structures including outdoor storage shall occupy not more than fifty (50) percent of the lot area. At least 20% of the net lot area shall be maintained open area.

903.4 Yard Requirements

a. Front Yard.

There shall be a front yard along each street or proposed street on which a lot abuts which shall be not less than one hundred (100) feet in depth.

b. Side and Rear Yards.

There shall be two (2) side yards on each lot neither of which shall be less than fifty (50) feet in width with an aggregate of no less than one hundred fifty (150) feet. There shall be a rear yard on each lot which shall be not less than fifty (50) feet in depth.

c. Buffer Yard.

Where the side and/or rear yard of a lot adjoins land zoned residential, or land used for residential purposes, a buffer yard shall be provided within the side and rear yard adjoining the land zoned residential or used for residential purposes in accordance with the provisions of Section 1308 and the Design Standards of the Subdivision and Land Development Ordinance.

903.5 Height Regulations.

No building or structure shall exceed forty-five (45) feet, or two (2) stories in height.

903.6 Off-street parking and loading facilities shall be provided in accordance with the provisions of Article XIV.

Section 904 Special Regulations

904.1 Plans Required - for the Zoning Hearing Board review and consideration, the applicant shall provide the following plans and information.

a. Plan of General Area (within a one mile radius of site) at a scale of 1,000 feet to the inch or less with a 20-foot contour interval or less to show:

(1) Existing Data

- (a) Location of proposed site.
- (b) Land use pattern including building locations and historical sites and buildings.
- (c) Roads: indicating major roads and showing width, weight loads, types of surfaces and traffic data.

(2) Proposed Data

- (a) Subdivisions.
- (b) Parks, schools, and churches.
- (c) Highways - (new and reconstructed).

b. Plan of Proposed Site - at a scale of 100 feet to the inch or less with a five foot contour interval or less to show:

(1) Basic Data

- (a) Soils and geology.
- (b) Ground water data and water courses.
- (c) Vegetation - with dominant species.
- (d) Wind data - directions and percentage of time.

- (2) Proposed Usage
 - (a) Final grading by contours.
 - (b) Interior road pattern, its relation to operation yard and points of ingress and egress to state and township roads.
 - (c) Estimated amount and description of aggregate and overburden to be removed.
 - (d) Ultimate use and ownership of site after completion of operation.
 - (e) Source of water if final plan shows use of water.
 - (f) Plan of operation showing:
 - (1) Proposed tree screen locations.
 - (2) Soil embankments for noise, dust, and visible barriers and heights of spoil mounds.
 - (3) Method of disposition of excess water during operation.
 - (4) Location and typical schedule of blasting.
 - (5) Machinery - type and noise levels.
 - (6) Safety measures - monitoring of complaints.

904.2 Performance Standards for LI-2 Limited Industrial District Land Uses

- a. Operations. Operations shall meet all standards of ARTICLE XIII.
- b. Setbacks. No excavation, quarry wall, storage or area in which processing is conducted shall be located within fifty (50) feet of any lot line or residential land use, one hundred (100) feet of any street line, nor within two hundred (200) feet of any Residential District boundary line.
- c. Grading. All excavations, except stone quarries, shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
 - (1) Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by use of waste products of the manufacturing operation or other materials, providing such materials are composed of non-noxious, non-combustible solids.

- (2) Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed normal angle of slippage of such material, or forty-five degrees in angle, whichever is less. During grading and backfilling the setback requirements in paragraph (b) above may be reduced by one-half, such that the top of the graded slope shall not be closer than twenty-five (25) feet to any lot line, fifty (50) feet to any street line, nor within one hundred (100) feet of any Residential District boundary line.
 - (3) When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of seven (7) feet horizontal to one (1) foot vertical, beginning at least fifty (50) feet from the edge of the water and maintained into the water to a depth of five (5) feet.
 - (4) Drainage shall be provided, either natural or artificial, so that disturbed areas shall not collect nor permit stagnant water to remain.
- d. Access. Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.
 - e. Planting. When planting is the final use to which the tract is put all that is not covered by water shall be covered with top soil to a depth of at least six (6) inches or other appropriate depth specified by Zoning Hearing Board. A planting plan shall be prepared for the entire finished tract using various types of plant material for the prevention of soil erosion and to provide vegetative cover. When buildings are proposed as part of the final use to which the tract is put, planting in areas adjacent to proposed buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.

ARTICLE X

NONAGRICULTURAL USES FOR AGRICULTURAL BUILDINGS

Section 1000 Declaration of Legislative Intent

In expansion of, and in addition to the Statement of Community Development Objectives found in Section 100 of this Ordinance and the zoning purposes contained in Section 300, it is the intent of this Article to:

- 1000.1** Encourage the continued maintenance and use of old agricultural buildings, especially those that contribute visually to the Township's historically rural character and agricultural heritage.
- 1000.2** Permit some flexibility in the R-1, R-2 and R-2A Districts to permit a variety of land uses that may provide an economic incentive to retain these buildings.
- 1000.3** Permit renovation and adaptive reuse of old agricultural buildings in compliance with applicable codes for use and habitation, while maintaining their historically rural agricultural character.
- 1000.4** Retain the rural, agricultural settings in which these buildings are traditionally found.
- 1000.5** Minimize potential traffic impacts by restricting building coverage and traffic generation.
- 1000.6** Provide performance standards with which these uses shall comply as prerequisites and continuing obligations for the opportunity to vary and intensify the land use.

Section 1001 Special Exception Uses

The Zoning Hearing Board may authorize any one or more of the following uses as a Special Exception in R-1, R-2, and R-2A zoning districts, only in compliance with Section 1706.3 and the Performance Standards and Criteria in Section 1002.:

- 1001.1** Barn Uses:
 - a. Detached single-family, two-family, or multi-family dwellings.
 - b. Business or professional office.
 - c. Studio for teaching or producing visual or performing arts, not including radio or television facilities.
 - d. Bed and Breakfast facility, tourist home, or similar short-term, low-intensity lodging facility. Accommodations shall be limited to not more than 12 guests.

- e. Low-intensity retail shop primarily selling specialized items such as antiques, hand-made crafts, flowers, or locally grown or processed farm products.
- f. Private educational or philanthropic use.
- g. Day care home or center.
- h. Storage, including self-service storage facilities.
- i. Small contractor, craftsmen's or general service shop, such as plumbing, heating, carpentry, welding, tool and similar small shop.
- j. Butcher, processing of locally grown livestock or other food products for human or animal consumption, delicatessen store.
- k. Veterinary facilities and boarding of horses and riding stables, subject to the provisions of Section 1318 of this Ordinance.
- l. Exercise or physical fitness facility.

1001.2 Uses For All Other Agricultural Buildings: All Other Agriculture Buildings may be used for the uses permitted in Section 1001.1, Barn Uses, in compliance with the additional performance standards and criteria in Section 1002.4 H. herein.

Section 1002 Performance Standards and Criteria

Special Exception approval shall not be granted unless an applicant provides sufficient evidence to indicate and guarantee compliance with the following performance standards and criteria:

1002.1 Agricultural Building Qualifications

- a. These nonagricultural uses shall be permitted only in buildings which qualify as agricultural buildings in compliance with the criteria contained herein.
- b. Agricultural buildings are the buildings built and used for farm-operation purposes of a family-farm prior to 1940. They are classified as the self-evident categories of barns, coops, sheds, storage buildings and similar type structures.
- c. Agricultural buildings built after 1940 and existing at the time this Ordinance is adopted, may qualify provided they have been used for agricultural purposes as part of a family-farm operation for a minimum of ten years, at any time prior to application for a Special Exception.
- d. The building shall be structurally-sound and in substantially complete condition, subject to Township inspection and expert testimony regarding its structural quality and adaptability for the purposes intended.

- e. Foundations or other remnants of buildings shall not be used to create essentially new buildings for these purposes.

1002.2 Dimensional Standards

- a. A minimum gross tract area of 2 acres shall be required for one or more buildings to be granted a Special Exception. A farmstead consisting of a barn and one or more other agricultural buildings may all be approved for Special Exceptions within the 2 acre minimum area.
- b. The total of the building area and paved area shall not exceed 25% of the gross tract area.
- c. Building heights shall be determined by the existing buildings. If additions or renovations are permitted, they shall not exceed the existing height of the subject building, except when required by the Zoning Hearing Board under Section 1002.4 H.3.

1002.3 Traffic Generation

- a. For nonresidential uses, traffic generated by the proposed uses collectively shall not exceed six (6) vehicular trip ends, as used in the ITE Trip Generation Manual, per hour for each 1,000 square feet of gross building floor space.
- b. Nonresidential uses expected to generate a higher volume of traffic than permitted by Section 1002.3 A., above, shall be permitted only on parcels with safe, sufficient access to state roads, or to Township roads capable of handling the higher volume of traffic in the interest of public safety and the agricultural setting.

1002.4 Adaptive Reuse Standards

- a. No changes that are out of character with the existing building shall be permitted, except that limited numbers of windows and doors may be permitted for reuse of barns or other buildings which typically have few windows or doors.
- b. Changes that are out of character may be permitted only to facades that are not visible from the road or adjacent dwellings.
- c. Positive and desirable building character and setting shall be retained to the greatest extent possible, and shall not be compromised by the introduction of elements which, in the opinion of the Zoning Hearing Board would appear strange, alien, foreign, exotic, or otherwise out of place in a rural agricultural setting. The Zoning Hearing Board may impose any or all of the following as conditions of approval, for the purpose of maintaining and/or enhancing the rural and agricultural character and setting of the subject property:

- (1) Screening of views of the proposed use considered undesirable or incompatible with rural character, as seen from nearby roads and residential lands. Extensive landscaping shall be used, including trees, shrubs, and earth mounding.
 - (2) Architectural renovations to improve negative or undesirable building character.
 - (3) Parking located to the side and/or rear of the structure, with substantial landscape screening of parking areas. Off-street parking and loading areas shall be provided in accordance with the general provisions of Sections 1400-1402.
 - (4) Landscaping that reflects a rural character, rather than a manicured, park-like, urban or suburban character. Landscape elements may include hedgerows, meadows, pastures, tilled fields, and reforestation. Reforestation or dense plantings of native evergreen trees for screening shall be encouraged to be in informal patterns rather than rigid, linear forms. The Zoning Hearing Board may permit use of linear plantings where they are more appropriate than informal patterns.
- d. Driveway entrances to public streets shall be paved and provided with properly engineered drainage facilities for safety and maintenance purposes.
- e. No outdoor storage of products, supplies, or vehicles shall be permitted, except farm-related vehicles or equipment in an amount normally needed for operation of a family farm.
- f. Noise, dust, smoke, odors, and other potentially offensive emissions shall be limited by appropriate design and technology to remain at reasonable levels. The Zoning Hearing Board may impose additional controls where necessary, as conditions of approval of a use, including the Performance Standards contained in Section 1311 of the Zoning Ordinance.
- g. Signs for these Special Exception uses shall not exceed a total of 12 square feet and shall be limited to one sign per property. Lighted signs shall be permitted only during the period 7:00 A.M. to 9:00 P.M.. Flashing, neon and internally lighted signs are prohibited.
- h. For the category of “All Other Agricultural Buildings” whose uses are specified in Section 1001.2, herein, the following additional performance standards and criteria shall apply:
- (1) Farmhouses shall not qualify for special exception Uses.

- (2) Corn cribs, silos, and other odd structures shall not qualify independently for special exception uses. The Zoning Hearing Board may permit use of such structures in coordination with use of another qualifying structure.
- (3) Coops, storage buildings, and other structures that may be less attractive, may be required to add architectural features to make them more attractive, or they may need to be more heavily screened.

1002.5 Land Development Processing. Except for detached single-family and two-family dwelling uses, all uses proposed under this Article shall be considered land developments and shall require formal plan processing in compliance with the Township's Subdivision and Land Development Ordinance of 1987, as amended, and the Ruscombmanor Township Stormwater Management Ordinance.

Section 1003 Additional Conditions

The Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes and intent of this Article, including, but not limited to:

- a. Certification of adequate water supply and sewage disposal.
- b. Restrictive covenants and/or such other legal agreements as may be appropriate.

ARTICLE XI

COMMUNICATIONS TOWERS AND ANTENNAS

Section 1100 Declaration of Legislative Intent

Technical developments in the telecommunications field have provided for the expansion and delivery of communications services to its users. The Township desires to provide for wireless communications services within the Township, while at the same time protecting the public safety and welfare. In an effort to provide for such services and protect the interests of its residents, the Township desires to regulate the construction and the placement of Communications Towers and Antennas, recognizing that there are federal and state statutes and regulations that impose certain limitations on the Township's ability to regulate the placement and construction of Communications Towers and Antennas.

Section 1101 Uses By Right and Conditional Uses

1101.1 In all Zoning Districts, the following new use by right is hereby inserted:

Communications Antennas mounted on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings.

1101.2 In all Zoning Districts, excluding the R-1 Residential District, the following new use by Conditional Use is hereby inserted:

Communications Towers subject to the Standards for Communications Towers as Conditional Uses set forth in Section 1103.

Section 1102 Regulations Governing Communications Antennas and Communications Equipment Buildings.

1102.1 Building mounted Communications Antennas shall not be located on any single family dwelling or two family dwelling.

1102.2 Building mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.

1102.3 The height of Omnidirectional or whip Communications Antennas shall not exceed the permitted height of the Communications Tower and the diameter shall not exceed seven (7) inches.

1102.4 The height of Directional or panel Communications Antennas shall not exceed the permitted height of the Communications Tower and the width shall not exceed three (3) feet.

- 1102.5** Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
- 1102.6** Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Township Building Code Official for compliance with the Township's Building Code and other applicable law.
- 1102.7** Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment Building can be accomplished.
- 1102.8** Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- 1102.9** Communications Antennas shall not cause radio frequency interference with other communications facilities located in the Township.
- 1102.10** A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.
- 1102.11** The owner or operator of Communications Antennas shall be licensed by the Federal Communications Commission to operate such antennas.

Section 1103 Standards For Communications Towers as Conditional Uses.

- 1103.1** The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennas.
- 1103.2** The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- 1103.3** Communications Towers shall comply with all applicable Federal Aviation Administration and Commonwealth Bureau of Aviation Regulations.

- 1103.4** Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure or Communications Tower (hereinafter referred to as “Structure(s)” for purposes of this Section 1103.4.) and that no alternative technology that does not require the use of a Communications Tower can accommodate the Applicant’s proposed antennas. A good faith effort shall require that all owners of potentially suitable Structures be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:
- a. The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.
 - b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing Structure and the interference cannot be prevented at a reasonable cost.
 - c. Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - e. A commercially reasonable agreement could not be reached with the owners of such Structures.
- 1103.5** Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a crushed stone or all weather surface for its entire length.
- 1103.6** A Communications Tower may be located on the lot occupied by other principal Structures and may occupy a leased or licensed parcel containing no less than one-half acre within a lot meeting the minimum lot size requirement for the zoning district after excluding the area of the leased or licensed parcel. No part of the Communications Tower’s portion of the lot may be considered as open area for any other use on the remainder of the lot.
- 1103.7** A land development plan prepared by either a registered surveyor or a professional engineer, with elevations prepared by a professional engineer, shall be required for Communication Tower sites showing the Communication Tower, buildings, fences, buffering, access, and any accessory structures. Said plan shall be in accordance with all applicable requirements of the Township of Ruscombmanor Subdivision and Land Development Ordinance of 1987, as amended.

- 1103.8** The applicant shall demonstrate that the proposed height of the Communications tower is the minimum height necessary to perform its function.
- 1103.9** The maximum height of any new Communications Tower shall meet the following height and usage criteria:
- a. For a single user or system, up to 120 feet in height;
 - b. For two users or systems, up to 150 feet in height; and
 - c. For three or more users or systems, up to 180 feet in height.
- 1103.10** The following setback requirements shall apply to all Communications Towers:
- a. The distance from the base of the proposed Communication Tower to the nearest point of any lot line or any building shall not be less than the full height of the tower.
 - b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- 1103.11** The base of a Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.
- 1103.12** The Communications Equipment Building shall comply with the required yards and height requirements of the applicable Zoning District for an accessory structure.
- 1103.13** The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Township's Building Code.
- 1103.14** The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
- 1103.15** All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times.

- 1103.16** The site of a Communications Tower shall be secured by a fence with a height of eight (8) feet and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Board of Supervisors may waive such requirements, as it deems appropriate.
- 1103.17** No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.
- 1103.18** Communications Towers shall be protected and maintained in accordance with the requirements of the Township’s Building Code.
- 1103.19** One off street parking space shall be provided within the fenced area.
- 1103.20** The following separation requirements shall apply to all Communications Towers:

TABLE 1
SEPARATION DISTANCES
COMMUNICATIONS TOWERS - TYPES

<u>Existing</u>	<u>Proposed</u>			
	Lattice	Guyed	Monopole 75 ft. in Height or greater	Monopole Less than 75 Ft. in Height
LATTICE	2,000	5,000	1,500	750
GUYED	5,000	5,000	1,500	750
MONOPOLE 75 ft. in height or greater	1,500	1,500	1,500	750
MONOPOLE less than 75 ft. in height	750	750	750	750

Section 1104 General Requirements.

1104.1 If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period. Further, the owner or operator of the Communications Tower shall, before any permit is issued, post security in a form acceptable to the Township and in the amount required to cover the removal and site clean-up. The security shall be utilized by the Township in the event that the owner or operator of the Communications Tower fails to remove the same within the time period prescribed above. If the cost of removal by the Township exceeds the security, Township shall bill the owner or operator for the excess cost, and should the owner or operator fail or refuse to pay the same in full within thirty (30) days after receipt of the bill for the same, Township shall have the right to file a civil action for collection of the same. Any portion of the security not used by the Township shall be returned to the owner or operator.

1104.2 Each applicant for a Communications Tower shall provide to the Township an inventory of its existing Communications Towers and Antennas and sites approved for Communications Towers or Antennas, that are either within the jurisdiction of the Township, or within one mile of the border thereof, including specific information about the location, height and design of each Communications Tower. The Township may share such information with other applicants applying for a permit or a Conditional Use under this Ordinance seeking to locate Antennas or Communications Towers within the Township, provided however, that the Township is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

1104.3 Communications Towers and Antennas shall meet the following requirements:

- a. Communications Towers and the Antennas thereon shall, subject to any applicable standards of the Federal Aviation Administration, contain a neutral color so as to reduce visual obtrusiveness.
- b. At the Communications Tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
- c. If a Communications Antenna is installed on a Structure other than a Communications Tower, the Antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting Structure so as to make the Antenna and related equipment as visually unobtrusive as possible.

1104.4 Communications Towers and Antennas shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as public or private utilities.

1104.5 In January of each year, an inspection shall be performed by an independent engineer acceptable to the Township and paid by the owner or operator and verification shall be provided to the Township Zoning Officer that there have been no changes in the operating characteristics of the Communications Tower as approved at the time of conditional use application, including at a minimum:

- a. Direction of the signal;
- b. Frequency, modulation and class of service;
- c. Transmission and maximum effective radiated power;
- d. Manufacturer, type, and model of equipment;
- e. Height of the Communications Tower and Antennas
- f. Name, address and emergency telephone number of the operator;

- g. Copy of the current FCC license; and
- h. Review of all reasonable requests of shared use of the Communications Tower.

Section 1105 Conditional Use Permits.

- 1105.1** A Conditional Use permit shall be required for the construction of a Communications Tower in all zoning districts set forth in Section 1101.2 above.
- 1105.2** Applications for Conditional Use permits under this Section shall be subject to the procedures and requirements of Section 1609. of the Zoning Ordinance, except as modified in this Section.
- 1105.3** Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.
- 1105.4** An applicant for a Conditional Use permit shall submit the required information and pay a non-refundable fee as established by resolution of the Board of Supervisors to reimburse the Township for the cost of reviewing the application.

ARTICLE XII

AGE QUALIFIED RESIDENTIAL DEVELOPMENT

Section 1200 Declaration of Legislative Intent

In expansion of, and in addition to the Statement of Community Development Objectives found in Section 100 of this Ordinance and the zoning purposes contained in Section 300, it is the intent of this Article to:

- 1200.1 Encourage the development of a community to service senior citizens and provide a more efficient use of land and space to service the senior community.
- 1200.2 Provide for passive recreational activities for the residents of an Age Qualified Residential Development in both exterior and interior spaces.
- 1200.3 Encourage innovation in Age Qualified Residential Developments so the growing demand for housing may be met by a greater variety and type, design and layout of dwellings and by the conversion and efficient use of open space auxiliary to said units.

Section 1201 Standards & Criteria for Age Qualified Residential Development

Whenever an Age Qualified Residential Development is Permitted by Conditional Use granted by the Board of Supervisors, the following conditional use standards and criteria shall apply:

- 1201.1 Uses
 - a. Single-Family dwelling.
 - b. Semi-detached dwelling.
 - c. Townhouses.
 - d. Multiplex dwelling.
 - e. Accessory Uses.
 - (1) Community center building for Age-Qualified Development use only, conveniently accessible to all dwelling units, which may include meeting rooms, medical examination room, activity rooms, craft rooms, library, lounges, fitness center, kitchen facilities for members of the Age Qualified Development and their guests and office space.

- (2) Recreational areas including common open space, walk-ways and trails, garden areas, picnic area and similar improvements.
- (3) Off-street parking facilities.
- (4) Storage facilities for ground and building maintenance equipment.
- (5) Facilities for storage of tangible personal property belonging to residents of the Development. Any such storage shall be within a building or group of buildings that are divided into individual units, each of which unit is available for rent or lease only to residents of the Development.
- (6) Retail stores, shops and service establishments, serving only residents of the Age Qualified Development and their guests, provided they are either in or a part of the community center building.

1201.2 Area and Density Regulations

a. Area

- (1) A minimum gross tract area of 20 acres.
- (2) Minimum living area per unit - 900 sq. ft.
- (3) Minimum distance between structures:
 - (a) between facing fronts - 75 ft.
 - (b) between facing front walls and rear walls or side walls, between rear walls and all others - 20 ft.
 - (c) between side walls, except for the common wall between semi-detached dwellings and townhouses - 20 ft.
- (4) Front yard. No building or structure shall be located closer than 25' to the line of any street created within the Development and upon which it fronts or to the side or rear boundary lines of the tract being developed. If any surface water swales exist within such front yard, then no building or structure shall be located closer than 25' to the edge of the swale closest to any building or structure.
- (5) No more than 20% of the total area of the Development shall be covered by buildings.

- (6) Section 1313 notwithstanding, no less than 30% of the entire tract shall be permanently maintained as open area, such as parks, outdoor recreation and conservation of natural features. No less than 10% of the open area shall be improved for active recreational use. Open space may not include detention basins, areas between buildings, buffer areas, or other space that cannot be used for the intended purposes. Open area shall consist of contiguous areas. No more than 20% of the required open area may have slopes exceeding 15%. No more than 10% of the required open area may be wetland. No more than 25% of the required open area may be floodplain.

A written agreement satisfactory to and approved by the Board of Supervisors shall be required for the perpetual preservation and maintenance of the common open areas.

- (7) Individual lots are not required in an Age Qualified Residential Development. If the Development consists of individual lots, Section 1201.2.C. shall apply.

b. Density

- (1) The overall density for Single-Family and Semi-Detached dwellings shall not exceed 5 dwelling units per acre.
- (2) The overall density for townhouses shall not exceed 6 dwelling units per acre. No more than 25% of the proposed number of units may be townhouses.
- (3) The overall density of Multiplex dwellings shall not exceed 8 dwellings per acre. No more than 25% of the proposed dwelling units shall be Multiplex.
- (4) In the case where both townhouses and Multiplex units are proposed, no more than 25% of the proposed number of dwelling units may be the combined total number of townhouses and Multiplex dwellings.

c. Dimensional Standards For Lots

- (1) Single-Family dwelling units:
- (a) Minimum lot size: 5,500 square feet
- (b) Minimum lot width: 70 feet
- (c) Minimum yards:
- (1) Rear: 25 feet
- (2) Side: 10 feet each

- (2) Semi-detached, townhouse and Multiplex dwelling units:
 - (a) Minimum lot size: 4,500 square feet
 - (b) Minimum yards
 - (1) Rear: 25 feet
 - (2) Side along exterior wall: 10 ft

1201.3 Standards for Buildings

- a. No more than 6 townhouses shall be in a continuous row.
- b. For the purpose of avoiding developments resembling what have been customarily referred to as "row houses", there shall be within a continuous group of townhouses at least two different architectural plans having substantially different designs, building materials and exterior elevations. In addition, no more than two continuous townhouses shall have the same front yard and the variations in front yard shall be at least 2'.
- c. Maximum building height shall be 25'.

1201.4 Streets and Parking

- a. Streets and roadways:
 - (1) Streets and roadways may be private.
 - (2) Sidewalks and roll or slant curbs are required along streets in the Development, and shall meet the specifications for construction of sidewalks and curbing adopted by resolution of the Board of Supervisors.
 - (3) The cartway and right-of-way widths for streets and roadways shall be as follows:

	<u>Cartway</u>	<u>Street Parking</u>	<u>Right-of-Way</u>
(a)	28'	Parking on only one side of the street	48'
(b)	33'	Parking on both sides of the street	53'

- (4) Roadway design, pavement thickness and specifications shall conform to Township standards for public streets. The right-of-way of streets dedicated to the Township must be 53', with a 33' cartway.

- (5) No street shall be used as a through street (a street connecting two existing public streets or roads).
- (6) The vehicular access to each dwelling unit shall be from a Development street. Direct access from a dwelling unit to a pre-existing public street or road is prohibited.
- (7) No less than two access points shall be provided, and each such point shall be on the same public street or road. A single access point may be provided by means of a boulevard street as described in the Township's Subdivision and Land Development Ordinance.

b. Parking Requirements.

- (1) A minimum of two off-street parking spaces a minimum of 10' x 20' shall be required for each dwelling unit. Each indoor garage parking space may be counted toward the parking capacity as one parking space. Driveways may not be counted toward the parking capacity, except as follows:

Single lane driveway and no indoor garage -	1 space
Double lane driveway and one indoor garage -	1 space
Double lane driveway and no indoor garage -	2 spaces

- (2) Guest/overflow parking spaces shall be provided by the applicant at the rate of 0.5 spaces per dwelling unit located along streets designated for no on-street parking and shall be distributed conveniently and equitably among the dwelling units. These parking areas shall be located at least 20' from any residential building.
- (3) The community center building parking shall be at the rate of one off-street parking space per 200 sq. ft. of said facility.
- (4) Adequate loading space will be required for the community center building.

1201.5 Design Regulations

- a. Age Qualified Residential Development shall be served by a public or community sanitary sewage collection and disposal system, a public or community water supply system, and by a storm system conforming to all applicable ordinances and regulations of the Township.

- b. Reserved
- c. The design of an Age Qualified Residential Development shall include the entire tract or the portion of a larger tract identified for the Development.
- d. A system for pedestrian circulation throughout the Development shall be provided.
- e. Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash and rubbish shall be contained in vermin-proof containers.
- f. The applicant shall provide sufficient lighting for the convenience and safety of residents and visitors along internal roads, driveways, parking areas, sidewalks and pathways, subject to approval by the Board of Supervisors, with the advice of the Township Engineer. All lighting shall be reasonably consistent with the village character of the Development and comply with the standards of this Ordinance. Along sidewalks and pathways, low level lighting shall be provided to improve visibility and safety for pedestrians.
- g. Buffer yards/landscape screen requirements are as follows:
 - (1) The buffer yard/landscape screen shall be provided along all side and rear yards of the Age Qualified Residential Development that adjoins a residential, commercial or industrial development or use as determined by the Township.
 - (2) The buffer yard/landscape screen shall be comprised at minimum of 2 rows of plant material, 7' apart, 5' from the property line, with plant material staggered alternately, 10' on center.
 - (3) 60% of the plant material shall be evergreen trees, 20% shall be deciduous trees, and the remaining 20% shall be a mix of evergreen and deciduous shrubs.
 - (4) Minimum height of evergreen trees shall be 5' and 8' for deciduous trees. Evergreen and deciduous shrubs shall be a minimum of 18" in height.

1201.6 Architectural Standards

- a. **Architectural Characteristics.** The architectural characteristics for homes in the Development shall be compatible with the rural and village character of the area. A minimum of three different exterior designs will be required to provide more interesting visual variety.

- b. Architectural Review. It is not intended that the Board of Supervisors dictate the architectural characteristics, but that an acceptable set of standards be chosen by the applicant and adhered to consistently throughout the development.
- c. Building additions. The architectural plans should provide the opportunity for specific potential additions such as porches, patios, decks, or additional rooms. These additional features must be compatible with the original architectural standards.

1201.7 Development Approval Process

All Age Qualified Residential Developments shall require formal plan processing in compliance with the Township’s Subdivision and Land Development Ordinance of 1987, as amended, and the Township’s Stormwater Management Ordinance. One overall subdivision or land development plan shall be submitted, although the plan may be developed in separate phases. Any provisions of this Article shall take precedence over any inconsistent or conflicting provisions of this ordinance or the Township’s Subdivision and Land Development Ordinance.

1201.8 Additional Conditions

During the planning process required under Section 1201.7., the Board of Supervisors may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance, as they may deem necessary to implement the purposes and intent of this Article.

1201.9 Sewer Service Area

An Age Qualified Residential Development is permitted only in the Township’s Sewer Service Area, as designated in the Township’s Act 537 Official Plan.

Section 1202 Standards for Management of Age Qualified Residential Development

The developer and landowner of every Age Qualified Residential Development shall prepare and present for the approval of the Board of Supervisors, documents establishing the governance of the Development and containing the declarations of covenants, restrictions, easements, charges and liens deemed necessary with respect to the ownership and maintenance of the Development.

1202.1 Standards

There shall be provisions which ensure that the Development shall continue as such and be properly maintained. These provisions shall be in a form acceptable to the Township. The developer shall either (a) retain ownership and responsibility for maintenance of the Development, or (b) provide for and establish one or more organizations for the ownership and maintenance of the Development.

ARTICLE XIII

GENERAL REGULATIONS

Section 1300 Building Height Regulations

Unless otherwise specified, no building or structure in the Township other than a farm building shall exceed thirty-five (35) feet in height, provided that such height may be increased by one (1) foot for each foot by which the width of each side yard and rear yard is increased beyond the minimum side and rear yard requirements up to a maximum of forty-five (45) feet. These height regulations shall not apply to any Communications Antennas or Communications Towers.

Section 1301 Conversion of Building to Two-Family Use

The Zoning Hearing Board may authorize, as a Special Exception, the conversion of any main building into a dwelling for two (2) or more families, provided that (a) the lot area per family shall not be reduced to less than the lot area per family for the district in which such lot is situated, (b) the yard, building, area, and other applicable requirements for the district shall not be reduced, (c) provisions for adequate water supply and waste disposal shall be made in accordance with the requirements of the Pennsylvania Department of Environmental Protection, and (d) such conversion shall be authorized only for a large building which has relatively little economic value or usefulness as a single-family dwelling or other conforming use. If such conversion is authorized, the Zoning Hearing Board may prescribe such further conditions with respect to the conversion and use of such building as it deems appropriate.

Section 1302 Non-Conforming Use of Structure or Building, Non-Conforming Structure or Building, or Non-Conforming Use of Land

1302.1 Continuation.

Any lawful structure or building, use of a structure or building, or use of land which at the effective date of this Ordinance or as a result of subsequent amendments thereto become non-conforming may be continued, subject to the following provisions.

1302.2 Extension.

- a. Except as hereinafter provided, a structure or building which lawfully does not conform with the set-back, yard or building height regulations of the district in which it is located may be extended, provided that the extension conforms with such set-back, yard and building height regulations, and with all other regulations set forth in this section and other applicable sections of this Ordinance. A dwelling which lawfully does not conform with the set-back or yard regulations of the district in which it is located may be extended, provided that the extension will not extend farther into the front yard, side yard or rear yard than the existing non-conforming dwelling and the proposed use or function of the extension is substantially identical with the use or function of the non-conforming portion of the dwelling.

- b. The extension of a lawful non-conforming use of a building or structure or of the use of land may be permitted when authorized by the Zoning Officer provided that:
 - (1) The area of the non-conforming use shall be increased by not more than fifty (50) percent of the area occupied by such use at the time it became non-conforming.
 - (2) The proposed extension shall take place only upon the lot or lots held in single and separate ownership at the time the use became non-conforming.
 - (3) The proposed extension shall conform with the area and height regulations of the district in which the use is a permitted use and that contains the most restrictive area and height regulations for such use.
 - (4) The non-conforming use as extended shall comply with the off-street parking requirements set forth in Article XIV of this Ordinance.
 - (5) The non-conforming use shall comply with the buffer requirements of the district in which the non-conforming use is a permitted use.

- c. The extension of a lawful non-conforming residential use of a building or structure in the LI-1 and LI-2 Districts, which extensions are exempt from the restriction contained in b.(1) above, may be permitted when authorized by the Zoning Officer provided that:
 - (1) The proposed extension shall take place only upon the lot or lots held in single and separate ownership at the time the use became non-conforming.
 - (2) The proposed extension shall conform with the area and height regulations of the R-1 District.

1302.3 Changes.

- a. When authorized by the Zoning Hearing Board as a Special Exception, a non-conforming use of a building or structure or land may be changed to another non-conforming use provided that the Zoning Hearing Board finds that the proposed use is equally appropriate or more appropriate in the zoning district than the existing non-conforming use.
 - (1) Off-street parking shall be provided for the new non-conforming use in accordance with the provisions of Article XIV.

- b. Whenever a non-conforming use of a building or land has changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

1302.4 Restoration

A non-conforming building or structure wholly or partially destroyed by fire, explosion, flood, or other phenomenon, or legally condemned, may be reconstructed and used for the same non-conforming use, provided that building reconstruction shall be commenced within one (1) year from the date the building was destroyed or condemned and shall be carried on without interruption. The constructed building shall not exceed in height, area and volume the building partially destroyed or condemned.

1302.5 Abandonment.

If non-conforming use of a building or structure or use of land ceases for a continuous period of one (1) year or more, subsequent use of such building or land shall be in conformity with the provisions of this Ordinance.

1302.6 Uses Under Special Exception Provisions Not Non-Conforming Use.

Any use which is permitted as a Special Exception in a zoning district under the terms of this Ordinance (other than a change through Zoning Hearing Board action from one non-conforming use to another non-conforming use) shall not be deemed a non-conforming use in such zoning district, but shall without further action be considered a conforming use. Any extension or enlargement to such use shall be subject to the conditions of the zoning district in which it is located.

Section 1303 Non-Conforming Lots

1303.1 Lots held in Single and Separate Ownership.

Any lot held in single and separate ownership on the effective date of this Ordinance or after the enactment of subsequent amendments thereto, which does not meet the minimum area or width or is of such unusual dimensions that the owner would have difficulty in meeting the required area regulations for the zoning district in which it is located may be used for any use permitted in that district, provided that all other yard, height, coverage and open area requirements of the district are met; provided, however, that if two or more lots, combination of lots or portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots do not meet the requirements established for lot width or area, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width or area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Ordinance.

1303.2 Lots Included in Approved Plans.

Any lot shown on a recorded subdivision plan on the effective date of this Ordinance or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the zoning district in which it is located may be used for a use permitted by use regulations of that District, provided that all yard, height, coverage and open area requirements of the zoning district shall be met, further subject to Section 1303.1; provided, however, that when a subdivider has had an application for approval of Preliminary or Final Subdivision Plan approved prior to the effective date of this Ordinance, no provision in this Ordinance shall be applied to affect adversely the right of the subdivider to commence and complete any aspect as are established within the Pennsylvania Municipalities Code, as amended.

Section 1304 **Reduction of Lot**

No lot shall be so reduced that the area or the dimensions of the lot shall be smaller than the applicable area and height regulations.

Section 1305 **Vision Obstruction**

On any corner lot, no wall, fence or other structure shall be erected or altered; and no tree, hedge, shrub or other growth shall be maintained which may cause danger to traffic on a street or public road by obscuring the view. A clear-sight triangle of twenty-five (25) feet, measured along the street lines of intersecting streets, shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than two (2) feet above the street grade.

Section 1306 **Reduced Yards for Private Garages and Accessory Buildings or Structures**

1306.1 Reduced Side and Rear Yards for Private Garages and Accessory Buildings or Structures.

A private garage or other building or structure accessory to a dwelling, which is not a structural part of the dwelling, may be erected in the required rear or side yards, provided that such accessory building or structure shall be situated (1) not less than ten (10) feet from any property line and (2) not less than ten (10) feet further back from the street line than the rear-most portion of the dwelling, and provided (3) that such accessory building shall not exceed twelve (12) feet in height and 350 sq. ft. in area.

1306.2 Reduced Front Yard for Private Garages and Accessory Buildings or Structures.

On any lot on which a dwelling, non-conforming as to the front yard, is located, a private garage or other building or structure accessory to such existing dwelling which is constructed after the effective date of this Ordinance does not have to be set back more than ten (10) feet further from the street line than the dwelling.

1306.3 Distance between buildings or structures.

The minimum distance between any accessory buildings or structures shall be five feet (5').
The minimum distance between any accessory building or structure and a principal building shall be ten feet (10').

Section 1307 Exemption from Front Yard Requirements

The front yards in R-1 and R-2 districts may be decreased in depth below the minimum setbacks in certain instances in accordance with the following requirements: Where the principal buildings on both sides and within one hundred (100) feet of the proposed building are less than the setback requirements, the setback line of the proposed building may be reduced below that required, but shall be at least ten (10) feet further back from the street line than the setback of the non-conforming building nearest to the street.

Section 1308 Buffer Yards

1308.1 Where buffer yards are required by the terms of this Ordinance, they shall be provided in accordance with the Design Standards of the Subdivision and Land Development Ordinance.

1308.2 The side and rear yards adjoining land zoned residential, or land used for residential purposes, shall be used only as a buffer yard. However, the drainage field of a sewage system shall be permitted in the buffer yard and parking of automobiles shall be permitted in the interior portion of the required yard not occupied by the buffer yard. No structure, manufacturing or processing activity, sewage system (except as noted above) or storage of materials shall be permitted in the buffer yard.

1308.3 Prior to the issuance of any zoning permit, complete plans showing the arrangement of all buffer yards and the placement, species and size of all plants materials to be placed in such buffer yard shall be approved by the Township Planning Commission after which the Township Planning Commission shall certify to the Zoning Officer that the plans are in conformance with the terms of the Ordinance.

Section 1309 Accessory Buildings and Structures.

1309.1 The maximum area of accessory buildings to a residential use shall be as follows:

<u>Lot Size</u>	<u>Maximum Building Square Footage</u>	<u>Maximum Square Footage of All Accessory Buildings</u>
Up to 3 acres	1,200 sq. ft.	1,800 sq. ft.
3 acres to 10 acres	2,400 sq. ft.	3,600 sq. ft.
Greater than 10 acres	3,600 sq. ft.	5,400 sq. ft.

Prior to the construction, erection or placement of any such building exceeding 3,600 sq. ft. pursuant to a variance granted by the Zoning Hearing Board as authorized by the provision of Section 1706.2, applicant shall file and obtain approval of a land development plan in accordance with the provisions of the Township of Ruscombmanor Subdivision and Land Development Ordinance of 1987, as amended.

1309.2 An accessory structure shall be constructed for a specific use, incidental to the principle structure. This accessory structure can be built on site, or manufactured elsewhere. Accessory structures to a residential use shall not include recycled truck bodies, gutted mobile homes, used fuel tanks, or other objects or structures which were manufactured for another purpose.

Section 1310 Waste and Sewage Disposal

All methods and plans for the on-lot disposal of sewage or wastes shall be submitted to the Pennsylvania Department of Environmental Protection and shall be designed in accordance with all applicable regulations pertaining to the treatment and disposal of sewage and wastes.

Section 1311 Performance Standards

All uses in all districts shall be in conformity with the following standards with respect to:

1311.1 Smoke Control.

- a. No smoke shall be emitted from any chimney or other source or visible gray opacity greater than No. 1 on the Ringelmann Smoke Chart as published by the U.S. Bureau of Mines, except than smoke of a shade no darker than No. 2 on the Ringelmann Chart may be emitted for not more than four (4) minutes in any thirty (30) minute period.
- b. These provisions, applicable to visible gray smoke, shall also apply to visible smoke of any other color.

1311.2 Control of Dust, Fumes, Vapors, and Gases.

- a. The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals or vegetation or to other forms of property, or which can cause any spoiling or staining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited.

No emission of liquid or solid particles from any chimney or otherwise shall exceed three tenths (0.3) grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of five hundred (500) degrees F. and fifty (50) percent excess air in stack at full load.

1311.3 Noise Control

The sound pressure level of any operation within any district shall not exceed, at any point on the district boundary line, the decibel levels in the designated octave band shown below, except for emergency alarm signals, and subject to the following corrections: subtract five (5) decibels for pulsating or periodic noises. Add five (5) decibels for noise sources operating less than twenty (20) percent of any one (1) hour period.

Sound Levels		
Maximum Permitted Sound Level (Decibels)		
Octave Bank in Cycles Per Second	Along Residence or Agricultural District Boundaries	Along any other District Boundaries
10 to 600	50	55
600 to 2400	38	40
2400 to 4800	35	38
Above 4800	32	38

1311.4 Control of Odors.

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond the lot boundary line. Any process which may involve the creation of emission of any odors shall be provided with a secondary safeguard system, in order that control will be maintained if the primary safeguard system should fail. Odorous emissions is defined as an odor which causes annoyance or discomfort to the public which the Township Engineer, Zoning Officer or Township Supervisor deems to be objectionable to the public.

1311.5 Glare and Heat Control.

No lighting shall be utilized in a manner which produces glare perceptible at or beyond the lot lines. Any operation producing heat shall be conducted in such manner as to prevent any effects from the heat beyond the lot lines of the lot on which the operation is located.

1311.6 Vibration Control.

Machines or operations which cause vibrations shall be permitted, but in no case shall any such vibrations be perceptible along the boundary line of the district in which the use is situated.

1311.7 Storage and Waste Disposal.

- a. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances, located and operated on the same lot as the tanks or drums of fuel, excluding farms.
- b. All outdoor storage facilities for fuel, raw materials and products; and all fuel, raw materials and products stored outdoors shall be enclosed by an approved safety fence.

- c. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or water course, undesirable to a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or water course.
- d. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

Section 1312 Standards for No-Impact Home-Based Businesses

The business or commercial activity must satisfy the following requirements:

- 1312.1** The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- 1312.2** The business shall employ no employees other than family members residing in the dwelling.
- 1312.3** There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- 1312.4** There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- 1312.5** The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- 1312.6** The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- 1312.7** The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- 1312.8** The business may not involve any illegal activity.

Section 1313 Lot Area and Size Calculations

When calculating the required minimum area or size of a lot, there shall be excluded therefrom land contained within:

- a. Any surface or subsurface easement or right-of-way area for petroleum product pipelines or transmission of electricity, communications, stormwater, sewer or water facilities that do not serve the lot.
- b. A street right-of-way line, proposed street right-of-way line or other transportation right-of-way.

- c. Any stormwater management basin, lakes or ponds. The area of these shall be the area within a prescribed easement or, when no easement is proposed, the area within the basin, pond or lake shall be measured to the top of its bank or berm.
- d. Floodplain areas shown on the Flood Insurance Rate Map, including zones A and AE. The extent of the floodplain in the AE zones shall be determined by an elevation survey performed by a registered engineer or surveyor. In the case of zone A, the floodplain shall be calculated and plotted by a registered professional engineer using acceptable engineering methods. The calculation shall be reviewed and approved by the Township Engineer.
- e. Jurisdictional wetlands as delineated by a qualified professional.
- f. Sixty-seven percent of areas with precautionary slopes between 15% and 25%.
- g. Areas of prohibitive slope, that has grades over 25%.

Section 1314 Swimming Pool Standards

1314.1 No private swimming pool, including filters and other mechanical equipment, shall be permitted within:

- (a) any front or side yard;
- (b) 10' of the rearward point of the principal building; and
- (c) 20' of the rear and side lot lines.

1314.2 Any floodlights used in conjunction with the pool shall be shielded in such a manner to prevent glare on adjoining properties.

1314.3 Swimming pool construction and fencing requirements shall meet the building code or other applicable codes adopted by the Township.

Section 1315 Lot Area Requirement for Steep Slopes

1315.1 Intent

Ruscombmanor Township is characterized by hilly terrain which is occasionally quite steep. Development on steep terrain enhances the potential for adverse impacts resulting from erosion and stormwater runoff. This potential is increased as lot size decreases.

Recognizing the significance of steep slope development on lots, the Township requires that specific portions of the gross area of a lot containing slopes greater than 15% be deducted in accordance with the lot area and size calculation standards of Section 1313.

These requirements, combined with effective stormwater management practices, will help to mitigate the effects of steep slope development in the Township.

1315.2 Determination of Steep Slope Areas.

An indication of the slope of any location in the Township can be obtained from the Berks County Soil Survey (1970), published by the Dept. of Agriculture, Soil Conservation Service.

Slope is the change in elevation, measured in feet, which occurs over some horizontal distance and is expressed as a percentage. For purposes of this Ordinance, slope shall be determined by the change in elevation measured in feet across a horizontal distance of one hundred linear feet and expressed as a percentage. Steep slopes shall be based upon a topographical survey of the site.

1315.3 Procedures for On-Site Topographic Survey

The owner of a property may demonstrate to the Township that the actual slopes on a property are less than those indicated by the Soil Survey mapping. This can be done by an on-site topographic survey conducted by a registered Professional Engineer or Professional Land Surveyor. The plan shall contain the certification of the Engineer or Surveyor that the survey was conducted by him.

A topographic survey shall be prepared with the scale requirements established in the Subdivision Ordinance for subdivision plans and shall include at least the following:

- a. The surveyed topography in two foot contours.
- b. Proposed lot lines and significant features such as water bodies, tree masses, and existing buildings.
- c. A delineation of the areas of the property where the slope is greater than 15% and less than 25% according to the topographic survey.
- d. A delineation of the areas of the property where the slope exceeds 25% according to the topographic survey.
- e. The name and seal of the engineer or surveyor who prepared the plan.
- f. The name of the land owner and subdivision.

1315.4 Review of Topographic Plan

Completed topographic plans shall be submitted to the Township Secretary who shall refer the plan to the Township Planning Commission and the Township Engineer for review. The Township Engineer shall advise the Planning Commission, the Township and the Zoning Officer of the results of the topographic study as it applies to the computation of lot size.

1315.5 Any lot held in single and separate ownership on the effective date of this Ordinance which does not meet the minimum size requirement of this Section due to steep slopes may be used for any use permitted in the Zoning District in which it is located.

Section 1316 Lots in Two Districts

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided **the lot has** frontage on a street in the less restricted district.

Section 1317 Projection into Required Yards

The following projections shall be permitted into required yards and shall not be considered in the determination of yard requirements or building coverage.

- 1317.1** Terraces or patios, provided that such terraces or patios are unroofed or otherwise enclosed and are not closer than five (5) feet to any adjacent lot line.
- 1317.2** Projected architectural features - bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features - provided that any single feature does not exceed five (5) square feet in external area.
- 1317.3** Fences, walls, hedges or trees, except as may be required by other provisions in this Ordinance.
- 1317.4** Lamp posts, walkways, driveways and retaining walls.

Section 1318 Keeping of Domestic Animals

- 1318.1** Animals shall be assigned an Animal Equivalent Unit (AEU) as noted on the following chart. Where the total AEU of all Domestic Animals maintained on the property reaches one AEU, then a minimum lot size of 3 acres is required. 1 additional acre is required for each additional AEU or fraction thereof.

Domestic Animal Standards

<u>Animal type</u>	<u>AEU/specimen</u>
Tank-kept fish, caged birds, other animals which are not customarily released outside, unless noted below	0.00
Homing pigeons	0.02
Poultry	0.1
Domestic rodents, including mice, gerbils, hamsters, guinea pigs, ferrets, rabbits and animals raised commercially for fur	0.1
Cats	0.2
Sheep and goats	0.5
Swine	1.0
Dogs	0.33

Equine animals (horses, donkeys, etc.)	1.0
Bovine animals (cattle and similar)	1.0
Other animals (250 lbs total weight)	1.0

- a. No animal(s) shall be kept in a manner which provides harborage or breeding ground for flies, vermin, or other vectors.
- b. No animal(s) shall be kept under conditions which, in the reasonable discretion of the Township, are found cruel to the animal(s).
- c. No animal(s), including household pets, shall be kept in such a manner as to cause a violation of the performance standards contained within this Ordinance.
- d. No Township permit is required for the keeping of a household pet. Household pets are hereby defined as any animal which is housed within a dwelling with its owner, or within an accessory animal shelter or exercise areas located upon the property of an animal owner.
- e. Poisonous animals shall not be kept as pets.

1318.2 No animal shall be kept in the manner which provides harborage or breeding ground for flies, vermin, or other vectors, or under conditions which, in the reasonable discretion of Township are found cruel to the animal. No animal, including household pets, shall be kept in such a manner as to cause a violation of the performance standards contained in this Ordinance.

1318.3 Any building used for keeping or raising livestock or poultry for domestic use shall be situated not less than one hundred (100) feet from any street line, proposed street line, property line, or dwelling other than the owner's dwelling.

Section 1319 Amateur Radio Transmitting and Receiving Antennas

1319.1 Amateur radio transmitting and receiving antennas attached to a building shall not exceed a height of 25 feet above the established roof line. These structures shall include roof mounted, chimney mounted and ground established structures bracketed or guyed to primary or accessory structures that are not antenna structures.

1319.2 Free-standing amateur radio transmitting and receiving antennas shall not exceed 75 feet in height, provided that any such projection shall not be greater in height above its base than the shortest distance from such base to any lot line.

1319.3 With respect to the number of amateur radio transmitting and receiving antennas requested by the Applicant, the Board of Supervisors shall hear and decide such request in accordance with the following requirements along with any other requirements deemed necessary by the Board of Supervisors so as to protect the health, safety and welfare of the public:

- a. The Applicant shall submit to the Board of Supervisors feasibility studies and valid engineering data regarding structural integrity, appearance, locations, and need for the requested number of antennas.
- b. The number of antennas requested is consistent with the Applicant's license class.
- c. Such antennas shall conform to all other applicable Federal, State and local codes and ordinances.
- d. Such antennas shall not adversely affect other property in the vicinity or unreasonably interfere with the reception of radio signals upon any other property.

1319.4 When authorized by the Board of Supervisors as a Conditional Use, amateur radio transmitting and receiving antennas may exceed the height specified in Subsections 1319.1. and 1319.2. above, provided that the following requirements are met along with any other requirements deemed necessary by the Board of Supervisors so as to protect the health, safety and welfare of the public:

- a. No antenna shall be greater in height above its base than the shortest distance from such base to any lot line.
- b. The Applicant shall submit to the Board of Supervisors feasibility studies and valid engineering data regarding structural integrity, appearance, locations, and need for the requested height of antennas.
- c. The height of antennas is consistent with the Applicant's license class.
- d. Such antennas shall conform to all other applicable Federal, State and local codes and ordinances.
- e. Such antennas shall not adversely affect other property in the vicinity or unreasonably interfere with the reception of radio signals upon any other property.

Section 1320 Additional Lot Requirements

1320.1 In any district, more than one permitted or permissible principal use may be permitted on a single lot, provided that the area, yard and other requirements of this Ordinance applicable to the district in which the lot is located, shall be met for each such use as though it were on an individual lot. All land development regulations of the Township Subdivision and Land Development Ordinance must be met to allow more than one (1) principal use on a lot.

1320.2 Every lot must contain its own on-lot sanitary sewage disposal system and on-lot water supply system unless community or public sanitary sewage disposal or water supply are utilized to serve that lot. Under no circumstances shall any lot furnish on-lot sanitary sewage disposal area or on-lot water supply for any other lot.

Section 1321 Bed and Breakfast.

Wherever the use of bed and breakfast is permitted by special exception granted by the Zoning Hearing Board, the following minimum requirements shall apply:

- 1321.1** A land development plan must be filed, approved and recorded pursuant to the provisions of the Ruscombmanor Township Subdivision and Land Development Ordinance of 1987, as amended, prior to use occupancy to assure compliance with proper storm drainage, sewage and other applicable standards of the Ruscombmanor Township Subdivision and Land Development Ordinance of 1987, as amended.
- 1321.2** The maximum number of units shall be eight (8). All building requirements of the Pennsylvania Department of Labor & Industry shall be satisfied and appropriate permits provided.
- 1321.3** A ten foot (10') buffer strip shall parallel all property lines not fronting a public street, with appropriate planting/screening. The planting and screening should be comprised of two rows of plant material, seven (7) feet apart, five (5) feet from the property line, with plant material staggered alternately, ten (10) foot on center. Sixty (60) percent of the plant material shall be evergreen trees, twenty (20) percent shall be deciduous trees, and the remaining twenty (20) percent shall be a mix of evergreen and deciduous shrubs.
- 1321.4** The owner and operator of a bed and breakfast shall be a full time resident of the dwelling.
- 1321.5** No retail sales are permitted.
- 1321.6** No alcoholic beverages are permitted to be sold.
- 1321.7** Sleeping units shall contain no kitchen facilities and shall be limited to no more than two (2) adults and two (2) children.
- 1321.8** Food served to bed and breakfast guests on the premises shall be limited to breakfast only. Food shall not be served to the general public. No restaurant facilities shall be permitted.
- 1321.9** Guests shall be limited to transients. The maximum number of consecutive nights a room may be rent to an individual is seven (7).
- 1321.10** There shall be a minimum of one parking space for each rental room, plus two spaces for the resident host(s).
- 1321.11** There shall be no outside advertising other than one sign of no more than twelve (12) square feet in area on any one (1) side.
- 1321.12** Adequate sewage disposal capacity shall be provided in accordance with Pennsylvania Department of Environmental Protection regulations.
- 1321.13** At least one (1) bathroom shall be provided for every three (3) units, plus one (1) bathroom for the resident owner-operator.
- 1321.14** The use shall maintain an appearance and character consistent with a residence or a farm.

- 1321.15** Other conditions as may be imposed by the Zoning Hearing Board as deemed necessary and appropriate under the circumstances of the specific application.

Section 1322 Forestry and Wooded Area Controls

1322.1 In accordance with the requirements of Section 603(f) of the Pennsylvania Municipalities Planning Code, Forestry, including timber harvesting, is permitted as of right in all zoning districts within the Township, subject to the provisions generally applicable to all uses in the district in which such land is located.

1322.2 Timber Stand Improvement is permitted in all existing Wooded Areas; however, no timber may be cut that is between 8" and 14" dbh without approval from the Township Supervisors, except under the following conditions:

- a. All dead and diseased trees may be removed regardless of diameter.
- b. No more than twenty-five percent (25%) of the existing tree cover (regardless of diameter) may be removed from the tract for the construction of a home and driveway.
- c. The planting and harvesting of Christmas trees is permitted.
- d. The removal of trees of undesirable species, form or condition from the main canopy of the stand to improve the health and composition of the stand.

Section 1323 Adult Entertainment Uses.

1323.1 Adult entertainment uses are subject to the following:

- a. No materials offered for sale, rent, lease, loan or for view on the premises shall be visible from any door, window or exterior of the building or structure, nor shall they be displayed or exhibited outside of a building or structure;
- b. No persons under the age of 18 years shall be permitted within an adult business. Each entrance to the premises shall be posted with a notice specifying that persons under the age of 18 years are not permitted to enter therein;
- c. No unlawful sexual activity or conduct shall be permitted;
- d. Not more than one such use shall be permitted within any one building or lot;
- e. No sign on the premises shall pictorially depict or give the visual representation of the type of materials, merchandise or film offered therein; and
- f. Any portion of a building or structure containing an adult entertainment use shall be windowless or having an opaque covering over all windows and doors.

1323.2 In addition to the area and height regulations contained in §803, no adult entertainment use shall be located:

- a. within one thousand (1,000) feet of
 - (1) a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - (2) a public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school;
 - (3) a premises licensed pursuant to the alcoholic beverage control regulations of the Commonwealth of Pennsylvania;
 - (4) any other adult entertainment use;
- b. or within eight hundred (800) feet of
 - (1) a boundary of a residential district as defined in this Ordinance;
- c. or within five hundred (500) feet of
 - (1) a public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Township which is under the control, operation, or management of the Township park and recreation authorities, or other similar land within the Township which is under the control, operation or management of private parties and open and available for use by the general public;
 - (2) an entertainment business which is oriented primarily towards children and family entertainment.

For the purpose of subsection 1323.2, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in this subsection 1323.2. Presence of a municipal, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this subsection 1323.2.

- 1323.3** Where the side and/or rear yard of any lot which is to be used for any adult entertainment use adjoins land used for residential purposes, a buffer yard shall be provided within the side and rear yard adjoining the land used for residential purposes in accordance with the provisions of Section 1308 and the Design Standards of the Subdivision and Land Development Ordinance.
- 1323.4** Sufficient additional data shall be submitted to enable the Planning Commission and the Board of Supervisors to determine that the requirements of this and other ordinances of the Township relevant to the proposed use have been fulfilled, and that the owners and operators of proposed adult entertainment facilities demonstrate a desire and ability to comply with the ordinances of the Township and to prevent their establishments from being used for any illegal activities.

Section 1324 Concentrated Animal Operations.

Concentrated Animal Operations shall be in accordance with the requirements contained in the Act of July 6, 2005 (P.L.112 No. 38), known as the “Nutrient Management and Odor Management Act”, and are subject to the following:

- 1324.1** No structure used for the Operation shall be located within 300' of any lot line unless a lesser distance is permitted by applicable State law.
- 1324.2** All lots for such uses shall have a minimum lot size of 25 acres.
- 1324.3** All open storage shall be screened in such manner that it shall not be visible from any point on the lot lines.
- 1324.4** All buildings and structures designated for the use of any regulated activity shall be painted and maintained in good condition.
- 1324.5** A fence shall be maintained around all areas in which animals are kept outside of buildings.
- 1324.6** Solid and liquid waste shall be disposed of in a manner to avoid creating insect or rodent problems, a public health problem or a public nuisance. Noxious, unpleasant gases or odors of any kind shall not be emitted in such quantities as to be detectable outside the lot lines of the tract occupied by a Concentrated Animal Operation.
- 1324.7** A Nutrient Management Plan shall be prepared in accordance with the provisions of Title 25, Chapter 83, Subchapter D, Pennsylvania Code, for all proposed Operation uses. The Nutrient Management Plan shall be submitted to the Township with the zoning permit application.
- 1324.8** No discharge of liquid waste or sewage shall be permitted into a reservoir, sewage or storm disposal system, holding pond, stream or other open body of water, or into the ground unless treated so that the discharge is in total compliance with the standards approved by the appropriate local, state and federal regulatory bodies and agencies.
- 1324.9** All on-site composting shall be performed under roof in a partially enclosed structure having impervious flooring with drainage and suitable protection so as to ensure that there is no run-off from said structure onto surrounding lands.

- 1324.10** All organic materials to be used in on-site composting shall be stored under roof in a totally enclosed structure having impervious flooring with drainage and suitable protection so as to ensure that there is no run-off from said structure onto surrounding lands.
- 1324.11** An erosion and sedimentation control plan shall be approved by the Township and the Berks County Conservation District. No Operation may occur in a 100 year floodplain.

Section 1325 Standards for Home Occupations.

- 1325.1** A Home Occupation is an occupation customarily conducted within a single-family dwelling unit, clearly incidental and secondary to the residential use. Home Occupations include medical offices, offices of professionals, as defined in this Ordinance, fine arts studios, dressmaking, barbershops and beauty shops and similar uses, but shall not include retailing, storage or mail order activities in which goods are distributed on the residential property, wholesaling, the dispensing of food or drink, the repair, servicing, storage or rental of motor vehicles and tourist and boarding homes.
- 1325.2** Only a resident of the dwelling unit may practice the Home Occupation.
- 1325.3** All of the goods available for retail sale on the premises shall be produced upon the premises.
- 1325.4** No storage of materials or products related to the Home Occupation shall be permitted outside buildings.
- 1325.5** No display of products related to the Home Occupation shall be visible from adjoining properties or streets.
- 1325.6** There shall be no outside advertising other than permitted in Article XV of this Ordinance (Signs).
- 1325.7** No more than one person, whether paid or unpaid, may be employed by the practitioner of a professional occupation to provide secretarial, clerical or other assistance.
- 1325.8** No noise, odor, dust, vibration, electromagnetic interference, smoke, heat or glare resulting from the Home Occupation shall be perceptible at or beyond the lot boundaries.
- 1325.9** Not more than 25% of the total floor area of the dwelling unit shall be used for the purposes of Home Occupation.
- 1325.10** Any need for parking generated by the Home Occupation shall be met off street, on the lot which the Home Occupation is carried out. In the case of dental, medical or paramedical offices, four off-street parking spaces shall be provided for the practicing doctor, dentist, or paramedic. In addition, at least one off-street parking space shall be provided for an employee.
- 1325.11** Home Occupations shall be conducted within a single-family dwelling with direct access to ground level.
- 1325.12** Not more than one Home Occupation may be practiced in any one dwelling unit.

- 1325.13** There shall be no alterations made to the outside of the dwelling in a manner inconsistent with the basic architecture of the dwelling.

Section 1326 Standards for Small Wind Energy Systems (Wind Systems)

- 1326.1** Wind Systems shall be a residential accessory use in all zoning districts, subject to the requirements of the relevant zoning district and the requirements set forth below.
- 1326.2** Wind Systems, including the high point of the blade in a vertical position, shall not exceed 75' in height, provided that any such projection shall not be greater in height above its base than 1.1 times the shortest distance from such base to any lot line, overhead utility line or street line.
- 1326.3** No part of the Wind System structure, including guy wire anchors, may extend closer than 10' to any lot line.
- 1326.4** The distance between the blade and the nearest structure must be no less than 20'. The distance between the low point of the blade in a vertical position and the ground surface must be no less than 10'.
- 1326.5** The sound pressure level shall not exceed 60 dBA, as measured at the nearest lot line. The level, however, may be exceeded during short-term utility outages and severe wind storms.
- 1326.6** Wind Systems must have been approved by a recognized small wind certification program, if any are in effect.
- 1326.7** Building permit applications for Wind Systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the Ruscombmanor Township Building Code and certified by a licensed professional engineer shall also be submitted.
- 1326.8** Building permit applications shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for determination that the manner of installation conforms to the Building Code of Ruscombmanor Township.
- 1326.9** No Wind System shall be installed unless evidence has been given that the utility company has approved the plan for the installation of an interconnected customer-owned generator for incidental transfer of power. Off-grid systems shall be exempt from this requirement.
- 1326.10** Wind Systems are permitted in side and rear yards only. The capacity of Wind Systems shall not exceed 50 kW.

1326.11 If a Wind System remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the Wind System within six months of the expiration of such 12 month period. Further, the owner or operator of the Wind System shall, before any permit is issued, post security in a form acceptable to the Township and in the amount required to cover the removal and site clean-up. The security shall be utilized by the Township in the event that the owner or operator of the Wind System fails to remove the same within the time period described above. If the cost of removal by the Township exceeds the security, Township shall bill the owner or operator for the excess costs, and should the owner or operator fail or refuse to pay the same in full within 30 days after receipt of the bill for the same, Township shall have the right to file a civil action for collection of the same. Any portion of the security not used by the Township shall be returned to the owner or operator.

1326.12 Permitted Wind Systems shall be limited to one. When authorized by the Board of Supervisors as a Conditional Use, multiple Wind Systems may be permitted and the height may exceed the height specified in 1326.2 above, provided that the following requirements are met along with any other requirements deemed necessary by the Board of Supervisors so as to protect the health, safety and welfare of the public:

- a. No Wind System shall be greater in height above its base than 1.1 times the shortest distance from such base to any lot line.
- b. The applicant shall submit to the Board of Supervisors feasibility studies and valid engineering data regarding structural integrity, appearance, locations and need for the requested height and/or multiple Wind Systems.
- c. Such Wind Systems shall not adversely affect other property in the vicinity or unreasonably interfere with the use and enjoyment of any other property.

Section 1327 Standards for Solar Energy Systems

1327.1 The purpose of this Section is to provide for the land planning, installation and construction of Solar Energy Systems subject to reasonable conditions that will protect the public health, safety and welfare.

1327.2 Solar Energy Systems shall be allowed in all zoning districts and may be installed upon receipt of the necessary construction, electrical, plumbing, and/or mechanical permits. This ordinance applies to Solar Energy Systems to be installed and constructed for residential or commercial accessory use.

1327.3 To the extent applicable, Solar Energy Systems shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended, and the regulations adopted by the Department of Labor and Industry.

1327.4 The design of the Solar Energy System shall conform to applicable industry standards.

1327.5 Solar Energy Systems used for residential accessory use shall not exceed 1,200 square feet in size.

1327.6 Ground-mounted Solar Energy Systems shall meet the following criteria:

- (1) Solar Energy Systems must comply with all setback and height requirements for the zoning district where the Solar Energy System is installed.
- (2) All exterior electrical and/or plumbing lines must be buried below the surface of the ground and be placed in a conduit.
- (3) A ground-mounted Solar Energy System must comply with the area and height regulations contained in the zoning district where the ground-mounted Solar Energy System is installed.

1327.7 Roof mounted Solar Energy Systems shall conform to the height regulations of the zoning district where the Solar Energy System is installed.

ARTICLE XIV

OFF-STREET PARKING AND LOADING

Section 1400 Required Off-Street Parking Space

The following off-street parking provisions shall constitute the minimum space required for the following buildings or uses hereafter erected, converted, or otherwise established in any district:

1400.1 Residential Uses

Two (2) parking spaces per dwelling unit. In the case of apartment buildings which will contain only dwelling units for the elderly, one (1) parking space per dwelling unit is required.

1400.2 Industrial, Wholesaling or Warehousing Establishment

One (1) space per employee on shift of greatest employment.

1400.3 Restaurant, Tavern or Similar Use

One (1) space for each four (4) seats plus one (1) space for each employee on the shift of greatest employment, or one (1) space per three (3) people of total capacity plus one (1) per employee on the shift of greatest employment, whichever is greater.

1400.4 Retail and Service Establishments

One (1) space for each two hundred (200) square feet of gross floor area.

1400.5 Office Buildings

One (1) space for each three hundred (300) square feet of gross floor area.

1400.6 Motel, Hotel, Tourist Home or Similar Establishment

One (1) space for each rental unit plus one (1) space for each employee on the shift of greatest employment.

1400.7 Medical, Dental and Paramedical Offices

One (1) space per employee plus four (4) spaces for each person engaged in practice.

1400.8 Agricultural Uses

One (1) space per employee of the shift of greatest employment.

- 1400.9** Nursing Home, Convalescent Home or Retirement Home, Personal Care Home
One (1) space per employee on shift of greatest employment plus one (1) space for each two (2) beds.
- 1400.10** Hospital
One and one-half (1-1/2) spaces per bed.
- 1400.11** Bowling Alley
Five (5) spaces per alley.
- 1400.12** Funeral Home
One (1) space for each four (4) seats.
- 1400.13** Auditorium, Theater, Place of Worship, Club or Lodge, or Other Place of Public Assemblage
One (1) space for each four (4) seats.
- 1400.14** Library or Museum
One (1) space for each three hundred (300) square feet of gross floor area.
- 1400.15** Nursery Schools and Day Centers
One (1) space per employee plus one space for every 10 children for unloading of children accommodated in the school.
- 1400.16** Elementary and Junior High Schools
One (1) space per employee plus one (1) space per two (2) classrooms or offices.
- 1400.17** High Schools
One (1) space per employee plus one (1) space per three (3) students to be accommodated at any one (1) time.
- 1400.18** Commercial Schools
One (1) space per employee plus one (1) space per three (3) students to be accommodated at any one (1) time.
- 1400.19** Skating Rink, Swimming Pool, Indoor Recreational Establishments
One (1) space per twenty-five (25) square feet devoted to patron use.

1400.20 Motor Vehicle Service Station or Repair Garage

Two (2) parking spaces per service bay, plus one (1) per employee on the shift of greatest employment.

1400.21 Outdoor Recreational Facility

One (1) space per employee on largest shift plus one (1) space per five (5) people of total capacity.

1400.22 Shopping Center

Five (5) spaces per one thousand (1,000) square feet of gross leasable area.

1400.23 Dance Hall, Night Club, and similar BOCA use Group A-2 Structures

One (1) space per three (3) people of total capacity, plus one (1) space per employee on the shift of greatest employment.

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

Section 1401 Required Off-Street Loading Space

1401.1 Every retail establishment, hospital or sanitarium, warehouse or wholesale establishment, industrial plant or manufacturing establishment shall have at least one (1) off-street loading space. Where there is an aggregate gross floor area of 20,000 square feet or more intended or designed for such use, one (1) additional off-street loading space shall be provided for each 60,000 square feet of gross floor area or part thereof over 20,000 square feet up to 320,000 square feet.

1401.2 Every auditorium, exhibition hall, funeral home, office building, restaurant or welfare institution shall have at least one (1) off-street loading space. Where there is an aggregate gross floor area of 30,000 square feet or more intended or designed for such use one (1) additional off-street loading space shall be provided for each 100,000 square feet of gross floor area or fraction thereof over 30,000 square feet.

Section 1402 Area and Design Standards and Other Requirements. General Requirements Relating to Parking and Loading Space

The design of parking and loading areas and access to them shall be controlled in the interest of public safety, and all such facilities shall be paved, drained, lighted and maintained in accordance with the provisions of this article and other pertinent articles in this Ordinance.

1402.1 Area.

A net area of 200 square feet of parking space shall be provided for each automobile.

1402.2 Adequate accessways, aisles and maneuvering space.

For residential uses having access to any major street as herein defined, and for all non-residential uses, parking and loading areas shall include within the property lines turning areas so designed and surfaced that a vehicle entering or leaving the property will not be forced to back onto the street or onto the property.

1402.3 Surface.

All driveways shall be paved in accordance with Township ordinances and regulations. Except for farms and Single Family residences on a lot, all parking areas and loading spaces shall be paved with a hard all weather surface.

1402.4 Design Standards.

- a. All parking facilities provided under this Ordinance shall be located off the public right-of-way and on the same lot as the use or building they are designed to serve.
- b. Off-street parking, loading and service area on all properties and for any purpose other than a single-family residence shall be physically separated from the public right-of-way by a concrete curb, and by a planting strip parallel to the street line which shall be not less than eight (8) feet in depth measured from the future proposed cartway.
- c. In C, HC, LI-1 and LI-2 Districts paved accessways shall be provided which shall be not more than thirty-five (35) feet in width at the street line and not more than fifty-four (54) feet in width at the curb line. For the purpose of servicing any property held under single and separate ownership, not more than two (2) such accessways shall be provided along the frontage of any single street and their center lines shall be spaced at least eighty (80) feet apart. On all corner properties there shall be a minimum distance between accessway and the street intersection, measured from the curb line of the intersecting street to the edge of the accessway nearest the intersection, as follows:
 - (1) In C and HC Districts: 50 feet.
 - (2) In LI-1 and LI-2 Districts: 100 feet.
- d. In LI-1 and LI-2 Districts the required off-street parking and/or loading spaces shall be arranged in such a way as to provide adequate space for parking maneuvers and circulation in the access drives and aisles with a minimum danger of accidental collision. Any aisle providing for maneuvering in or out of parking spaces shall be at least twenty-five (25) feet in width, measured perpendicular to the row of parking spaces it serves. All parking aisles shall be separated by a physical barrier permanently fixed to the ground.

1402.5 Collective Action with respect to Off-Street Parking.

Nothing in this Ordinance shall be construed to prevent the joint use of off-street parking space for two (2) or more buildings or uses on adjacent lots provided that the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses computed separately.

1402.6 Reduction of Off-Street Parking Space.

Off-street parking or loading space shall not be discontinued or reduced without providing alternate space in compliance with the standards and specifications of this Ordinance.

1402.7 Non-Conforming Parking Areas.

No major repairs, substantial alterations or extensions to any building shall be permitted unless the plans for such change shall provide for bringing the entire property into conformance with all of the provisions of this Article as if an application were being made for a permit to erect or construct all of the existing and proposed buildings and structures on undeveloped ground.

ARTICLE XV

SIGNS

Section 1500 Scope and Applicability

In all zoning districts within the Township, signs may be erected, altered, maintained, used, or moved, only when in accordance with the provisions of this Article.

Section 1501 Signs Permitted in Residential District

In R-1 and R-2 Residential Zoning Districts the following types of signs shall be permitted and no other.

1501.1 Official Traffic or Street Name Signs,

1501.2 Name Signs, or Accessory Use Signs, indicating the name, profession, or activity of the occupant of a dwelling, provided that the area of any such sign shall not exceed one (1) square foot, and not more than one such sign for each property shall be permitted.

1501.3 Identification signs for farms, schools, churches, hospitals, institutions, and for public or private recreation area, clubs or other similar uses, provided that the area of any such sign shall not exceed twelve (12) square feet.

1501.4 Real Estate signs including signs advertising the sale or rental of the premises, provided the area of such sign shall not exceed twelve (12) square feet; and signs erected in connection with the development or proposed development of the premises by a builder, contractor, developer, or other person interested in such sale or development provided that the area of such sign shall not exceed twenty-four (24) square feet. Such signs shall be located only on the premises to which they relate, and not more than one such sign shall be placed on any property in single and separate ownership unless such property fronts on more than one public street, in which case one sign may be erected along each street frontage.

1501.5 Temporary signs of contractors, architects, mechanics and artisans during the period such persons are performing work on the premises provided that:

- a. The size of any such sign shall not exceed six (6) square feet.
- b. Not more than one sign for each such mechanic, contractor or artisan shall be placed on any one property on which such person is performing work unless such property fronts upon more than one street, in which event, each such mechanic, contractor or artisan may erect one such sign on each street frontage.
- c. Such sign shall be removed promptly upon completion of the work.

- 1501.6** Trespassing signs or other signs indicating the private nature of a road, driveway, or premises; and signs prohibiting or otherwise controlling fishing or hunting upon a particular premise, provided that the size of any such sign shall not exceed four (4) square feet.
- 1501.7** Directional, informational or public service signs may be erected, provided that such signs do not advertise any commercial establishment, activity, organization, product, goods or service except those of public utilities, and any such sign shall not exceed four (4) square feet in size.
- 1501.8** Temporary signs, provided that:
- a. The size of any such sign is not in excess of twelve (12) square feet.
 - b. The erector of such signs or an authorized agent applies for and obtains a permit from the Township Zoning Officer and deposits with the Township, at the time of his application, the sum of twenty-five dollars (\$25) per each one hundred (100) such signs or fraction thereof, as a guarantee that all such signs will be removed promptly within twenty (20) days after the date of the event to which such signs relate. If such signs are not removed at the end of thirty (30) days, the Township shall have them removed and keep the full sum deposited to reimburse the expenses incurred by it and for general Township purposes. The foregoing shall not apply to political campaign signs.
- 1501.9** Signs advertising a legal non-conforming use, when located on the site where such use is conducted, may be maintained, or modernized, without increasing their size, provided that such signs have been erected prior to the adoption of the Township Zoning Ordinance.

Section 1502 Signs Permitted in Commercial and Industrial Districts

In Commercial and Industrial Zoning Districts the following types of signs shall be permitted and no other:

- 1502.1** Any signs permitted in Residential Districts.
- 1502.2** Signs advertising a business, industry or other permitted use provided that:
- a. Such sign is located on the site where such use is conducted;
 - b. Not more than one sign shall be permitted for any one use unless the property on which such use is located fronts on more than one street, in which event one sign may be erected on each frontage.
 - c. The total Area of such sign shall not exceed fifty (50) square feet.
- 1502.3** Signs advertising an industrial park, provided that:
- a. Such signs are located on the premises where such use is conducted, or in the process of development, and shall only identify the industrial park.

- b. Not more than one sign shall be placed on any property held in single and separate ownership, unless such premises fronts upon more than one street, in which event one such sign may be erected on each frontage.
- c. The size of any such sign shall not exceed one hundred and fifty (150) square feet.

1502.4 Special promotional devices, signs or spectacular displays, such as flood lights, banners, pennants, etc., which are not readily measurable for the purpose of determining compliance with the size limitations for signs contained in this Article, shall be permitted for a period not exceeding fifteen (15) days in any one calendar year.

Section 1503 General Sign Regulations

The following restrictions shall apply to all permitted signs and sign uses:

1503.1 Setback from Property Line.

There shall be minimum distance of fifteen (15) feet between any side property line and any sign erected under the provisions of this Ordinance.

1503.2 Set-back from Cartway.

No sign, other than a traffic or street sign, shall be located within the lines of any road right-of-way or within twenty (20) feet of the edge of the cartway of any public street, whichever is greater; and in no case shall a sign be placed in such a position that it will cause danger to traffic on a road or street by obscuring the view.

1503.3 Minimum Distance from Street Intersection.

No signs except official traffic or street name signs shall be permitted within fifty (50) feet of a street intersection measured from the intersection of the street right-of-way lines.

1503.4 Prohibited Signs.

No flashing sign shall be permitted unless said sign is so shielded or screened so that the light or reflection does not illuminate or shine upon the property of any other individual or entity other than the applicant or on any public street.

1503.5 Maintenance of Signs.

Every sign permitted in this Article must be constructed of durable materials and must be kept in good condition and repair. Any sign which is allowed to become dilapidated in the opinion of the Township Supervisors shall be removed by the Township at the expense of the owner or lessee of the property on which it is located.

1503.6 Non-Conforming Signs.

If any legal, non-conforming sign shall be removed it may be replaced only, within (60) days, with a sign which conforms with the provisions of this Article; however, legal non-conforming signs may be repainted or repaired provided that the dimensions of the sign are not increased.

1503.7 Sign Permit Requirements.

A sign permit shall be obtained from the Zoning Officer prior to the erection, alteration or relocation of any sign, billboard or other advertising device over four (4) square feet in area. In applying for such permit the applicant shall use the form provided by the Township, and shall include a plot plan of the property upon which such sign is located or proposed, showing the location of the street lines, cartway lines, and all signs already existing on the property, in order to facilitate the determination by the Zoning Officer that the sign to which the application relates complies with the provisions of this Ordinance approved by Township Planning Commission.

Section 1504 **Billboards**

On land that borders Pennsylvania Route 73 for a depth of 100' on either side of said highway, between the municipal boundary line between Oley Township and Ruscombmanor Township and its intersection with Pennsylvania Route 12, billboards are permitted, subject to the following additional requirements:

- 1504.1.** No billboard, including frame and trim, shall exceed 300 sq. ft.
- 1504.2.** A sign structure may contain only one billboard per facing, but may contain two facings back to back.
- 1504.3.** No billboard shall be located within 1,000' of another billboard.
- 1504.4.** No more than one billboard shall be allowed on any one street frontage of any one property.
- 1504.5.** All billboards must be setback at least 35' from any right-of-way lines.
- 1504.6.** No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial uses, which depend upon visibility for identification.
- 1504.7.** The distance from the ground to the highest part of any billboard shall not exceed 25'.
- 1504.8.** Except in the case of traffic control signs, school warning signs, time and temperature signs and similar signs, billboards shall not contain moving parts nor use flashing or intermittent illumination, and the source of light shall be steady and stationary.

ARTICLE XVI

ADMINISTRATION

Section 1600 Enforcement

The Board of Township Supervisors shall appoint a Zoning Officer to enforce the provisions of this Ordinance. The Zoning Officer shall not hold any elective office and shall meet qualifications established by the Municipality and shall be able to demonstrate to the satisfaction of the Municipality a working knowledge of municipal zoning. It shall be his duty to examine all applications for zoning permits, issue permits only for construction and uses which are in accordance with the requirements of the Ordinance, and with the requirements of all other ordinances of the Township, record and file all applications for permits with any accompanying plans and documents, and make such reports as the Board of Township Supervisors may require. Permits for construction and uses which are a special exception or variance to requirements of this Ordinance shall be issued only upon order of the Zoning Hearing Board. In all cases wherein violations of any of the terms of this Ordinance shall come to the attention of the Zoning Officer, he shall be authorized to issue stop, cease and desist orders to the violator or violators. Failure by the violator to carry out any directive under the authority contained in this section shall constitute a violation of the terms of this Ordinance.

Section 1601 Requirement of Zoning Permits

A Zoning Permit shall be secured from the Zoning Officer prior to the construction, erection, restoration or alteration of any building, structure or establishment or re-establishment of any use. However, if the use of a building is not changed, a zoning permit shall not be required for non-structural alterations and/or restoration of the same provided that the total cost of the alterations and/or restoration does not exceed the sum of Five-Thousand Dollars (\$5,000.00).

Section 1602 Application for Zoning Permits

All requests for zoning permits shall be made in writing by the owner or his authorized agent to the Zoning Officer on a form to be supplied by the Township. Such applications shall contain all information required by the Zoning Officer to ascertain whether the proposed erection, alterations, use or change in use complies with the provisions of this Ordinance, and, except in the case of alterations and/or restoration, shall be accompanied by a plan which shall be drawn to scale showing the proposed buildings or structure and any existing buildings or structures in their exact relation to all property lines and to the street lines. The application shall include a copy of the deed to the property or a written statement by a registered engineer or surveyor that all street lines on the plan have been accurately located and staked out in the ground when requested by the Planning Commission or Supervisors.

Section 1603 Issuance of Zoning Permits

Zoning permits shall be granted or refused within ten (10) days after the written application is filed with the Zoning Officer. Zoning permits shall be issued with a one (1) year life and may be renewed annually without the payment of additional fees for an aggregate period of not more than three (3) years. If construction pursuant to said permit is not completed within five (5) years, a new permit with new fee shall be required. The permit shall be numbered and a certification that such permit has been issued shall be issued to the applicant by the Zoning Officer. Such certification shall be in a durable form and shall be prominently displayed on the premises before construction is begun and shall remain on display until a certificate of occupancy is granted.

Section 1604 Temporary Permits

A temporary permit may be authorized by the Zoning Hearing Board as a Special Exception for a non-conforming structure or use which it deems beneficial to the public health or general welfare or which it deems necessary to promote the proper development of the community provided that such non-conforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such a permit shall be issued for a specified period of time not exceeding one (1) year, and may be renewed annually for any aggregate period of not more than three (3) years.

Section 1605 Fees

Fees for zoning permits shall be paid in accordance with a fee schedule adopted by resolution of the Board of Supervisors and all such fees shall be paid into the Township's Treasury. All applications, with the accompanying plans and documents, shall be a public record after the permit is issued or denied.

Section 1606 Certificates of Occupancy

No building hereafter constructed, or erected, or altered under a zoning permit shall be occupied or used in whole or in part for any use whatsoever and no change in use of any building or part of building shall hereafter be made, until the builder, owner or occupant has been issued a certificate of occupancy by the Zoning Officer indicating that the building or use complies with the terms of zoning and/or building permit and with the provisions of this Ordinance, and provided that an approved and functioning sewage disposal system has been installed. A certificate of occupancy shall be granted or denied within ten (10) days of the date of written application therefore. No fee shall be charged for a certificate of occupancy.

Section 1607 Enforcement Notice

The Zoning Officer shall serve enforcement notice on any persons, firm, corporation, or partnership responsible for violating any of the provisions of this Ordinance. Enforcement notice shall also be sent by the Zoning Officer to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record.

The Enforcement Notice shall state at least the following:

- 1607.1** The name of the owner of record and any other person against whom the Municipality intends to take action,
- 1607.2** The location of the property in violation.
- 1607.3** The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
- 1607.4** The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- 1607.5** That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
- 1607.6** That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

Section 1608 Procedure to Obtain Preliminary Opinion

In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run under Section 1704 by the following procedure:

- 1608.1** The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.
- 1608.2** If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Municipality. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and time where the plans and other materials may be examined by the public. The favorable preliminary approval under Section 1704 and the time therein specified for commencing a proceeding with the Board shall run from the time when the second notice thereof has been published.

Section 1609 Uses By Condition

Wherever this Ordinance provides for Conditional Uses to be granted or denied by the Board of Supervisors, the procedures set forth in this Section 1609 shall be the exclusive mode for securing authorization for or approval of any such Conditional Use. The hearing shall be conducted by the Board of Supervisors, or the Board of Supervisors 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 of Supervisors. However, the appellant or the applicant, as the case may be, in addition to the Municipality, may, prior to the decision of the hearing, waive decision or findings by the Board of Supervisors and accept the decision or findings of the hearing officer as final.

a. Application

- (1) An application for a Conditional Use shall be made in writing to the Board of Supervisors through the Township Secretary and shall be accompanied by the written material and data required below, along with such other written and graphic material as may be required by this Ordinance and by the Board of Supervisors to enable them to adequately make the decisions and determinations required by this Ordinance.
- (2) Four (4) copies of all applications, along with the material and data required by this Ordinance, shall be submitted to the Board of Supervisors, along with such fees as may be established from time to time by resolution of the Board of Supervisors.

b. Review by the Ruscombmanor Township Planning Commission

The Board of Supervisors shall submit one (1) copy of the complete application to the Chairman of the Township Planning Commission through the Township Secretary for the opportunity to review and comment prior to the hearing held by the Board of Supervisors on such application.

c. Decision by the Board of Supervisors.

- (1) Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, adjoining property owners of the applicant property and to any person who has made timely request for the same.
- (2) The Board of Supervisors shall render a written decision within forty-five (45) days after the last hearing before the Board of Supervisors. In authorizing or approving any such Conditional Use, the Board of Supervisors shall have the power to attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance or to support the purpose of the district within which the Conditional Use is or will be located.

- (3) Where the application is contested or denied, the written decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based upon any provision of the Pennsylvania Municipalities Planning Code or upon any ordinance, rule, or regulation of the Township shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
- (4) Where the Board of Supervisors fails to render the decision within the period required by this subsection or fails to commence the required hearing within sixty (60) days from the date of the applicant's request for a hearing, or fails to complete the hearing no later than 100 days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas, 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 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Pennsylvania Municipalities Planning Code. If the Board of Supervisors shall fail to provide such notice, the applicant may do so.
- (5) A copy of the written decision shall be delivered to the applicant personally or mailed to him postmarked not later than the business day next following the date of the decision. To all other persons who have filed their names and addresses with the Board of Supervisors not later than the date of the last public hearing, the Board shall provide, by mail or otherwise, a copy of the written decision.
- (6) Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

d. General standards.

Conditional Uses shall meet the specific standards established for each use by this Ordinance as well as by all other applicable ordinances, statutes and regulations. In addition, the following standards shall be met:

- (1) The use shall be one which is specifically authorized as a Conditional Use in the zoning district wherein the applicant is seeking to commence such use.
- (2) Services and utilities shall be adequate to support the proposed use.

- (3) The use will not generate traffic of such a volume that will create hazardous or unduly congested conditions.
- (4) The use is appropriate to the site in question.
- (5) The use shall not adversely affect the character of the general neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- (6) The Board of Supervisors may impose such additional reasonable conditions and safeguards as they deem necessary to protect the public health, safety and welfare, including conditions other than off-site transportation improvements.

ARTICLE XVII

ZONING HEARING BOARD

Section 1700 Establishment and Membership

1700.1 A Zoning Hearing Board, consisting of three (3) members appointed by the Township, by resolution, is established for the purpose of carrying out the functions of a Zoning Hearing Board as provided bylaw. The terms of office of the members shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. Members of the Board shall be residents of the Township and shall hold no other office in the Township.

1700.2 The Township may appoint, by resolution, at least one, but no more than three residents of the Municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 906 of the Pennsylvania Municipalities Planning Code, as amended (including any future amendments), an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the aforesaid Code and as otherwise provided by law.

Alternates shall hold no other office in the Municipality, including membership on the planning commission and zoning officer. Any alternate may participate in any proceeding or discussion of the Board, but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 907 of the said Code unless designated a voting alternate member pursuant to Section 906 of said Code, as amended.

Section 1701 Organization of Zoning Hearing Board

The Board shall elect a chairman from its membership, and within the limits of funds appropriated by the Township Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

Section 1702 Hearings

For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive decisions or findings by the Board and accept the decision of findings of the hearing officer as final as provided in Section 908 of the Pennsylvania Municipalities Planning Code, as amended.

The Board shall conduct hearings and make decisions in accordance with the following requirements:

- 1702.1** Public notice shall be given and written notice shall be given to the Zoning Officer, the applicant, adjoining property owners of the applicant property and to any person who has made timely request for the same. Written notice shall be given at such time and in such a manner as shall be prescribed by rules of the Board. In addition to the written notice provided for herein, notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing. The first hearing shall commence within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant. Any party aggrieved by the schedule or progress of the hearings may apply to the Court of Common Pleas for judicial relief. The hearing shall be completed no later than 100 days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas.
- 1702.2** The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- 1702.3** The parties to the hearing shall be the Municipality, any person affected by the application who has made timely appearance of record before the Board and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- 1702.4** The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- 1702.5** The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine all adverse witnesses on all relevant issues.
- 1702.6** Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- 1702.7** The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings.
- 1702.8** The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

1702.9 The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, as amended, or of this Ordinance, shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to commence or complete the required hearing, as provided in subsection 1702.1 the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the rights of any party opposing the application to appeal the decision to a court of competent jurisdiction.

1702.10 A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 1703 Parties Appellant Before the Zoning Hearing Board

Appeals under Section 1706.1 a., b., c., d., and e. may be filed with the Board in writing by the landowner affected, any officer or agency of the Municipality, or any person aggrieved. Requests for a variance under Section 1706.2 and for Special Exception under Section 1706.3 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

Section 1704 Time Limitations; Persons Aggrieved

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate officer, agency or body of the Municipality, 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 has been given.

If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Section 709 of the Pennsylvania Municipalities Planning Code, as amended, or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

Section 1705 Stay of Proceedings

1705.1 Upon filing of any proceeding referred to in Section 1703 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development of 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 an 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 bond as a condition to continuing the proceedings before the Board.

1705.2 Court hearings and determinations for posting of bonds shall be in accordance with Section 915.1.(b), (c) and (d) of the Pennsylvania Municipalities Planning Code, as amended.

Section 1706 Jurisdiction

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1706.1 Appeals and Challenges

- a. Substantive challenges to the validity of this Ordinance, except those brought before the Governing Body pursuant to Section 609.1 and 916. 1.(a)(2) of the Pennsylvania Municipalities Planning Code, as amended.
- b. Challenges to the validity of this Ordinance raising procedural questions or alleged defects in process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of this Ordinance.
- 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 thereof, and the issuance of any cease and desist order.

- d. Appeals from the determination of any officer or agency charged with the administration of performance provisions of this Ordinance.
- e. Appeals from the Zoning Officer's determination under Section 1608.
- f. Applications for variances from the terms of this Ordinance, pursuant to Section 1706.2.
- g. Application for Special Exceptions under this Ordinance, pursuant to Section 1706.3.

1706.2 Variances.

The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflicts 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:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and 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.
- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- c. That such unnecessary hardship has not been created by the applicant.
- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
- e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attain such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

1706.3 Special Exceptions.

Where this Ordinance has provided for stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.

Section 1707 **Records**

The Board shall keep full public records of its business, which records shall be the property of the Municipality. The Board shall submit a report of its activities as requested by the Township.

ARTICLE XVIII

AMENDMENTS, REMEDIES, PENALTIES AND COMPLAINTS

Section 1800 Amendments

The provisions of this Ordinance and boundaries of Zoning Districts as set forth on the Official Zoning Map, may from time to time be amended or changed by the Township, in accordance with the provisions of Section 609. of the Pennsylvania Municipalities Planning Code, as amended.

Section 1801 Enforcement 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 therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than Five hundred dollars (\$500.00) plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. 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, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the 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

Section 1802 Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this Ordinance, the Township or, with the approval of the Township, the Zoning Officer, or any aggrieved owner or tenant of real property who shows that his property will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land, or to prevent, in or about such premises, and act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Municipality at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township. No such action may be maintained until such notice has been given.

Section 1803 Severability

Should any section, clause, word or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 1804 Repeal of Conflicting Ordinances

All existing ordinances or parts of ordinances inconsistent herewith are hereby expressly repealed to the extent necessary to give this Ordinance full force and effect.

This Ordinance shall take effect immediately.

ENACTED AND ORDAINED as an Ordinance by the Board of Supervisors of the Township of Ruscombmanor, Berks County, Pennsylvania, at a meeting held on the 1st day of August, 2013.

RUSCOMBMANOR TOWNSHIP
BOARD OF SUPERVISORS

BY: *James Mull*
Chairman
Brian Hart
Richard L. Lerdal

ATTEST:

Rose Ellen Mull
Secretary

This Ordinance contains all amendments set forth in Ordinance Nos. 92-33, 94-01, 95-02, 95-05, 96-05, 98-02, 99-01, 99-04, 2002-01, 2003-03, 2004-03, 2006-02, 2007-01, 2008-01, 2009-01 and 2013-01.