

**PAUPACK TOWNSHIP
WAYNE COUNTY, PENNSYLVANIA**

ZONING ORDINANCE 31 AMENDMENT G

ADOPTED WITH AMENDMENTS

JUNE 10, 1998

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ZONING ORDINANCE

OF

PAUPACK TOWNSHIP, WAYNE COUNTY, PENNSYLVANIA

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THE PAUPACK TOWNSHIP ZONING ORDINANCE

ARTICLE I - ORDAINING CLAUSE

BE IT HEREBY ORDAINED AND ENACTED by the Board of Township Supervisors of the Township of Paupack, Wayne County, Pennsylvania, by authority of and pursuant to the provisions of Act No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code," as amended, that the following zoning provisions and regulations, together with the official zoning map, hereby become and are declared to be an Ordinance of the Township of Paupack, Wayne County, Pennsylvania.

ARTICLE II - GENERAL PROVISIONS

201 - TITLE: An Ordinance to establish regulations and restrictions for the location and use of lots, land, buildings, and other structures, the height, number of stories, and size or bulk of buildings and structures, the density of population, off-street parking and similar accessory regulations, in the Township of Paupack, Wayne County, Pennsylvania, and for dividing the township into districts or zones and prescribing certain uniform regulations for each district or zone and providing for administrative enforcement and amendment of its provisions in accordance with Pennsylvania Municipalities Planning Code, as amended.

202 - SHORT TITLE: This Ordinance shall be known and may be cited as the "Paupack Township Zoning Ordinance."

203 - APPLICATION OF ORDINANCE: Except as hereinafter provided, no building, structure, land or parts thereof, shall be used or occupied, erected, constructed, or assembled, moved, enlarged, or structurally altered unless in conformity with the provisions of this Ordinance.

204 - PURPOSE OF ORDINANCE AND STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES: This Ordinance is designated to accomplish the following objectives:

- A. To promote, protect and facilitate the public health, safety, morals, and general welfare and to make provisions for adequate community facilities and utilities.
- B. Insure for the protection and continued conservation of the Lake Wallenpaupack Watershed in an effort to maintain a stable economic environment and provide for the future recreational needs of the residents of Paupack Township, Wayne County, Pennsylvania;
- C. To prevent loss of life, health or property from fire, panic, floods and other dangers or disasters;
- D. Provide for adequate light, air, privacy and to prevent overcrowding of land and undue congestion of population;

- E. To promote, protect and facilitate the adequate provision of the following: vehicle parking and loading areas, transportation systems, water supply, sewage disposal systems, schools, open space, parks and other public facilities;
- F. To encourage the development of land in an energy efficient manner and in accordance with an overall land use control program which considers the character of the community and the suitability of the land area for particular uses and structures;
- G. To encourage the conservation of our natural resources, agricultural lands and uses including particularly the Township's overall water supply through minimal disturbance of our aquifers.

205 - USES NOT PROVIDED FOR: Whenever, in any District established under this Ordinance, a use is neither specifically permitted or denied it shall be deemed to be permitted as a special exception, and when application for such use made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit the use or deny the use. The use may be permitted if it is not in conflict with the general purpose and intent of this Ordinance and as a special exception in accordance with the provisions for special exceptions setforth herein.

206 - DESCRIPTION OF MAJOR ZONING TERMS UTILIZED TO DEFINE VARIOUS USES:

- A. Principal Permitted Uses - Are uses - "permitted by right" by virtue of clearly stated requirements for a specific district. Such uses are subject only to application for a permit to the Zoning Officer, who, when all applications requirements are met, shall issue a permit.
- B. Conditional Uses - are uses to be allowed or denied by the Board of Supervisors, after recommendations by the Planning Commission, pursuant to express standards set forth in this Ordinance, under and subject to any conditions and/or safeguards as may be imposed by the Board of Supervisors. In the case of a request for a

conditional use a public hearing is required.

- C. Special Exceptions- Are uses which shall require individual consideration in each case because of their unique characteristics. Such "Special Exceptions" may be permitted only on approval by the Zoning Hearing Board, under and subject to any conditions and/or safeguards as may be imposed. In the case of a request for a special exception a public hearing is required.

ARTICLE III - INTERPRETATION OF LANGUAGE AND DEFINITION
OF TERMS

301 - INTERPRETATION OF LANGUAGE

A. It is not intended that this Glossary of terms include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board Members.

- (1) Words used in the present tense include the future. The singular number includes the plural and the plural the singular.
- (2) The word "shall" is always mandatory.
- (3) The word "Building" shall include the word "Structure" and any portion of the building or structure;
- (4) The words person, developer, subdivider, and landowner shall be construed to include a corporation, partnership, firm, association, company, or other similar business entity, as well as individuals;
- (5) The words "used" or "occupied" as applied to any land or building include the words intended, arranged or designed to be used or occupied;
- (6) The word "lot" includes lot or parcel.

302 - DEFINITIONS OF TERMS

A. The following words and phrases shall have the meaning assigned to them in this Section as follows:

Accessory building: A building subordinate to and detached from the main building on the same lot and used for purposes customarily

incidental to the main building.

Accessory use: A use customarily incidental and subordinate to the principal use or building and located on the same lot with the principal building.

Accessory Structure: A structure subordinate to and detached from the main structure which is incidental to that of the main structure and is located on the same lot.

Addition: An increase in building area, aggregate floor area, height or number of stories of a structure.

Adult Stores: Use of a building or land for a business which has twenty-five (25) percent of its stock-in-trade as obscene materials or which involves the sale, lease, trade, gift or display of drug paraphernalia. Obscene materials include any literature, book, magazine, pamphlet, newspaper, paper, comic book drawing, photograph, figure, image, motion picture, sound, recording, article, instrument or any other written or recorded matter which depicts or describes, sexual conduct and which, taken as a whole, does not have serious literary, artistic, political or scientific value. Drug paraphernalia includes any objects, devices, instruments, apparatus or contrivances, whose primary and traditionally exclusive use is involved with the illegal use of any and all controlled substances under the Pennsylvania Statutes.

Airport: A tract of land, with or without buildings, where airplanes, jets, helicopters and/or any other type of aircraft land and take off.

Alterations: Any construction or renovation to an existing structure other than repair or addition.

Amendment: A change in the use in any district which includes revisions to the zoning text and/or the official zoning map. The authority to adopt any amendments lies solely with the Board of Supervisors of the Township of Paupack.

Animal Hospital: - Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

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

Application for Development: Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

Appointing Authority: The Board of Supervisors of Paupack Township, Wayne County, Pennsylvania.

Board of Supervisors: Duly elected governing body of the Township; also Board.

Buildings: Any structure permanently affixed to the land having a roof supported by columns or walls used for housing, shelter or enclosures of persons, animals or property.

Building Area: The total area taken on a horizontal plane at the main trade level of the principal building exclusive of open or uncovered porches, terraces, and steps.

Building Attached: A building which is

attached in any fashion to an adjacent building.

Building Bulk: A term used to describe the size, area, volume or shape of buildings or other structures.

Building Coverage (Maximum): The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot, including covered porches, carports, breezeways, by the total area of the lot upon which the buildings are located.

Building Detached: A building surrounded by open space.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point on the roof for flat roofs, to the deck for mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building Line: (building setback line) a line within a property defining the minimum required distance between any structure to be erected and the adjacent right-of-way, side or rear lot lines.

Building Principal (Main): A building which contains the principal use of the building site on which it is situated. In a residential district a dwelling is a principal building on the zoned lot.

Camp: Any temporary or permanent structure(s) used for habitation for temporary periods of time primarily for recreational purposes.

Casino Gambling - The playing or gambling devices or similar games of chance played for cash consideration or like prizes in a facility with a minimum of 200 guest rooms in

facilities as described in Article VII Section 710 - A. (8) subject to the Laws of the Commonwealth of Pennsylvania.

Child Care Center: A private establishment enrolling children, not immediately related to the care provider, and where tuition fees, or other forms of compensation for the care of the children is charged and where the Commonwealth of Pennsylvania requires a license.

Church and Related Uses: A building, structure, or group of buildings or structures including accessory uses, designed or intended for public worship. This definition shall include rectories, convents and church related educational and/or day care facilities.

Code Enforcement Officer: The person appointed by the Paupack Township Board of Supervisors who is charged with administering this Ordinance according to its literal terms.

Commission: The Planning Commission of Paupack Township.

Comprehensive Plan: The Paupack Township Comprehensive Plan, its amendments, maps, charts and graphs, text and all the material contained therein, as adopted by the Supervisors of Paupack Township.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Conditional Use: A use which is not appropriate to a particular zone as a whole,

but which may be suitable when specific conditions or factors prescribed for such cases within this Ordinance are present. Conditional uses are governed by the Board of Supervisors.

County: The County of Wayne, Commonwealth of Pennsylvania.

Deck: An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports.

Density: A measure of the number of dwelling units which occupy, or may occupy an area of land.

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

Development Plan: The provisions for development, including a Planned Residential Development, a Plat of Subdivision, all Covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "Provisions of the Development Plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

Dock, Boat: A platform, either floating or supported by any other means, which is designed and constructed for the purpose of providing mooring space for boats or for any other access to a body of water. In any case where a fee is charged for the use of a dock, said dock shall be considered a commercial dock.

Dog Kennel: The keeping of four (4) or more dogs that are more than six (6) months old.

Dwelling: A dwelling is any building which contains one or more "Dwelling Units" used, intended, or designed to be built, rented, leased, let or hired out to be occupied, or which are occupied for living purposes.

Dwelling Types:

. **Boarding House:** A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

. **Dormitory:** A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.

. **Dwelling Unit:** A dwelling unit is a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

. **Garden Apartment:** A building containing or designated to contain three (3) or more separate dwelling units with or without common access facilities, constituting a single operative or proprietary unit. The term "Garden Apartment" shall not be construed to include rowhouses or townhouses.

. **High Rise Building:** A building containing or designated to contain three (3) or more separate dwelling units with or without common access facilities, constituting a single operative or proprietary unit. Buildings having occupied floors located more than 75 feet above the lowest level of access.

. **Multiple Family Dwelling:** A building or portion thereof containing more than two dwelling units and not meeting the requirements for a multiple single-family dwelling.

. **Multiple Single-Family Dwelling:** A building or portion thereof containing more than two dwelling units including not more than five unrelated lodgers or boarders per family and multi-single family dwellings where each unit has an independent means of egress and is separated by party walls.

. **One-Family Dwelling:** A building containing one dwelling unit.

. **Townhouse Or Rowhouse:** A townhouse or rowhouse is a single family dwelling unit constructed in a row of attached units separated by property lines with open space on at least two sides.

. **Two-Family Dwelling:** A building containing two dwelling units with not more than five unrelated lodgers or boarders per family.

Dwelling Unit Area: The minimum or average square footage necessary to constitute a dwelling unit as defined within the current edition of the Council of American Building Officials (CABO), one and two Dwelling Code.

Essential Services: Uses, not enclosed within a building, necessary for the preservation of the public health and safety including but not limited to, the erection, construction, alteration, or maintenance of, by public utilities or governmental agencies, underground or overhead transmission systems, poles, wires, pipes, cables, fire alarm boxes, hydrants, or other similar equipment.

Family: Family is an individual, two or more

persons related by blood, marriage or law, or a group of not more than five unrelated persons living together in a dwelling unit.

Flea Market: Any general sale open to the public from or on a parcel of land for the purpose of disposing merchandise either personal or non-personal. A Flea Market can be a sale open to the general public by one (1) vendor or multiple vendors. A Flea Market is considered a temporary commercial use in Paupack Township subject to the provisions contained within this Ordinance and other applicable Township Ordinances.

Floor Area Ratio (FAR): The maximum allowable square footage of total floor area permitted for each square foot of land area, which is expressed as a ratio between said building floor space and the area of the lot it occupies.

Gaming Devices: Games of chance played for cash or like prizes.

Garage Sale: Any general sale open to the public conducted from or on a residential premises for the purpose of disposing of personal property, including but not limited to all sales entitled "garage", "lawn", "yard", "attic", "porch", "room", "backyard", or "patio". This definition shall not include a situation where no more than ten (10) specific types of items are held out for sale and where all advertisement of such sale specifically names those specific type items to be sold.

Golf Course: A 9 or 18 hole full scale facility for golfing but not including miniature golf courses or driving ranges.

Grade, Finished: The completed surfaces of lawns, walks and roads, brought to grades as

shown on official plans or designs relating thereto.

Group Home: A group of not more than five (5) unrelated persons living together in a dwelling unit. Provision of care includes non-routine support services and overnight assistance to avoid being placed in an institution, because of a disability as defined by Federal and State Law. Professional staff providing assistance to the residents are not considered when determining the number of unrelated persons living together in a dwelling unit.

Home Occupations: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the subject dwelling, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein; including but not limited to the following occupations: the professional practice of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers and veterinarians, excluding stables or kennels, and does not permit the employment of more than two (2) persons not living on the premises.

Hospital: Unless otherwise specified, the term "hospital" shall be deemed to include a sanitarium, preventorium, clinic, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment, other care of ailments, shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

Hotel/Motel: A building containing six (6)

or more guest rooms, intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

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

Industry, Light: A use engaged in the manufacturing, predominately from previous prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage sales and distribution of such products, but not excluding basic industrial processing.

Junk Yard: A lot, land or structure, or part thereof, used for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material; or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

Land Development: Any of the following activities:

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

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

tenure; or

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

(2) A subdivision of land

(3) Development in accordance with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code.

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

Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot Area: The area contained within the property lines of the individual parcels of land as shown on any officially recorded or approved Subdivision and Land Development Plan excluding, at the discretion of the Board of Supervisors, any area within a street right-of-way, and/or easement.

Lot Coverage: The area contained on a lot which includes all buildings, including accessory buildings and impervious areas, such as parking area. Specific lot coverage requirements are included within district regulations contained within this Ordinance.

Lot Depth: Is the distance measured from the front lot line to the rear lot line.

Manufacturing: Establishments engaged in the mechanical or chemical transformation of material or substances into new products including the assembling of component parts, the manufacturing of products; and the blending of materials such as lubricating oils, plastics, resins or liquors. Manufacturing as herein defined does not include high risk manufacturing use groups as defined within the Boca National Building Code.

Manufacturing, Light: Industrial uses which meet the performance standards, and other requirements established in this Ordinance. Industries involving generally unobtrusive processes. These include but are not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, printing operations, wood products industries and the like. Any industrial use not meeting the performance standards established in this Ordinance shall be considered heavy industry.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be jointed into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot: A parcel of land in a mobile home park, improved with necessary utility connections and other appurtenances necessary

for the erection thereon of a single mobile home. The mobile home lot in a mobile home park may be either owned by the occupant of the mobile home or leased from the mobile home park owner.

Mobile Home Park: A parcel of land under single ownership which may be a single parcel of Land, or continuous parcels which have been designated as a mobile home park, and is, by improvement, intended for use as three (3) or more mobile home lots.

Non-conforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

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

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

Open Pit Mining: Open pit mining shall include all activity which removes from the surface or beneath the surface of the land some materials or mineral resource, by means of mechanical excavation necessary to separate the desired material from an undesirable one: or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore. Open pit mining is further defined as surface mining as defined in Pennsylvania Act 147 of 1971, the "Surface Mining Conservation and Reclamation Act."

Planned Residential Development: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and non residential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one residential district.

Plat: The map or plan of a subdivision or land development, whether sketch, preliminary or final.

Professional Engineer: An individual licensed and registered under the laws of this Commonwealth to engage in the practice of engineering. A professional engineer may not practice land surveying.

Professional Land Surveyor: An individual licensed and registered under the laws of this Commonwealth to engage in the practice of land surveying. A professional land surveyor may perform engineering land surveys but may not practice any other branch of

engineering.

Public Hearings: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with Act 247 the Pennsylvania Municipalities Code and this Ordinance.

Public Meetings: 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 Paupack Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days from the date of the hearing.

Public Street: A street, road, access, easement, or right-of-way, constructed to the standards of Paupack Township or the Commonwealth, used for access which is dedicated to Paupack Township, constructed to the standards as defined within the Paupack Township Road Ordinance, and which will be maintained by Paupack Township upon the Township's acceptance of the same.

Public Uses: Includes public and semi-public uses of a welfare and educational nature, such as hospitals, nursing homes, schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal buildings, essential public utilities that require enclosure within a building; airports; fraternal clubs and homes, and non-profit recreational

facilities.

Recreational Facilities: Outdoor or indoor areas or structures, operated by private non-profit or private commercial entities, open to the public, which contain entertainment and/or attractions including animal farms, zoological parks, tennis and racquetball courts, fitness centers, ski areas, golf courses and the like, but excluding theaters, public parks and playgrounds, amusement parks, miniature golf courses and driving ranges.

Recreational Land Development: The division or re-division of a lot, tract or parcel of land, by any means, into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents, for transient use. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition. This definition is not, however, intended to cover second-home communities of single-family dwellings or mobile home parks.

. **Transient Recreational Subdivision or Land Developments:** are publicly operated facilities, or businesses, offering sites with the usual accessory recreational and service facilities, not normally including eating facilities, for use for tent camping and/or recreational vehicle camping by the public at large on a transient basis. Sites are rented on a daily or weekly basis.

. **Non-Transient Recreational Subdivisions or Land Developments:** are planned private communities with recreational and service

facilities, including central water and sewage and usually a restaurant and/or bar, lounge, chapel, and community hall, for use only by occupants of tent and/or recreational vehicle sites within the campground. Sites may be owned in common, or may be owned individually by deed conveyance, or may be leased on an annual basis.

Recreational Vehicle: A vehicular unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own automotive power or is mounted on, or drawn by, another vehicle. The basic entities include but are not limited to: travel trailer, camping trailer, truck camper, and motor home.

Recycling Facility: A center for the collection and/or processing of recyclable materials: A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer.

Repair: The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

Restaurant: An establishment where food and drink is prepared, served and consumed primarily within the principal building.

Retail Business: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Sanitary Landfill: A lot or land or part thereof used primarily for the disposal of

garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural and residential activities, all of the same complying with all rules and regulations of the Environmental Protection Agency and/or Department of Environmental Protection and any other Governmental Agencies. The operation of a sanitary landfill normally consists of: (1) depositing the discarded material in a planned controlled manner, (2) compacting the discarded material in thin layers to reduce its volume, (3) covering the discarded material with a layer of earth, and (4) compacting the earth cover. Specifically excluded from this land use is the disposal, storage, or discarding of any toxic wastes.

Seasonal Residence: A dwelling, cabin, lodge or summer house which is intended for occupancy less than one hundred and eighty-two (182) days of the year, and that has no residents for more than one-hundred eighty-two (182) days during the course of one (1) year.

Self-Storage Facility: Any area of land used for permanent or temporary storage of items or materials for financial gain.

Screen Planting: A living vegetative material of sufficient height and density to conceal from the view of adjoining property owners the structures and uses on the premises on which the screen planting is located.

Service Station: Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designated to be used for polishing,

greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles, with or without the combined sale of groceries and household items.

Sewage Disposal, Central: A sewage collection and disposal system in which sewage is carried from more than one individual lot, by a system of pipes to a central treatment plant which involves a point discharge to the waters of the Commonwealth; in compliance with the applicable Pennsylvania Department of Environmental Protection regulations.

Sewage Disposal, Subsurface: A system of piping, tanks or other facilities serving one or more lots and collecting, treating and disposing of sewage in a manner in which renovation is dependent upon disposing of sewage, in whole or in part into or onto the soil for final disposal in compliance with the applicable Pennsylvania Department of Environmental Protection regulations. Examples include: conventional in-ground systems, sand mounds, spray irrigation systems or other similar community systems.

Sign: Any surface, fabric, device or structure (including billboards or poster panel) bearing lettered, pictorial or sculptured matter designed for visual communication and used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or any official traffic control sign or device. The word "sign" as used in this Ordinance is synonymous with the phrase "outdoor advertising devices."

Solid Waste or Waste: Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous material,

resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste. Including solid, liquid, semi-solid or containing gaseous materials resulting from industrial, mining, agricultural operations, local facilities or any other by-product or effluent from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility.

Special Exception: The granting of a modification of the provisions of this Ordinance as authorized in specific instances listed, and under the terms, procedures and conditions prescribed herein. Special exceptions are granted by the Zoning Hearing Board.

Stable, Commercial: A structure or area used for the shelter, care and/or riding of donkeys, horses, mules or other equines for hire, remuneration or sale.

Street: Includes Street, Avenue, Boulevard, Road, Highway, Freeway, Parkway, Lane, Alley, Viaduct and any other way used or intended to be used by vehicular traffic, or pedestrians whether public or private.

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

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

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

Substantially Completed - Where, in the judgement of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to section 509) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Township - Paupack Township, Wayne County, Pennsylvania

Temporary Commercial Uses: A temporary commercial use is a commercial operation that operates at a fixed location on a parcel of land without other uses or in connection with some other established use, including roadside food sales, flea markets, flower tents and similar retail operations.

Transfer Station: Any parcel of property used for the transfer of solid waste from one vehicle to another vehicle for transport to a solid waste facility; or which is used for the parking or storage of vehicles and/or containers used to transport solid waste.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Variance: The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the appropriate municipal code, for an adjustment to some regulation, where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance. A variance shall only be granted by the Zoning Hearing Board pursuant to the procedures under Article XVI, Administration, Section 1625, Variances.

Yard, Front: An open unoccupied space on the same lot with a main building, extending the full width of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. No structure or portion thereof shall be placed within the front yard unless the applicant applies for and receives relief from the existing setback requirements from the appropriate governing body.

Yard, Rear: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. No structure or portion thereof shall be placed within the rear yard unless the applicant applies for and receives relief from the existing setback requirements from the appropriate governing

body.

Yard, Side: An open unoccupied space on the same lot with a main building situated between the building and the side line of the lot and extending from the front to the rear yard. Any lot lines not a rear line or a front line shall be deemed a side line. No structure or portion thereof shall be placed within the side yard unless the applicant applies for and receives relief from the existing setback requirements from the appropriate governing body.

Zoning Hearing Board: A three member board, appointed by the Paupack Township Board of Supervisors, whose function it is to hear appeals and applications for special exceptions, requests for variances, and any other matters properly before it pursuant to Act 247, The Pennsylvania Municipalities Planning Code.

Zoning Map: The official map illustrating the various districts and their locations and boundaries.

ARTICLE IV - DESIGNATION OF ZONING DISTRICTS

401- ZONING MAP: The official zoning map shall be on file at the Paupack Township Municipal Building. Reduced versions shall be included with this Ordinance as an attachment, however, only the map or maps identified as the "Paupack Township Official Zoning Map" shall be considered the correct map from which disputes may be resolved.

402 - ZONES OR DISTRICTS: For the purpose of this Ordinance, Paupack Township is divided into five (5) districts, or zones, of distinctly identifiable locations and dimensions as follows:

- R-R - RURAL RESIDENTIAL
- C-1 - COMMUNITY COMMERCIAL
- C-2 - RESORT COMMERCIAL
- S-1 - CONSERVATION DISTRICT
- L-1 - LAKE DISTRICT

The intent and purpose of each District or Zone, along with the principal permitted uses, conditional uses, special exceptions, and accessory uses is outlined within Article V - (RR) Rural Residential District, Article VI - (C1) Community Commercial District, Article VII - (C2) Resort Commercial District, Article VIII - (S1) Conservation District and Article IX - (L1) Lake District.

403 - DISTRICT BOUNDARIES: Where uncertainties exist as to boundaries of any district or zone on the "Paupack Township Official Zoning Map," the following rules shall apply:

A. District Boundary Lines are intended to follow or be parallel to the centerline of streets, roads, streams or natural boundaries, or on lot or property lines as they exist on recorded deeds, plans or plats of record in the Office of the Recorder of Deeds, Wayne County, Pennsylvania, at the time of June 22, 1988, unless such districts, or zone lines are fixed by dimensions as recorded on the "Paupack Township Official Zoning Map" adopted with approved revisions. In the commercial districts or zones the boundary lines which do not follow property lines are

established by measuring seven-hundred and fifty (750) feet from the existing right-of-way. In commercial districts when the area within the commercial zone exceeds seventy-five (75) percent of the subject lot then the entire lot shall be considered in the commercial district. The "L-1 Lake District or Zone" shall include all of that area of Paupack Township, Wayne County, Pennsylvania, which lies within that area defined by the Pennsylvania Power and Light (PP&L) Company "project line" or the normal high water mark of Lake Wallenpaupack (elevation of 1,190 feet), whichever shall include the greatest area.

B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, and where such boundary line is ten (10) feet or less from said lot line, the lot line shall be considered the district boundary, unless specifically shown otherwise.

C. The use of a scale is permitted only where no other method of ascertaining boundary lines is available. In that event, only the large scale "Paupack Township Official Zoning Map" shall be used.

404 - INTERPRETATION OF BOUNDARIES: Boundaries shall follow property lines. In cases where boundary lines do not follow property lines the method of determining boundary lines as identified in Section 403, A, B, and C shall be utilized. If the "Paupack Township Official Zoning Map" is not clear as to the exact boundary of any given zone or district, the Code Enforcement Officer shall make a determination as to where the boundary is to be located. This decision is subjected to appeal with the Paupack Township Zoning Hearing Board.

405 - LOT SIZE, LOT WIDTH, MINIMUM ROAD FRONTAGE AT STREET RIGHT-OF-WAY AND MINIMUM LOT DEPTH: The minimum standards for lot size, lot width, minimum road frontage at street-right-of-way and minimum lot depth shall be as follows:

PAUPACK TOWNSHIP ZONING DISTRICT(S) - LOT SIZE

	LOT SIZE	LOT WIDTH	MIN. RD FRONT AT STREET ROW	MINIMUM DEPTH
RURAL RESIDENTIAL ZONING DISTRICT - RESIDENTIAL USES				
SEWAGE/WATER ARRANGEMENTS				
On-Lot Sewage/On-Lot Water	65,340 sq ft (1.5ac)	150 ft.	50 ft.	100 ft.
On-Lot Sewage/Central Water	43,560 sq ft (1ac)	125 ft.	50 ft.	100 ft.
Central Sewage/On-Lot Water	43,560 sq ft (1ac)	125 ft.	50 ft.	100 ft.
Central Sewage/Central Water	21,780 sq ft (1/2ac)	100 ft.	50 ft.	100 ft.
RURAL RESIDENTIAL ZONING DISTRICT - OTHER USES				
Includes all systems	87,120 sq ft (2ac)	150 ft.	50 ft.	100 ft.
COMMERCIAL ZONING DISTRICT (s)				
Includes all systems				
C1-Community Commercial	87,120 sq ft (2ac)	150 ft.	75 ft.	100 ft.
C2-Resort Commercial	130,680 sq ft (3ac)	200 ft.	75 ft.	100 ft.
CONSERVATION ZONING DISTRICT				
Includes all systems	435,600 sq ft (10ac)	200 ft.	150 ft.	200 ft.

406 - FRONT YARD, SIDE YARD AND BACK YARD SETBACK REQUIREMENTS:
 The minimum standard for front yard, side yard and back yard setback requirements shall be as follows:

ZONING DISTRICT	FRONT YARD	SIDE YARD	BACK YARD
RURAL RESIDENTIAL			
Residential Uses	25 ft	10 ft	20 ft
Other Uses	25 ft	10 ft	20 ft
COMMUNITY COMMERCIAL	50 ft	25 ft	50 ft
RESORT COMMERCIAL	50 ft	25 ft	50 ft
HIGHWAY COMMERCIAL	25 ft	25 ft	25 ft
CONSERVATION	150 ft	100 ft	100 ft

- (1) In the rural residential, community commercial and resort commercial zoning districts, buildings housing live stock shall be no closer to any property line than one-hundred (100) feet.
- (2) In the rural residential district lots of record as of June 22, 1998, with a total lot size of less than one (1) acre, shall be required to have a rear yard set back of no less than ten (10) feet.

407 - SETBACK REQUIREMENTS FOR RECREATIONAL LAND DEVELOPMENTS:

The following setback requirements shall apply to all lots within a recreational land development. Where regulations found in other Paupack Township Ordinances conflict with the regulations as defined within this Section, this Section shall prevail. The minimum setbacks for recreational vehicles, campsites or other recreational facilities or structures as defined within this Ordinance within recreational land developments shall be as follows:

- (1) Fifteen (15) feet from the street right-of-way line or front lot line.
- (2) Fifteen (15) feet from the rear lot line.
- (3) Ten (10) feet from the side lot lines.
- (4) Twenty-five (25) feet from the normal high waterline of lakes, streams, rivers, ponds or anyother body of water.

- (5) No closer than twenty-five (25) feet to any recreational vehicle or tent platform; or two-hundred (200) feet to any adjacent property line.
- (A) Lots shall have a minimum width at the setback line of fifty (50') feet and a minimum area of one-hundred (100') deep, in sub-divisions meeting the definitions of recreational land developments.
- (B) In subdivisions to be owned and operated by the applicant wherein title to the land remains with one person, company or corporation, lot sizes shall be at the convenience of the applicant; however, the gross density shall not exceed eight (8) campsites per acre.
- (C) Buildings are prohibited on all sites except storage sheds not exceeding fifty (50) square feet in floor area and eight (8') feet in height. Storage sheds may only be placed in rear and side yard areas. No shed shall be placed in a front yard. Storage sheds must be placed at a minimum of ten (10) feet from a travel trailer, truck camper, camper trailer, motor home and tents as well as five (5) foot from property lines.

ARTICLE V - (RR) RURAL RESIDENTIAL DISTRICT

501 - (RR) RURAL RESIDENTIAL: The purpose of the rural residential district or zone is to delineate those areas within the Township of Paupack where the existing uses are residential, agricultural, wooded or open space and primarily where no definite pattern of development has been established; to protect those areas until sound proposals for compatible uses are presented that will allow development to take place that will not create unwanted pollution, flooding or loss of sensitive natural resources and promote the development of housing in a manner consistent with the present nature of the community. Included in this district are subdivisions and land developments which, of course, do evidence patterned development, and it is the intent of this Ordinance to provide for compatible uses in and around those areas.

502 - PRINCIPAL PERMITTED USES:

- A.** The following list identifies Principal Permitted Uses for the (RR) Rural Residential District:
- (1) Agricultural uses related to the tilling of the land, the raising of farm products, horses, cattle or other livestock and the raising of poultry, and the buildings essential to such uses.
 - (2) Forest or timbering operations excluding buildings and structures necessary for this use.
 - (3) Public or private parks or recreation areas including state parks or private game lands, and wildlife sanctuaries.
 - (4) One (1) and two (2) family residential dwellings, whether seasonal or year-round, including group homes up to five occupants, excluding professional staff.
 - (5) Cemeteries and Churches.
 - (6) Structures for municipal purposes and public safety.
 - (7) Accessory uses, including signs and off street parking shall conform to the requirements as established elsewhere within the Ordinance.
 - (8) Yard or Garage Sales.
 - (9) Home occupations.

503 - CONDITIONAL USES:

A. The following list identifies Conditional Uses for the (RR) Rural Residential District:

- (1) Planned Residential Developments
- (2) Mobile home parks
- (3) Recreational land developments
- (4) Multi-family dwelling
- (5) Retail and service establishments
- (6) Light manufacturing
- (7) Garages and service stations
- (8) Motels, hotels
- (9) Recreational facilities
- (10) Hospitals
- (11) Junk yards
- (12) Office buildings
- (13) Solid waste facilities
- (14) All temporary commercial uses
- (15) Adult Stores
- (16) Airports
- (17) Golf Courses
- (18) Forest or timbering operations including buildings and structures necessary for this use
- (19) Child Care Center
- (20) Stables, commercial
- (21) Self Storage Facility

504 - SPECIAL EXCEPTIONS:

A. The following list identifies Special Exception Uses for the (RR) Rural Residential District:

- (1) Public Utilities or Facilities including towers, antennas and structures incidental to such uses.
- (2) Open pit mining operations.
- (3) Dog kennels.
- (4) Any use which is not specifically permitted or defined within this Ordinance shall be permitted as a special exception in any district pursuant to Section 206 Uses Not Permitted For, of Article II - General Provisions of this Ordinance.

505 - HEIGHT REGULATIONS: Any proposed building, tower, structure or antenna more than thirty-five (35) feet in height shall be a special exception subject to the regulations and procedures for such uses found elsewhere in this Ordinance. Water towers for

the purpose of water supply or fire protection shall be exempt from this requirement. However, no structure in excess of the thirty-five (35) foot limit shall exceed a height equal to the distance from the structure to the nearest lot line.

506 - LOT SIZE, LOT WIDTH, MINIMUM ROAD FOOTAGE AT STREET RIGHT-OF-WAY AND MINIMUM LOT DEPTH: The minimum standards for lot size, lot width, minimum road frontage at street right-of-way and minimum lot depth shall be as defined within Section 405.

507 - FRONT YARD, SIDE YARD AND BACK YARD SETBACK REQUIREMENTS: The minimum standards for front yard, side yard and backyard setback requirements shall be a defined in Section 406.

508 - LOT COVERAGE REQUIREMENT: All buildings, including accessory buildings and impervious areas, such as parking areas shall not cover more than twenty-five (25) percent of the lot.

509 - SIGNS: Signs shall be subject to all of the regulations found in Article XII, Signs, within this Ordinance.

510 - PERFORMANCE STANDARDS:

- A. The following performance standards shall apply within the (RR) Rural Residential District:
 - (1) Lights and lighting shall be so placed as to not shine beyond the established property lines.
 - (2) Noise or sounds incidental to the operation of the activity shall not exceed 70 decibels at the property line.
 - (3) The burning or disposal of solid waste within the property shall be prohibited unless the site is an approved solid waste disposal site licensed by the Department of Environmental Protection of the Commonwealth of Pennsylvania. Disposal of toxic waste is specifically prohibited.
 - (4) Adult stores shall not be located within one-thousand (1,000) feet of any residence, Church, Synagogue, Public or semi-public use or Health Institution.

- (5) The minimum required acreage for an airport shall be forty (40) acres which are contiguous. Any buildings constructed on the property shall meet all required setbacks as defined within this Ordinance. In addition, any applicant proposing to develop an airport must meet all applicable standards as defined by the Federal Aviation Administration and regulations promulgated by the Pennsylvania Bureau of Aviation.
- (6) No emission of unpleasant gases or other odorous matter shall be permitted.
- (7) No emission of noxious, toxic or corrosive gases or fumes injurious to persons, property, or vegetative matter shall be permitted.
- (8) Discharge of liquid waste shall be directly into containers approved for such wastes or into approved disposal systems under a permit for such discharge issued from the Department of Environmental Protection.
- (9) No glare and heat from any home occupations shall be permitted.
- (10) No vibration perceptible beyond the building in which the home occupation is conducted shall be permitted.
- (11) Noise or sounds incidental to the operation of the home occupation shall not exceed 70 decibels at the property line.
- (12) No emission of smoke shall be permitted, excepting the smoke produced by a standard house heating unit, burning wood, fuel oil, coal or gas. Smoke producing particulate matter, visible to the human eye, shall have precipitation devices to remove the matter.
- (13) Electric or electronic devices shall be shielded in such a manner as not to interfere with radio or television reception.

- (14) Any medical waste produced through the operation of a business considered as a home occupation, or a medical facility as defined within this Ordinance, shall be disposed of in a proper manner. Records of the disposal of medical waste shall be maintained on site by the site owners. The records shall at a minimum indicate the time period of the waste generated, and location of the disposal site.
- (15) No more than fifteen percent (15%) of the floor area of the dwelling shall be devoted to the conduct of a home occupation.
- (16) A home occupation shall not be permitted to be conducted in any accessory structure.
- (17) The use shall not create any additional environmental impact other than those impacts normally resulting from residential use.
- (18) The use shall not cause an increase in the use of water, sewerage, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.
- (19) The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of the structure.
- (20) There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- (21) There shall be no storage of materials or equipment outside an enclosed building.
- (22) Home Occupations: Home occupations shall be permitted within all districts, however, in all cases, the following requirement shall prevail: Employment for home occupations shall be limited to family members only or no more than two paid or unpaid employees. Two off-street parking

spaces shall be required, in addition, to any parking spaces required for residential units within the buildings. Home occupations shall not be the principal use of the buildings. Home occupations shall not be the principal use of the property. Home occupations shall be subject to all of the performance standards as listed in paragraphs 6-21 above.

- (23) **Fire Protection:** Any use or proposed use within this district shall conform to the standards for fire protection as described within the Paupack Township Fire Protection Ordinance.
- (24) **Yard or Garage Sales:** Shall be limited to three (3) per family during the course of one (1) calendar year. In addition, the Family or Individual conducting the Yard or Garage Sale must secure a use permit from the Township of Paupack at a cost pursuant to resolution by the Board of Supervisors prior to the sale. In the case of multi-family or multi-individual Yard or Garage Sales, each Family or Individual must secure a use permit from the Township of Paupack at a cost pursuant to resolution by the Board of Supervisors prior to the sale. In no case shall parking of vehicles be permitted within any road right-of-way.

ARTICLE VI- (C-1) COMMUNITY COMMERCIAL DISTRICT

601 - (C-1) COMMUNITY COMMERCIAL: The intent of establishing a community commercial district or zone is to identify areas within established communities or proposed communities within the Township that are presently being used or would best be used for the purpose of commercial activities. These activities are designed to supply goods and materials required on a daily basis by the residents and visitors of the Township of Paupack, at the same time preserving the said areas for the same.

602 - PRINCIPAL PERMITTED USES.

A. The following list identifies principal permitted uses for the (C-1) Community Commercial District.

- (1) Home occupations
- (2) Restaurants, taverns, cafes or other places food and beverages are served.
- (3) Hotels and motels.
- (4) Auto sales, service stations and parts supply stores.
- (5) Business, professional or government offices.
- (6) Any dwelling as provided for under the definition of dwelling types in Article III, Section 302 of this Ordinance.
- (7) Accessory uses, including signs and off-street parking shall conform to the requirements as established elsewhere within this Ordinance.
- (8) Barber shops
- (9) Beauty shops
- (10) Civic administration facilities
- (11) Clinic outpatient facilities
- (12) Electronic data processing facilities
- (13) Fire stations
- (14) Florists and nurseries
- (15) Police stations
- (16) Post offices
- (17) Print shops
- (18) Professional services: (Attorney, dentist, physician, engineer, etc.)
- (19) Retail and Wholesale Businesses
- (20) Variety and Speciality Shops
- (21) Banks and Savings & Loan Associations
- (22) Theaters or Motion Picture Theaters (excluding Drive-Ins)
- (23) Produce Markets
- (24) Supermarkets, Bakeries
- (25) Clothing Stores

- (26) Dry Cleaning using other than flammable liquids in cleaning or dyeing operations or other than classified in Section 301.0 of the BOCA National Code.
- (27) Engine services, including rebuilding facilities
- (28) Film, Photographic Services
- (29) Furniture Stores
- (30) Laundries
- (31) Machine Services
- (32) Printing & Publishing Services
- (33) Recreational Vehicles Sales/Services
- (34) Ceramic/Glass Product Facilities
- (35) Metal Fabrication and Assembly Facilities
- (36) Temporary Commercial uses for not more than 30 consecutive days
- (37) Yard or Garage Sales
- (38) Properly Licensed Packaged Stores
- (39) Indoor and outdoor amusement parks or amusement area and/or recreational facilities.
- (40) Self-Storage facility

603 - CONDITIONAL USES:

- A. The following list identifies conditional uses for the C-1 Community Commercial District.

- (1) Gaming devices and/or games of chance played for cash consideration or like prizes used and/or installed in a separate room in accordance with applicable Federal, State and Township regulations, including Township building code regulations, with the provision that such a room or building facility must provide at least 100 square feet per gaming device and/or machine.
- (2) Temporary commercial uses for more than 30 consecutive days.
- (3) Drive-In Theaters
- (4) Open pit mining
- (5) General Manufacturing
- (6) Child Care Center
- (7) Stables, commercial
- (8) Self-Storage facility

604 - SPECIAL EXCEPTIONS:

- A. The following list identifies special exception uses for the C-1 Community Commercial District.

- (1) Any manufacturing that is classified as high risk use groups as defined within the BOCA National Building Code, current edition.

- (2) Any use which is not specifically permitted or denied within this Ordinance shall be permitted as a special exception in any district pursuant to Section 206 Uses Not Permitted For, of Article II - General Provision of this Ordinance.

605- HEIGHT REGULATIONS: Any proposed building, tower, structure or antenna more than thirty-five (35) feet in height shall be a special exception subject to the regulations and procedures for such uses, found elsewhere in this Ordinance. Water towers for the purpose of water supply or fire protection shall be exempt from this requirement. However, no structure in excess of the thirty-five (35) foot limit shall exceed a height equal to the distance from the structure to the nearest lot line.

606 -LOT SIZE, LOT WIDTH, MINIMUM ROAD FRONTAGE AT STREET RIGHT-OF WAY AND MINIMUM LOT DEPTH: The minimum standards for lot size, lot width, minimum road frontage at street right-of-way and minimum lot depth shall be as defined in Section 405 within this Ordinance. Additional area shall be added if residential uses are attached, with a minimum of 1/4 acre being added for each dwelling unit. Residential uses shall have the minimum area allowed under this Ordinance as defined within Section 405.

607 - LOT COVERAGE REQUIREMENTS: All buildings including accessory buildings and impervious areas, such as parking areas shall not cover more than sixty-five (65) percent of the lot.

608 -FRONT YARD, SIDE YARD, AND BACK YARD SETBACK REQUIREMENTS: The minimum standards for front yard, side yard and back yard setback requirements shall be as defined in Section 406 of this Ordinance. In addition to the requirements found in Section 406 of this Ordinance the following specific requirements shall apply:

- (1) The area contained within the fifty (50) foot minimum setback requirement for front yard regulations may be used for parking spaces.
- (2) Residential buildings attached or associated with commercial buildings shall not be any closer to any side line than twenty-five (25) feet.
- (3) Where products, used material, waste or any other materials which are stored in the open or in a shed or other type of building shall be permitted within the

fifty foot setback established by measuring from the rear property line to the principal building. Such products and materials shall be stored and maintained as per the applicable sections of the BOCA Property Maintenance Code.

609 -SIGNS: Signs shall be subject to all the requirements found in Article XII, Signs, of this Ordinance.

610 - PERFORMANCE STANDARDS

A. The following list identifies performance standards for the C-1, Community Commercial District.

- (1) Lights and lighting shall be so placed as to not shine beyond the property borders.
- (2) Noise or sounds incidental to the operation of the commercial activity shall not exceed 70 decibels at the property line.
- (3) The burning or disposal of solid waste within the property shall be prohibited unless the site is an approved solid waste disposal site licensed by the Department of Environmental Protection of the Commonwealth of Pennsylvania. Disposal of toxic waste is specifically prohibited.
- (4) Commercial uses shall be subject to the requirements of the Pennsylvania Department of Transportation and the Township of Paupack related to highway access regulations.
- (5) **Home Occupations:** The minimum performance standards for home occupation uses shall be as defined within Performance Standards (Section 510, Number 22) of this Ordinance. These performance standards which are applicable to home occupations shall also constitute zoning performance standards for any use or uses in the Community Commercial District.
- (6) **Fire Protection:** Any use or proposed use within this district shall conform to the standards for

fire protection as described within the Paupack Township Fire Protection Ordinance.

- (7) **Yard or Garage Sales:** The minimum performance standards for Yard or Garage Sale uses shall be as defined within Performance Standards (Section 510 Number 24) of this Ordinance.

C-2 ^{BOB}

2) RESORT COMMERCIAL DISTRICT

970-0483 FAX

ICIAL: The purpose of this district or seasonal residential, recreational and acteristic of the Lake Wallenpaupack other lakes within Paupack Township, provide land for the expansion of this elopment of innovative housing options

USES:

A. The following list identifies principal permitted uses for the (C-2) Resort Commercial District.

- (1) Single family residential dwellings, whether seasonal or year-round.
- (2) Hotels and motels
- (3) Condominiums, townhouses, multi-family housing
- (4) Restaurants, gift shops
- (5) Tennis courts, swimming pools, (public and private)
- (6) Recreational facilities
- (7) Essential services, accessory buildings
- (8) Professional services (barber/beauty shops, doctors, lawyers, etc.)
- (9) Temporary Commercial Uses for not more than 30 consecutive days
- (10) Home occupations
- (11) Yard or Garage Sales

703 - CONDITIONAL USES:

A. The following list identifies conditional uses for the (C-2) Resort Commercial District.

- (1) Animal hospitals
- (2) Public utilities, facilities
- (3) Real estate offices
- (4) Planned residential development
- (5) Temporary commercial uses for more than 30 consecutive days

704 - SPECIAL EXCEPTIONS:

A. The following list identifies special exception use for the (C-2) Resort Commercial District.

- (1) Public and semi-public uses
- (2) Service stations, car washes

- (3) Marinas, boat storage buildings
- (4) Retail business (other than gift shops)
- (5) Casino gambling
- (6) Any use which is not specifically permitted or denied within this Ordinance shall be permitted as a special exception in any district pursuant to Section 206 Uses Not Permitted For, contained within Article II General Provisions of this Ordinance.

705 - HEIGHT REGULATIONS: Any proposed building, tower, structure or antenna more than thirty-five (35) feet in height shall be a special exception subject to the regulations and procedures for such uses found elsewhere in this Ordinance. Water towers for the purpose of water supply or fire protection shall be exempt from this requirement. However, no structure in excess of thirty-five (35) foot limit shall exceed a height equal to the distance from the structure to the nearest lot line.

706 - LOT SIZE, LOT WIDTH, MINIMUM ROAD FRONTAGE AT STREET RIGHT-OF-WAY AND MINIMUM LOT DEPTH: The minimum standards for lot size, lot width, minimum road frontage at street right-of-way and minimum lot depth: The minimum standards for lot size, lot width, minimum road frontage at street right-of-way and minimum lot depth shall be as defined in Section 405 within this ordinance. Additional area shall be added if residential uses are attached, with a minimum of 1/4 acre being added for each building unit. Residential uses shall have the minimum area allowed under this Ordinance as defined within Section 405.

707 - LOT COVERAGE REQUIREMENTS: All buildings and accessory buildings and impervious areas, such as parking areas shall not cover more than fifty percent (50%) of the lot.

708 - FRONT YARD, SIDE YARD AND BACK YARD SETBACK REQUIREMENTS: The minimum standards for front yard, side yard and back yard setback requirements shall be as defined in Section 407 of this Ordinance.

709 SIGNS: Signs shall be subject to all the requirements found in Article XII, signs of this Ordinance.

710 - PERFORMANCE STANDARDS:

- A. The following list identifies Performance Standards in the C-2 Resort Commercial District.

- (1) Lights and lighting shall be so placed as to not shine beyond the property borders.
- (2) Noise or sounds incidental to the operation of commercial or recreational activity shall not exceed 70 decibels at the property line.
- (3) Commercial uses shall be subject to the requirements of the Pennsylvania Department of Transportation and the Township of Paupack related to highway access regulations.
- (4) The burning or disposal of solid waste within the property shall be prohibited unless the site is an approved solid waste disposal site licensed by the Department of Environmental Protection of the Commonwealth of Pennsylvania. Disposal of toxic waste is specifically prohibited.
- (5) Commercial uses shall be so placed on the property as to offer near or adjacent non-commercial uses privacy, including, but not limited to screening with fences or evergreen trees.
- (6) **Home Occupations:** The minimum standards for home occupations shall be defined within Section 510, Number 22 of this Ordinance. These performance standards which are applicable to home occupations shall also constitute performance standards for any use or uses in the Resort Commercial Zoning District.
- (7) **Fire Protection:** Any use or proposed use within this district shall conform to the standards for fire protection as described within the Paupack Township Fire Protection Ordinance.
- (8) To qualify for a special exception under the notation "Casino Gambling," a facility shall have a minimum of two-hundred (200) rooms with attached private bath for overnight lodging facilities, and shall also have dining and related service facilities which would equate to standard designs

for motel, hotel facilities with a like number of rooms. Any casino gambling must be conducted in either an attached or separated facility with adequate public facilities and in compliance with all federal, state and local safety building and fire code regulations and with a minimum of one-hundred (100) square feet per gaming device in the general casino gambling area. In addition to this performance standard, "Casino Gambling" uses shall meet the requirements of the Paupack Township Gambling or Gaming Ordinance adopted by Paupack Township.

- (9) **Yard or Garage Sales:** The minimum performance standards for Yard or Garage Sale uses shall be as defined within Performance Standards (Section 510, Number 24) of this Ordinance.

ARTICLE VIII - (S-1) - CONSERVATION DISTRICT

801 - (S-1) - CONSERVATION DISTRICT: The purpose of this district or zone is to provide for undeveloped, nature conservancy and wildlife nurturing areas within the Township, allowing for the enjoyment of such open space, nature conservancy, pristine and undeveloped property which can be viewed in harmony with other land uses with the Township of Paupack, Wayne County, Pennsylvania.

802 - PRINCIPAL PERMITTED USES:

A. The following list identifies principal permitted use for the S-1 Conservation District.

- (1) Agriculture in all its forms.
- (2) Single Family dwellings, including Mobile Homes
- (3) Camps (including hunting and fishing)
- (4) Yard or Garage Sales
- (5) Home Occupations

803 - CONDITIONAL USES:

A. The following list identifies Conditional Uses for the S-1 Conservation District.

- (1) Public or private recreation facilities
- (2) Access sites and convenience buildings
- (3) Non-commercial uses and buildings catering to the needs of recreation

804 - SPECIAL EXCEPTIONS:

A. The following list identifies Special Exception Uses for the S-1 Conservation District.

- (1) Transient housing suitable to recreational areas.
- (2) Any use which is not specifically permitted or denied within this Ordinance shall be permitted as a special exception in any district pursuant to Section 206 Uses Not Permitted For, contained within Article II - General Provisions of this Ordinance.

805- HEIGHT REGULATIONS: Any proposed building, tower, structure or antenna more than thirty-five (35) feet in height shall be a special exception subject to the regulations and procedures for such uses, found elsewhere in this Ordinance. Water towers for the purpose of water supply or fire protection shall be exempt

from this requirement.

806 - LOT SIZE, LOT WIDTH, MINIMUM ROAD FRONTAGE AT STREET RIGHT-OF-WAY AND MINIMUM LOT DEPTH: The minimum standards for lot size, lot width, minimum road frontage at street right-of-way and minimum lot depth shall be as defined in Section 405 of this Ordinance.

807 - LOT COVERAGE REQUIREMENTS: All buildings, including accessory buildings and impervious areas, such as parking areas shall not cover more than fifty percent (50%) of the lot.

808 - FRONT YARD, SIDE YARD, AND BACK YARD SETBACK REQUIREMENTS: The minimum standards for front yard, side yard and back yard setback requirements shall be as defined within Section 407 of this Ordinance.

809 - SIGNS: Any proposed sign or signs shall be a special exception subject to the regulations, procedures for such uses found in Article XII, Signs of this Ordinance.

810 - PERFORMANCE STANDARDS:

A. The following list identifies performance standards for the S-1 Conservation District.

- (1) Lights and lighting shall be so placed as to not shine beyond the property borders.
- (2) Noise or sound incidental to the operation of the specified activity shall not exceed 70 decibels at the property line.
- (3) The burning or disposal of solid waste within the property shall be prohibited unless the site is an approved solid waste disposal site licensed by the Department of Environmental Protection of the Commonwealth of Pennsylvania. Disposal of toxic wastes is specifically prohibited.
- (4) Uses in this district shall be subject to the requirements of the Pennsylvania Department of Transportation and the Township of Paupack related to highway access regulations.
- (5) **Home Occupations:** The minimum performance

standards for home occupation uses shall be defined within Performance Standards (Section 510, Number 22) of this Ordinance. These performance standards which are applicable to home occupations shall also constitute performance standards for any use or uses in the Conservation Zoning District.

- (6) **Fire Protection:** Any use or proposed use within the District shall conform to the standards for fire protection as described within the Paupack Township Fire Protection Ordinance.
- (7) **Yard or Garage Sales:** The minimum performance standards for Yard or Garage Sale uses shall be as defined within Performance Standards (Section 510, Number 24) of this Ordinance.

ARTICLE IX - (L-1) - LAKE DISTRICT

901 - (L-1) - LAKE DISTRICT: The purpose of this District is to provide standards for the use of that part of Lake Wallenpaupack which is located within the municipal boundary of Paupack Township, Wayne County, Pennsylvania, and to provide for the undeveloped natural, and distinctly unique lake area within the Township, allowing for the enjoyment of such open space and pristine and undeveloped, uncluttered, and environmentally protected property which can be viewed in harmony with other land uses within the Township. This District is further designated based upon the fact that Paupack Township relies on its rural character and the natural and rural characteristics of Lake Wallenpaupack and the tourists recreation facilities as the foundation of the local economy, and, Lake Wallenpaupack itself, as the major component. The preservation of the water quality and the recreational appeal of Lake Wallenpaupack is in the best interest and welfare of the residents of Paupack Township, Wayne County, Pennsylvania, and the public as a whole. The standards promulgated hereunder prohibit the occupancy of boats or any watercraft on a permanent and/or overnight basis to prevent the discharge of human wastes, solid wastes, and/or the accumulation thereof for the protection of the public health and safety and to maintain environmental quality and water quality; to assure the provision of adequate facilities for any and all use and/or occupancy; and to maintain the integrity of the tax base and assure that all occupants of residential facilities are assessed their fair share of costs of public facilities and services. These standards promulgated herein are also included to limit commercial activities and operations on Lake Wallenpaupack and to minimize congestion and maintain and preserve the public's safety and to assure that commercial facilities are so located and operated as to assure for the collection of taxes on an equitable basis.

902 - PRINCIPAL PERMITTED USES

- A. Residential docks permitted by the Pennsylvania Power and Light Company.

903 - CONDITIONAL USES

- A. Those commercial uses described in Section 907, Commercial Uses as Conditional Uses.

904 - SPECIAL EXCEPTIONS

- (1) Any use which is not specifically permitted or denied within this Ordinance shall be permitted as a special exception in any District pursuant to Section 206, Uses Not Permitted For, contained within Article II - General Provisions of this Ordinance.

905 - RESIDENTIAL OCCUPANCY: Residential occupancy of any boat or other watercraft shall not be permitted within the Lake District. Residential occupancy shall be considered, for the purpose of enforcement of this Ordinance and, specifically, this Section, as the use of any watercraft for either short-term, overnight or longer-term, weekend, week and/or seasonal occupancy; and for other than day use purposes such as pleasure boating, water skiing, swimming, scuba diving, fishing, or other water-based recreational activities. The simple display or nominal use of pleasure boating, water skiing, swimming, scuba diving, or fishing or other water based recreational equipment shall not constitute a basis for the claim of a permitted recreational use. Determination of residential occupancy shall be determined solely and exclusively by Paupack Township. Failure to comply with or a violation of any of the provisions of this Ordinance, shall be deemed to constitute a violation of this Ordinance as is indicated under Section 1611 and shall subject the violator to any penalties and remedies as are outlined under Section 1613.

906 - COMMERCIAL USES PROHIBITED:

- A. The following types of commercial uses shall not be permitted to operate in the Lake District:
 - (1) Any commercial enterprise which involves the sale of any product or service which requires the transfer of said product or service from any dock to any watercraft or from one watercraft to another, or from a watercraft to a dock or to the shore, except as provided under Section 907.
 - (2) Any commercial enterprise which involves the sale, service, or distribution of any and all alcoholic beverages.
 - (3) Any commercial enterprise, commercial use, or

enterprise or endeavor which is not specifically provided for under Section 907 below.

907 - COMMERCIAL USES AS CONDITIONAL USES:

A. The following commercial enterprises and commercial uses shall be considered conditional uses in the Lake District:

- (1) Tour boats launched from private property. Said tour boats may include food service provided the following requirements are complied with.
 - (a) This conditional use described as tour boats may include the service of general foodstuffs and/or meals during the duration of the tour; provided, however, that the preparation of same must be completed upon the mainland, and no preparation shall be allowed on the water of Lake Wallenpaupack.
 - (b) Any and all tour boat facilities operating on Lake Wallenpaupack which provide for service of foodstuffs and/or meals shall provide water tight, covered refuse containers in a number sufficient to accommodate any and all waste generated by said tour, and the same shall be properly secured to prevent accidental dumping.
 - (c) Any and all tour boat facilities operating on Lake Wallenpaupack shall provide the foodstuffs and or meals in and/or on service dishes which shall not be of the throw away nor disposable variety.
 - (d) Any and all tour boat facilities operating on Lake Wallenpaupack shall provide adequate restroom facilities which are consistent with all regulatory bodies including but not limited to the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- (2) Watercraft rental
- (3) Docking facilities
- (4) Liquid fuels, petroleum and oil and related products sales from docks.
 - (a) Regarding commercial uses as conditional uses designated in Section 907 (3) and (4), documentation shall be provided by the applicant to

demonstrate that all reasonable steps have been taken to prevent accidental spillage of liquid fuels, petroleum, oil and related products.

- (b) Regarding commercial uses as conditional uses designated in Section 907 (3) and (4), adequate and proper firefighting equipment shall be provided at the location of the liquid fuels, petroleum, oil, and/or related products area.

908 - SIGNS: Any proposed sign or signs shall be a special exception subject to the regulations, procedures for such uses found in Article XII, Signs of this Ordinance.

909 - PERFORMANCE STANDARDS:

- A. The following list identifies performance standards for the L-1 Lake District.

- (1) No toxic or waste material generated or associated with any land use or any land use activity or other polluting material, pollutant, or any other foreign material and/or matter, shall be discharged, deposited, disposed of or otherwise be permitted to enter any stream, pond, or lake, including that portion of Lake Wallenpaupack, in Paupack Township, Wayne County, Pennsylvania. The materials specifically prohibited by this Section include, but are not limited to, human waste, garbage, solid waste, refuse, industrial water, gray water, hazardous wastes, or any other foreign material or matter. This Section is specifically designed to prohibit the discharge of any and all human waste and/or gray water generated on any and all boats into said waters, and specifically the waters of Lake Wallenpaupack.
- (2) Any and all of the uses which may be made of the Lake District, and specifically those enumerated as conditional uses, shall comply with any and all of the standards promulgated under Article IX, Section 901 through 908, any and all portions of Article XI, Supplemental Regulations, any and all portions of Article XIII - Parking and all other applicable standards included in the Paupack Township Zoning Ordinance.

- (3) Any use of the Lake District allowed under this Article is subject to the requirements that the proper permit or permits be obtained from Pennsylvania Power and Light Company, pursuant to its Lake Wallenpaupack Shoreline Management Policy and that any such use shall remain in compliance with said policy.

ARTICLE X - PLANNED RESIDENTIAL DEVELOPMENTS

1001 - PLANNED RESIDENTIAL DEVELOPMENTS: It is the intent of this Article to permit and encourage a more varied, efficient, attractive and economical development pattern, to increase flexibility in the location and arrangement of homes, to provide a more usable pattern of open space; to provide for flexibility of design, and to reduce the long term cost of maintaining infrastructure to the community while furthering the purposes of this Ordinance. The uses permitted in a Planned Residential Development shall include: units in detached, semi-detached or attached buildings, garden apartments, high rise apartments or a combination thereof and those non-residential uses listed in Section 1012, Non-Residential Uses.

1002 - PROCEDURES: Planned Residential Developments shall be processed concurrently with the subdivision and land development process set forth in the Paupack Township Subdivision and Land Development Ordinance, and shall comply with the development requirements for a major development/subdivision.

1003 - MINIMUM SIZE: Planned Residential Developments shall contain a minimum of ten (10) acres of land which shall be part of the same parcel of land.

1004 - LOTS/DENSITY

A. The maximum density of the total plan shall be 5 dwelling units, per acre, even though areas within the plan may exceed this number. The Applicant may request an increase in the authorized number of dwelling units per acre, however the burden is placed on the applicant to show the increase is justified by more efficient construction methods and that the increase will not have an adverse impact on the community around the proposed Planned Residential Development. In no case shall the density exceed twelve (12) dwelling units per acre. In addition the following criteria shall apply:

(1) Townhouse dwelling units shall not occupy an area within the development at a greater density than ten (10) dwelling units per acre.

(2) Multiple single family dwelling units shall not be

grouped to occupy any area within the development at a greater density than eight (8) dwelling units per acre.

- (3) Multiple family dwelling units shall not be grouped to occupy any area within the development at a greater density than four (4) dwelling units per acre.
- (4) High rise apartments shall be limited to not more than ten percent (10%) of the total residential dwelling units within any Planned Residential Development, nor shall Townhouses or Garden Apartments compose more than forty (40) percent of the total residential dwelling units.
- (5) The Board may authorize variations in the percentage of any given type building in excess of the above provided the applicant demonstrates that the final plan will be an improvement over the stated percentages and will meet the stated objectives of this Article.
- (6) Acreage set aside for common open space shall not be considered in any calculations for densities.

1005 - SETBACK REQUIREMENTS:

- A. No structure shall be within thirty-five (35) feet of the curb of access roads or parking areas.
- B. In order to provide for open space around buildings/structures, no structure shall be erected within a distance equal to its height of any other structure.
- C. There shall be no more than ten contiguous townhouses.
- D. All proposed dwelling units shall be a minimum of 100 feet from the property lines of the development and 150 feet from the right-of-way of any contiguous streets. A planting strip of 20 feet shall be provided along all property lines adjacent to the development. The strip shall be planted with a double row of non-deciduous trees of at least four feet in height.

1006 SEWER SYSTEM:

No individual on-site sewage shall be permitted and all community systems for the common use of each unit identified within a Planned Residential Development shall comply as evidenced by approved plans with the standards imposed by the Pennsylvania Department of Environmental Protection and Paupack Township.

1007 WATER SYSTEM:

No individual on-site water system shall be permitted, and all community systems for common use of each unit identified within the Planned Residential Development shall comply as evidenced by approved plan, with the standards imposed by the Pennsylvania Department of Environmental Protection and Paupack Township.

1008: HEIGHT REGULATIONS: Any proposed building, tower, structure or antenna more than thirty-five (35) feet in height shall be a special exception subject to the regulations and procedures for such uses found elsewhere in this Ordinance. Water towers for the purpose of water supply or fire protection shall be exempt from this requirement. However, no structure in excess of the thirty-five (35) foot limit shall exceed a height equal to the distance from the structure to the nearest lot line.

1009 - OPEN SPACE REQUIREMENTS:

- A. All areas of a Planned Residential Development not conveyed to individual lot owners and not occupied by buildings and required or proposed improvements shall be dedicated in perpetuity as permanent open space to be used for the sole benefit and enjoyment of the residents of the development.
- B. Open space areas shall be maintained so that their availability and enjoyment as open space are not reduced or destroyed. Open space areas shall be preserved and maintained by either one or both of the following methods:
 - (1) Dedication to a Property Owners Association, wherein the POA, assumes full responsibility for protection and maintenance of open space.
 - (2) Deed-restricted private ownership which shall

prevent development of the open space, provide for its maintenance and protect the rights of owners or occupants of the dwelling units of the proposed project to use and enjoy, in perpetuity, such open space.

- C. At least fifty percent (50%) of the designated open space area shall be contiguous to the proposed housing units, easily accessible to residents and usable for active recreational activities and shall not include wetlands, quarries, slopes over twenty-four percent (24%), or acreage used for improvements. Storm drainage facilities and sewage effluent disposal areas shall be considered improved areas. However, in no case shall less than twenty-five percent (25%) of the gross area of the tract or parcel be dedicated to open space. The developer shall submit a schedule or plan and proposed agreement showing the proposed open space ownership and maintenance, as indicated in letter B above. Also, the developer shall be required to complete all requirements as set forth within the Paupack Township Subdivision and Land Development Ordinance related to the establishment of a POA, and the maintenance of common property.

1010 SIDEWALKS:

- A. Sidewalks shall be required for all Planned Residential Developments.
- B. Pedestrian circulation systems must be provided as convenient, safe, and attractive links between residential groupings, open space areas, recreation areas, schools, and local shopping facilities.
- C. Sidewalks shall be constructed as to the standards defined within the Paupack Township Road Ordinance. All sidewalks shall be paved in accordance with the Road Ordinance.

1011 STREETS:

- A. Streets shall be constructed as to the standards defined within the Paupack Township Road Ordinance.

- B. All road and streets within the Planned Residential Development shall be paved.

1012 NON-RESIDENTIAL USES: Non-residential uses shall be permitted to be incorporated into the Planned Residential Development provided the following conditions are satisfied:

- A. A minimum of fifty (50) dwelling units must be planned for development within the contiguous area of the tract.
- B. No non-residential structures may be constructed until a minimum of fifty percent (50%) of the planned dwelling units have been constructed.
- C. Non-residential uses shall be limited to the following:
 - (1) A maximum of two-hundred (200) gross square feet of non-residential floor area may be constructed per dwelling unit.
 - (2) Only the following uses may be constructed and integrated into a Planned Residential Development:
 - Day Care Centers
 - Retail Establishments serving the Development
 - Professional Offices
 - Office Buildings
 - (3) Coin operated washing and drying machines, food vending machines, machines to vend cigarettes, drinks and newspapers shall be permitted provided these are for tenants use only.

1013 LIGHTING - Lighting for buildings, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.

1014 STORAGE OF TRASH: The exterior storage areas for trash and rubbish shall be well screened on three (3) sides and contained in covered, vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

1015 SIGNS: Signs shall be subject to all the requirements found in Article XII, Signs, of this Ordinance. Specifically, Planned Residential Developments shall be restricted to the requirements as defined within Section 1201, Letter E regardless of the zoning district where the development is located.

1016 PARKING: Parking shall be subject to all the requirements found in Article XIII, Parking Regulations, of this Ordinance.

ARTICLE XI - SUPPLEMENTAL REGULATIONS

THE FOLLOWING ADDITIONAL REGULATIONS SHALL PERTAIN TO ALL ZONING DISTRICTS WITHIN THE TOWNSHIP OF PAUPACK:

1101- CORNER LOTS: No building or structure shall be erected or placed on corner lots and no plants or shrubs shall be allowed to grow in such a manner as to impede vision within an area described as within a triangle measured from the point of intersection of the street centerlines, to a distance of seventy-five (75) feet down the center of each street, and a line joining the ends of such measured distances. Street signs, utility poles, traffic signs, or trees placed or left in this triangular area shall be so placed as to leave the space between a height of two and one-half (2 ½) feet up to a height of eight (8) feet clear. Corner lots shall be deemed to be facing on the street having a higher classification or designed to carry the most traffic and the yard abutting the street shall be considered the front yard. Where both streets are of equal value, the lot shall be treated as if the area along both streets were a front yard. Setback distances will be as according to those required in the zone for lots with only one area facing a street.

1102 -FENCES, WALLS, AND HEDGES: Fences, walls, or hedges shall be permitted in any yard provided they do not obstruct the free and easy passage from driveways, entrances or exits, road right-of-way, or the triangular space identified in Section 1101 above. Fences constructed for privacy between residential dwellings shall be inside the property line of the person constructing a fence.

1103 - TWO OR MORE PRINCIPAL STRUCTURES/USES ON ONE LOT: More than one principal structure may be erected on a lot in any district provided the lot contains the area, yard and other requirements of this Ordinance in sufficient amount to meet the qualifications for a comparable number of lots equal to the number of principal structures/uses.

1104 - ACCESS : All structures constructed or placed on a lot in Paupack Township shall have direct access to an approved street. The person responsible for constructing or placing the building shall provide a permit used by the Township Board of Supervisors and/or the Department of Transportation, granting the right to cut the curb and construct or open the access. If the lot is

located on a private roadway with a right-of-way to the public roadway, the applicant or owner shall provide proof of legal, recorded right-of-way to such property, if required. Lots having driveways, entrances or exits prior to the placement or construction of buildings shall be inspected and the responsible person may have to furnish proof that access is safe for use by prospective users.

1105 - FRONT YARD EXCEPTIONS: When an approved lot is located between two improved lots with front yard dimensions less than those required for the district, the front yard required may be reduced to a depth equal to the average of the two front yards adjoining provided, however, that in no case shall the front yard of the middle lot be wider than one-hundred fifty (150) feet. If the reduction is appropriate the front yard shall not be reduced more than fifty percent (50%) of the required amount. Lots so placed wider than one-hundred fifty (150) feet shall meet all the front yard requirements of the district.

1106- FRONT YARD PROJECTIONS: The following shall be permitted into required yards and shall not be considered in the determination of yard requirements:

- A. Terraces, patios, lamp post, walkways, driveways and retaining walls shall be permitted within any yard requirements provided they are not roofed or otherwise enclosed.

1107 - AIR POLLUTION: All sources of air pollution must comply with rules and regulations as defined and established by the Air Pollution Commission of the Commonwealth of Pennsylvania, Department of Environmental Protection or as modified by additional restrictions adopted by the Board of Supervisors of Paupack Township.

1108 - ACCESSORY BUILDINGS OR STRUCTURES: No detached accessory buildings or structures shall be erected within ten (10) feet of any other building or structure.

1109 - PUBLIC OR SEMI-PUBLIC FACILITIES: Public or semi-public facilities including, but not limited to schools, municipal buildings, churches, cemeteries, sewage treatment plants or grange halls where such are permitted as conditional uses, shall

be so designed, constructed and maintained as not to detract in any way from the residential aspect of the neighborhood that may exist. Accessory buildings, loading platforms, and main parking areas shall be placed in the rear of the building.

1110- RETAIL SELLING AND SERVICE SHOPS: Such establishments, including but not limited to stores selling groceries, hardware, newspapers, appliances, dry goods, drugs, gifts or antiques or service shops for repair of television or radio or other appliances, house repairs, eating places or produce stands, where they are permitted as a conditional use, shall be arranged and located as to cause the least change or disturbance of appearance to the neighborhood. All loading facilities, all accessory buildings, storage areas shall be located to the rear of the principal building.

1111- PLANNED RESIDENTIAL DEVELOPMENTS: Planned Residential Developments, whether for single family, two-family or multi-family uses are permitted to allow for a more varied and economic development pattern; to increase flexibility of development and arrangement of homes and at the same time provide a usable pattern of open space. Planned Residential Developments (PRD) shall meet the requirements as defined within Article X - Planned Residential Developments of this Ordinance and other ordinances that have been adopted by the Township of Paupack which contain specific requirements related to Planned Residential Developments.

1112 - RECREATIONAL USES: In general, all recreational uses are subject to all safety and health regulations imposed by the Commonwealth of Pennsylvania as administered by the Department of Environmental Protection (DEP). Plans for such development shall be submitted to the Township Planning Commission and the Board of Supervisors for review and approval. The minimum standards which shall apply for such recreational uses are defined within the Paupack Township Subdivision and Land Development Ordinance. Setback requirements for recreational land developments are contained within this ordinance.

1113 - JUNK YARD: The owner/operator of a junk yard shall plant and maintain a vegetative fence not less than seven (7) feet high outside of, but along the public right-of-way line, with openings for ingress and egress only. Junk yards shall not be used for the burning of scrap or other refuse. If the Board of Supervisors determines that, because of the storage of defunct

refrigerators, automobiles, or appliances, a potential danger for children exists, it may direct that the storage area be enclosed with a fence six (6) feet high and adequate to prevent the entrance of children.

1114 - TRANSITIONAL AREA BETWEEN ZONING DISTRICTS: Where community commercial, or resort commercial properties share common road frontage or property borders with residential properties located in the R-R District, the commercial property shall provide a "buffer zone" adjacent to the residential lines. This strip shall be minimum of twenty (20) feet wide; it may be left in its natural state or it may be planted, but it shall be free of storage areas, driveways or parking areas and shall generally be unencumbered. If the twenty (20) foot wide buffer zone is clear of any natural vegetation including trees or shrubs than the commercial property shall provide the necessary vegetation. All setback requirements are measured from the "buffer zone" line within the community commercial or resort commercial property.

1115 - TEMPORARY COMMERCIAL USES: A temporary commercial use is a commercial operation that operates at a fixed location for a temporary period of time on a parcel of land without other uses or in connection with some other established use, including roadside food sales, flea markets, garage sales or flower tents and similar retail operations. In addition to other specific requirements of this Ordinance and other Township ordinances the following provisions shall apply:

- A. Temporary commercial uses for not more than thirty (30) consecutive days are considered principal permitted uses within the C-2 Resort Commercial District and the C-1 Community Commercial District. Within both C-1 and C-2 Zoning Districts temporary commercial uses for more than thirty (30) consecutive days are considered a conditional use. Within the RR-Rural Residential District all Temporary Commercial Uses will be considered a conditional use.
- B. Temporary commercial uses which are established for a period of thirty (30) days or less shall be terminated after thirty (30) days. The applicant can apply for an additional temporary commercial use seven (7) days after the initial temporary commercial use has expired, but in no case shall the applicant be granted more than

three (3) temporary commercial use permits for a period of thirty (30) days or less in a twelve (12) month period.

- C. No temporary commercial uses shall operate within any public right-of-way.
- D. One (1) sign not exceeding ten (10) square feet is permitted for Temporary Commercial Uses.
- E. Adequate off-street parking for the exclusive use of the operation shall be provided. Specific parking requirements for temporary commercial uses are defined within Article XIII, Parking regulations. Access to the operation shall consist of a well defined entrance and exit to prevent uncontrolled ingress and egress. Parking on any public road right-of-way shall not be permitted.
- F. Sanitary facilities meeting the Township of Paupack's and/or the Commonwealth of Pennsylvania's Department of Environmental Protection's requirements shall be provided or documentation shall be provided demonstrating access to such facilities within five-hundred (500) feet of the operation.
- G. A plan in addition to a permit fee shall be submitted by the applicant at the time of the request for a permit from the Township indicating the location of the operation, parking facilities, letter from the owner of the parcel of land that the operation will be located on indicating their approval and any applicable permits from the Department of Environmental Protection (DEP) for the operation of the use.
- H. A Township permit is required for all Temporary Commercial Uses. The permit shall be valid for a period of one (1) year from the date of issuance. The recipient of the permit shall have the right of renewal. However, if a recipient does not actually engage in the operation of the Temporary Commercial Use during any consecutive ten (10) month period, the permit shall become invalid and the permit recipient shall have waived the right of renewal. If the

Temporary Commercial Use is found to be in violation of any provisions of this Ordinance, other Township ordinances or regulations, or Commonwealth of Pennsylvania regulation, the permit shall be revoked until compliance is achieved.

- I. The permit fee for a Temporary Commercial Use shall be established on a annual basis by resolution adopted by the Township Board of Supervisors.

1116 - USE OF PUBLIC ROAD RIGHT-OF-WAYS FOR COMMERCIAL OPERATIONS

- A. No commercial operation shall be permitted to utilize a public road right-of-ways for the purpose of conducting a business or providing services for remuneration.

ARTICLE XII - SIGNS (OUTDOOR ADVERTISING DEVICES)

1201 - SIGN REGULATIONS: The following regulations shall apply to the erection and maintenance of all signs within the Township of Paupack.

- A. Township, County, State or Federal Government signs are exempt from these regulations.
- B. Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
- C. Commercial uses shall not locate signs in a manner as to obscure, or interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or interfere with the driver's view of approaching, merging or intersecting traffic.
- D. Large signs exceeding fifteen (15) square feet in shall require a use permit and the payment of a fee as established in Article XVI, Administration of this Ordinance.
- E. No sign exceeding fifteen (15) square feet in area shall be located in any Residential or Conservation District.
- F. Signs of permanent nature overhanging or erected on public right-of-way are not permitted.
- G. Directional signs showing the location of a business or service may be erected at strategic points within the Township. In no case shall such signs exceed four (4) square feet in area, nor shall there be more than three (3) per individual business or service. The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction. Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs shall be prohibited.
- H. Commercial and Industrial establishments shall be limited to the following outdoor advertising:

- (1) One (1) free-standing sign not exceeding twenty-(25) feet in height, nor two-hundred (200) square feet in area, in the area of the Commercial or Industrial establishment permitted to the edge of the right-of-way; or
- (2) One (1) flat sign, hung or painted on a principal building, not exceeding two-hundred (200) square feet in area, in the area of the Commercial or Industrial establishment; or
- (3) More than one (1) exterior sign not exceeding (4) in number, nor two-hundred (200) square feet in total area;
- (4) Signs advertising only the business conducted on the property, along with it's affiliates or related products.
- (5) No on-premise sign shall be erected or maintained in any manner inconsistent with the following criteria.
 - (a) No sign shall be permitted which attempts or appears to attempt to direct the movement of traffic or which interferes with, imitates, or resembles any official traffic signs, signal or device.
 - (b) No sign shall be permitted which prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.
 - (c) No sign shall be permitted which contains, includes or is illuminated by any flashing, intermittent, or moving light or lights.
 - (d) No lighting shall be permitted to be placed in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main-traveled way, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the

driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

- (e) No sign shall be permitted which moves or has any animated or moving parts.
 - (f) No sign shall be permitted to be erected or maintained upon trees or painted or drawn upon rocks or other natural features.
 - (g) All outdoor advertising devices will be subject to state regulations, where applicable.
- (6) Spacing of Advertising Signs: No two (2) adjacent advertising signs, structures or billboards on the same side of the street or road shall be constructed or erected in a manner that would obstruct the view of any existing signs, structures or billboards.
- (7) Temporary Banners across roadways are prohibited within Paupack Township.

ARTICLE XIII - PARKING REGULATIONS

1301 - **GENERAL** - Parking on public right-of-way shall not be permitted, except for emergencies, unusual family affairs or other public or semi-public events of short duration. Off-street parking in all zoning districts shall be sufficient to assure unobstructed streets and highways. Section 1304 contained within this Article defines the minimum number of parking spaces that are required for various use categories. For any use not specifically described within this Section, parking space proposals shall be reviewed on the basis of available facts and the necessary number of spaces established upon such examination.

1302 - **SIZE:** Each off-street parking space shall have an area of not less than twenty (20) feet by nine (9) feet exclusive of access drives or aisles, in usable shape and condition.

1303 - **ACCESS:** All parking facilities shall be constructed to standards as defined by the Pennsylvania Department of Transportation and Paupack Township.

1304 - **PARKING ROAD RIGHT-OF-WAY:** In no case shall parking be permitted on any road right-of-way.

1305 - PARKING SPACE TABLE

PROPOSED USES	MINIMUM PARKING SPACES
Housing Units; each, regardless of zone:	2.0
Home Occupation- Two (2) per owner; one (1) per employee; one (1) for customers:	4.0
Access Areas, per patron at estimated capacity:	0.5
Public Meeting Places; per seat	0.5
Recreational Land Developments; per site or per Recreational Vehicle:	2.0
Stores & Other Selling Places, per two-hundred	

(200) square feet of Selling Area:	1.5
Eating Establishments; per patron at capacity:	0.8
Marinas, per two-hundred (200) square feet Of selling area:	1.5
Docking facilities; per every five (5) Boat slips or docks (where docking facilities do not have at least five (5) boat docks or slips the minimum number of required parking spaces shall be determined by the Code Enforcement Officer)	1.0

Outdoor recreational facilities:

. Tennis Court	2.0
. Basketball Court	5.0
. Baseball Field	15.0
. Golf Course (9 holes) one parking space per golf course hole	1.0
. Golf Course (18 holes) one parking space per golf course hole	1.0
. Miniature Golf Course (9 holes) one parking space per golf course hole	1.0
. Miniature Golf Course (18 holes)one parking space per golf course hole	1.0
. Driving range (golf) one parking space Per driving range stall	1.0

Required parking spaces for accessory structures associated with any outdoor recreational facilities shall be determined by the Code Enforcement Officer at the time of the application. If an outdoor recreational facility is proposed which is not identified above, the minimum number of required parking spaces shall be determined by the Code Enforcement Officer at the time of the application.

Casinos, per gaming device	1.0
Motels/Hotels; per bedroom:	1.2

Service Shops, per employee:	1.2
Medical, Dental, Veterinary and other similar Offices; per employee	1.5
Industrial Operations; per employee	1.2
Mobile Home Parks or Planned Residential Developments; per unit	2.0

*Temporary Commercial Uses:	<u>Minimum Parking Spaces</u>
. Individual Vendors	2 Parking Spaces
. Individual Vendors (Flea Markets) per eight (8) ft. x four (4) foot table	2 Parking Spaces
. Multi-Vendors (Flea Markets) per vendor per eight (8) ft. X four (4) foot table	2 Parking Spaces

*In cases where the vendor(s) involved in a flea market use do not use tables to display merchandise, the minimum parking spaces shall be determined by the Code Enforcement Officer. The Code Enforcement Officer shall determine the minimum parking spaces by the space equivalent to a table which is eight (8) feet by four (4) feet.

*In no cases shall parking be permitted on any road right-of-way.

1305 - PARKING LOT LANDSCAPING DESIGN CRITERIA: All parking lot landscaping shall be of such quality as to improve and enhance the site and its surrounding area.

- A. Parking lot landscaping is required when a proposed parking lot contains fifteen (15) parking spaces or more.
- B. The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and

other planting material may be used to compliment the tree landscaping but shall not be the sole contribution to the landscaping.

- C. The landscaping and planting areas shall be reasonably dispersed throughout the parking lot. All landscaping shall not obstruct the view of individuals entering or exiting the proposed parking area.
- D. The interior dimensions of any planting area or planting median shall be sufficient to protect the landscaping material planted therein and to insure proper growth.
- E. In those instances which plant material exist on a parking lot site prior to its development; such landscape material may be used if approved as meeting the requirements of this Ordinance.
- F. All planting materials shall be suitable for planting in the Township and require minimal maintenance. All shade trees to be used shall be a minimum of eight (8) to ten (10) feet in overall height, no smaller than 2" caliper (trunk diameter at chest height) upon planting, and of a variety which shall attain an average mature spread greater than twenty (20) feet.
- G. Not less than six percent (6%) of the interior of a parking lot shall be landscaped and one (1) tree shall be planted for every two-hundred (200) square feet of required interior landscaped area.

ARTICLE XIV - SOLID WASTE FACILITIES

1401 - GENERAL - SOLID WASTE FACILITIES, INCLUDING THE FOLLOWING OPERATIONS: Landfills, transfer stations, waste disposal and processing facilities, and recycling facilities, shall be allowed as a conditional use in any zoning district. All Solid Waste Facilities shall meet the following criteria:

- A. No solid waste facility shall be located closer than one- thousand (1,000) feet to any of the following: Existing public right-of-way; property line, residential structure; commercial or recreational facility. The access road and other improvements, serving the solid waste facility, shall be constructed according to the regulations contained within the Paupack Township Subdivision and Land Development Ordinance and the Paupack Township Road Ordinance.
- B. All solid waste facilities shall be completely enclosed by a chain link fence not less than ten (10) feet in height. The fence shall be completely erected within six (6) months after issuance of a zoning permit for the facility. All gates shall be closed and locked when the operations is closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising sign of any kind placed at the fence. The perimeter of the entire facility shall be landscaped to effectively screen the facility from adjacent properties.
- C. The solid waste facility's hours of operation shall be limited to the following times: Between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday; between the hours of 8:00 a.m. to 12:00 p.m. on Saturday; and shall not operate on Sunday or a national holiday. In no event shall filled or partially filled refuse trucks be allowed to remain on-site after closing time.
- D. Prior to the issuance of a building permit and/or certificate of use, the owner/developer of the facility shall prepare a surface water and groundwater study for the proposed operation. The study shall detail the existing surface and subsurface water conditions and explain the precautions that will be undertaken to prevent any surface or groundwater contamination from

the proposed facility. The installation of monitoring wells, by the developer, may be required as a condition for approval.

- E. All solid waste facilities shall comply with the applicable regulations of the Pennsylvania Department of Environmental Protection (DEP).
- F. The applicant shall submit to the Township of Paupack for approval a Traffic Study and Plan subject to the requirements as set forth in F1 and F2 below.
 - (1) The Traffic Study and Plan shall establish the most direct proposed route or routes for vehicles carrying solid waste to the facility. This route shall minimize impacts on any hospital, residence, commercial or retail establishment, public school or religious institutions.
 - (2) The Traffic Study and Plan shall include proposed remedial actions to be taken in the event of a solid waste spill or accident involving a vehicle transporting solid waste.
- G. All solid waste facilities and staging areas which store the solid waste at any stage prior to disposal at an approved facility shall maintain the aforesaid solid waste within a completely enclosed building. Storage of materials, supplies or solid waste in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted unless the aforesaid motor vehicles, truck trailers or other containers shall be stored within a building.
- H. All stormwater collected on site shall be treated by the facility's wastewater treatment system. Parking of trucks loaded with solid waste or which have not been properly cleaned and washed shall only be permitted in buildings, handling areas or parking areas in which containment of spillage, leakage or other contaminants is provided.

ARTICLE XV- NONCONFORMITIES

1501 - CONTINUANCE:

- A. Except as otherwise provided in this Article, lawful use of land or building existing at the date of the adoption of this Ordinance may be continued, although such use of land or building does not conform to the use regulations specified by this Ordinance for the zone in which such land or building is located.
- B. Except as otherwise provided for in this Article, any dimensional nonconformities existing at the date of the adoption of this Ordinance may be continued.

1502 - EXPANSION AND ALTERATION:

- A. Upon application for a special exception, the Zoning Hearing Board may approve the expansion or alteration of a use of land or buildings which is not in conformance with the provisions of this Ordinance.

1503 - EXPANSION OF A NONCONFORMITY

- A. In the event that, upon review of an application for expansion or alteration of a nonconformity, the Paupack Township Code Enforcement Officer shall determine that all of the provisions of Section 1503 have been or will be met and/or the expansion does not exceed the provisions of Section 1503 and/or the alternations in no way expands the size of the original nonconformity, the Code Enforcement Officer shall be empowered to issue a permit hereunder for the proposed use.
- B. The expansion of the nonconformity is permissible subject to the requirements of that zone or district except as herein modified and provided:
 - (1) The expansion of the nonconformity shall be confined to the lot in which it is located on the effective date of this Ordinance or any amendment thereto creating the nonconformity.
 - (2) The total of all such expansions or alterations of use shall not exceed an additional thirty-five

percent (35%) of the floor area of those buildings or structures devoted to the nonconforming use as it existed on the date which such buildings or structures first became nonconformities.

- (3) Provision for access drives, off-street parking and off-street loading and fire lanes, shall be consistent with the standards contained within this Ordinance, Paupack Township Fire Protection Ordinance and the Paupack Township Road Ordinance.
- (4) Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.
- (5) Appearance should be harmonious with surrounding properties. This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance in good condition of all improvements and open spaces.
- (6) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.
- (7) The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

1504 - REPAIRS OF NONCONFORMING USES

- A. Normal repairs incidental to a building or other structure containing a nonconforming use is permitted, provided it does not extend the area or volume permitted and provided it does not extend the area or volume space occupied by the nonconforming use.

1505-DISPLACEMENT AND CHANGE OF USE

- A. A nonconforming use may be converted into a conforming use.
- B. A nonconforming use shall not be extended to displace a conforming use, except to provide room for parking or loading facilities which will serve the nonconforming use and which will subsequently lessen traffic congestion resulting from the nonconforming use.
- C. Buildings or structures, regardless of conformity or ownership, shall not be combined for the purpose of extending an existing nonconforming use, or for creating a different nonconforming use.

1506 - RESTORATION

- A. When a nonconforming building, deck or porch is partially or totally destroyed by fire, explosion, decay or other disaster it may be restored to its original use provided its pre-existing configuration is used and the volume of the new structure does not exceed the volume of the original structure. Also, the owner of the structure must secure a building permit within one (1) year of such incident and the structure must be totally restored within two (2) years of such incident. Should the owner of the structure not comply with the above mentioned time limits for restoring the structure, any future restoration or reconstruction of the structure and the use must conform to the existing regulations within the zoning district in effect at the time.

1507 - ABANDONMENT

- A. When discontinued for a period of one (1) year or more a nonconforming use shall be deemed abandoned. Change to a conforming use shall be considered an abandonment of the nonconforming use, and such nonconforming use cannot be reestablished. A nonconforming agricultural use may be discontinued for a period up to two (2) years before it is considered an abandoned nonconforming use.

ARTICLE XVI - ADMINISTRATION

1601 - ENFORCEMENT

- A. The Township Board of Supervisors shall appoint a Code Enforcement Officer who shall examine all applications for a building permit or change of use permit, issue permits where warranted, record and file all applications and documents relating to said permits, make inspections and reports as required, and identify and register nonconforming uses and nonconforming structures.
- B. The Township Board of Supervisors shall appoint a Zoning Hearing Board who shall conduct hearings, investigations and make decisions on permits for uses considered special exceptions and/or variances of the requirements contained within this Ordinance and the Pennsylvania Municipalities Planning Code.
- C. The Township Planning Commission shall review and make recommendations to the Township Board of Supervisors on all requests for permits, for all applications for conditional uses within the Township and to the Zoning Hearing Board for all applications for special exceptions.
- D. The Code Enforcement Officer serves at the discretion of the Township Board of Supervisors.

1602 -BUILDING/ZONING PERMIT: Requirement of permits are as follows:

- A. A building permit shall be required prior to the erection, addition, or alteration of any building or portion thereof. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore.
- B. A change in occupancy/use of an existing building and/or use of land where no new building, and/or alterations to existing buildings are planned requires a certificate of use.

1603 - APPLICATION FOR PERMITS:

- A. All applications for permits shall be accompanied by plan drawn to show the actual shape and dimensions of the lot to be built upon, the exact size and location of any building existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance and all other pertinent Ordinances. All applications with accompanying plans and supporting documentation shall become a public record after a permit is issued or denied.
- B. Unless and/or until the Township can verify that any and all regulations and/or requirements provided herein have been met and/or addressed by the applicant, a current survey of the subject property identifying all improvements, boundary lines, setbacks and the location of the proposed zoning use, shall be required by the Township at the sole and exclusive expense of the applicant.

1604 - APPLICATION FOR SUBDIVISION AND LAND DEVELOPMENT APPROVAL:

- A. Applications for uses which also necessitate approval under the Paupack Township Subdivision and Land Development Ordinance shall be processed in the manner provided for plan approval under that Ordinance.

1605 - ISSUANCE OF PERMIT: No permit shall be issued until the Code Enforcement Officer has certified that the proposed building, addition, or alteration has complied with all of the provisions of this Ordinance, as well as with all the provisions of other applicable regulations. In addition prior to the issuance of a permit the following procedures shall apply:

- A. The applicant for a building permit and/or certificate of use shall completed the proper application as prescribed by the Township of Paupack and as required by Section 1603 of Article XVI - Administration.

- B. The application and issuance process is specifically subject to the required inspections as indicated in Sections 1607, 1608 and 1609 of Article XVI - Administration.
- C. The applicant shall, upon completion of the permitted construction, immediately notify the Township Code Enforcement Officer of such completion and schedule the completion of construction inspection required under Section 1609 of Article XVI - Administration.
- D. Failure to comply with or a violation of any of the paragraphs of Section 1605 or any of the Sections within Article XVI, Administration, shall be deemed to constitute a violation of this Ordinance as is indicated in Section 1611 Violations subjecting the applicant or any violator to the penalties and remedies as are outlined under Section 1612 - Preventive Remedies and Section 1613 Enforcement Remedies.
- E. No permit provided for herein shall be issued by the Township unless and/or until the appropriate Township official has determined the location of the proposed zoning use and has verified that the said use complies with any and all of the provisions of this Ordinance, including, but not limited to any and all setback, yard, lot coverage, density, lot dimension, and/or related performance standards. In the event that the application and/or a site inspection fails to provide sufficient and suitable data to the Township at the discretion of the Code Enforcement Officer, to allow for determination of compliance, the applicant shall be required to submit to the Township a current survey of the subject property identifying all improvements, boundary lines, setbacks, and location of the proposed zoning use at the sole and exclusive expense of the applicant.

1606 - FEES: The Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure for building permits, special permits, certificate of use, variances and other matters pertaining to this Ordinance. Fees shall be part of the application and shall be submitted along with other required supporting materials. No plans or

applications shall be approved unless the established fee has been paid in full. All checks shall be made payable to the Township of Paupack.

- A. The Board of Supervisors will prescribe reasonable fees with respect to the administration of the Paupack Township Zoning Ordinance and the hearing process before the Paupack Township Zoning Hearing Board and the Paupack Township Board of Supervisors. Fees for these hearings shall include compensation for clerical support, members of the Zoning Hearing Board, notice and advertisement cost and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the zoning Hearing Board or Board of Supervisors, expense for engineering, architectural or other technical consultants or expert witness cost.
- B. Fees for applications, permits and hearings administered by the Paupack Township Zoning Hearing Board or the Paupack Township Board of Supervisors shall be established on an annual basis by resolution adopted by the Paupack Township Board of Supervisors.

1607 - INSPECTIONS: It shall be the duty of the Code Enforcement Officer or his duly appointed representative to make as many inspections as required on property for which a permit has been issued. Nothing contained herein shall impose any responsibility upon the Township or its officials or agents for the quality of workmanship or materials employed in construction.

1608 - AT THE BEGINNING OF CONSTRUCTION: A record shall be made indicating the date of each inspection and the findings of the Code Enforcement Officer. If the construction does not conform to the plans submitted with the application, a written notice of the violation shall be issued by the Code Enforcement Officer, and such violation shall be corrected. Upon correction of the violation and a receipt of written permission from the Code Enforcement Officer, construction may proceed.

1609 - AT THE COMPLETION OF CONSTRUCTION: A record shall be made indicating the time and date of the inspection and the findings of the Code Enforcement Officer, before the issuance of a

Certificate of Use.

1610 - CERTIFICATE OF USE: A Certificate of Use shall be a statement issued by the Code Enforcement Officer setting forth either that a building, structure or parcel of land complied with the provisions of this Ordinance; or that a building or structure lawfully may be employed for specified uses under the provisions of this Ordinance; or both.

- A. No land shall be occupied or used, and no structure or part of a structure, hereafter erected, structurally altered or changed in use, shall be occupied or used, until a Certificate of Use is issued by the Code Enforcement Officer.
- B. A Certificate of Use, either for the whole or part of a new building or for the alteration of an existing building, shall be applied for in conjunction with the application for a building permit, and shall be issued within fifteen (15) days after the erection or alteration of such building or part shall be completed in conformity with the provisions of this Ordinance.
- C. A Certificate of Use for changing or extending a nonconforming use, existing at the time of the passage of this Ordinance, or of an amendment thereto, shall be obtained before any such nonconforming use may be changed or extended. Such Certificate shall be issued within thirty (30) days after application has been made, provided such proposed change or extension is in conformity with the provisions of this Ordinance.
- D. A record of all Certificates of Use shall be kept on file in the Office of the Code Enforcement Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

1611 - VIOLATIONS: Failure to comply with any provision of this Ordinance, failure to secure a permit, or Zoning Hearing Board Certificate, when required, previous to the erection, construction, extension or addition to a building; or failure to secure a Certificate of Use Permit, shall be violation of this Ordinance. When written notice of a violation of any of the

provisions of this Ordinance has been served on the agent, the owner, agent or occupant, contractor, or building, such violation shall be corrected as required within the violation notice within a period of time not less than one (1) day or more than thirty (30) days as determined by the Code Enforcement Officer in consideration of the Health and Welfare of Township residents. Said notice shall be consistent with Section 616.1 of the Pennsylvania Municipalities Planning Code.

1612 - PREVENTIVE REMEDIES

- A. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transfer from such penalties or from the remedies herein provided.

- B. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this Article. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - (1) The owner of record at the time of such violation.

 - (2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

 - (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

 - (4) The vendee or lessee of the current owner of

record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

- C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

1613 - ENFORCEMENT REMEDIES:

- A. Any person, partnership or corporation who or which has violated or permitted the violation the provisions of the Zoning Ordinance of Paupack Township or any related Ordinance enacted under the Pennsylvania Municipalities Planning Code or the Municipalities Planning Code itself, whether enacted under this Act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by Paupack Township, pay a judgement of not more than \$500.00 plus all court costs, including reasonable attorneys 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, Paupack 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 the 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 violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All

judgements cost and reasonable Attorney fees collected for the violation of the Zoning Ordinance shall be paid to Paupack Township.

- B. The Court of Common Pleas of Wayne County, Pennsylvania, 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.
- C. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than Paupack Township the right to commence any action for enforcement pursuant to this Section.

1614 - JURISDICTION: The duly designated District Justice having authority in and for Paupack Township, Wayne County, Pennsylvania, shall have initial jurisdiction in proceedings brought under Section 1613, Enforcement Remedies, above.

1615 - CONTINUATION: The modification or repeal of any prior Ordinance, Resolution, or Regulation by this Ordinance shall not annul or otherwise relieve any party from any permit issued, condition imposed, approval granted, approval denied, order issued, or violation, penalty, or other liability incurred pursuant to such affected Ordinance, Resolution or Regulation.

1616 - AMENDMENT TO THE ZONING ORDINANCE: The Paupack Township Board of Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of Act 247 of the Commonwealth of Pennsylvania, as enacted or hereafter amended.

1617 -ZONING HEARING BOARD: The Township Board of Supervisors shall appoint a Zoning Hearing Board, which shall have three (3) members and one (1) alternate member of such powers and authority as set forth in Article IX, Section 909.1, Jurisdiction of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended. The duties of the Zoning Hearing Board shall be limited to the following:

- A. It shall hear and decide appeals where it's alleged by the applicant that the Code Enforcement Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid Ordinance or map or any

valid rule or regulation governing the action of the Code Enforcement Officer.

B. It shall hear challenges to the validity of this Ordinance or the Zoning Map, excepting cases where there has been an alleged defect in the process of enactment or adoption or where a landowner, on substantive grounds, desires to challenge the validity of an Ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest.

C. It shall hear requests for Variances when it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant.

D. It shall hear and decide requests for Special Exceptions pursuant to the criteria also applying to Conditional Uses found herein.

E. It shall hear all timely filed appeals which an applicant may elect to bring before it with respect to the Township Zoning Ordinance.

F. The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change in, or amendment to, the Zoning Map or allow any use of property substantially different from those permitted under the Schedule of Use Regulations for the particular district.

G. In all its actions, the Zoning Hearing Board shall follow procedures as provided in Article IX of the Pennsylvania Municipalities Planning Code.

1618 - SPECIAL EXCEPTIONS: To hear and decide, only such special exceptions to the terms of this Ordinance upon which the Zoning Hearing Board, by the provisions of this Ordinance is specifically authorized. The granting of a special exception when specifically authorized by the terms of the Ordinance shall be subject to the following conditions:

A. Such use shall be one which is specifically authorized as a Special Exception Use in the zoning district.

B. Such special exception shall only be granted subject to

any applicable condition and safeguards as required by this Ordinance.

C. Such special exception may be granted subject to additional reasonable conditions and safeguards as may be deemed by the Board to be advisable and appropriate.

D. Such use shall be found by the Board to be in harmony with the general purposes and intent of this Ordinance.

E. Such use shall not adversely affect the character of the zoning district, nor the conservation of property values, nor the health and safety of residents or workers or adjacent properties and in the general neighborhood.

F. Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.

G. Such use shall not conflict with the direction of building development in accordance with the Comprehensive Plan or any portion thereof which has been adopted by the Paupack Township Board of Supervisors.

1619 -CONDITIONAL USES: All applications shall be in writing and on forms used by the Township for a Conditional Use application. This application shall be forwarded to the Township Planning Commission by the Code Enforcement Officer. The Planning Commission shall review the application and analyze the proposed "Conditional Use" to determine compliance with the provisions of this Ordinance. The Planning Commission shall submit its recommendations to the Board of Supervisors which shall hold a public hearing on the application prior to meeting and marking the final decision on the application.

1620 - PROCEDURES FOR APPLICATION TO THE ZONING HEARING BOARD:

A. The Board shall act in strict accordance with the procedure specified by Article IX of the Pennsylvania Municipalities Planning Code, as amended, and in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Ordinance

involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Ordinance, the use for which a special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. In the event the procedures set forth in this Ordinance shall be in conflict with or contrary to the procedures set forth in the Pennsylvania Municipalities Planning Code, as amended, then and in such event the procedures set forth in the latter shall prevail.

B. Applications and appeals shall be submitted to the Code Enforcement Officer on forms prescribed by the Township and identified as "Application to the Zoning Hearing Board of Paupack Township" together with the appropriate filing fee as provided for through separate resolution which is adopted annually by the Paupack Township Board of Supervisors.

C. The Code Enforcement Officer shall return any incomplete application to the applicant, notifying the applicant in writing of the reason(s) for the rejection of the application. In cases where the application has been properly completed and filed with appropriate fees the necessary hearing shall be scheduled pursuant to the Ordinance by the Secretary of the Zoning Hearing Board.

D. Following the public hearing, if the application has been approved, the applicant shall be provided notice pursuant to a "Notice of Decision" form prescribed by the Township. In the event that the application shall be denied, notice of said denial shall be made to the applicant pursuant to Ordinance and applicable law.

E. If the Zoning Hearing Board finds the appeal or request to be outside its scope of jurisdiction, it shall return the application for the same to the Code Enforcement Officer for proper processing. Appeals shall otherwise be processed in conformance with the requirements of Article X-A, appeals to Court of the Pennsylvania Municipalities Planning Code and amendments thereto.

1621 PARTIES APPELLANT BEFORE THE ZONING HEARING BOARD:

Appeals under Section 1624 and proceedings to challenge the Ordinance under any sections herein may be filed with the Board in writing by the landowner affected, by an officer or agency of the Township, or any person aggrieved. Request for a variance under Section 1625 and for special Exception under 1618 may be filed with the Code Enforcement Officer by any landowner or any tenant with the permission of such landowner.

1622 TIME LIMITATIONS, PERSONS AGGRIEVED: No person shall be allowed to file any proceeding with the Code Enforcement Officer or Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate officer of the Township, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval 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.

1623 -STAY OF PROCEEDINGS: (a) Upon filing of any proceeding referred to in Section 1620 and during its pendency before the Board, all land development pursuant to any challenged Ordinance, order or approval of the Code Enforcement Officer or any agency or body, and all official action thereunder, shall be stayed unless the Code Enforcement Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Code Enforcement 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 proceeding before the Board. (b) After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden

of the applicant for a Board to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court. (c) The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. Any order denying a petition for bond shall be interlocutory. Any order directing the responding party to post a bond shall be interlocutory. (d) If any appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and Attorney fees incurred by the petitioner.

1624 - APPEALS: An appeal of this Ordinance, appeal of a decision of the Code Enforcement Officer shall be made in writing. This appeal shall be submitted to the Code Enforcement Officer on forms prescribed by the Township and identified as Application to the Zoning Hearing Board of Paupack Township. A challenge to the validity of any section of the Zoning Ordinance or the Zoning map shall also be considered such an appeal. Any appeal taken here under shall be filled within thirty (30) days.

1625- VARIANCES: The Zoning Hearing Board shall have the right to authorize such variances from this Ordinance as are permitted under the Pennsylvania Municipalities Planning Code. The Board may grant a variance provided the following findings are made where relevant in a given case:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

- (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the Provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (3) That such unnecessary hardship has not been created by the appellant.
- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the Zoning Ordinance. This authority shall not include the right to grant a use variance that would, in fact, alter the Zoning Map and thus constitute rezoning.

1626 -BUILDING PERMITS PURSUANT TO VARIANCE OR SPECIAL EXCEPTION:

Upon issuance of either a variance or a Special Exception Permit, a building permit must be obtained by the successful applicant within one year of the issuance or granting of the permit. If a building permit is not obtained by the applicant within this one year period, the issuance of the variance or the special exception permit shall be deemed to have been rescinded and said approval shall be null and void.

ARTICLE XVII

INTERPRETATION, SEVERABILITY AND ENACTMENT

1701 - INTERPRETATION: In the interpretation and the application of the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this Ordinance imposes a greater restriction upon the use of a building, or requires larger open spaces, the provisions of this Ordinance shall control. In the event that more than one (1) provision of this Ordinance applies to a specific instance, the more restrictive provision shall control.

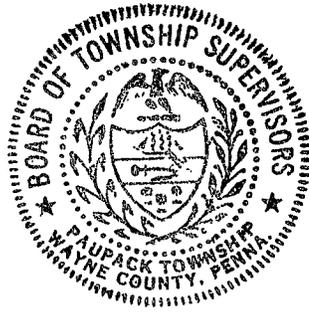
1702- SEVERABILITY: If any section, subsection, or requirement of this Ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the legality of the remaining provisions of this Ordinance or of this Ordinance as a whole.

1703 -REPEALER: The previous Zoning Ordinance for Paupack Township, Wayne County, Pennsylvania is hereby repealed.

1704- ENACTMENT

Ordained and enacted into an Ordinance this 10th day of JUNE, 1998, by a vote of 3 to 0. Said Ordinance to take effect on the 16th day of JUNE

ATTEST: Joann Kelley
Joann Kelley,
Secretary



Theodore Kostige
Theodore Kostige, Chairman

Thomas Danilovitz
Thomas Danilovitz, Supervisor

Bruce Chandler
Bruce Chandler, Supervisor



PAUPACK TOWNSHIP SUPERVISORS

WAYNE COUNTY
P.O. BOX 199
LAKEVILLE, PA 18438

PAUPACK TOWNSHIP WAYNE COUNTY, PENNSYLVANIA

ZONING ORDINANCE 31 AMENDMENT H

(ZONING ORDINANCE ORIGINALLY ADOPTED JUNE 22, 1988)

AN ORDINANCE OF THE TOWNSHIP OF PAUPACK, COUNTY OF WAYNE AND COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 31, AS AMENDED, COMMONLY KNOWN AS "THE PAUPACK TOWNSHIP ZONING ORDINANCE, TO AMEND VARIOUS SECTIONS OF THE ORDINANCE AND SUBSEQUENT AMENDMENTS TO SET FORTH REQUIREMENTS FOR WIRELESS COMMUNICATION FACILITIES.

***ZONING ORDINANCE 31 AMENDMENT H
ADOPTED DECEMBER 13, 2000***

***Paupack Township, Wayne County
Wireless Communication Facility Requirements
Amendment to
The Paupack Township Zoning Ordinance***

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AN ORDINANCE OF THE TOWNSHIP OF PAUPACK, COUNTY OF WAYNE AND COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 31, AS AMENDED, COMMONLY KNOWN AS "THE PAUPACK TOWNSHIP ZONING ORDINANCE, TO AMEND SECTION 302 TO ADD ADDITIONAL DEFINITIONS AND MODIFY DEFINITIONS; TO AMEND SECTIONS 504(A.), 604(A), 704(A), AND 804(A) TO INCLUDE COMMUNICATION TOWERS AS SPECIAL EXCEPTIONS IN THE RR - RURAL RESIDENTIAL DISTRICT, C-1 - COMMUNITY COMMERCIAL DISTRICT, C-2 RESORT COMMERCIAL DISTRICT AND S-1 CONSERVATION DISTRICT; TO AMEND ARTICLE XI TO ESTABLISH APPLICATION, DESIGN, MAINTENANCE AND INTERFERENCE STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES, TO REQUIRE REMOVAL OF ABANDONED OR UNUSED COMMUNICATIONS TOWERS OR PORTIONS THEREOF AND TO SET FORTH THE REQUIREMENTS FOR WIRELESS COMMUNICATIONS FACILITIES; TO AMEND SECTIONS 504A4, 604A2, 704A6, 804A2; TO AMEND SECTION 805.

WHEREAS, it is the desire of the Paupack Township Board of Supervisors to amend portions of Ordinance No. 31, commonly known as "The Paupack Township Zoning Ordinance" in order to establish guidelines for the siting of communications towers and antennas, so as to encourage their location in non-residential areas, encourage the joint use of new and existing communication tower sites, encourage owners and users of communication towers and antennas to locate them, to the extent possible, in areas where the adverse impact of the community is minimal, and encourage owners and users of communication towers and antennas to configure them in a way that minimizes any adverse impact on the communication towers and antennas upon the public health, safety, convenience, order, appearance, prosperity and general welfare.

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of Paupack Township, Wayne County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, the following amendments to Ordinance No. 31, commonly known as the "Paupack Township Zoning Ordinance":

SECTION I.

The following definitions are hereby added to Section 302:

“Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.”

“Antenna: Any exterior device or apparatus designed for cellular, digital, telephonic, radio, pager, commercial mobile radio, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including without limitation, omnidirectional or whip antennas and directional or panel antennas. 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.”

“Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.”

“Antenna Support Structure: Any communication tower or any other structure which supports an antenna.”

“Co-Location: Locating wireless communications equipment from more than one provider on a single site.”

“Common Carrier: An entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated prices.”

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

“Communications Tower: A guyed, monopole, or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or other similar forms of electronic communication. The term includes, but is not limited to, radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This definition does not include any structure erected solely for a residential, non-commercial individual use, such as television antennas, satellite dishes or amateur radio antennas.”

“FCC: The Federal Communication Commission.”

“Guyed Tower: A communication tower that is supported, in whole or in part, by guy wires and ground anchors.”

“Lattice Tower: A guyed or self-supporting three or four sided, open, steel frame structure used to support communications equipment.”

“Monopole Tower: a communication tower consisting of a single pole, constructed without guy wires and ground anchors.”

“Preexisting Towers and Antennas: Any tower or antenna on or for which a permit has been issued prior to the effective date of this Ordinance.”

“Public Utility: The definition of this term is the same as the definition of this term in the Pennsylvania Public Utility Code.”

“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 electric transmission lines.”

“Self-Support Tower: A communication tower that is constructed without guy wires and ground anchors.”

“Temporary Wireless Communication Facility: Any tower, pole, antenna, etc., designed for use while a permanent wireless communication facility is under construction, or for a special event or conference where a majority of people attending are wireless users.”

“Wireless Communication Facility: An all encompassing definition; any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.”

SECTION II.

The definition of “Essential Services,” as set forth in Section 302 is hereby modified to provide as follows:

“Essential Service: The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of gas, electric, steam, water or sewage transmission or distribution systems including buildings, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare, excluding Wireless Communication Facilities as defined herein.”

Essential Services shall exclude Wireless Communication Facilities as herein defined.

SECTION III

- A. Sections 502A10, 602A41, 702A12, and 802A6 are hereby added to the Paupack Township Zoning Ordinance to add the following use:

“Antennas mounted on an existing Public Utility Transmission tower, existing building or other existing structure, (subject to the restrictions set forth in Section 1117) and Communication Equipment Buildings (Section 1117).”

- as a permitted use in the R.R., C-1, C-2, and S-1 zoning districts, respectively.

- B. Section 504A5, 604A3, 704A7, and 804A3 are hereby added to the Paupack Township Zoning Ordinance to add the following use:

“Communication Towers (pursuant to Section 1117)”

- as a special exception in the R.R., C-1, C-2 and S-1 zoning district, respectively.

SECTION IV.

A new Section 1117 is hereby added to Article XI of the Paupack Township Zoning Ordinance as follows:

“Regulations Governing Communication Towers, Antennas and Communication Equipment and Buildings:”

- A. Antennas and Communication Equipment Buildings.**
 - 1. Building mounted Antennas shall not be located on any single family dwelling or two-family dwelling.
 - 2. Building Mounted Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.
 - 3. Omnidirectional or Whip Communication Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
 - 4. Directional or panel Antennas shall not exceed five feet in height and three (3) feet in width.
 - 5. Any applicant proposing an Antenna 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.
 - 6. Any applicant proposing an Antenna to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antenna will be mounted on the structure for review by the Township Engineer.

7. Any applicant proposing an Antenna 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 Antenna is to be mounted so that installation and maintenance of the Antennas and Communications Equipment Building can be accomplished.
8. Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
9. Antennas shall not cause radio frequency interference with other communications facilities located in Paupack Township.
10. Communications Equipment Buildings shall comply with the height and setback requirements of the applicable zoning district for an accessory structure.
11. The owner or operator of Antennas shall be licensed by the Federal Communications Commission to operate such Antennas.
12. Antennas and Communication Equipment Buildings shall comply with the Building Code and other applicable law.

B. Communication Towers

1. In addition to the information required elsewhere in the Paupack Township Zoning Ordinance and the Paupack Township Subdivision and Land Development Ordinance, applications for communication towers shall include the following information and documentation:
 - a. A report from a qualified and Pennsylvania licensed professional engineer which:
 - i. Describes the communication tower height and design including a cross section and elevation;
 - ii. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

- iii. Describes the communication tower's capacity, including the number and type of antennas that it can accommodate;
 - iv. Documents what steps the Applicant will take to avoid interference with established public safety telecommunications;
 - v. Includes the Pennsylvania licensed engineer's license/registration number and seal.
- b. A letter of intent committing the communication tower owner and his/her successors to allow the shared use of the communication tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
- c. Before the issuance of a zoning/building permit, the following supplemental information shall be submitted:
- i. A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA form 7460-1) shall be submitted to the Paupack Township Zoning Officer; and
 - ii. Proof of compliance with applicable Federal Communications Commission, Federal Aviation Administration, Commonwealth Bureau of Aviation and any applicable airport zoning regulations.
- d. Typical specifications for the proposed structures and antenna, including description of design characteristics and material.
- e. Site plan drawn to scale showing property boundaries, ground contours, power location, communication tower location and height, guy wires and anchors, existing structures, parking, fences, and existing land uses on the subject property and adjacent properties. Elevation drawings depicting typical design of proposed structures. Landscape plan showing proposed landscaping.
- f. Name and address of the owners of all antenna and equipment to be located at the site as of the date of the application.

- g. Written authorization from the site owner for the application, as well as a copy of any written agreements or other documentation pursuant to which the applicant has obtained the right to use the proposed site.**
- h. Copy of valid FCC license for the proposed activity, or proof that the applicant is the winning bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending; 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 Communication Tower and Communications Antennas.**
- i. A written agreement to remove the communication tower within one hundred eighty (180) days of cessation of use, which written agreement shall be in form acceptable to the Township.**
- j. Written certification by Applicant and Applicant's engineer that the proposed antenna and equipment could not be placed on a pre-existing facility under the control of the applicant and function under applicable regulatory and design requirements without unreasonable modification.**
- k. A letter of intent committing the communication tower owner and the Common Carrier(s) utilizing the communication tower, and their respective heirs, personal representatives, successors and assigns to allow Paupack Township and any other governmental agency to utilize the communication tower in case of an emergency, upon reasonable terms and conditions.**

cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.

- ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the public utility tower, communication tower, building or other structure as documented by a qualified and Pennsylvania licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - iii. Existing or approved public utility towers, buildings and other structures within Paupack Township (or within the one (1) mile search radius of the proposed site for the communication tower if applicable) cannot accommodate the planned equipment at a height necessary to function reasonably.
 - iv. Addition of the planned communications equipment would result in electromagnetic radiation from such existing or approved public utility towers, buildings and other structures exceeding applicable standards established by the FCC governing exposure to electromagnetic radiation.
 - v. After a bona fide, diligent attempt, a commercially reasonable agreement could not be reached with the owners of such other public utility towers, communication towers, buildings or other structures.
- b. The proposed communication tower in the specific location desired must be necessary for the efficient operation and provision of the wireless communications service to the neighborhood, area or region for which it is proposed.
 - c. The design and location of the proposed communication tower and related facilities and equipment shall conform to the general character of the area and will not adversely affect the same and comfortable enjoyment of the properties owned by other property owners in the area.

- d. The proposed communication tower shall be designed to accommodate municipal and non-profit emergency service antennas and related equipment, which shall be allowed to be attached to any such tower at no charge to the municipal or emergency service provider.

3. Design Requirements

- a. Any proposed communication tower shall be designed, structurally, electrically and in all respects, to accommodate both the Applicant's antennas and comparable antennas for at least two (2) additional users if the communication tower is over one hundred (100) feet in height, or for at least one (1) additional user if the communication tower is over sixty (60) feet in height. Communication towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- b. Communication towers and antennas shall be designed to blend in to the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
- c. Communication towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. Any other exterior lighting at the communication tower site shall be directed away from all adjacent properties and shall be in conformance with subsection 510A1, 610A1, 710A1, and 810A1.
- d. All communication equipment buildings and structures accessory to a communication tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects the architectural character of the neighborhood.

- e. The use of any portion of a communication tower for signs other than warning or other equipment signs is prohibited.
- f. Access shall be provided to the communication tower and communication equipment building by means of a public street or easement to a public street. The easement shall have a maximum grade of no greater than eight (8%) percent, shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all -weather surface for its entire length. The easement shall be maintained at all times so as to provide access to the communication tower and communication equipment building by emergency services vehicles.
- g. All communication towers shall be surrounded by a twelve (12) foot non-climbable fence with barbed wire extending in an outward direction around the top of the said fence.
- h. Adequate off-street parking, but no less than one (1) space per telecommunication service provider shall be provided to accommodate the needs of the communication tower and communication tower equipment building, which off-street parking shall be paved with an all-weather surface at a minimum.
- i. Details shall be provided concerning any fire suppression system installed in any accessory structure or equipment container associated with the Wireless Communication Structure.
- j. Subdivision and/or Land Development approval (as applicable) shall be required for all proposed communication towers.
- k. All guy wires associated with any communication tower shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

4. Interference with Public Safety

- a. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new antennas and/or communication towers shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service, changes in existing services, or additions of new antennas, telecommunication providers shall notify Paupack Township at least fourteen (14) calendar days in advance of such changes and allow Paupack Township to monitor interference levels during the testing process.**
- b. Wireless Communication Facilities shall be maintained and kept in a state of repair so that the same shall not constitute a nuisance or hazard to the health or safety of the community or nearby residents or properties.**

5. Abandoned or unused communication towers or portions of communication towers.

- a. Abandoned or unused communication towers or portions of communication towers shall be removed as follows:**
 - i. All abandoned or unused communication towers and associated facilities shall be removed within one hundred eighty (180) days of the cessation of operations. A copy of the relevant portions of any signed lease, license or other agreement which requires the Applicant to remove the communication tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a communication tower is not removed within one hundred eighty (180) days of the cessations of operations at a site, the communication tower and associated facilities may be removed by Paupack Township and the cost of removal assessed against both the Applicant and the owner of the property on which the communication tower and associated facilities exist.**

- ii. Unused portions of communication towers above the manufactured connection shall be removed within one hundred eighty (180) days of the time of antenna relocations. The replacement of portions of a communication tower previously removed requires the issuance of a new zoning permit.
 - iii. Annually, but not later than March 1 of each year, the owner of the property upon which any communication tower has been constructed, or his agents, duly authorized in writing, shall provide to the Township a certification by a professional engineer licensed to do business in this Commonwealth of the costs of removing the communication tower. After review by the Township engineer and the Township engineer's certification to the Board of Supervisors of the Township engineer's concurrence in the amount specified in the certification, the owner of the property shall cause to be posted with the Township a bond in the amount of one hundred ten (110%) percent of the costs so certified, said bond to be in accordance with the provisions of the Paupack Township Subdivision and Land Development Ordinance.
- b. It shall be the duty of the owner of the property upon which any abandoned or unused communication tower and associated facilities has been constructed to cause the removal thereof in accordance with the provisions of this Subsection.

6. Setbacks

The setback of the base of a communication tower from all adjacent properties and/or lot lines shall be a distance equal to one hundred (100%) percent of the antenna height, or the building setback requirements for the underlying zoning district, whichever is greater. For purposes of this section, the building setback for a single family dwelling shall be the applicable reference to determine setback requirements in R.R., C-1, C-2 and S-1 zoning districts.

7. Lot Size

The minimum lot area requirement for a communication tower use shall be in accordance with the lot area requirements for the underlying zoning district, or the minimum area necessary to comply with the setback requirements of subsection 6 aforesaid, whichever is greater.

8. Antenna Height

The maximum antenna height shall not exceed two hundred and fifty (250) feet in any zoning district.

SECTION V.

The provisions of this Ordinance shall not apply to preexisting towers and antennas unless the same are altered, modified or replaced.

SECTION VI.

Sections 504A4, 604A2, 704A6 and 804A2 are amended to change Section 206 to Section 205.

SECTION VII.

Section 805 is amended to add the following, "However, no structure in excess of the thirty-five (35) foot limit shall exceed a height equal to the distance from the structure to the nearest lot line."

SECTION VIII.

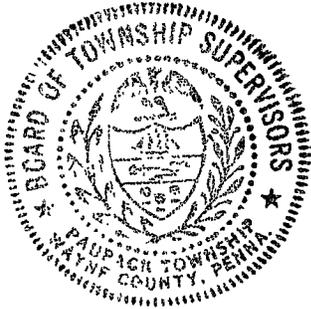
Except as amended hereby, all provisions of Ordinance No. 31 shall remain in full force and effect. Furthermore, the provisions of any other existing ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

SECTION IX.

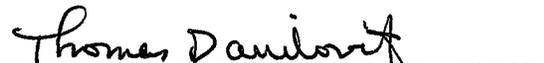
This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this amendment shall be incorporated within the Paupack Township Zoning Ordinance on this 13th day of December, 2000.

BOARD OF SUPERVISORS OF PAUPACK
TOWNSHIP

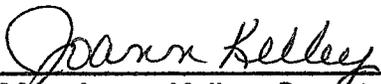


By: 
Mr. Theodore Kestige, Chairperson

By: 
Mr. Thomas Danilovitz, Supervisor

By: 
Mr. Bruce Chandler, Supervisor

ATTEST:


Mrs. Joann Kelley, Secretary

**PAUPACK TOWNSHIP
WAYNE COUNTY, PENNSYLVANIA**

**ZONING ORDINANCE 31 AMENDMENT H
NOVEMBER 8, 2000
(ORIGINALLY ADOPTED JUNE 22, 1988)**

AN ORDINANCE OF THE TOWNSHIP OF PAUPACK, COUNTY OF WAYNE AND COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 31, AS AMENDED, COMMONLY KNOWN AS "THE PAUPACK TOWNSHIP ZONING ORDINANCE, TO AMEND ARTICLE XVI --ADMINISTRATION, SECTION 1618 - PROCEDURES FOR APPLICATION TO THE ZONING HEARING BOARD, PART C, ARTICLE XVI - ADMINISTRATION, SECTION 1619 - CONDITIONAL USES AND ARTICLE XVI - ADMINISTRATION, SECTION 1620 - PROCEDURES FOR APPLICATION TO THE ZONING HEARING BOARD.

WHEREAS, it is the desire of the Paupack Township Board of Supervisors to amend portions of Ordinance No. 31, commonly known as "The Paupack Township Zoning Ordinance" in order to clarify administrative procedures related to *Special Exceptions, Conditional Uses and Applications to the Zoning Hearing Board*.

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of Paupack Township, Wayne County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, the following amendments to Ordinance No. 31, commonly known as "The Paupack Township Zoning Ordinance".

PAUPACK TOWNSHIP, WAYNE COUNTY
ZONING ORDINANCE
PROPOSED AMENDMENTS
RELATED TO ARTICLE XVI – ADMINISTRATION

Article XVI – Administration, Section 1618 – Special Exceptions.

To hear and decide, only such special exceptions to the terms of this Ordinance upon which the Zoning Hearing Board, by the provisions of this Ordinance is specifically authorized. ***In the case of all special exception applications submitted for review and consideration by the Paupack Township Zoning Hearing Board, the Paupack Township Zoning Hearing Board Secretary shall submit the application to the Paupack Township Planning Commission for review and recommendation pursuant to the public hearing scheduled by the Zoning Hearing Board.***

Article XVI – Administration, Section 1619 – Conditional Uses

All applications shall be in writing and on forms used by the Township of Paupack for a Conditional Use application. The application shall ***be submitted to the Paupack Township Code Enforcement Officer who in turn will submit the application to the Township Secretary for review for completeness. If the application is found to be complete, the Township Secretary shall submit the application to the Paupack Township Planning Commission for their review and comment. Upon submitting the Condition Use Application to the Paupack Township Planning Commission, the Township Secretary shall notify the applicant by certified mail of the time, location and date of the Planning Commission meeting. The applicant is required to attend the Planning Commission Meeting. If the application is found to be incomplete, the Township Secretary shall notify the applicant of the deficiencies in the application, return the application to the applicant and terminate the Conditional Use Application Process until a revised application is submitted for further consideration.*** The Planning Commission shall review the ***Conditional Use*** application and analyze the proposed “Conditional Use” to determine compliance with the provisions of this Ordinance. The Planning Commission shall submit its recommendations to the Board of Supervisors who shall hold a public hearing on the application prior to meeting and rendering a decision on the application. ***In addition to following public hearing notification procedures as set forth within this Ordinance, the Board of Supervisors shall notify property owners within two-hundred (200) feet of the parcel of land in question by certified mail as to the date, time and location of the public hearing.***

Article XVI – Administration, Section 1620 – Procedures for Application to the Zoning Hearing Board.

C. The Secretary of the Paupack Township Zoning Hearing Board shall return any incomplete application to the applicant, notifying the applicant in writing of the reason(s) for the rejection of the application. In cases where the application has been properly completed and filed with appropriate fees the necessary hearing shall be scheduled pursuant to the Ordinance by the Secretary of the Paupack Township Zoning Hearing Board. In addition to following public hearing notification procedures as set forth within this Ordinance, the Board of Supervisors shall notify property owners within two-hundred (200) feet of the parcel within question by certified mail as to the date, time and location of the public hearing.



PAUPACK TOWNSHIP SUPERVISORS

WAYNE COUNTY
P.O. BOX 199
LAKEVILLE, PA 18438

PAUPACK TOWNSHIP WAYNE COUNTY, PENNSYLVANIA

ZONING ORDINANCE 31 AMENDMENT I

(ZONING ORDINANCE ORGINALLY ADOPTED JUNE 22, 1988)

***AN ORDINANCE OF THE TOWNSHIP OF PAUPACK, COUNTY OF WAYNE AND
COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 31, COMMONLY
KNOWN AS "THE PAUPACK TOWNSHIP ZONING ORDINANCE, TO AMEND VARIOUS
SECTIONS OF THE ORDINANCE AND SUBSEQUENT AMENDMENTS TO SET FORTH
ADDITIONAL ADMINISTRATIVE PROCEDURES RELATED TO ARTICLE XVI –
ADMINISTRATION, SECTIONS 1618, 1619 AND 1620.***

***ZONING ORDINANCE 31 AMENDMENT I
ADOPTED DECEMBER 13, 2000***

AN ORDINANCE OF THE TOWNSHIP OF PAUPACK, COUNTY OF WAYNE AND COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 31, AS AMENDED, COMMONLY KNOWN AS "THE PAUPACK TOWNSHIP ZONING ORDINANCE, TO AMEND ARTICLE XVI —ADMINISTRATION, SECTION 1618 – PROCEDURES FOR APPLICATION TO THE ZONING HEARING BOARD, PART C, ARTICLE XVI – ADMINISTRATION, SECTION 1619 – CONDITIONAL USES AND ARTICLE XVI – ADMINISTRATION, SECTION 1620 – PROCEDURES FOR APPLICATION TO THE ZONING HEARING BOARD.

WHEREAS, it is the desire of the Paupack Township Board of Supervisors to amend portions of Ordinance No. 31, commonly known as "The Paupack Township Zoning Ordinance" in order to clarify administrative procedures related to ***Special Exceptions, Conditional Uses and Applications to the Zoning Hearing Board***.

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of Paupack Township, Wayne County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, the following amendments to Ordinance No. 31, commonly known as "The Paupack Township Zoning Ordinance".

PAUPACK TOWNSHIP, WAYNE COUNTY
ZONING ORDINANCE
PROPOSED AMENDMENTS
RELATED TO ARTICLE XVI – ADMINISTRATION

Article XVI – Administration, Section 1618 – Special Exceptions.

To hear and decide, only such special exceptions to the terms of this Ordinance upon which the Zoning Hearing Board, by the provisions of this Ordinance is specifically authorized. In the case of all special exception applications submitted for review and consideration by the Paupack Township Zoning Hearing Board, the Paupack Township Zoning Hearing Board Secretary shall submit the application to the Paupack Township Planning Commission for review and recommendation pursuant to the public hearing scheduled by the Zoning Hearing Board. The granting of a special exception when specifically authorized by the terms of this Ordinance shall be subject to conditions A through and including G which are defined within the Paupack Township Zoning Ordinance 31 and subsequent amendments.

Article XVI – Administration, Section 1619 – Conditional Uses

All applications shall be in writing and on forms used by the Township of Paupack for a Conditional Use application. The application shall be submitted to the Paupack Township Code Enforcement Officer who in turn will submit the application to the Township Secretary for review for completeness. If the application is found to be complete, the Township Secretary shall submit the application to the Paupack Township Planning Commission for their review and comment. Upon submitting the Conditional Use Application to the Paupack Township Planning Commission, the Township Secretary shall notify the applicant by certified mail of the time, location and date of the Planning Commission meeting. The applicant is required to attend the Planning Commission Meeting. If the application is found to be incomplete, the Township Secretary shall notify the applicant of the deficiencies in the application, return the application to the applicant and terminate the Conditional Use Application Process until a revised application is submitted for further consideration. The Planning Commission shall review the Conditional Use application and analyze the proposed “Conditional Use” to determine compliance with the provisions of this Ordinance. The Planning Commission shall submit its recommendations to the Board of Supervisors who shall hold a public hearing on the application prior to meeting and rendering a decision on the application. In addition to following public hearing notification procedures as set forth within this Ordinance, the Board of Supervisors shall notify property owners within two-hundred (200) feet of the parcel of land in question by certified mail as to the date, time and location of the public hearing.

The notification of public hearing provided to surrounding property owners within two-hundred (200) feet of the parcel of land in question shall be postmarked and mailed within ten (10) working days of the public hearing date. At the time of the public hearing, the Secretary of the Board of Supervisors shall provide for the record, a United States Postal Service Certified Mail Receipt, for notices sent to each of the surrounding property owners.

Article XVI – Administration, Section 1620 – Procedures for Application to the Zoning Hearing Board.

C. The Secretary of the Paupack Township Zoning Hearing Board shall return any incomplete application to the applicant, notifying the applicant in writing of the reason(s) for the rejection of the application. In cases where the application has been properly completed and filed with appropriate fees the necessary hearing shall be scheduled pursuant to the Ordinance by the Secretary of the Paupack Township Zoning Hearing Board. In addition to following public hearing notification procedures as set forth within this Ordinance, the Board of Supervisors shall notify property owners within two-hundred (200) feet of the parcel within question by certified mail as to the date, time and location of the public hearing. The notification of the public hearing provided to surrounding property owners within two-hundred (200) feet of the parcel of land in question shall be postmarked and mailed within ten (10) working days of the public hearing date. At the time of the public hearing, the Secretary of the Paupack Township Zoning Hearing Board shall provide for the record, a United States Postal Service Certified Mail Receipt, for notices sent to each of the surrounding property owners.

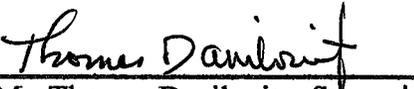
This Amendment shall become effective five (5) days after enactment.

ORDAINED AND ENACTED, this amendment shall be incorporated within the Paupack Township Zoning Ordinance on this 13th day of December 2000.

**BOARD OF SUPERVISORS
OF PAUPACK TOWNSHIP**

By: 
Mr. Theodore Kostige, Chairperson



By: 
Mr. Thomas Danilovitz, Supervisor

By: 
Mr. Bruce Chandler, Supervisor

ATTEST:


Mrs. Joann Kelley, Secretary

***PAUPACK TOWNSHIP
WAYNE COUNTY, PENNSYLVANIA***

ZONING ORDINANCE

***ORDINANCE NUMBER 31
AMENDMENT J***

***AMENDMENT J ADOPTED
FEBRUARY 12, 2003***

(ORIGINALLY ADOPTED APRIL 28, 1971)

***Amendment prepared by the
Paupack Township Board of Supervisors***

ARTICLE III – INTERPRETATION OF LANGUAGE AND DEFINITION OF TERMS

The following definitions are hereby added to Section 302 – Definitions of Terms:

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

Center for Local Government Services: The Governor’s Center for Local Government Services within the Department of Community and Economic Development.

Consistency: An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar connection or relationship.

County Comprehensive Plan: A land use and growth management plan prepared by the County Planning Commission and adopted by the County Commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plans and land use regulations.

Day-Night Level – A measure of time averaged, A-weighted, sound level as defined in 23 CFR Part 772.

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.

“dBA: The unit commonly appended to an A-weighted-sound level. An A-weighted-sound level is the logarithmic measure of sound pressure which has been referenced to 20 micropascals acoustic pressure, and weighted to curves. See ANSI S1.4, Specifications for Sound Level Meters (American National Standards Institute, 1819 L Street NW, Washington, DC 20036).

Equivalent Continuous Noise Level - A measure of time averaged, A – weighted, sound levels as defined in 14 CFR Part 150 and 24 CFR Part 51 Subpart B.

Forestry Enterprises: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services including the operation of a sawmill but excluding other wood manufacturing businesses.

General Consistency, generally consistent: That which exhibits consistency.

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.

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

Prime Agricultural Land: Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agricultural Natural Resource and Conservation Services County Soil Survey.

ARTICLE IV – DESIGNATION OF ZONING DISTRICTS

Section 406 – Front yard, side yard and back yard setback requirements, number (2) is amended to include the corrected date as following:

(2) In the rural residential district lots of record as of June 22, 1988, with a total lot size of less than one (1) acre, shall be required to have a rear yard setback of no less than ten (10) feet.

ARTICLE V – (RR) RURAL RESIDENTIAL DISTRICT

Section 502 – Principle Permitted Uses, is amended to include the following:

(2) Forestry Enterprises, including; the operation of timber tracts, tree farms, forest nurseries and the gathering of forest products.

Section 503 – Conditional Uses, Number 18 is amended as follows:

(18) Forestry Enterprises including the operation of a sawmill and including other wood manufacturing businesses.

ARTICLE V – (RR) RURAL RESIDENTIAL DISTRICT

Section 510 – Performance Standards, Number 2 is eliminated and Number 11 is amended as follows:

ARTICLE VI – (C-1) COMMUNITY COMMERCIAL DISTRICT

Section 610 – Performance Standards Number 2 is amended as follows:

ARTICLE VII – (C-2) RESORT COMMERCIAL DISTRICT

Section 710 – Performance Standard Number 2 is amended as follows:

ARTICLE VIII – (S-1) CONSERVATION DISTRICT

Section 810 – Performance Standard Number 2 is amended as follows:

Paupack Township, Wayne County Pennsylvania through the Code Enforcement Officer or a Consultant on behalf of the Township shall apply the following standards to the management of noise within the Township:

- (a) No single source of noise, or collection of sources of noise operating on the same property, shall increase the instantaneous received noise level at the property line, or at any residence within 5,000 feet of the source, by more than 30dBA above the background level without the source, or sources, in operation.
- (b) No single source of noise, or collection of sources of noise operating at the same property, shall increase the one – hour equivalent continuous noise level at the property line, or at any residence within 5,000 feet from the source, by more than 20 dBA above the average one – hour equivalent continuous noise level in the same location without the source, or sources, in operation.
- (c) No single source of noise, or collection of sources of noise operating on the same property, shall increase the day-night level (24 hour) at the property line, or at any residence within 5000 feet of the source, by more than 10 dBA above the day-night level (24 hour) in the same location without the source, or sources, in operation.

- (d) Instrument calibration and use: All sound levels shall be measured with a sound level meter meeting the requirements of ANSI S1.4, Specifications for Sound Level Meters (America National Standards Institute, 25 West 43rd Street, 4th Floor, New York, NY 10036) for Type I or Type II meters. The instrument shall have been calibrated within the manufacturer's recommended calibration interval by a certified calibration facility, or shall have been field calibrated just prior to the measurements with a calibration device which has been certified or calibrated by a certified calibration facility within the manufacturer's recommended calibration interval. If the meter is field calibrated, the calibration shall be checked after the conclusion of the series of measurements. All measurements shall be made using A-weighting and a fast response time. All measurements shall be made in compliance with the manufacturer's directions for the use of the instrument. Instruments used with automatic recording equipment may be calibrated after use if the appropriate calibration factor is applied to the recorded data as part of the analysis.
- (e) Recording Techniques: The data used to calculate and estimate equivalent Continuous levels or day-night levels shall be obtained using automatic recording equipment operating continuously during the measurement period, or manual recording at fixed recording intervals between 10 and 30 seconds.
- (f) Initial Investigations: The Code Enforcement Officer shall investigate each complaint of a suspected noise violation. For an interim determination the Code Enforcement Officer shall make a measurement during operation of the suspected source. If the measurement exceeds the values in Column A Table X, the Code Enforcement Officer shall notify the owner of the offending property of the initial findings. The Code Enforcement Officer shall initiate a more detailed survey.

If the measurement exceeds the value in column B Table X, the Code Enforcement Officer shall notify the owner of the offending property of these findings and notify the owner to cease operations, take corrective measures to reduce the radiated noise from operations, or propose a more detailed survey to refute the findings of the Code Enforcement Officer's initial investigation. If the owner of the offending property proceeds to secure a more detailed survey, the cost of the survey shall be the responsibility of the property owner.

Table X:

	Column A	Column B
Hours of Operation Per Day:	Level (dBA)	Level (dBA)
0.25 or less	Background+30	Background+36
0.5	Background+27	Background+33
1.0	Background+24	Background+30
2.0	Background+21	Background+27
4.0 or more	Background+20	Background+26

- (g) Detailed Survey: A detailed survey to investigate a suspected violation of the one-hour equivalent continuous noise level limit shall consist of a minimum of thirty minutes of data collection during operation of the suspected noise source, and thirty minutes of data collection without the operation of the offending noise source.

A detailed survey to investigate a suspected violation of the twenty-four hour equivalent continuous noise level limit shall consist of not less than four periods of monitoring. At least two monitoring periods of one-hour duration shall be when the source is not in operation. The periods used to monitor the operation of the source shall include only the times when the source is in operation, and shall be at least as long as the source is in operation, but not to exceed one-hour.

In all cases, continuous automatic recording is preferred to manual data recording.

- (h) Existing Uses: Since noise is a transitory phenomenon, without a detailed survey which pre-dates the adoption of the Paupack Township Zoning Ordinance, there is no means to establish that an existing use should not conform with this Ordinance. The burden of proof to establish that a use did conform to the specific provisions of this Ordinance Amendment when it is enacted falls on the property owner. The property owner must provide the following documentation in order for the Township of Paupack to consider the noise which is produced from the operation to be considered as an existing use:

- (1) The number and nature of the noise source(s) has not changed since the adoption of this Paupack Township Zoning Ordinance Amendment.
- (2) The structure(s) containing the noise generating devices has not been Altered in a manner which would effect its ability to attenuate the noise generated within since the adoption of this Paupack Township Zoning Ordinance Amendment.
- (3) The noise sources have not been moved since the adoption of this Paupack Township Zoning Ordinance Amendment.
- (4) The topography of the property has not been altered since the adoption of this Paupack Township Ordinance Amendment.

ARTICLE VI – (C-1) COMMUNITY COMMERCIAL DISTRICT

Section 602 – Principal Permitted Uses is amended as follows:

(42) Forestry Enterprises including, the operation of the timber tracts, tree farms, forest nurseries, the gathering of forest products or in performing forest services including the operation of a sawmill as well as other wood manufacturing businesses.

Section 603 – Conditional Uses is amended as follows:

(8) Self-Storage Facility shall be deleted.

ARTICLE VII – (C-2) RESORT COMMERCIAL DISTRICT

Section 702 – Principal Permitted Uses, is amended to include the following:

A (13) Forestry Enterprises including; the operation of timber tracts, tree farms, forest nurseries and the gathering of forest products.

ARTICLE VIII – (S-1) – CONSERVATION DISTRICT

Section 802 – Principal Permitted Uses, is amended to include the following:

A (7) Forestry Enterprises including; the operation of timber tracts, tree farms, forest nurseries and the gathering of forest products.

ARTICLE XI – SUPPLEMENTAL REGULATIONS

The Following Sections are hereby amended and added to Article XI Supplemental Regulations.

Section 1108 – Shall be amended as follows: Minimum distances between buildings on the same lot shall be as per the requirements contained within the latest edition of the International Building Code.

Section 1114 – Transitional Area Between Zoning Districts shall be amended as follows:

A. Yards and Buffers

1. Unless otherwise regulated by this Ordinance, where commercial or manufacturing use is proposed contiguous to any existing residential use the minimum size of the abutting yard shall be increased to fifty (50) feet and a buffer consisting of a solid fence of wood and/or a dense evergreen planting not less than six (6) feet high may be required by the Township. Storage of equipment, supplies, products or any other materials shall not be permitted in any front yard or side yard. Additional buffer areas or fencing may be required by the Township if the nature of the proposed use as determined by the Township so require.
2. Landscaped buffers may be required by the Board of Supervisors or the Zoning Hearing Board in any yard in order to assure the protection of adjoining uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and, to otherwise maintain and protect the rural character of the District.
 - a. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure (s) and site, topographic features which may provide natural buffering, existing natural vegetation and the relationship of the proposed project to adjoining areas.
 - b. The width of the required buffer, as determined by the Township, shall not be less than ten (10) feet.
 - c. A mix of ground cover and shrubby vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six (6) feet in height will be formed within three (3) years of planting.

- d. Berms and landscaped walls or fences, compatible with the principle building design, may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four (4) feet; however, all clear sight triangles shall be maintained.
- e. In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where adjoining use is a commercial use, or when two (2) or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Township determines that the proposed use and adjoining use(s) are compatible.
- f. Design details of buffers shall be included on the site plan, and buffers shall be considered "improvements" for the purposes of guaranteeing installation in accord with the requirements for "land developments" in the Township Subdivision and Land Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape materials.

Section 1118 – Open Pit Mining Operations: Open Pit Mining Operations as defined within this Ordinance, in addition to any other regulations as defined herein or required by State Law shall adhere to the following supplemental regulations:

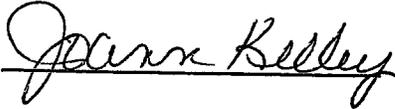
- A. Mining Permit Application:** The applicant is required to submit to the Township of Paupack a copy of the Mining Permit Application, including the map or plan as required by the Department of Environmental Protection (DEP) at the time of application to the Township.
- B. Reclamation Plan:** The applicant is required to submit to the Township of Paupack a copy of the Reclamation Plan as required for submission to the Department of Environmental Protection (DEP) at the time of application to the Township.
- C. Bond Security:** The applicant is required to submit to the Township of Paupack proof of Bond Security as required by the Department of Environmental Protection (DEP) at the time of application to the Township.

This Amendment to the Paupack Township Zoning Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED into an Ordinance this 12th day of February, 2003.

**BOARD OF SUPERVISORS OF PAUPACK TOWNSHIP, WAYNE COUNTY,
PENNSYLVANIA**

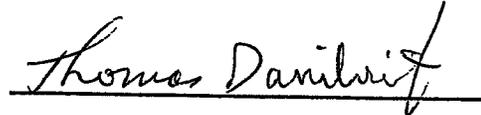
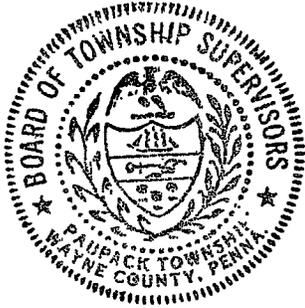
ATTEST:



Mrs. Joann Kelley, Secretary



Mr. Theodore Kostige, Chairperson

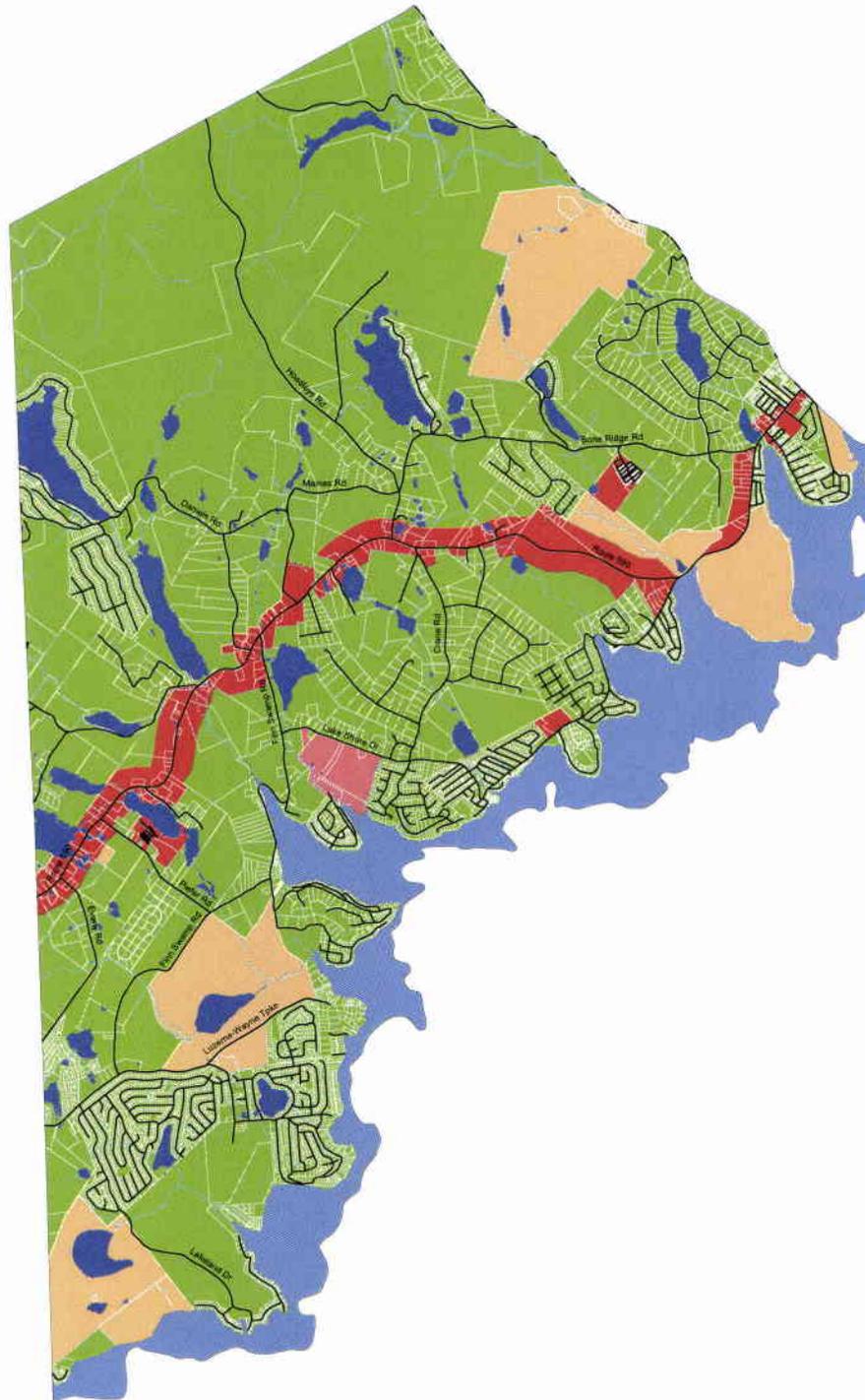


Mr. Thomas Danilovitz, Supervisor



Mr. Bruce Chandler, Supervisor

Paupack Township Zoning Map



Paupack Township Zoning Map - 2006		
Paupack Township Wayne County, Pennsylvania		
Adopted by Paupack Township Supervisors on _____		
Signature	Signature	Signature
Attest:		
Zoning map information compiled from Paupack Township Zoning Map adopted December 9, 1987 and amended November 9, 1988 and June 10, 1998.		
Parcel line data obtained from Wayne County Assessment Office		
Prepared by Wayne County Department of Planning		

Legend

Features	Districts
Roads	RR Rural Residential
Water Courses	L-1 Lake
Parcels	S1 Conservation
Water Bodies	C1 Commercial
	C2 Resort Commercial



District boundary lines are intended to follow or be parallel to the center-line of streets, roads, streams or other natural boundaries, or on lot or property lines as they exist on recorded deeds or plans of record in the office of the recorder of deeds, Wayne County, Pennsylvania, at the time of the adoption of this Ordinance, unless such district lines are fixed by dimensions recorded on the map. In the Commercial Zone the district boundary lines are co-extensive with property lines are 750 feet from the centerline of the traveled way of Pennsylvania traffic Route 590.

The Paupack Township Zoning Ordinance has been amended several times since its original adoption. Therefore, the following minimum lot design standards are for general reference only. In regard to this information and also the specific zoning districts and their respective allowed uses, Paupack Township should be contacted for current standards in effect. Refer to the listing on the Planning Department page of this website for current municipal contact information.