
Monroe Township

Snyder County, Pennsylvania

Zoning Ordinance

MONROE TOWNSHIP

A small map of Monroe Township, Pennsylvania, showing its geographical outline. The text "MONROE TOWNSHIP" is printed above the map. A horizontal line is drawn across the map, and a blue line indicates a river or stream flowing through the township.

Gannett Fleming

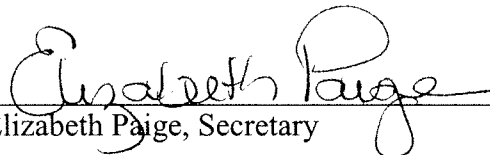
Adopted: December 28, 2004
Amended: October 23, 2007
Amended: January 29, 2008

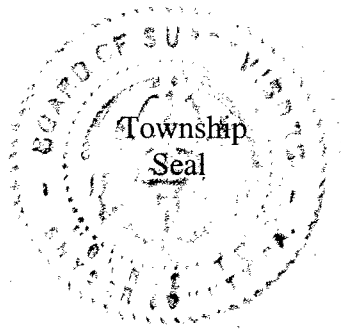
CERTIFICATION

I, Elizabeth Paige, Secretary for the Board of Supervisors of the Township of Monroe, Snyder County, Pennsylvania, hereby attest and certify that Township Ordinance 2007-5, amending the Monroe Township Zoning Ordinance, which was duly enacted at the regular meeting of the Board of Supervisors of Monroe Township on October 23, 2007, has been incorporated and made part of Ordinance 2004-5 originally adopted December 28, 2004.

I also hereby attest and certify that Township Ordinance 2007-6, amending the Monroe Township Zoning Ordinance, which was duly enacted at the regular meeting of the Board of Supervisors of Monroe Township on October 23, 2007, has been incorporated and made part of Ordinance 2004-5 originally adopted December 28, 2004.

I also hereby attest and certify that Township Ordinance 2008-2, amending the Monroe Township Zoning Ordinance, which was duly enacted at the regular meeting of the Board of Supervisors of Monroe Township on January 29, 2008, has been incorporated and made part of Ordinance 2004-5 originally adopted December 28, 2004.


Elizabeth Paige, Secretary



Monroe Township, Snyder County Zoning Ordinance Districts and Uses

Uses	A	A-P	R-1	R-2	R-3	V	W-R	C	H-C	N-C	APT	I	O-S
Accessory Apartments	SE	SE				P		SE	SE	P			
Accessory Buildings and Structures	P	P	P	P	P	P	P	P	P	P	P	P	
Accessory Dwelling Unit	C	C	C	C									
Adult Regulated Facility									C				
Agribusiness	P	SE						P	P	SE		P	
Agriculture	P	P									P		
Aircraft Sales and Services											P		
Airports, Heliports, Helistops											P		
Animal Hospital	SE							P	P				
Animal Husbandry	P	P											
Automobile Body Shop and Repair Garage								P	P	P			
Automobile Sales Garage								P	P				
Automobile Sales Lot								P	P				
Automobile Washing (Car Wash)								P	P				
Automobile, or Gasoline Service Station								P	P				
Aviation Related Professional Office											SE		
Aviation Related Retail Business											SE		
Bed and Breakfast	SE	SE								SE			
Boarding House	SE	SE											
Business and Office Equipment Sales and Service								P	P				
Business Services								P	P				
Campgrounds							C						
Cemetery													
Charter and Commuter Services	SE												
Child Care Center											P		
Child Care Home								P	P	P			
Colleges and Universities	SE	SE	SE	SE	SE	SE				SE			
Commercial Recreational, or Entertainment Facility								P	P				
Communication, Transmitting, and Receiving Facilities								P	P				
Confined Livestock Operations	SE	SE							P		P	P	
Contractor's Office and Shops	C	C											
Contractor's Yard								P	P			P	
Convenience Store w/Gas Dispensing								P	P			P	
Conversion Apartments								P	P				
Crematorium								SE	SE	SE		SE	
Cultivation of Crops												P	
Cultural Facilities	P	P										P	P
Day Care Center								P	P	P			
Domiciliary Care Unit	SE							P	P	P			
Drive-In Facilities of Permitted Use	SE	SE	SE	SE	SE	SE							
Dwelling, Multi-Family								P	P				
Dwelling, Single Family Attached (Townhome)				SE	P					P			
Dwelling, Single Family Detached				SE	P					SE			
Dwelling, Two Family (Duplex)	P	P	P	P		P	P			P			
Emergency Medical Treatment Facilities			P	P		P				P			
Farmette								P	P				
Group Care Facility			P	P									
Group Day Care Homes	C	C											
Group Homes			C	C	C	C							
Group Quarters	P	P	P	P		P							
Home Occupation	SE	SE	SE	SE	SE	SE							
Hospital	SE	SE	SE	SE	SE	SE		SE	SE				
House of Worship								C	C				
Industrial Park	P	SE	C	C	C	C		P	P	C			
Junkyard												C	
Kennel												SE	
Launderette	SE	SE											
Laundry and Dry Cleaning (Personal)								P	P				
Library								P	P			P	
Manufactured/Mobile Home Parks								P	P	P			

Monroe Township, Snyder County Zoning Ordinance Districts and Uses

Uses	A	A-P	R-1	R-2	R-3	V	W-R	C	H-C	N-C	APT	I	O-S
Manufactured/Mobile Home Sales Lot	C		C	C									
Manufacturing Use								P	P			P	
Medical Clinics and Related Laboratories												P	
Mortuary or Undertaking Establishments								P	P				
Motel/Hotel								P	P				
Natural Production Uses								P	P				
Nightclub	C	C										C	
No Impact Home Based Business								P	P				
Nursery, Horticulture	P	P	P	P	P	P	P						
Nursing or Convalescent Centers, Retirement Villages	P	P											
Office Building or Office Center	SE		SE	SE	SE								
Office Building								P	P				
Personal Service Establishment	C	C	C	C	C	C							
Power Generator Facility													
Private and Semi-Private Outdoor Recreation Areas												C	
Professional Offices	SE	SE	SE	SE	SE	SE	SE	P	P				
Public Parks and Recreation Areas								P	P	P			
Public Schools	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Uses and Buildings	C	C	C	C	C	C		C	C	C			
Public Utility Buildings and Structures	P	P	P	P	P	P	P	P	P	P	P	P	P
Race Tracks	C	C	C	C	C	C	C	C	C	C	C	C	C
Rental Car Location											SE		
Research Laboratory	C							C	C				
Resort (Including Golf Course)								SE	SE			P	
Restaurant	C	C						P	P				
Retail Business								P	P	P			
Riding Academy or Boarding Stable								P	P	P	C		
Sale of Agricultural Products	SE	SE											
School, Commercial - Non-Public	P	P						P	P				
Seasonal Cottages			SE	SE		SE		P	P	P	P		
Seasonal Parking of Recreational Vehicles							P						
Shopping Center, Mall or Plaza							P						
Skeet, Rifle or Archery Range (Commercial)								C	C				
Solid Waste Processing/Disposal Facility	C							C	C				
Special Occasion Home	C											C	
Tavern	SE	SE	SE	SE		SE	SE			SE			
Timber Harvesting								P	P				
Transportation Terminals	P	P	P	P	P	P	P	P	P	P	P	P	P
Wholesale, Storage and Warehousing								P	P		P		



P = Permitted Use
SE = Special Exception
C = Conditional Use

A Agricultural District
A-P Agricultural-Preservation District
R-1 Low Density Residential
R-2 Medium Density Residential
R-3 High Density Residential
V Village District
W-R Waterfront Residential
C Commercial
H-C Highway Commercial
N-C Neighborhood Commercial
APT Airport
I Industrial
O-S Open Space/Recreation

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Article 1 - Short Title, Purpose, and Definitions

Article 1 - Short Title, Purpose, and Definitions

ORDINANCE NUMBER: 2004-5

AN ORDINANCE REPEALING THE MONROE TOWNSHIP ZONING ORDINANCE (1994-3) ADOPTED NOVEMBER 22, 1988, AMENDED OCTOBER 25, 1994, REPLACING SAID ORDINANCE WITH AN ORDINANCE PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATERCOURSES, AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES AS WELL AS COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION BY USE AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; THE LOCATION AND SIZE OF SIGNS; CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; CONTINUING THE OFFICE OF ZONING OFFICER; CONTINUING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES IN THE TOWNSHIP OF MONROE, THE COUNTY OF SNYDER AND COMMONWEALTH OF PENNSYLVANIA, PURSUANT TO THE AUTHORITY GRANTED IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE (ACT 170) AS ENACTED AND AMENDED.

BE IT ORDAINED by the Board of Supervisors of Monroe Township, Snyder County, Commonwealth of Pennsylvania, as follows:

Article 1 - Short Title, Purpose, and Definitions

Section 100 SHORT TITLE

100.1 This Ordinance shall be known and may be cited as the "MONROE TOWNSHIP ZONING ORDINANCE."

Section 101 PURPOSE

101.1 The purpose of these regulations is to provide for the harmonious development of the Township by facilitating:

- The orderly and efficient integration of land development within the Township.
- Proper density of population.
- Adequate water and sewerage.
- Adequate parks and other public grounds and buildings.
- The protection of water resources and drainageways.
- Adequate light and air.
- Adequate transportation, parking and loading space.
- The greater health, safety and welfare of the citizens of the Township.
- Protection of the agricultural resources of the Township.
- Adequate sites for recreation, conservation, scenic and other open space purposes.
- The prevention of blight and overcrowding of land.

Article 1 - Short Title, Purpose, and Definitions

Section 102 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is enacted as part of the overall plan for the orderly growth and development of Monroe Township. As such, this Ordinance is based upon the expressed or implied community development objectives as contained in the Monroe Township Comprehensive Plan.

Section 103 DEFINITIONS

Refer to Monroe Township Ordinance of Definition

Article 2 - Zone Regulations

Article 2 - Zone Regulations

Section 200 ZONES AND BOUNDARIES

200.1 Establishment of Zones: The Township of Monroe is divided into zones enumerated below and shown on the map entitled "Zoning Map of Monroe Township" which map is part of this Ordinance.

A	Agricultural
A-P	Agricultural Preservation
R-1	Low Density Residential
R-2	Medium Density Residential
R-3	High Density Residential
W-R	Waterfront Residential
V	Village
C	Commercial
H-C	Highway Commercial
N-C	Neighborhood Commercial
APT	Airport
I	Industrial
O-S	Open Space/Recreation
SSP	Steep Slope Protection Overlay
H-S	Highway Setback

200.2 The Official Zoning Map: The Official copy of the Zoning Map shall be maintained at the Township Building. The Official Zoning Map shall be displayed for public view during normal business hours of the municipality. In case of dispute only this map or an approved copy thereof shall be considered in evidence.

200.3 Boundaries of Zones: Where uncertainty exists as to the boundaries of the zones as shown on the zoning map, the following rules shall apply:

- a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c) Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits.

Article 2 - Zone Regulations

- d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- e) Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines.
- f) Boundaries indicated as parallel to or extensions of features indicated in Sub-section (a) through (e) shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- g) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstances not covered by subsection (a) through (f), the Zoning Hearing Board shall interpret the district boundaries.

Section 201 USE REGULATIONS

201.1 Uses Permitted: The uses permitted in the zones established by this Ordinance and the permitted extent of these uses, are as described for each zone. The uses shown as permitted in each zone are the only uses permitted in that zone and all other uses are subject to 201.2. Unless otherwise noted, the extent-of-use or dimensional standards are the requirements for each use. However,

- a) Modifications to the extent-of-use requirements set forth in ARTICLE 4.
- b) Additional general provisions are set forth in ARTICLE 3.
- c) Standards for Special Exception uses are set forth in ARTICLE 6.

201.2 Uses Not Provided For: Whenever under this Ordinance a use is neither specifically permitted nor denied and an application is made to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the standards governing special exception applications. The use may be permitted if it is similar to and compatible with the permitted uses in the district in which the subject property is located, is not permitted in any other district under the terms of this Ordinance, and in no way is in conflict with the general purposes and

Article 2 - Zone Regulations

intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood.

201.3 Accessory Uses and Structures: Accessory uses and structures shall be permitted in conjunction with the Principal uses permitted by this Ordinance and shall be further subject to the requirements for accessory uses and structures as set forth in ARTICLE 3.

201.4 Uses With Nuisance Effect: In no case is a use permitted which by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance, hazard, or other substantial adverse effect upon the reasonable enjoyment of the surrounding property. Every reasonable effect must be made to prevent this effect through:

- a) Control of lighting.
- b) Design and maintenance of structures.
- c) Use of planting screens or attractive fences.
- d) Placement of structures on the site.
- e) Appropriate control of use.
- f) Prompt removal of trash or junk.

Article 2 - Zone Regulations

Section 202 A - Agricultural Zone

202.1 Specific Intent: It is the purpose of this district to encourage the rural character of the zone by preserving natural features such as watersheds, forests and water courses, while perpetuating the rural atmosphere, open space, and scenic landscapes. Residential use would be permitted provided that sufficient space is provided for on-lot sewage disposal which will not create any menace to public health, and natural features are not unduly disturbed.

202.2 Use Regulations:

Uses by Right - The following principal uses are permitted by right in the Agricultural Zone:

- Accessory Buildings and Structures
- Agriculture
- Agribusiness
- Animal Husbandry
- Cultivation of Crops
- Dwelling, Single-Family Detached
- Group Homes
- House of Worship
- No-Impact Home Based Business
- Nursery, Horticulture
- Public Parks and Recreation Areas
- Public Use and Buildings
- Sale of Agricultural Products (See Section 325)
- Timber Harvesting

Uses by Special Exception - The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLE 6 of this Ordinance.

- Accessory Apartment
- Animal Hospital
- Bed and Breakfast
- Boarding House
- Cemetery
- Child Care Home
- Communication, Transmitting, and Receiving Facilities
- Day Care Center

Article 2 - Zone Regulations

Domiciliary Care Unit
Group Quarters
Home Occupation
Kennel
Nursing or Convalescent Centers, Retirement Villages
Private and Semi Private Outdoor Recreation Areas
Riding Academy or Boarding Stable
Special Occasion Home

Uses by Conditional Use - The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board shall hear and decide requests for such uses according to criteria established in ARTICLE 7 of this Ordinance.

Accessory Dwelling Unit
Confined Livestock Operations
Group Care Facility
Manufactured/Mobile Home Parks
Natural Production Uses
Public Schools
Public Utility Buildings and Structures
Race Tracks
Resort (including Golf Course)
Skeet, Rifle or Archery Range
Solid Waste Processing/Disposal Facility

202.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use.

Minimum Regulations

Lot Area	1 acre
Lot Width	120 feet
Front Setback	40 feet
Side Setback	15 feet (each) – principal structure 10 feet (each) – accessory structure
Rear Setback	20 feet – principal structure 10 feet – accessory structure

Maximum Regulations

Building Height	3 stories or 35 feet
Lot Coverage	30 percent

Article 2 - Zone Regulations

202.4 Design Standards: The provisions of ARTICLE 3 of this Ordinance are applicable in this district, including:

Outdoor Signs	301
Off-Street Parking	303
Loading Space	304
Access Drives	306
Drainage	309
Intersection Sight Distance	314
Performance Standards	319

Article 2 - Zone Regulations

Section 203 A-P - Agricultural Preservation Zone

203.1 Specific Intent: It is the purpose of this district to encourage agricultural conservation by preserving natural features such as prime agricultural soils, watersheds, forests and water courses, while perpetuating the rural atmosphere, open space, and scenic landscapes. Limited residential use would be permitted provided that sufficient space is provided for on-lot sewage disposal which will not create any menace to public health, and natural features are not unduly disturbed.

203.2 Use Regulations:

Uses by Right - The following principal uses are permitted by right in the A-P District:

- Accessory Buildings and Structures
- Agriculture
- Animal Husbandry
- Cultivation of Crops
- Dwelling, Single-Family Detached
- Group Home
- No-Impact Home Based Business
- Nursery, Horticulture
- Public Parks and Recreation Areas
- Public Uses and Buildings
- Sale of Agricultural Products (See Section 325)
- Timber Harvesting

Uses by Special Exception - The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLE 6 of this Ordinance.

- Accessory Apartments
- Agribusiness
- Bed and Breakfast
- Boarding House
- Child Care Home
- Communication, Transmitting, and Receiving Facilities
- Domiciliary Care Unit
- Group Quarters
- Home Occupation
- House of Worship
- Kennel
- Private and Semi-Private Outdoor Recreation Areas
- Riding Academy or Boarding Stable
- Special Occasion Home

Article 2 - Zone Regulations

Uses by Conditional Use - The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board shall hear and decide requests for such uses according to criteria established in ARTICLE 7 of this Ordinance.

Accessory Dwelling Unit
Confined Livestock Operations
Group Care Facility
Natural Production Uses
Public Schools
Public Utility Buildings and Structures
Resort (including Golf Course)

203.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use. For Single-Family Detached Dwellings refer to Section 203.4 for additional regulations:

Minimum Regulations

Lot Area	1 acre
Lot Width	120 feet
Front Setback	40 feet
Side Setback	15 feet (each) – principal structure 10 feet (each) – accessory structure
Rear Setback	20 feet – principal structure 10 feet – accessory structure

Maximum Regulations

Building Height	3 stories or 35 feet
Lot Coverage	30%
Lot area	2 acres

203.4 Limitations with Respect to Dwelling Lots:
Single-family dwelling units in the A-P District shall be subject to the following limitation:

1. The number of dwelling lots created is based on the size of the tract at the effective date of the Ordinance.
2. Dwelling lots shall be located on the least agriculturally productive land feasible, so as to minimize interference with agricultural production.
3. Dwelling lots shall be clustered in a manner so as to minimize interference with agricultural production.
4. There shall be permitted on each tract of land the following number of single family dwelling lots:

Article 2 - Zone Regulations

Size of Parcel - as of the effective date of this Ordinance	Number of Dwelling Lots Permitted (including existing dwellings)
0-5 acres	1
<5-15 acres	2
<15-30 acres	3
<30-60 acres	4
<60-90 acres	5
<90-120 acres	6
<120-150 acres	7
< 150 acres	8 plus 1 dwelling lot for each 30 acres over 150 acres

203.5 Design Standards: The provisions of ARTICLE 3 of this Ordinance are applicable in this district, including:

Outdoor Signs	301
Off-Street Parking	303
Loading Space	304
Access Drives	306
Drainage	309
Other Improvements	313
Intersection Sight Distance	314
Performance Standards	319

Article 2 - Zone Regulations

Section 204 R-1 - Low Density Residential Zone

204.1 Specific Intent: It is the purpose of this zone to maintain existing residential areas in areas of low densities both in areas already developed in this manner and in areas where similar development is desirable.

204.2 Use Regulations:

Uses by Right - The following principal uses are permitted by right in the R-1 Zone:

- Accessory Buildings and Structures
- Dwelling, Single Family Detached
- Dwelling, Two Family (Duplex)
- Farmette
- Group Home
- No-Impact Home Based Business
- Public Parks and Recreation Areas
- Public Uses and Buildings
- Timber Harvesting

Uses by Special Exception - The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLE 6 of this Ordinance.

- Child Care Home
- Domiciliary Care Unit
- Group Quarters
- Home Occupation
- Nursing or Convalescent Centers, Retirement Villages
- Private and Semi-Private Outdoor Recreation Areas
- School, Commercial – Non- Public
- Special Occasion Home

Uses by Conditional Use - The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board shall hear and decide requests for such uses according to criteria established in ARTICLE 7 of this Ordinance.

- Accessory Dwelling Unit
- Group Day Care Home

Article 2 - Zone Regulations

House of Worship
Manufactured/Mobile Home Parks
Public Schools
Public Utility Buildings and Structures

204.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

Minimum Regulations

Lot Area	1 acre
Lot Width	120 feet
Front Setback	40 feet
Side Setback	15 feet (each) – principal structure 7 feet – accessory structure
Rear Setback	20 feet – principal structure 7 feet – accessory structure

Maximum Regulations

Building Height	3 stories or 35 feet
Lot Coverage	30%

204.4 Design Standards: The provisions of ARTICLE 3 of this Ordinance are applicable in this district, including:

Outdoor Signs	301
Off-Street Parking	303
Loading Space	304
Access Drives	306
Drainage	309
Intersection Sight Distance	314
Performance Standards	319

Article 2 - Zone Regulations

Section 205 R-2 - Medium Density Residential Zone

205.1 Specific Intent: The purpose of this Zone is to provide for single-family and two-family dwellings at medium densities in areas already developed in this manner and in areas where similar development is desirable.

205.2 Use Regulations:

Uses by Right -The following principal uses are permitted by right in the R-2 District:

- Accessory Buildings and Structures
- Dwelling, Single Family Detached
- Dwelling, Two Family (Duplex)
- Farmette
- Group Homes
- No-Impact Home Based Business
- Public Parks and Recreation Areas
- Public Uses and Buildings
- Timber Harvesting

Uses by Special Exception -The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLE 6 of this Ordinance.

- Child Care Home
- Domiciliary Care Unit
- Dwelling, Multi-Family
- Dwelling, Single Family Attached (Townhouse)
- Group Quarters
- Home Occupation
- Nursing or Convalescent Centers, Retirement Villages
- Private and Semi-Private Outdoor Recreation Areas
- School, Commercial/Non-Public
- Special Occasion Home

Uses by Conditional Use - The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board shall hear and decide requests for such uses according to criteria established in ARTICLE 7 of this Ordinance.

Article 2 - Zone Regulations

Accessory Dwelling Unit
 Group Day Care Home
 House of Worship
 Manufactured/Mobile Home Parks
 Public Schools
 Public Utility Buildings and Structures

205.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

<u>Minimum Regulations</u>	<u>Public Sewer</u>	<u>No Public Sewer</u>
Lot Area	10,000 sq. ft.	1 acre
Lot Width	70 feet	120 feet
Front Setback	25 feet	25 feet
Side Setback	7 feet (each)	7 feet (each)
Rear Setback	20 feet – principal structure 7 feet – accessory structure	20 feet – principal structure 7 feet – accessory structure

<u>Maximum Regulations</u>	
Building Height	3 stories or 35 feet
Lot Coverage	40%

205.4 Design Standards: The provisions of ARTICLE 3 of this Ordinance are applicable in this district, including:

Outdoor Signs	301
Off-Street Parking	303
Loading Space	304
Access Drives	306
Drainage	309
Intersection Sight Distance	314
Interior Yards	315
Performance Standards	319

Article 2 - Zone Regulations

Section 206 R-3 - High Density Residential Zone

206.1 Specific Intent: The purpose of this zone is to provide reasonable standards for harmonious development of apartments, townhouses, and other uses which are compatible with high density housing; to provide for public convenience, and to avoid traffic congestion problems.

206.2 Use Regulations:

Uses by Right: The following principal uses are permitted by right in the R-3 Zone:

- Accessory Buildings and Structures
- Dwelling, Multi-Family
- Dwelling, Single Family Attached (Townhouse)
- No-Impact Home Based Business
- Public Parks and Recreation Areas
- Public Uses and Buildings
- Timber Harvesting

Uses by Special Exception - The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLE 6 of this Ordinance.

- Child Care Home
- Domiciliary Care Unit
- Group Quarters
- Home Occupation
- Nursing or Convalescent Centers, Retirement Villages
- Private and Semi-Private Outdoor Recreation Areas

Uses by Conditional Use - The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board shall hear and decide requests for such uses according to criteria established in ARTICLE 7 of this Ordinance.

- Group Day Care Home
- House of Worship
- Public Schools
- Public Utility Buildings and Structures

Article 2 - Zone Regulations

206.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

Minimum Regulations

Lot Area	1,800 sq. ft.
Lot Width	20 feet
Front Setback	25 feet
Side Setback	20 feet each side of building 0 feet interior units 7 feet (accessory structure – end units) 3 feet (accessory structure – interior units)
Rear Setback	20 feet – principal structure 7 feet – accessory structure

Maximum Regulations

Building Height	3 stories or 35 feet
Lot Coverage	75%

206.4 Density Requirement: The maximum number of dwelling units per gross acre of land permitted in this zone is eight (8).

206.5 Design Standards: The provisions of ARTICLE 3 of this Ordinance are applicable in this district, including:

Outdoor Signs	301
Off-Street Parking	303
Loading Space	304
Access Drives	306
Drainage	309
Intersection Sight Distance	314
Interior Yards	315
Performance Standards	319

Article 2 - Zone Regulations

Section 207 V - Village Zone

207.1 Specific Intent: The purpose of this zone is to accommodate the existing Village of Hummels Wharf.

207.2 Use Regulations:

Uses by Right - The following principal uses are permitted by right in the V Zone:

- Accessory Apartments
- Accessory Buildings and Structures
- Dwelling, Single Family Detached
- Dwelling, Two Family (Duplex)
- Group Homes
- No-Impact Home Based Business
- Public Parks and Recreation Areas
- Public Uses and Buildings
- Timber Harvesting

Uses by Special Exception - The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLE 6 of this Ordinance.

- Child Care Home
- Domiciliary Care Unit
- Group Quarters
- Home Occupation
- Private and Semi-Private Outdoor Recreation Areas
- School, Commercial/Non-Public
- Special Occasion Home

Uses by Conditional Use - The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board shall hear and decide requests for such uses according to criteria established in ARTICLE 7 of this Ordinance.

- Group Day Care Home
- House of Worship
- Public Schools
- Public Utility Buildings and Structures

Article 2 - Zone Regulations

207.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

Minimum Regulations

Lot Area	6,000 sq. ft.
Lot Width	60 feet
Front Setback	20 feet or average of adjacent properties
Side Setback	7 feet (each)
Rear Setback	20 feet – principal structure 7 feet – accessory structure

Maximum Regulations

Building Height	2 stories or 25 feet
Lot Coverage	75 %

207.4 Design Standards: The provisions of ARTICLE 3 of this Ordinance are applicable in this zone, including:

Outdoor Signs	301
Off-Street Parking	303
Loading Space	304
Access Drives	306
Drainage	309
Other Improvements	313
Intersection Sight Distance	314
Performance Standards	319

Article 2 - Zone Regulations

Section 208 W-R - Waterfront-Residential Zone

208.1 Specific Intent: The purpose of this zone is to accommodate the existing dwellings located along the Susquehanna River.

208.2 Use Regulations:

Uses by Right - The following principal uses are permitted by right in the W-R Zone:

Accessory Buildings and Structures
Dwelling, Single Family Detached
No-Impact Home Based Business
Public Parks and Recreational Areas
Public Uses and Buildings
Seasonal Cottages (See Section 305)
Seasonal Parking of Recreational Vehicles (See Section 305.7)
Timber Harvesting

Uses by Special Exception - The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLE 6 of this Ordinance.

Private and Semi-Private Outdoor Recreation Areas
Special Occasion Home

Uses by Conditional Use - The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board shall hear and decide requests for such uses according to criteria established in ARTICLE 7 of this Ordinance.

Campgrounds
Public Utility Buildings and Structures

208.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

<u>Minimum Regulations</u>	<u>Public Sewer</u>	<u>No Public Sewer</u>
Lot Area	6,000 sq. ft.	1 acre

Article 2 - Zone Regulations

Lot Width	60 feet	120 feet
Front Setback	25 feet	25 feet
Side Setback	7 feet (each)	7 feet (each)
Rear Setback	20 feet – principal structure	20 feet - principal structure
	7 feet – accessory structure	7 feet - accessory structure

Maximum Regulations

Building Height	3 stories or 35 feet
Lot Coverage	40%

208.4 Design Standards: The provisions of ARTICLE 3 of this Ordinance are applicable in this zone, including:

Outdoor Signs	301
Off-Street Parking	303
Loading Space	304
Access Drives	306
Drainage	309
Other Improvements	313
Intersection Sight Distance	314
Performance Standards	319

Article 2 - Zone Regulations

Section 210 C - Commercial Zone

210.1 Specific Intent: The purpose of this zone is to provide the type of commercial facilities which supply goods and services to the whole community and the region.

210.2 Use Regulations:

Uses by Right - The following principal uses are permitted by right in the C Zone:

- Accessory Buildings and Structures
- Agribusiness
- Animal Hospital
- Automobile Body Shop and Repair Garage
- Automobile Sales Garage
- Automobile Sales Lot
- Automobile Washing (Car Wash)
- Automobile, or Gasoline Service Station
- Business and Office Equipment Sales and Service
- Business Service
- Child Care Center
- Colleges and Universities
- Commercial Recreational, or Entertainment Facility
- Contractor's Office and Shops
- Contractor's Yard
- Convenience Store w/Gas Dispensing
- Cultural Facilities
- Day Care Center
- Drive-In Facilities of Permitted Use
- Emergency Medical Treatment Facilities
- House of Worship
- Launderette
- Laundry and Dry Cleaning Establishments (Personal)
- Library
- Manufactured/Mobile Home Sales Lot
- Medical Clinics and Related Laboratories
- Mortuary or Undertaking Establishments
- Motel/Hotel
- Nightclub
- Office Building or Office Center
- Personal Service Establishment
- Private and Semi-Private Outdoor Recreation Areas

Article 2 - Zone Regulations

Professional Offices
Public Parks and Recreation Areas
Public Uses and Buildings
Resort (including Golf Course)
Restaurant
Retail Business
Sale of Agricultural Products
School – Commercial/Non-Public
Tavern
Timber Harvesting
Transportation Terminals
Wholesale, Storage and Warehousing

Uses by Special Exception - The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLE 6 of this Ordinance.

Accessory Apartments
Conversion Apartment
Home Occupation
Research Laboratory

Uses by Conditional Use - The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board shall hear and decide requests for such uses according to criteria established in ARTICLE 7 of this Ordinance.

Hospital
Public Schools
Public Utility Buildings and Structures
Race Tracks
Shopping Center, Mall or Plaza
Skeet, Rifle or Archery Range

210.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

<u>Minimum Regulations</u>	<u>Public Sewer</u>	<u>No Public Sewer</u>
Lot Area	20,000 sq. ft.	1 acre

Article 2 - Zone Regulations

Lot Width	100 feet	120 feet
Front Setback	40 feet	40 feet
Side Setback	10 feet (each)	10 feet (each)
Rear Setback	20 feet – principal 10 feet – acc. struct.	20 feet – principal 10 feet – acc. struct.

Maximum Regulations

Building Height	3 stories or 40 feet
Lot Coverage	75%

210.4 Design Standards: The provisions of ARTICLE 3 of this Ordinance are applicable of this zone, including:

Outdoor Signs	301
Off-Street Parking	303
Loading Space	304
Access Drives	306
Drainage	309
Other Improvements	313
Intersection Sight Distance	314
Performance Standards	319

Article 2 - Zone Regulations

Section 211 H-C - Highway – Commercial Zone

211.1 Specific Intent: The purpose of this zone is to provide suitable locations for highway-oriented businesses as well as those that primarily rely on vehicles to provide customer accessibility. The uses provided in this Zone are meant to serve local residents as well as those motorists passing through the Township.

211.2 Use Regulations:

Uses by Right - The following principal uses are permitted by right in the H-C Zone:

- Accessory Buildings and Structures
- Agribusiness
- Animal Hospital – following the standards of Section 603
- Automobile Body Shop and Repair Garage
- Automobile Sales Garage
- Automobile Sales Lot
- Automobile Washing (Car Wash)
- Automobile, or Gasoline Service Station
- Business and Office Equipment Sales and Service
- Business Service
- Child Care Center
- Colleges and Universities
- Commercial Recreational, or Entertainment Facility
- Communication, Transmitting, and Receiving Facilities
- Contractor's Office and Shops
- Contractor's Yard
- Convenience Store w/Gas Dispensing
- Cultural Facilities
- Day Care Center
- Drive-In Facilities of Permitted Use
- Emergency Medical Treatment Facilities
- House of Worship
- Launderette
- Laundry and Dry Cleaning Establishments (Personal)
- Library
- Manufactured/Mobile Home Sales Lot
- Medical Clinics and Related Laboratories
- Mortuary or Undertaking Establishments
- Motel/Hotel
- Nightclub

Article 2 - Zone Regulations

Office Building or Office Center
Personal Service Establishment
Private and Semi-Private Outdoor Recreation Areas
Professional Offices
Public Parks and Recreation Areas
Public Uses and Buildings
Resort (including Golf Course)
Restaurant
Retail Business
Sale of Agricultural Products (Permanent Structure)
School – Commercial/Non-Public
Tavern
Timber Harvesting
Transportation Terminals
Wholesale, Storage and Warehousing

Uses by Special Exception - The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLE 6 of this Ordinance.

Accessory Apartments
Conversion Apartment
Home Occupation
Research Laboratory

Uses by Conditional Use - The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board shall hear and decide requests for such uses according to criteria established in ARTICLE 7 of this Ordinance.

Adult Regulated Facility
Hospital
Public Schools
Public Utility Buildings and Structures
Race Tracks
Shopping Center, Mall or Plaza
Skeet, Rifle or Archery Range

211.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

Article 2 - Zone Regulations

Minimum Regulations

Lot Area	1 acre
Lot Width	100 feet
Front Setback	40 feet
Side Setback	10 feet
Rear Setback	20 feet – principal structure 10 feet – accessory structure

Maximum Regulations

Building Height	3 stories or 40 feet
Lot Coverage	75%

211.4 Design Standards: The provisions of ARTICLE 3 of this Ordinance are applicable of this zone, including:

Outdoor Signs	301
Off-Street Parking	303
Loading Space	304
Access Drives	306
Drainage	309
Other Improvements	313
Intersection Sight Distance	314
Performance Standards	319

Article 2 - Zone Regulations

Section 212 N-C - Neighborhood – Commercial Zone

212.1 Specific Intent: The purpose of this zone is to provide basic convenience commercial goods and services to local residents. Uses have been limited to those that residents are likely to need on a daily or regular basis. Overall, retail size has been restricted to prevent the establishment of intensive commercial uses that exceed the local orientation of this Zone.

212.2 Use Regulations:

Uses by Right - The following principal uses are permitted by right in the N-C Zone:

- Accessory Apartments
- Accessory Buildings and Structures
- Automobile Body Shop and Repair Garage
- Child Care Center
- Cultural Facilities
- Day Care Center
- Dwelling, Multi-Family
- Dwelling, Single Family Detached
- Dwelling, Two Family (Duplex)
- Dwelling above or in combination with commercial establishments
- Home Occupation
- Library
- No-Impact Home Based Business
- Office Building
- Personal Service Establishment
- Professional Offices
- Public Parks and Recreation Areas
- Public Uses and Buildings
- Restaurant
- Retail Business
- School – Commercial/Non-Public
- Timber Harvesting

Article 2 - Zone Regulations

Uses by Special Exception - The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLE 6 of this Ordinance.

Agribusiness
Bed and Breakfast
Child Care Home
Conversion Apartment
Dwelling, Single Family Attached (Townhouse)
Special Occasion Home

Uses by Conditional Use - The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board shall hear and decide requests for such uses according to criteria established in ARTICLE 7 of this Ordinance.

House of Worship
Public Schools
Public Utility Buildings and Structures

212.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

Minimum Regulations

Lot Area	10,000 sq. ft.
Lot Width	70 feet
Front Setback	25 feet
Side Setback	7 feet (each)
Rear Setback	20 feet – principal structure 7 feet – accessory structure

Maximum Regulations

Building Height	3 stories or 35 feet
Lot Coverage	75%

Commercial uses: maximum gross floor area

The maximum gross floor area for a commercial use in the Neighborhood Commercial Zone shall be as follows:

Article 2 - Zone Regulations

1. For a single commercial use: 4,000 square feet of gross floor area; and
2. For a single building: 16,000 square feet of gross floor area.

212.4 Design Standards: The provisions of ARTICLE 3 of this Ordinance are applicable of this zone, including:

Outdoor Signs	301
Off-Street Parking	303
Loading Space	304
Access Drives	306
Drainage	309
Other Improvements	313
Intersection Sight Distance	314
Performance Standards	319

Article 2 - Zone Regulations

Section 213 APT - Airport Zone

213.1 Specific Intent: The purpose of this zone is to provide areas to accommodate commercial activities which primarily service airports and the traveling public.

213.2 Use Regulations:

Uses by Right - The following principal uses are permitted by right in the Airport Zone:

- Accessory Buildings and Structures
- Agriculture
- Aircraft sales and service (including the sale of aviation fuel)
- Airports, Heliports, Helistops
- Charter and Commuter Services
- Communications, Transmitting, and Receiving
- Public Parks and Recreation Areas
- School, Commercial/Non-Public
- Timber Harvesting
- Transportation Terminals

Uses by Special Exception - The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLE 6 of this Ordinance.

- Aviation Related Professional Office
- Aviation Related Retail Business
- Restaurant
- Rental Car Location

Uses by Conditional Use - The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board shall hear and decide requests for such uses according to criteria established in ARTICLE 7 of this Ordinance.

- Personal Service Establishment
- Public and Semi-Public Uses and Buildings
- Public Utility Buildings and Structures

213.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

Minimum Regulations

Public Sewer

Lot Area

20,000 sq. ft.

Article 2 - Zone Regulations

Lot Width	100 feet
Front Setback	40 feet
Side Setback	10 feet (each)
Rear Setback	20 feet

Maximum Regulations

Public Sewer

Building Height	3 stories or 35 feet
Lot Coverage	75%

213.4 Design Standards: The provisions of ARTICLE 3 of this Ordinance are applicable of this zone, including:

Outdoor Signs	301
Off-Street Parking	303
Loading Space	304
Access Drives	306
Drainage	309
Other Improvements	313
Intersection Sight Distance	314
Performance Standards	319

Article 2 - Zone Regulations

Section 214 I - Industrial Zone

214.1 Specific Intent: The purpose of this zone is to encourage the development of and continued use of land which is suitable for industries and to prohibit any use which would substantially interfere with the establishment or continuation of industrial firms which contribute to the soundness of the economic base of the Township. Furthermore the intent is to provide suitable land for light industry and industrial parks in which a number of firms may locate on a landscaped tract. Because of the possible proximity of such uses to residential and commercial areas, restrictions are imposed to assure both attractive and useful surroundings.

214.2 Use Regulations:

Uses by Right - The following principal uses are permitted by right in the I Zone.

Accessory Buildings and Structures
Agribusiness
Communication, Transmitting, and Receiving Facilities
Contractor's Office and Shops
Contractor's Yard
Crematorium
Cultivation of Crops
Laundry/Dry Cleaning
Manufactured/Mobile Home Sales Lot
Manufacturing Uses Including:

General Manufacturing:

These include such uses as:

- a) food
- b) furniture
- c) textiles, leather, rubber, paper
- d) fabricated metals, machinery
- e) stone, clay & glass
- f) manufactured housing

Light Manufacturing:

These include such uses as:

- a) printing & publishing
- b) soft drink bottling, packaging products in the form of powder or other dry state
- c) lace manufacture, sewing apparel
- d) assembly of electronic apparatus
- e) instrument making, tool & die making, cabinet making
- f) electroplating metals, molding plastics

Article 2 - Zone Regulations

Public Parks and Recreation Areas
Public Uses and Buildings
Research Laboratory
Timber Harvesting
Wholesale, Storage and Warehousing

Uses by Special Exception: The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLE 6 of this Ordinance.

Conversion Apartments
Junkyard, Automobile Dismantling Plant

Uses by Conditional Use - The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board shall hear and decide requests for such uses according to criteria established in ARTICLE 7 of this Ordinance.

Industrial Park (Business Services, Medical Clinics and Professional Centers As Uses in an Industrial Park Complex Only)
Natural Production Uses
Power Generation Facility/Gas Fired Generators
Public Utility Buildings and Structures
Solid Waste Processing/Disposal Facility

214.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

Minimum Regulations

Lot Area	1 acre
Lot Width	120 feet
Front Setback	40 feet
Side Setback	25 feet (each)
Rear Setback	25 feet

Maximum Regulations

Building Height	3 stories or 35 feet
Lot Coverage	75%

Article 2 - Zone Regulations

214.4 Design Standards: The provisions of ARTICLE 3 of this Ordinance are applicable in this district, including:

Outdoor Signs	301
Off-Street Parking	303
Loading Space	304
Access Drives	306
Drainage	309
Other Improvements	313
Intersection Sight Distance	314
Performance Standards	319

Article 2 - Zone Regulations

Section 215 OS – Open Space/Recreation Zone

215.1 Specific Intent: The purpose of this zone is to reserve or conserve undeveloped land for recreational and conservation purposes and to discourage the scattering of commercial, industrial, residential and other types of development throughout areas of the township where public services are neither presently available nor anticipated in the immediate future; to encourage the preservation of natural amenities; to protect watershed areas, natural drainage channels, and water courses, and to otherwise create conditions conducive to carrying out the purpose of this ordinance.

215.2 Use Regulations:

Uses by Right - The following principal uses are permitted by right in the OS Zone.

Cultivation of Crops
Public Parks and Recreation Areas
Public Uses and Buildings
Timber Harvesting

Uses by Conditional Use - The following uses shall be permitted as Conditional Uses when authorized by the Board of Supervisors. The Board shall hear and decide requests for such uses according to criteria established in ARTICLE 7 of this Ordinance.

Public Utility Buildings and Structures

215.3 Area and Bulk Regulations: The following regulations shall be observed for each principal use:

Minimum Regulations

Lot Area	1 acre
Lot Width	100 ft.
Front Setback	40 feet
Side Setback	10 feet (each)
Rear Setback	20 feet

Maximum Regulations

Building Height	35 ft.
Lot Coverage	25%

Article 2 - Zone Regulations

215.4 Design Standards: The provisions of ARTICLE 3 of this Ordinance are applicable in this district, including:

Outdoor Signs	301
Drainage	309
Other Improvements	313
Intersection Sight Distance	314
Performance Standards	319

Article 2 - Zone Regulations

Section 216 SSP - Steep Slope Protection Zone

216.1 Specific Intent: The purpose of the SSP- Steep Slope Protection Zone is to conserve and protect those areas having slopes as defined herein from inappropriate development as well as to permit and encourage the use of said areas for open space purposes in order to constitute a harmonious aspect of the continuing physical development of the Township. In implementing these principals and general purposes of this Ordinance and the Monroe Township Comprehensive Plan, the following specific objectives are intended to be accomplished by this Article:

- a) To combine with other zoning requirements, as an overlay zoning district, certain restrictions for steep slope areas to promote the general health, safety and welfare of the residents of the Township.
- b) To prevent inappropriate development of steep slope areas in order to avoid potential dangers for human usage caused by erosion, stream siltation, and soil failure leading to structural collapse or damage and/or unsanitary conditions and associated hazards.
- c) To minimize danger to public health and safety by promoting safe and sanitary drainage.
- d) To relate the intensity of development to the steepness of terrain in order to minimize grading, removal of vegetation, runoff and erosion, and to help ensure the utilization of land in accordance with its natural capabilities to support development.
- e) To promote only those uses in steep slope areas that are compatible with the preservation of existing natural features, including vegetative cover, by restricting the grading of steep slope areas.
- f) To promote the ecological balance among those natural systems elements (such as wildlife, vegetation, and aquatic life) that could be grossly effected by inappropriate development of steep slope areas.
- g) To prevent the development that would cause excessive erosion and a resultant reduction in the water-carrying capacity of the watercourses which flow through or around the Township with the consequences of increased flood crests and flood hazards within the Township and to both upstream and downstream municipalities.

Article 2 - Zone Regulations

- h) To minimize the potential harmful effects to individuals and adjacent landowners in the Township and/or other municipalities caused by inappropriate grading and development on steep slopes.
- i) To advise those individuals who choose, despite the dangers, to develop or occupy land with steep slopes; to protect residents from property damage and personal injury due to runoff, erosion, or landslides attributable to a nearby development on steeply sloped land.
- j) To protect the entire Township from inappropriate development of steep slope areas which could have an effect upon subsequent expenditures for public works and disaster relief and, thus, adversely affect the economic well-being of the Township.
- k) To promote the provisions of safe and reliable access ways, parking areas, and utility systems serving development on or around steep slope areas where more sensitive grading and floodplain is essential.

216.2 Boundary Definition of Steep Slope Protection Overlay District

- a) The Steep Slope Protection District shall be defined and established as those areas of the Township having slopes of fifteen percent (15%) or greater as determined from topographic studies or evaluation. The slope shall be determined prior to excavation, grading, or other movement of soil or rock. Any lot which contains land which lies within the Steep Slope Protection District [i.e., with slopes of fifteen percent (15%) or greater] shall be subject to the regulations of the Steep Slope Protection District.
- b) All lots within the Steep Slope Protection District with average slopes, as defined herein, of less than fifteen percent (15%) would not be subject to the provision of this Article, unless the requested use including yard requirements would be on any portion of the lot exceeding a slope of fifteen percent (15%) or the requested use is for parking areas in the excess of a slope of six percent (6%).

216.3 Steep Slope Protection District Overlay Concept

The Steep Slope Protection District shall be deemed to be an overlay zoning district on any zoning district now or hereafter enacted to regulate the use of land in Monroe Township.

Article 2 - Zone Regulations

- a) The Steep Slope Protection District shall have no effect on the permitted uses or regulations in the underlying zoning district, except where the development intended is to be located within the boundaries of the Steep Slope Protection District, as defined herein, is in conflict with the permitted uses or regulations set forth in this Section.
- b) In those areas of Monroe Township where the Steep Slope Protection District applies, the requirements of the Steep Slope Protection District shall supersede any less stringent requirements of the underlying zoning district.
- c) Should the zoning classification of any parcel or any part thereof on which the Steep Slope Protection District is an overlay be changed, such change in the classification shall have no effect on the boundaries of the Steep Slope Protection District, unless an amendment to said boundaries was included as part of the proceedings from which the change originated.

216.4 Boundary Interpretation and Appeals Procedures

An initial determination as to whether the Steep Slope Protection District regulations apply to a given parcel shall be made by the Zoning Officer. Any party aggrieved by the decision of the Zoning Officer, either because of an interpretation of the location of the Steep Slope Protection District boundary or because the criteria used in delineating the boundary, as set forth in 216.2 herein, are incorrect because of changes due to natural or other causes, may appeal such decision to the Zoning Hearing Board.

216.5 Land Use and Development Regulations in Steep Slope Protection District

For any lot which contains land included in the Steep Slope Protection District, the following land use and development regulations shall apply.

- a) The average slope of the entire lot shall be determined according to the formula:

$$S = (0.0023/A) \times I \times L$$

Where:

S	=	Average Slope in percent
.0023	=	A factor for the conversion of square feet into acres
I	=	Contour interval (in feet) of a topographic map of the parcel
L	=	Combined length (in feet) of or along all contour lines measured

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- A = Acreage of the subject parcel's buildable area
- b) In areas of the Township where the average slope is fifteen percent (15%) or greater, such as to be considered a Severe Slope as defined in the Ordinance of Definition, the minimum lot size for a parcel of land having such Severe Slope shall be:
- 1) Three (3) acres when the percent average slope of the site is fifteen percent (15%) or more.
 - 2) Five (5) acres when the average slope of the site is eighteen percent (18%) or more.
 - 3) Ten (10) acres when the average slope of the site is twenty percent (20%) or more.
 - 4) Exception: The lot sizes set forth in (1) through (3) above will not apply in those circumstances where the lot owner or any developer can provide a contiguous area of the lot which does not have any of the severe slope averages set forth above and is at least the size of the minimum lot sizes for the zoning district in which the lot is located. When this exception is selected by the lot owner or developer, the area of the lot which is severe slope area (i.e., that portion not included in the area selected by the lot owner/developer for meeting the zoning district minimum lot size) shall not be used for any land development except for a driveway easement access or public utility access to the said lot and is intended to remain in a natural state or condition so far as is possible.
- c) Any lot which shall have an average slope of at least fifteen percent (15%) but not more than eighteen percent (18%) shall have a maximum impervious surface area of twenty percent (20%) of the lot area, of which no more than one-half, or ten percent (10%) of the lot area, shall consist of buildings.
- d) Any lot which shall have an average slope of at least eighteen percent (18%) but not more than twenty-five percent (25%) shall have a maximum impervious surface area of ten percent (10%) of the lot area of which no more than one-half, or five percent (5%) of the lot area, shall consist of buildings.
- e) All freestanding structures, buildings and substantial improvements, (with the exception of utilities where no other location is feasible) are prohibited on slopes of twenty-five

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percent (25%) or greater. Never shall more than five percent (5%) of the area be re-graded or vegetation cover disturbed by the exceptions, if they are granted.

- f) All swimming pools, junkyards, sanitary landfills, and outdoor storage of vehicles or materials are prohibited on slopes of fifteen percent (15%) or greater.
- g) Driveways, roadways and access drives shall not exceed a slope of ten percent (10%) within twenty-five feet (25') of the street right-of-way lines. Parking areas shall not be in excess of six percent (6%).
- h) Applicants for permits required by this Ordinance shall present evidence of approval of any required erosion and sedimentation plan or any required storm water management plan prior to the issuance of any permit.

216.6 Uses Permitted Within the Steep Slope Protection District

- a) All uses permitted within the underlying zoning district, except those specifically prohibited in Section 216.5 above, may be permitted by special exception in the Steep Slope Protection District.
- b) Any application requesting a special exception for a use permitted herein shall be accompanied by a plan certified by a registered professional engineer, a registered surveyor, or a registered landscape architect. In addition to any information required for an application for a special exception set forth in Article 6, such plan shall show:
 - 1) The location of the proposed use with respect to the areas of the lot determined to have slopes in excess of fifteen percent (15%).
 - 2) The location of the proposed use with respect to existing development within the property.
 - 3) Nature of the proposed use.
 - 4) Topographical surveys showing the contours of the property in two feet (2') intervals. The plans shall also include a reference benchmark used.
 - 5) Typical tract cross-sections at a scale of not more than one inch (1") equals one hundred feet (100') and typical tract cross-sections at a vertical and horizontal

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scale. There shall be a minimum of one cross-section for the first five (5) acres or less of lot or tract area and one cross-section for each five (5) acres or portion thereof thereafter.

- 6) Calculations to determine the average slope of the lot in accordance with this Article.
 - 7) Surface view of construction, grading or fill elevations.
 - 8) Size, location and arrangement of all proposed and existing structures on the site, as well as specifications for building construction and materials and storage of materials.
 - 9) Location, elevation, and specifications for water supply, sanitary facilities and streets, including entrance drive.
 - 10) A soils engineering report regarding site characteristics of the subject property to include the nature, types, distribution, and suitability of subsurface soils for load bearing, stability, and compaction; extent, description, and location of exposed rock; erodability of surface soil; engineering and conservation techniques to be used to prevent erosion and alleviate environmental problems created by the proposed development activities; permeability and available water infiltration capacity; depth to bedrock and seasonal high water table; the means of accommodating storm water runoff; proposed modifications to the existing topography and vegetative cover; and the location, type and intensity of vegetative cover on the subject property.
 - 11) A geophysical-hydrologic report investigating conditions of the subject property's underlying geologic formation and the hydrological characteristics of the proposed development. Such report shall demonstrate that any adverse impacts of the proposed development can be addressed in such a manner as to prevent the hazards to life and property and to maintain amenable site features for storm water management, soil erosion and sedimentation control, vegetative cover and exposed rock stability.
- c) The applicant for any special exception shall request the review and recommendations of the Snyder County

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Conservation District at least forty-five (45) days prior to the hearing by the Zoning Hearing Board and shall present evidence that such review has been requested.

- d) The applicant shall request, at least forty-five (45) days prior to the hearing before the Zoning Hearing Board, the review and recommendations of the Township and shall present evidence that such review has been requested.
- e) The applicant shall demonstrate compliance with any applicable storm water management ordinance regulations pertaining to the proposed development, including but not limited to storm water management regulations contained in any applicable subdivision and land development ordinance.

Section 217 FP - Floodplain District

The floodplain management requirements found in this section have been designed to satisfy state and federal floodplain management requirements and to provide for protection from flood hazards.

217.1 General Provisions

a) Purpose

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- 1) regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies;
- 2) restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding;
- 3) requiring all those uses, activities, and developments that do occur in flood-prone areas to be elevated and/or flood-proofed against flooding and flood damage; and,
- 4) protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- 5) minimizing danger to public health by protecting water supply(s) and natural drainage patterns.
- 6) encouraging the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

b) Applicability

These provisions shall apply to all lands within the jurisdiction of the Township Zoning Ordinance which are identified as being subject to the one hundred (100) year flood as shown on the maps prepared for the municipality by the Federal Insurance Administration.

Unless specifically exempted, it shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the floodplain unless a Zoning Permit has been obtained from the Township Zoning Officer.

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Prior to the issuance of any Zoning Permit, the Township Zoning Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

Applicants shall file the following minimum information plus any other pertinent information as may be required by the Township Zoning Officer to make the above determination:

- 1) A completed Zoning Permit Application Form.
- 2) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - i. north arrow, scale, and date;
 - ii. topographic contour lines, if available;
 - iii. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - iv. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
 - v. the location of all existing streets, drives, and other access ways; and
 - vi. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
- 3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - i. the proposed lowest floor elevation of any proposed building based upon the vertical datum referenced on the maps;
 - ii. the elevation of the one hundred (100) year flood;
 - iii. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and

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- iv. detailed information concerning any proposed floodproofing measures.
- v. supplemental information as may be necessary under 34 PA Code, Chapter 401-405 as amended, and Sec.1612.5.1, Section 104.7 and 109.3 of the 2003 IBC and Section R106.1.3 and R104.7 of the 2003 IRC.

c) Interpretation of District Boundaries

Where interpretation is needed concerning the exact location of any boundary of any floodplain district, the Township Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Township Zoning Hearing Board and to submit his own technical evidence if desired.

d) Compliance

No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this Ordinance including Zoning Permits, and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance.

e) Warning And Disclaimer Of Liability

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

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

217.2 Basis For Floodplain Districts

a) Identification

The identified floodplain area shall be any areas of Monroe Township, subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated November 16, 2007 and the accompanying maps or the most recent revision thereof as issued

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by the Federal Emergency Management Agency (FEMA). Including all digital data developed as part of the Flood Insurance Study.

These districts shall be overlays to the existing underlying district as shown on the official Zoning Ordinance Map. As such, the provisions of the floodplain district shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements for the floodplain districts and those of any underlying district, the more restrictive provisions pertaining to the floodplain shall apply.

b) Description of Floodplain Districts

The Floodway District (FW) shall be that area identified as floodway in the Flood Insurance Study (FIS) as prepared by the FEMA and as shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM). Where no floodway has been delineated in the FIS, the floodway shall be the area within 50 feet of the top of the bank of any stream.

The Flood Fringe District (FF) is that area of the 100 year floodplain not included in the Floodway District. The basis for the outermost boundary of this District shall be the 100 year flood elevations contained in the flood profiles of the above referenced FIS and shown on the accompanying FBFM or FIRM. In any case where the existing elevation of a property located within the boundaries of the FF District is higher than the 100 year flood elevation, such site shall be considered outside the Flood Fringe District and only the underlying district provisions shall apply.

The General Floodplain District (FP) shall be the areas identified as Zone A for which no 100 year flood elevations have been provided. When available, information from other Federal, State and other acceptable sources shall be used to determine the 100 year elevation, as well as the floodway area. When no other information is available, the 100 year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

When necessary, the applicant may be required to obtain the services of a registered professional engineer to determine the 100 year flood elevation using hydrologic and hydraulic techniques. The registered engineer shall certify the results of the study and that methods used to perform the hydrologic and hydraulic calculations are appropriate. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township Zoning Officer.

The Floodplain Elevation District (FE) shall be the areas identified as Zone AE on the community's FIRM for which one hundred (100) year flood elevations have been provided, but no floodway has been delineated.

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c) Floodplain District Boundary Changes

The identified floodplain district may be revised or modified by the Monroe Township Supervisors, upon review by the State Coordinating Agency for the NFIP, the local governing body, the Monroe Township Planning Commission, and the FIA, where studies or information provided by a qualified agency or person documents the need for such revision. In such cases, the applicant shall obtain approval from the Federal Insurance Administration, prior to actual consideration of a district boundary change.

217.3 Flood Damage Control Provisions

In order to prevent excessive damage to buildings and structures due to conditions of flooding, the following restrictions shall apply to all construction, development, and substantial improvement occurring in any designated floodplain district(s):

a) General Technical Requirements

All uses, activities, and development occurring within any floodplain district shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances of the Township.

Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels of the floodway of any watercourse, drainage ditch, or any other drainage facility or system.

Within the Floodway District (FW), the following provisions shall apply:

- 1) No new construction or development shall be allowed.

Within the General Floodplain District (FP), the following provisions shall apply:

- 1) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- 2) Any new construction or development shall be prohibited within any identified floodway area.

Within the Floodplain Elevation District (FE) the following provisions shall apply:

- 1) No new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the elevation of the one-hundred (100) year flood more than one (1) foot at any point.

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b) Elevation and Flood proofing Requirements

1) Residential Structures. Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement or cellar) elevated one and one-half feet (1 1/2') above the 100 year flood elevation.

2) Non-residential Structures

a) Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement or cellar) elevated one and one-half feet (1 1/2') above the regulatory flood or, be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

b) Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half (1 1/2') feet above the 100 year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

3) Enclosures Below Lowest Floor

a) Within any identified floodplain area, fully enclosed space below the lowest floor (including basement or cellar) is prohibited.

b) Within any identified floodplain area, partially enclosed space (including crawl space) below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entering and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The design for meeting these requirements shall either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria.

i) a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

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- ii) the bottom of all openings shall be no higher than one (1) foot above grade.
- iii) openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

217.4 Design and Construction Standards

- a) Fill: If fill is used to raise the finished surface of the floor one and one-half (1 1/2) feet above the 100 year flood elevation:
 - 1) fill shall extend laterally fifteen feet beyond the building line from all points;
 - 2) fill shall consist of soil or small rock materials only. Sanitary landfills and the disposal of municipal, industrial or other regulated waste material shall not be permitted;
 - 3) fill material shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 - 4) fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data, justifying steeper slopes are submitted to and approved by the Zoning Officer;
 - 5) fill shall be used only to the extent to which it does not adversely affect adjacent properties; and,
 - 6) fill area shall be appropriately seeded upon completion of compaction to avoid erosion and scouring of the fill material.

b) Special Requirements for Mobile Homes

For the purposes of this Article, the term mobile home shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes which are placed on a site for more than 180 consecutive days.

- 1) Within any FW (Floodway Area), mobile homes shall be prohibited.
- 2) Where permitted within any floodplain area, all mobile homes, and any improvements thereto, shall be anchored by:
 - a) providing over-the-top and frame ties at each of the four corners of the mobile homes with one additional tie per side at an intermediate location for mobile homes less than fifty feet in length and two additional ties per side for mobile homes fifty feet or more in length;

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- b) providing frame ties at each corner of the mobile home with four additional ties per side at intermediate locations for mobile homes less than fifty feet in length and five additional ties for mobile homes fifty feet or more in length; and
- c) an anchoring system in which all components are capable of withstanding a 4,800 pound carrying force.

3) Mobile homes and improvements thereto shall be:

- a) placed on a permanent foundation;
- b) elevated so that the lowest floor of the mobile home is one and one half (1 1/2) feet or more above the elevation of the 100 year flood.
- c) anchored to resist flotation, collapse or lateral movement.

c) Placement of Buildings and Structures

Buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

d) Anchoring

Buildings and structures including mobile homes shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement thus, reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse. All air ducts, large pipes, storage tanks, and other similar objects or components located at or below the regulatory flood elevation shall be firmly anchored to prevent flotation.

e) Floors, Walls, and Ceilings

Where a structure is located at or below the 100 year flood elevation, the following standards shall apply:

- 1) Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.
- 2) Plywood and interior finished walls shall be of any "exterior" or "marine" grade and of a water-resistant or waterproof variety.
- 3) Basement ceilings shall have sufficient wet strength and be so installed as to survive inundation.

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- 4) Window frames, door frames, door jambs, and other such components shall be made of metal or water resistant material.

f) Electrical Systems

- 1) Electric water heaters, electric furnaces, electric air conditioning and ventilating systems, and other critical electrical installations shall be permitted only at elevations of one and one-half (1 1/2) feet or more above the 100 year flood elevation.
- 2) No electrical distribution panels shall be allowed at an elevation less than three feet above the level of the 100 year flood elevation.
- 3) Separate electrical circuits shall serve lower levels and shall be dropped from above.

h) Plumbing and Utilities

- 1) Water heaters, furnaces and other critical mechanical installations shall be permitted only at elevations of one and one-half (1 1/2 feet) or more above the 100 year flood elevation.
- 2) Any on-site sewage disposal system placed in any flood plain district shall be provided with an adequate in-line check valve to prevent return flow and comply with all State and local regulations for such systems.
- 3) Water supply systems and sanitary sewage systems shall be designed to preclude infiltration of flood waters into the systems and discharges from the system into flood waters.
- 4) New or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- 5) No part of any on-site sewage system shall be located within any identified floodplain area except in strict-compliance with all State and local regulations for such systems.
- 6) Gas and oil supply systems shall be designed to preclude the infiltration of flood waters into the systems and discharges from the systems into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
- 7) Other utilities, such as gas lines, electric and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

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i) Paints and Adhesives

Where a structure is located at or below the 100 year flood elevation, the following standards shall apply:

- 1) Adhesives shall have a bonding strength that is unaffected by inundation.
- 2) Doors and all wood trim shall be sealed with a waterproof paint or similar product.
- 3) Paints or other finishes shall be capable of surviving inundation.

j) Drainage

Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

k) Storage

Materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animals, or plant life (including but not limited to those identified in Section 217.8) shall not be stored below an elevation of one and one-half feet (1 1/2) above the 100 year flood.

217.5 Water Management Uses

Uses normally associated with water management projects (such as dams, impoundment basins, culverts, sewers or bridges) may be permitted in any of the floodplain districts irrespective of the underlying zoning district, but shall be subject to approval by the Township Zoning Hearing Board (following review by the Township Planning Commission) and the Pennsylvania Department of Environmental Protection. In addition, no alteration or relocation of a stream or watercourse may take place without the applicant having first obtained the necessary permits from the Department of Environmental Protection. Prior to any such alteration or relocation, adjacent communities, the Township Planning Commission, the State Coordinating Agency for the NFIP and the Federal Emergency Management Agency must be notified. Under no circumstances shall any alteration or relocation take place which will lower the flood-carrying capacity of any stream or watercourse.

217.6 Existing Structures And Uses In Floodplain Areas

A structure, or use of a structure or premises, which lawfully existed in any designated floodplain district before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

Existing structures and/or uses located in the Floodway District shall not be expanded, but may be modified, altered, or repaired to incorporate floodproofing measures, provided that such measures do not raise the level of the 100 year flood.

Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of less than 50 percent of its market value, shall be floodproofed and/or elevated to the greatest extent possible.

Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of 50 percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.

Existing structures and/or uses located in the FE District may be enlarged or expanded, provided that such enlargement or expansion, together with all other existing and anticipated development, will not increase the one hundred (100) year flood elevation more than one (1) foot at any point.

In the regulatory floodplain recreational vehicles, campers, travel trailers, and similar temporary uses shall have a valid vehicle registration and be in a fully operational condition. At no time shall such uses become permanently affixed to the land. The Township Zoning Officer may require the removal of such vehicles from the site whenever the owner fails to comply with the provisions of this section within 10 days of receipted notice.

217.7 Special Provisions For Accessory Structures

With the exception of in the FW District, elevating or floodproofing to remain dry may not be required for accessory structures; provided, such structures comply with the following minimum requirements:

The structure shall not be designed or used for human occupancy, but shall be limited to the parking of vehicles, or to the storage of tools, materials and equipment related to the principal use or activity.

The ground floor area shall not exceed 1,000 square feet.

The structure will have low damage potential and be located on the site so as to cause the least obstruction to the flow of floodwaters.

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All utilities, electrical wiring, etc. shall be at least one and one-half feet (1 1/2') above the 100 year flood elevation.

Permanently affixed electrical equipment, machinery and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.

Sanitary facilities are prohibited.

The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting these requirements must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

Include a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space;

The bottom of all openings shall no higher than one foot (1') above grade, and; Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

217.8 Development Which May Endanger Human Life

a) Hazardous Materials and Substances

In accordance with the Pennsylvania Floodplain Management Act, and regulations adopted by the State Coordinating Agency for the NFIP as required by the Act, any new or substantially improved structure which:

- will be used for the production or storage of any of the following dangerous materials or substances; or,
- will be used for any activity requiring the maintenance or a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

Acetone
Ammonia
Benzene
Calcium carbide
Carbon disulfide
Celluloid

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Chlorine
Hydrochloric acid
Hydro cyanic acid
Magnesium
Nitric acid and oxides of nitrogen
Petroleum products (gasoline, fuel oil, etc.)
Phosphorus
Potassium
Sodium
Sulfur and sulfur products
Pesticides (including insecticides, fungicides, and rodenticides)
Radioactive substances, insofar as such substances are not otherwise regulated.

b) Flood-proofing Requirements

Activities and development of the kind described in 217.8.a above shall be prohibited in any identified Floodway Area.

Where permitted within an identified Flood Fringe District, General Floodplain District or Floodplain Elevation District, any new or substantially improved structure shall be:

- 1) elevated or designed and constructed to remain completely dry, up to at least one and one-half (1 1/2) feet above the 100 year flood;
- 2) designed to prevent pollution from the structure or activity during the course of a 100 year flood; and,
- 3) where any such structure, or part thereof, will be built below the Regulatory Flood Elevation it shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent water-tight standard.

In addition, the Zoning Officer may attach whatever additional conditions and safeguards he may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general health, safety, and welfare of the public.

217.9 Activities Requiring Special Permits

a) Identification of Activities Requiring a Special Permit

In accordance with the administrative regulations for implementing the Pennsylvania Floodplain Management Act (Act 1978-166), the following obstructions and activities are permitted only by Special Permit, if located partially or entirely within any identified floodplain area.

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The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

hospital
nursing homes
jails or prisons

The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to such existing mobile home parks or mobile home subdivisions.

b) Application Requirements

Applicants for Special Permits shall provide six (6) copies of the following items:

A written request including a completed Zoning Permit Application.

A small scale map showing the vicinity in which the proposed site is located. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to 100 feet or less, showing the following:

- 1) north arrow, scale and date;
- 2) topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;
- 3) all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
- 4) the location of all existing streets, drives, other access ways, and parking areas, with information concerning width pavement types and construction, and elevations;
- 5) the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
- 6) the location of the floodplain boundary line, information and spot elevations concerning the 100 year flood elevations, and information concerning the flow of water including direction and velocities;
- 7) the location of all proposed buildings, structures, utilities, and any other improvements; and,

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- 8) any other information which the Zoning Officer considers necessary for adequate review of the application.

Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

- 1) sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior buildings elevations, as appropriate;
- 2) for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
- 3) complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100 year flood, including the 100 year flood level.
- 4) detailed information concerning any proposed flood-proofing measures;
- 5) cross-section drawings for all proposed streets, drives, other access ways, and parking areas, showing all rights-of-way and pavement widths;
- 6) profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and,
- 7) plans and profiles of all proposed sanitary and storm sewer systems, and any other utilities and facilities.

The following data and documentation:

- 1) certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
- 2) certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100 year flood;
- 3) a statement, certified by a registered professional engineer, architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100 year flood, including a statement concerning the effect such pollution may have on human life;
- 4) a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100 year flood elevations;

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- 5) a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100 year flood elevation and the effects such materials and debris may have on 100 year flood elevations and flows;
 - 6) the appropriate component of the Department of Environmental Protection' "Planning Module for Land Development";
 - 7) where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
 - 8) any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
 - 9) an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100 year flood.
- c) Application Review Procedures

Upon receipt of an application for a Special Permit by the Zoning Officer the following procedures shall apply in addition to all other applicable permit procedures which are established.

Within five (5) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Township Planning Commission for review and recommendations. At the discretion of the Township, an additional copy of all such materials, together with the appropriate fee, may be required to be submitted by the applicant to the Township Engineer for review and comment.

If an application is received that is incomplete, the Township Zoning Officer shall notify the applicant in writing, stating in what respects the application is deficient.

If the Township Zoning Officer disapproves an application, he shall notify the applicant in writing of the reasons for the disapproval.

If the Township Zoning Officer approves an application, the Zoning Officer shall file written notification, together with the application and all pertinent information, with the State Coordinating Agency for the NFIP by registered or certified mail, within ten (10) working days after the date of decision.

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Before issuing the Special Permit, the Township Zoning Officer shall allow the State Coordinating Agency for the NFIP Affairs 30 days after the receipt of the notification, to review the application.

If the Township Zoning Officer does not receive any communication from the State Coordinating Agency for the NFIP during the 30 day review period, the Zoning Officer may issue a Special Permit to the applicant.

If the State Coordinating Agency for the NFIP should decide to disapprove an application, it shall notify the Township Zoning Officer and the applicant, in writing, of the reasons for the disapproval, and the Township Zoning Officer shall not issue the Special Permit.

d) Special Technical Requirements

In addition to any other applicable requirements, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and any other applicable provisions, the more restrictive provisions shall apply.

No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

- 1) fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - a) the structure will survive inundation by waters of the 100 year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100 year flood elevation;
 - b) the lowest floor elevation (including basement) will be at least one and one-half (1 1/2) feet above the 100 year flood elevation; and,
 - c) the occupants of the structure can remain inside for an indefinite period of time and/or be safely evacuated at any time during the 100 year flood.
- 2) prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

Hydrologic and hydraulic analyses shall be undertaken only by a professional engineer or another of demonstrated qualifications, who shall certify that the technical methods used correctly reflect accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in

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sufficient detail to allow a thorough technical review by the Township Zoning Officer and the State Coordinating Agency for the NFIP.

In approving any application for a Special Permit, the Township Zoning Hearing Board may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general health, safety, and welfare of the public.

No variance shall be granted for any of the requirements of this Section.

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Section 218 HS – Highway Setback Zone

- A. Purpose: The purpose of this overlay district is to provide adequate setback from the right-of-way of the Central Susquehanna Valley Transportation Project (CSVV). CSVV has been designated as the major transportation corridor traversing Monroe Township providing a North/South route in central Pennsylvania. The purpose of the zone is to provide a safety buffer for the residents of Monroe Township as well as the traveling public.
- B. Delineation: The area measured two hundred feet (200') from the CSVV right-of-way.
- C. Design Standards: No dwelling, as defined herein, shall be located or erected within the Highway Setback Corridor.

Section 219 AZ – Airport Overlay Zone

- 219.1** Specific Intent: The purpose of this zone is to benefit the public health, safety and welfare by regulating and restricting the height of manmade and natural objects in the vicinity of any airport located in Monroe Township in conformance with the following objectives:
1. Create appropriate overlay zones and establish boundaries thereof.
 2. Provide for changes in the restrictions and boundaries of such zones in accord with particular types of airports, runways, aircraft, and instrumentation involved.
 3. Provide a map of the overlay zone for the airport.
 4. Provide rules and enforcement of these regulations.
 5. Prevent the establishment of hazards to air navigation.
 6. Conform with the goals of the Comprehensive Plan.

- 219.2** Airport Zones: In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Monroe Township. Such zones are shown on the Monroe Township Airport Zoning Map which is incorporated into this Ordinance and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Utility Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. Utility Runway Nonprecision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. Runway Larger Than Utility with a Visibility Minimum as Low as Three-Fourths Mile Nonprecision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly

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to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

4. Precision Instrument Runway Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
5. Heliport Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 500 feet at a horizontal distance of 4,000 feet from the primary surface.
6. Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.
7. Heliport Transitional Zones. These zones extend outward from the side of the primary surface and the heliport approach zones a horizontal distance of 250 feet from the primary surface centerline and the heliport approach zone centerline.
8. Horizontal Zone. The horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
9. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward a horizontal distance of 4,000 feet.

219.3

Airport Zone Height Limitations: Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility Runway Visual Approach Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. Utility Runway Nonprecision Instrument Approach Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same

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elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

3. Runway Larger Than Utility with a Visibility Minimum as Low as Three-Fourths Mile Nonprecision Instrument Approach Zone. Slopes 34 feet outward for each foot upward beginning at the end of, and at the same elevations as, the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
4. Precision Instrument Runway Approach Zone. Slopes 50 feet outward for each foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
5. Heliport Approach Zone. Slopes eight feet outward for each foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a distance of 4,000 feet along the heliport approach zone centerline.
6. Transitional Zones. Slopes 7 feet outward for each foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of, and at the same elevation as, the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angle to the extended runway centerline.
7. Heliport Transitional Zones. Slopes 2 feet outward for each foot upward beginning at the sides of, and at the same elevation as the primary surface and the heliport approach zones, and extending a distance of 250 feet measured horizontally from, and at, 90 degree angles to the primary surface centerline and heliport approach zones centerline.
8. Horizontal Zone. Established at 150 feet above the airport elevation.
9. Conical Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

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219.4 Use Restrictions: Notwithstanding any other provisions of this Ordinance, no use may be made on land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

219.5 Nonconforming Uses

1. Regulations Not Retroactive. The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently executed.
2. Marking and Lighting. Notwithstanding the preceding provisions of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the FAA to indicate to the operators of aircraft obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the owner of said airport.

219.6 Permits

1. Future Uses. Except as specifically provided in A, B, and C hereunder, no material change shall be made in the use of land, no structure, shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particularity to allow it to be determined; whether the resulting use, structure, or tree would conform to the regulations prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section 502.
 - A. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic

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features, such tree or structure would extend above the height limits prescribed for such zones.

- B. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
- C. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except where such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing in the exceptions above shall be construed as permitting, or intending to permit, any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this Ordinance.

- 2. Existing Uses. No permit shall be granted that would allow the establishment or creation of any obstruction, or permit a nonconforming use or structure; or a tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all application for such a permit shall be granted.
- 3. Nonconforming Uses Abandoned or Destroyed. Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- 4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations in this Ordinance may apply to the Zoning Hearing Board for a variance for such regulation. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variance shall be allowed where it is duly found that a literal application or enforcement of the regulation will result in unnecessary hardship and relief granted will not be contrary to the public interest.

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5. Obstructions, Markings, and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Zoning Hearing Board this condition may be modified to require the owner to permit the airport owner at its own expense to install operate and maintain the necessary markings and lights.

219.7 Enforcement

The Zoning Officer shall administer and enforce the regulations contained herein. Applications for permits and variances shall be made to the Zoning Officer. Applications required by this section shall be considered in a timely manner and be approved or denied. Appeal shall be to the Zoning Hearing Board, in compliance with Article 5, of this Ordinance.

219.8 Conflicting Regulations

Where there exists a conflict between any of the regulation or limitations in this Article and any other regulation applicable to the same area, whether the conflict is with respect to the height of structure or tress, and the use of the land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

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Section 300 ACCESSORY USES AND STRUCTURES

- 300.1** Accessory Structures Attached: An accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.
- 300.2** Accessory Structure Nonattached: An accessory structure, standing apart from the principal structure, is permitted in the side or rear yards.
- 1) No mobile home or structure that has been built and titled under the Pennsylvania Motor Vehicle Code or any other state vehicle code (e.g. recreational vehicles, tractor trailers) shall be used as an accessory structure or storage unit on any lot within the boundaries of Monroe Township. The use of such units as an office and storage during construction projects is an allowed exception to the above.
- 300.3** Fences and Walls: Fences and walls may be constructed in required yards provided that:
- 1) No fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than four (4) feet in a front yard area.
 - 2) Fences or walls shall not exceed six (6) feet in height in side and rear yards in residential zones and ten (10) feet in side and rear yard areas in any other zone.
 - 3) Fences for a residential use abutting a Commercial or Industrial use may be ten (10) feet in height in the side or rear yard only. (For retaining walls, see section 313.3)
 - 4) Compliance with Township floodplain regulations is required. (See section 217)
 - 5) Wire fencing used to contain livestock shall be exempt from the above requirements.
- 300.4** Walkway: All internal walkways within a designated lot shall not be constructed within three (3) feet of the front, side or rear property line except that portion which is used to enter or exit the lot.
- 300.5** Satellite Dish Antenna: Any accessory structure other than an antenna used for reception of regular AM-FM signals, capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or transmitter relay located in planetary orbit

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shall be subject to the following constraints:

- 1) Such devices shall not be placed within any required setback area.
- 2) Satellite dish antenna over eighteen (18) inches in diameter must be located in a side or rear yard only.
- 3) A ground-mounted dish antenna on any residential lot cannot exceed an overall diameter of twelve (12) feet or an overall height of fifteen (15) feet.
- 4) Antennas eighteen (18) inches or less are exempt from these regulations.

300.6 Solar and Wind Energy Facilities: Solar or wind energy systems either as part of a structure or as an independent structure providing a significant fraction of the electricity, space heating, space cooling or domestic hot water heating for a permitted use in any zone shall be permitted as accessory uses subject to the following constraints:

- 1) No solar energy system located on the ground shall exceed a height of eight (8) feet.
- 2) The maximum ground coverage of a structure supporting a solar collector shall not exceed twenty-five (25) percent of the area of the ground floor of the principal building.
- 3) Solar Energy Systems must be reasonably installed and sited in the most aesthetic and architecturally compatible method possible, whether as a part of a structure or incidental to a structure or group of structures nearby.

300.7 Decks:

- 1) Location and Setback - All decks shall be located in the side and/or rear yard area only and shall meet current setback requirements for the appropriate zone.
- 2) All construction of decks shall meet current requirements of the Township's Building Code as amended and revised or per approval of the Monroe Township Board of Supervisors.

300.8 Swimming Pools/Garden Pools:

- 1) Location and setback - All swimming, bathing, or other private pools as defined in the Ordinance of Definition shall

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be located to the side and/or rear of the dwelling and shall observe the side yard and rear yard setbacks for the appropriate zone.

- 2) All swimming, bathing, or other private pools, as defined in the Ordinance of Definition with a minimum height of four (4) feet from the circumference base to the water's edge are required to have access by a removable ladder or lockable gate to the access ladder. Pools less than four (4) feet from the circumference base to the water's edge but with a water depth of twenty-four (24) inches or greater must be surrounded by a minimum four (4) foot high fence. A dwelling house or accessory building may be used as part of such enclosure.
- 3) Gate Requirements - All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

300.9

Temporary Uses:

Authorization - The following uses of land are permitted in each zoning district (unless restricted to particular zoning districts) subject to the specific regulations and time limits which follow and to the other applicable regulations of the district in which the use is permitted:

- 1) Christmas Tree Sales: Will be allowed only in the following zones – A, A-P, C and H-C and for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of this Chapter provided that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets. Area devoted to Christmas tree sales must be cleared of all debris and all excess trees by January 1st.
- 2) Contractor's Office and Equipment Shed: An accessory to a construction project. The office and/or shed must be removed within two (2) weeks of the completion date.
- 3) Temporary Offices and Bank Facilities in Mobile homes: Will be allowed in the following zones - C and H-C after a Land Development Plan has been approved. The Land Development Plan must show the locations of the proposed temporary facility and the proposed permanent facility. The

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temporary office must be removed within two weeks of completion of the permanent facility.

- 4) Real Estate Office/Model Home: Incidental to a new housing development. Contains no sleeping or cooking accommodations unless located in a model dwelling unit. Maximum number of permanent employees is two (2). Time limit of one (1) year, with annual renewal. The real estate office/model home shall not be used as a residence or dwelling until the use as an office/model home is abandoned.
- 5) Outdoor Seasonal Sale of Farm Produce: To continue for not more than six (6) consecutive months per year only in the C and H-C zones.

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Section 301 SIGNS

Purpose

The purpose of this Article is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor signs of all types. It also protects property values; creates a more attractive economic and business climate, enhances and protects the physical appearance of the community, preserves the scenic and natural beauty of designated areas and provides a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, and to curb the deterioration of natural beauty and community environment. Therefore, signs may be erected and maintained only when in compliance with the provisions of this Ordinance and all other ordinances and regulations relating to the erection, alteration or maintenance of signs and similar devices.

301.1 Permitted Permanent Signs

Subject to the provisions of this Article, only the Permanent Signs contained in Table 3-1 are permitted. A Zoning Permit may be required. The cost of which shall be fixed by the Board of Supervisors from time to time.

301.2 Permitted Temporary Signs

Subject to the provisions of this Article, only the Temporary Signs contained in Table 3-1 are permitted. A Zoning Permit may be required. The cost of which shall be fixed by the Board of Supervisors from time to time.

301.3 Prohibited Signs

The following types of signs shall not be permitted in the Township:

- A. No animated, sequential, flashing, rotating, oscillating signs, or revolving sign, with the exception of barbershop poles.
- B. Signs in a public right-of-way except official highway route number signs, street name signs, directional , or other official government (federal, state, county, or township) signs.
- C. A sign suspended between poles and lighted by a series of lights.

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- D. A sign suspended between poles consisting of either pennants or spinners.
- E. Any sign erected, painted, or drawn on a tree or rock or other natural feature, other than allowed by P-5b.
- F. Signs shall not be attached to utility poles.
- G. Any banner sign or sign of any type across a public street.
- H. Any sign which projects over a public sidewalk more than twelve inches (12") at a height less than nine feet (9') above the sidewalk.
- I. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of the Monroe Township Zoning Ordinance.
- J. Any sign which uses the words "stop", "look", "danger", or any other word or character which attempts or appears to attempt to direct the movement of traffic or which interferes with or resembles any official traffic sign, signal, or device within seventy-five (75) feet of a public right-of-way or within two hundred (200) feet of a traffic control device, whichever is greater.
- K. Open flames used to attract public attention to a place of business or to an advertising sign.
- L. Any sign within a clear sight triangle.
- M. Except for traffic control signals, red or green lights are prohibited within seventy-five (75) feet of a public right-of-way or within two hundred (200) feet of a traffic control device, whichever is greater.
- N. A truck or other vehicle not used for normal day-to-day operations of a business or not regularly moved for business related purposes shall be prohibited from use as a sign. (see Section 301.4)
- O. Freestanding signs for individual businesses within a shopping center.
- P. Any sign that emits smoke, vapors, particulate, sound or odor.

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- Q. Off premises signs, except billboards.
- R. Inflatable signs, exceeding 48 hours in any 90 day time period.
- S. Any sign placed on the roof or higher than the vertical walls of any structure.

301.4 Vehicular Signs

A sign on a vehicle denoting a business or business-related activity shall be considered a business sign and shall be subject to the following regulations:

- A. Vehicles containing a business sign and parked in a residential district shall be concealed (garaged) from public view or in a parking space screened from view from the street unless such vehicle is moved off premises on a regular basis, at least three (3) times per week, or except wherein the vehicle owner or repairman is actually engaged in authorized repairs or construction at that location.
- B. Vehicles shall not be parked in public view in any district when the purpose is to serve as a sign or advertisement. (Also see prohibited signs)

301.5 Exempt Signs

No permit need be obtained before erecting any of the following signs in any district. Exempt signs shall, however, conform to all other applicable regulations:

- A. Official highway route number signs, street name signs, directional, or other official government (federal, state, county, or township) signs.
- B. Directional information or public service signs, such as those advertising availability of restrooms, telephone or similar public conveniences, and signs advertising meeting times and places of nonprofit service or charitable clubs may be erected and maintained, provided that such signs do not advertise any commercial establishment, activity, organization, product, goods, or services except those of public utilities. Directional and information signs provided for the safety and/or convenience of the public within commercial establishments may be erected. Signs erected under this subsection shall not exceed four (4) square feet in

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area.

- C. Public interest signs or signs indicating the private nature of a road, driveway or premises, signs prohibiting or otherwise controlling hunting or fishing upon particular premises, and signs indicating ownership of a property, provided sign area does not exceed one (1) square foot. Trespassing signs and signs indicating private ownership of property may be erected on the premises to which they refer. The signs shall be spaced at intervals of not less than fifty (50) feet or greater than one hundred (100) feet along the property line.
- D. Signs displaying name and address of the occupant of the premises, provided that the area of any such sign shall not exceed one (1) square foot and not more than one (1) such sign shall be erected for each property held in single and separate ownership, unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.
- E. Government flags or insignias not exceeding eighty (80) square feet.
- F. Government Signs
- G. Window signs indicating the store hours or names of credit institutions, provided that the total area of such sign or signs does not exceed two (2) square feet.
- H. Vending machine signs bearing the brand name of the product being sold or price of such product.
- I. Historical tablets provided that such tablet does not exceed four (4) square feet.
- J. Signs which are a permanent architectural feature of a building or structure, such as a cornerstone, or identifying letters carved into or embossed on a building, provided that the letters are not made of a reflective material nor contrast in color with the building.
- K. Revolving barbershop pole sign, provided that it does not exceed thirty-six (36) inches in height.
- L. Signs advertising the variety of crop growing in a field. Such signs shall be removed after the growing season.

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301.6 General Regulations for All Signs

A. Maximum Sign Area Per Lot

1. A lot upon which a building(s) is situated regardless of the number of occupants therein shall be entitled to a maximum sign area of one-and-a-half (1 ½) square feet for each lineal foot of building face parallel or substantially parallel to a street, or a total of eighty (80) square feet, whichever is greater
 - a. Where a lot fronts on more than one street (i.e., a corner lot) the sign area allowed for the smaller building face shall be allowed for each frontage.
 - b. In unique situations where no building face is parallel or substantially parallel to a street, the building face with the lesser of an angle to the street shall be used for determination of maximum sign area.
2. A lot without a building situated thereon shall be entitled to a maximum sign area of forty (40) square feet.
3. An individual store or storefront within a Shopping Center, Shopping Plaza, or Mall shall be entitled to a maximum sign areas of one-and-a-half (1 ½) square feet for each lineal foot of store frontage parallel or substantially parallel to a street or parking area, or a total of forty (40) square feet, whichever is greater. Where such a store or storefront fronts on more than one street or parking area, the sign area allowed for the smaller store or storefront face shall be allowed for each frontage.

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- B. Signs must be constructed of durable material, maintained in good condition and not allowed to become dilapidated. Any sign which becomes dilapidated or which creates a hazard to the public health, safety or welfare shall be removed at the expense of the owner or lessee. The Township Zoning Officer shall make such determination as to the state of repair or the presence of a hazard.
- C. Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as a sign and the regulations pertaining thereto shall apply.
- D. Each sign including all structural elements shall be removed when the circumstances leading to its erection no longer apply.
- E. Lighted signs shall be interior lighted with non-glaring lights, or illuminated by flood lights or spot lights shielded so there is no direct light transmitted to other properties or public rights-of-way and otherwise comply with Section 319. No sign on the rear of a building shall be permitted to be illuminated.
- F. No sign shall be located so as to interfere with visibility for motorists or pedestrians at street or driveway intersections.
- G. Sign Measurements.
 - 1. The area of the sign composed of letters only, attached to a building facade without any background material other than the building components, shall be the area within the perimeter of the entire lettered words.
 - 2. The area of a sign composed of letters only attached to a building facade on background material to set off the letters shall be the area within the perimeter of the background material, including any molding.
 - 3. The area of all other signs shall be the area within the perimeter of the sign structure including any molding.
- H. No signs shall be nailed, wired or otherwise affixed to a utility pole or to an official traffic or street name sign or onto a bridge.
- I. No sign shall be affixed to any motor vehicle or trailer in such a manner that the carrying of such sign is no longer

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incidental to the vehicle's primary purpose. This prohibition does not apply to any vehicles with valid licenses.

- J. The area immediately surrounding each sign shall be kept neat and litter-free.
- K. All provisions of this chapter shall apply to the use of silos, buildings, smokestacks, water towers and similar structures as signs or billboards.

301.7 Billboards and Outdoor Advertising

Billboards and outdoor advertising devices shall be allowed only in the H-C District in accordance with the following standards and regulations.

- A. No individual billboard or outdoor advertising sign face shall exceed 300 square feet.
- B. No billboard or advertising sign shall be permitted to be erected upon the roof of any building.
- C. Billboard and advertising signs shall be required to setback fifty feet (50') from the street right-of-way.
- D. No billboard and advertising sign shall be permitted to be erected within five hundred feet (500') of an adjoining Residential District.
- E. V-shaped billboard and advertising sign structures supported by a single structure shall be permitted provided that the angle formed by the two sides of the advertising sign structure does not exceed thirty degrees (30°).
- F. One billboard shall be separated by 1,000 ft. to another billboard.
- G. No billboard shall exceed 25 ft. in height above ground level.
- H. Lighting of Signs:
 - 1. No sign shall be permitted which is not effectively shielded so as to prevent beams or rays of light being directed at any portion of the traveled way of any highway, or which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle or which interferes with any driver's operation of a motor vehicle.

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2. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.
 3. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.
 4. All other applicable provisions of Section 319 shall apply.
- I. Annual fee for billboards and outdoor advertising signs.
 1. In order for a billboard sign permitted by this chapter or already built to continue to be a lawful use, the owner or lessee of such sign shall pay annually to Monroe Township the required fee on or before February 1 of each calendar year, and default of such payment shall be considered a violation of this chapter, and such sign may be removed as provided for Section 301.9.
 2. A schedule of officially approved fees and costs is on file at the Monroe Township Municipal Building and may be obtained upon request.
 - J. Billboard signs shall be permitted only if the provisions of the Outdoor Advertising Control Act of 1971, Act 160, 36 P.S. 2718.101 et seq., have been met.
 - K. Before any billboards are erected, the appropriate State and/or Federal permits that are required for the erection of a billboard shall be obtained and copies of the same shall be filed at the Zoning Office of Monroe Township prior to such erection.

301.8

Permits

- A. Sign permits shall be required for signs as noted in Sections 301.1 and 301.2.
- B. The following operations shall not be considered as creating a sign and shall not require a permit.
 1. Replacing copy. The changing of the advertising copy or message on an approved painted or printed sign or on approved signs that are specifically designed for the use of replaceable copy.

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2. Maintenance. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless structural change is made.

301.9 Removal of Non-permitted Signs

Any sign not in conformity with this section shall be removed, and the Zoning Officer of Monroe Township may remove any sign not in conformity with this section. If the Zoning Officer removes any signs, the same shall be kept in the possession of Monroe Township for a period of thirty (30) days and may be claimed and recovered by the owner thereof upon proper proof shown; and after thirty (30) days if such signs are not claimed and recovered, they shall be destroyed. Removal, storage, or destruction shall be at the property owner's expense.

301.10 Nonconforming Signs

All signs in existence prior to the passage of this section and effective date shall not have to be in compliance with this section except for any annual fee due, but shall be in compliance with any former laws, regulations and ordinances that were in effect at the time such signs were erected. If a nonconforming sign is replaced it shall conform to the requirements of this Article.

301.11 Marquees and Canopies

A marquee and/or canopy is permitted in the C and HC Zones where it bears no sign other than the identification or name of the premises, provided that such marquee and/or canopy shall be considered as part of the structure to which the same is attached and shall therefore conform to restrictions concerning building setback lines and height restrictions. The marquee or canopy sign must comply with square footage requirements of this chapter regarding size of identification signs.

301.12 Signs on Nonconforming Structures

Signs on nonconforming structures in any zoned district may be permitted by special exception by the Zoning Hearing Board in keeping with the intentions of Article 4.

**Table 3-1
Permitted Signs, Permanent and Temporary**

Sign Type	Max. No. Permitted	Max. Area Permitted	Minimum Setback from Street Right-of-Way	Max. Height Attached	Max. Height Freestanding	Max. Projection from Building	Zoning Districts Permitted In	Permit Required
PERMITTED PERMANENT SIGNS								
P-1:	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	All	No
P-2:	One (1) per frontage	100 sq. ft. per sign (20 sq. ft. in any residential district)	10 ft. to leading edge of sign	Edge of roof (See Ordinance of Definition)	25 ft. (from street grade) 6 ft. (in any residential district)	12 in.	All	Yes
P-3:	One (1) per dwelling unit	2 sq. ft. per sign	5 ft. from street right-of-way	6 ft.	6 ft.	12 in.	All	No
P-4:	One (1) per event	6 sq. ft. per sign	5 ft. from street right-of-way	10 ft.	10 ft.	12 in.	All	Yes
P-5a.:	One (1) per driveway	2 sq. ft. per sign	5 ft. from street right-of-way	10 ft.	6 ft.	12 in.	All	No
P-5b:	One (1) per 50 ft. of property line	2 sq. ft. per sign	5 ft. from street right-of-way	10 ft.	6 ft.	12 in.	All	No

**Table 3-1
Permitted Signs, Permanent and Temporary**

Sign Type	Max. No. Permitted	Max. Area Permitted	Minimum Setback from Street Right-of-Way	Max. Height Attached	Max. Height Freestanding	Max. Projection from Building	Zoning Districts Permitted In	Permit Required
P-6a:	One (1) per entrance and exit	2 sq. ft.	5 ft. from street right-of-way	N/A	3 ft.	Not permitted	All	No
P-6b:	Unlimited	Per PADOT specifications					All	N/A
P-7a:	One (1) per frontage	50 sq. ft. per sign face	20 ft.	N/A	20 ft. from road/grade surface	Not permitted	APT, N-C, H-C, C	Yes
P-7b:	N/A	Section 301.6A(1) shall govern, except at rear of building where only one (1) sign is allowed.	Section 301.6A(1) shall govern, except that any sign attached to a rear wall shall be limited in size to twenty-five (25) percent of the largest sign attached to the structure.	Edge of roof (See Ordinance of Definition)	N/A	12 in.	APT, N-C, C, H-C	Yes

**Table 3-1
Permitted Signs, Permanent and Temporary**

Sign Type	Max. No. Permitted	Max. Area Permitted	Minimum Setback from Street Right-of-Way	Max. Height Attached	Max. Height Freestanding	Max. Projection from Building	Zoning Districts Permitted In	Permit Required
P-8a:	One (1) per street frontage	200 sq. ft. per sign face	20 ft.	N/A	20 ft.	Not permitted	APT, N-C, C, H-C, I	Yes
P-8b:	N/A	Section 301.6A(1) shall govern, except at rear of building where only one (1) sign is allowed.	Section 301.6A(1) shall govern, except that any sign attached to a rear wall shall be limited in size to twenty-five (25) percent of the largest sign attached to the structure.	Edge of roof (See Ordinance of Definition)	N/A	12 in.	APT, N-C, C, H-C, I	Yes
P-9:	See Section 301.7	300 sq. ft.	50 ft.	25 ft.	25 ft.	Not permitted	H-C	Yes
P-10:	One (1) per dwelling unit	2 sq. ft.	5 ft.	6 ft.	6 ft.	12 in.	Where Use Is Permitted	No
P-11:	One (1) per street	6 sq. ft.	15 ft.	Edge of roof (See Ordinance	10 ft.	12 in.	R-3, V, N-C	Yes

**Table 3-1
Permitted Signs, Permanent and Temporary**

Sign Type	Max. No. Permitted	Max. Area Permitted	Minimum Setback from Street Right-of-Way	Max. Height Attached	Max. Height Freestanding	Max. Projection from Building	Zoning Districts Permitted In	Permit Required
	frontage			of Definition)				
P-12:	One (1) per street frontage	2 sq. ft.	5 ft.	Edge of roof (See Ordinance of Definition)	6 ft.	12 in.	Where use is permitted	Yes
PERMITTED TEMPORARY SIGNS								
T-1:	One (1) per each separate firm involved in work on the site	6 sq. ft.	5 ft.	Edge of roof (See Ordinance of Definition)	10 ft.	12 in.	All	No
T-2:	One (1) per street frontage	6 sq. ft. per sign	5 ft.	Edge of roof (See Ordinance of Definition)	10 ft.	12 in.	All	No
T-3:	Two (2) per road frontage	25 sq. ft. per each sign	15 ft. or building face	Edge of roof (See Ordinance of Definition)	10 ft.	12 in.		No
T-4:	Two (2) per road frontage	25 sq. ft. per each sign	15 ft. or building face	Edge of roof (See Ordinance of Definition)	10 ft.	12 in.		No

**Table 3-1
Permitted Signs, Permanent and Temporary**

Sign Type	Max. No. Permitted	Max. Area Permitted	Minimum Setback from Street Right-of-Way	Max. Height Attached	Max. Height Freestanding	Max. Projection from Building	Zoning Districts Permitted In	Permit Required
T-5:	Two (2) per road frontage	25 sq. ft. per each sign	15 ft. or building face	Edge of roof (See Ordinance of Definition)	10 ft.	12 in.		No
T-6:	One (1) per lot, attached or freestanding	32 sq. ft. per each sign	15 ft. or building face	Edge of roof (See Ordinance of Definition)	10 ft.	12 in.	All	No
T-7:	Two (2) per lot	6 sq. ft. per each sign	5 ft. or building face	Edge of roof (See Ordinance of Definition)	10 ft.	12 in.	A, A-P	No
T-8:	One (1) per street frontage	32 sq. ft. per each sign	15 ft. or building face	Edge of roof (See Ordinance of Definition)	10 ft.	12 in.	All	No
T-9:	Two (2) per lot	6 sq. ft. per each sign	5 ft.	Edge of roof (See Ordinance of Definition)	6 ft.	12 in.	All	No
T-10:	N/A	10 sq. ft per each sign	10 ft.	6 ft.	6 ft.	12 in.	All	No

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Permanent Signs

- P-1:** All signs and signals owned or operated by the Township or other governmental agencies.
- P-2:** Identification signs for private facilities and schools, and public and semi-public facilities such as schools, churches, hospitals, libraries, clubs, and public utilities.
- P-3:** Nameplate identifying the owner or resident of a private property. Such sign may be in addition to normal name and address on or attached to a mailbox, which signs are not subject to the regulations of this Article.
- P-4:** Historical markers.
- P-5a:** Signs indicating the private nature of a street, driveway or other premises.
- P-5b:** Signs controlling the use of private property, such as the prohibition of hunting, fishing, or trespassing. Landowners may post their property by any of the following methods:
- Using a paint mark of aluminum color paint consisting of a vertical line at least two inches in width and at least eight inches in length, no less than three feet and not more than six feet from the ground or normal water surface and visible when approaching the property.
 - Signs which specifically prohibit hunting, fishing or trespassing on the property.
- P-6a:** On-site Enter and Exit, and Instructional Sign (Note: Will not obstruct traffic and no advertising permitted)
- P-6b:** On-site traffic control signs
- P-7a:** Freestanding business signs, excluding Shopping Center, Shopping Plaza, or Mall.
- P-7b:** Attached business signs, excluding Shopping Center, Shopping Plaza, or Mall.

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- P-8a:** Freestanding Commercial Sign for Shopping Center, Shopping Plaza or Mall. Note: Individual stores are prohibited from individual freestanding signs.
- P-8b:** Commercial Attached Wall signs for individual stores within a shopping center, shopping plaza or mall
- P-9:** Billboards and outdoor advertising
- P-10:** Home occupation signs. One (1) home occupation sign shall be permitted per dwelling unit. A home occupation sign may be a wall, freestanding or projecting sign.
- P-11:** Sign identifying multi-family dwellings.
- P-12:** Sign advertising a Bed and Breakfast Home or Inn, and a Special Occasion Home.

Temporary Signs

- T-1:** Signs identifying architects, engineers, contractors, tradesmen, financial/lending institutions, or others engaged in construction work on premises wherein their work is proceeding. Such signs shall not be erected prior to work beginning, and shall be removed as soon as the work ceases or is completed.
- T-2:** Real Estate signs on individual properties of less than three (3) acres that are for sale, rent or lease or which have been sold, rented or leased. Signs to be removed within one week of sale, rent or lease agreement.
- T-3:** Real Estate signs on properties of three (3) acres or more, offering for sale, rent, lease or subdivision for commercial, residential or industrial use. Signs to be removed within one week of date of sale, rent or lease agreement.
- T-4:** Signs announcing proposed housing development, apartments or office complexes. Signs to be removed upon completion of development or within 18 months of placement, whichever comes first.
- T-5:** Signs announcing proposed commercial, industrial or other non-residential development. Signs to be removed within one year of erection.

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- T-6:** Signs announcing grand openings, new ownership or change of use, on the site of the permitted use. Signs shall be removed thirty (30) days after erection.
- T-7:** Signs, advertising the temporary sale of agricultural products raised on property from which it is being sold. Signs to be displayed only when products are on sale or one week prior to sale.
- T-8:** Temporary signs announcing a special event. (Does not include Yard/Garage Sales and temporary reduction in prices). Sign shall not exceed thirty (30) consecutive days at any site within the Township nor exceed two special events per year. Special event signs for charitable or non-profit organizations shall be exempt from requirement limiting signs to two (2) special events per year but shall be subject to all other requirements for T-8 signs.
- T-9:** Yard Sale and Garage Sale Signs - Signs may be displayed only during the days of the sale and one week prior to the sale.
- T-10:** Political posters, banners, signs, etc. about candidates, political parties and ballot issues. Allowed four (4) weeks prior to election and removed (1) week after election. (see Section 301.3.B)

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Section 302 UNENCLOSED STORAGE

- 302.1** Outdoor Stockpiling: In all zones, no outdoor stockpiling of any material is permitted in the front yard.
- 302.2** Junk: Except as provided in Section 620 or other Township Ordinances, the accumulation of junk out-of-doors in the rear area only and for a period in excess of fifteen (15) days is prohibited in all zones.
- 302.3** Garbage and/or Refuse: Outdoor storage of weekly accumulation of garbage and/or refuse in a suitable container is allowed in the side or rear yard area only.

Section 303 OFF-STREET PARKING

- 303.1** Off-Street Parking: In all districts, off-street parking spaces shall be provided as set forth in the following schedule whenever any building is erected or enlarged. Such spaces shall have adequate and well designed ingress and egress and shall be located on the same lot as the use to which they are necessary. Handicapped parking spaces shall be provided in accordance with the Monroe Township Building Code, as amended.

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Residential Dwelling	- per ½ dwelling unit
Hotel, Motel, Tourist Home (Not Including Restaurant Or Lounge Facilities)	- Guest Sleeping Room - Employee On Maximum Shift
Hotel, Motel, Tourist Home (Including Lounge Facility)	- Guest Sleeping Room - Employee On Maximum Shift - 2 Seats - One (1) For Every 10 Sq. Ft. of Lounge Floor Area
Office Building Area	- 200 sq.ft. of gross floor area (Minimum 5 Spaces)

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<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Retail Store or Shop	- 200 sq. ft. of retail space - Employees on peak shift
Eating Establishments	- 2 seats - Employees on peak shift
Elementary Schools	- classroom and each room used by students - per non-instructional employee
Middle Schools	- classroom and each room used by students - per non-instructional employee
High Schools	- classroom and each room used by students - per four (4) full-time students - per non-instructional employee
Bowling Alley	- 1/5 lane (i.e. 5 Spaces per Lane) - Employees on peak shift
Golf Driving Range	- Tee - Employee
Golf Course	- 1/6 hole (i.e. 6 Spaces per hole) - Employee
Open Space Areas used for Commercial Purposes	- or 2,000 sq.ft., or fraction thereof
Recreational Establishments	- 200 sq.ft. of Gross Floor Area - every employee on peak shift
Automobile Repair, Gasoline Station	- 400 sq.ft. of Gross Floor and Ground Area Devoted to Repair and Service Facilities - every employee on peak shift

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<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Professional Office of Physician and Dentist	- 175 sq.ft. of Gross Floor Area - every employee on peak shift
Other Commercial Buildings	- 200 sq.ft. of Gross Floor Area - every employee on peak shift
Auditorium, House of Worship, Theater and other such places of Public Assembly	- 2 Seats
Funeral Homes	- 100 Sq.Ft. of Gross Floor Area - every employee on peak shift
Industrial Establishments	- Employee on Maximum Shifts (Minimum 1 Space for Each 5,000 Sq.Ft. of Gross Floor Area)
Warehouse Distribution	- 1000 Sq. Ft. of Gross Floor Area - Each 400 Sq. Ft. of Office, Sales or Visitor's Space - every employee on peak shift
Club, Lodges and Other Similar Places	- 50 Sq.Ft. of Gross Floor Area - Employee on peak shift
Drive-in Establishments	- per twenty (20) sq.ft. of floor space plus one space per employee on the peak shift.
Colleges, Junior Colleges, Technical Schools, Universities and related uses	- one (1) parking space for every three (3) students enrolled. - every employee on peak shift
Child Care Center	- Employee on peak shift

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<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Day Care Center	- Each Two (2) Children provided care by the facility - every employee on peak shift
Family Day Care Home	- Employee on peak shift
Group Day Care Facility	- Each Four (4) Children provided care by the facility
Group Day Care Home	- Every employee on peak shift

303.2 Development and Maintenance of Parking Facilities.

Whenever off-street parking is required, the parking area, turning aisle and space shall be designed, constructed and maintained in accordance with the following minimum standards:

1. All parking areas shall be clearly marked for ease of movement and efficient use of space.
2. All parking spaces shall have access from an aisle in the parking area; under no circumstances shall direct access to the parking area be allowed from a public street or private road.
3. Parking areas shall be a minimum of ten (10) feet from a dwelling and five (5) feet from the right-of-way of a public or private streets and/or property line.
4. The parking area shall be constructed of a stabilized base and shall be paved with concrete or a compacted/rolled asphalt paving material.
5. Parking spaces shall have minimum dimensions of ten feet by twenty feet (10'x 20').
6. All parking areas shall have access from a clearly limited and defined driveway curb at the following standards:
 - a) one-way traffic: 12' minimum
 - b) two-way traffic: 20' minimum

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- c) radius of the edge of the driveway apron shall be at least 15';
 - d) or as PENNDOT may specify for any given proposal.

- 7. All parking areas shall include a minimum buffer of five (5) feet consisting of attractive vegetation between the parking area and right-of-way. Where parking areas of five (5) or more spaces are adjacent to residential development, a solid screen of attractive fencing or evergreen vegetation shall be provided to a minimum height of four (4) feet.

- 8. In all cases where curb and gutter or sidewalks are existing or are adjacent to the proposed parking area, these facilities shall be retained or extended.

- 9. Parking areas shall be illuminated as is necessary to protect the public safety; in all cases such illumination shall be designed to prevent glare or excessive brightness which may become a nuisance for adjacent residential development. (See section 319.14)

- 10. All off-street parking areas that are larger than five (5) spaces shall be designed to incorporate stormwater management.

- 11. In accordance with variance procedures the Zoning Hearing Board upon the recommendation of the Planning Commission may require fewer total spaces under the following conditions:
 - a. The peak usage hours of different uses vary to the extent that each use may share the same parking facilities while still providing adequate parking for each use; or
 - b. The clientele of a given use could reasonably be expected to be pedestrian, or utilize shared-rides or public transit.
 - c. Display of retail goods requiring an area in excess of that normally associated with retail sales. i.e. furniture, appliances.
 - d. Should the Zoning Hearing Board and developer agree to reduced parking requirements, the

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Zoning Hearing Board may require a written agreement which reserves sufficient open space to provide additional parking and turning area in the event of unanticipated growth or a miscalculation.

- e. Further, the Zoning Hearing Board may require the reservation of open space for additional parking which may be necessary in excess of the guidelines in the schedule of required spaces above.

Section 304 LOADING SPACE

304.1 Size; Surfacing: The loading space must be not less than twelve (12) feet wide and eighty (80) feet long, with an overhead clearance of at least fourteen feet. It shall be constructed of a stabilized base and shall be paved with concrete or a compacted/rolled asphalt paving material.

304.2 Spaces Required: Off-street loading spaces must be provided for each building erected or enlarged in accordance with the following schedule.

<u>Type of Use</u>	<u>Minimum of One (1) Loading Space for Each</u>
Commercial Establishment	10,000 sq.ft. of gross floor area or major fraction, in excess of the first 4,000 sq.ft.
Factory, Warehouse	Establishment, plus an additional space for each 10,000 sq.ft. of gross floor area.

304.3 Layout: The loading area must be arranged so that there will be no need for motorists to back over public rights-of-way and must not be located in the front yard area.

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Section 305

SEASONAL COTTAGES

Seasonal cottages may be permitted only in those zoning districts as specified in Article 2, the Zone Regulations. Seasonal cottages shall meet the requirements outlined below.

1. For the purposes of this Ordinance, a seasonal cottage shall be defined as a permanent structure used only periodically during the year. Such use may include shelter during hunting and fishing seasons, private vacation, and/or weekend or holiday uses, or other similar periodic visits at any time of the year.
2. Every lot to be utilized for such use shall meet the minimum area and yard requirements set forth in the Zone Regulations, Article 2, for the district in which it is located.
3. Seasonal cottages shall be provided with adequate sewage disposal and water supply systems subject to the applicable rules and regulations of the PA Department of Environmental Protection. Satisfactory evidence that all necessary permits of this type have been obtained shall be submitted as a part of an application for such a use.
4. A seasonal cottage shall not be converted to a permanent, full-time dwelling unit unless the same shall conform to all applicable requirements of this Ordinance and any other pertinent Township codes and ordinances. In particular, where seasonal structures are proposed for conversion to full-time occupancy, adequate sewage and water supply systems must be provided.
5. Where such uses are proposed to be located within the floodplain all Flood proofing requirements contained in Section 217 shall be met.
6. No more than one permanent seasonal cottage, dwelling or cabin shall be erected on an individual lot, unless part of an approved land development plan.
7. No buses, trucks, or recreational vehicles are permitted as permanent seasonal cottages or cabins.

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Section 306

ACCESS DRIVES

Unobstructed access to and from a street shall be provided. Such access shall consist of at least one eighteen foot (18') lane for parking areas with less than twenty (20) spaces. All other parking areas must comply with the access drive standards of 306.2 herein. No entrance or exit for any off-street parking area shall be located within fifty feet (50') of any street intersection.

306.1 Single-family dwellings

All Single-family dwelling driveways shall conform to the following:

1. The number of driveways may not exceed two per lot on a street frontage.
2. Driveways may not exceed a width of twenty -four feet (24') at the right-of-way line.
3. Driveways must be located in safe relationship to sight distance and barriers to vision. The drive may not exceed a slope of eight percent (8 %) within 20 feet of the street right-of-way line. Where a drive enters a bank through a cut, the shoulders of the cut may not exceed 50 percent in slope within 25 feet of the point the drive intersects the right-of-way.
4. Clear-Sight Triangle. Access drives shall be located and constructed so that a clear-sight triangle a minimum of 50 feet as measured along the street centerline and along the driveway centerline is maintained; no permanent obstructions and/or plant materials over thirty (30) inches high shall be placed within this area. In addition, all proposed access drives must have a minimum adequate safe stopping sight distance based on PENNDOT standards.
5. Residential single family and single family attached dwelling may utilize driveways as part of required parking.
6. Any residential dwelling located along and accessing directly an arterial or collector street shall provide an area to be utilized as a turn around area - minimum size 15' x 10' to the side of the main driveway so that entrance to the road can be performed in a safe manner.

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7. Single-Family driveways shall not be located:
 - a) Within five (5) feet of a fire hydrant.
 - b) Within twenty-five (25) feet of another access drive on the same property where lot width permits.
 - c) Within three (3) feet of a side and/or rear property line.

306.2 Multi-family dwellings

1. The number of driveways may not exceed two per lot on a street frontage.
2. Driveways may not exceed a width of twenty-four feet (24') at the right-of-way line.
3. Driveways must be located in safe relationship to sight distance and barriers to vision. The drive may not exceed a slope of eight percent (8 percent) within 20 feet of the street right-of-way line. Where a drive enters a bank through a cut, the shoulders of the cut may not exceed 50 percent in slope within 25 feet of the point the drive intersects the right-of-way.
4. Clear-Sight Triangle. Access drives shall be located and constructed so that a clear-sight triangle a minimum of 50 feet as measured along the street centerline and along the driveway centerline is maintained; no permanent obstructions and/or plant materials over thirty (30) inches high shall be placed within this area. In addition, all proposed access drives must have a minimum adequate safe stopping sight distance based on PENNDOT standards.
5. Any multi-family dwelling located along and accessing directly an arterial or collector street shall provide an area to be utilized as a turn around area - minimum size 15' x 10' to the side of the main driveway so that entrance to the road can be performed in a safe manner.
6. Multi-Family driveways shall not be located:
 - a) Within five (5) feet of a fire hydrant.
 - b) Within twenty-five (25) feet of another access drive on the same property where lot width permits.
 - c) Within three (3) feet of a side and/or rear property line.

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306.3

NON-RESIDENTIAL ACCESS DRIVE REQUIREMENTS

1. Number per lot. Except as specified elsewhere, the number of access drives intersecting with each street shall not exceed two (2) per lot.
2. Setbacks. All access drives shall be set back at least:
 - a) Fifty feet (50') from any other access drive or driveway located upon the same lot (measured from cartway edges); and
 - b) Ten feet (10') from any side and/or rear property lines; however, this setback can be waived along one property line when a joint parking lot is shared by adjoining uses.
3. Clear-Sight Triangle. Access drives shall be located and constructed so that a clear-sight triangle a minimum of 125 feet as measured along the street centerline and along the driveway centerline is maintained; no permanent obstructions and/or plant materials over thirty (30) inches high shall be placed within this area. In addition, all proposed access drives must have a minimum adequate safe stopping sight distance based on PENNDOT standards.
4. Access Drive Width. In no case shall any access drive cartway be less than eighteen (18) feet wide. See table below for further explanation:

No. of Lanes	Direction of Travel	Required Access Drive Width
1	one way	18 feet
2	one or two way	24 feet
3 or more	one or two way	12 feet/lane
5. PENNDOT Permit. Any access drive intersecting with a State-owned road shall require the obtainment of Pennsylvania Department of Transportation driveway permit as set forth in the Pennsylvania Code, Title 67, Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, as amended.
6. Township Permit. Any access drive intersecting with a Township road shall require the obtainment of a Driveway permit from the Township of Monroe.

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Section 307 **VACANT**

Section 308 **FARMETTE**

A farmette is permitted in the R-1 and R-2 zones for raising or keeping animals for the owner's pleasure, hobby or supplemental income, with the following restrictions:

The raising and ownership of such animals shall include, but not be limited to; horses, cattle, sheep, goats, poultry, rabbits (excluding house pets) and shall be subject to the following requirements:

Group 1: Animals whose adult average weight is less than fifteen (15) pounds.

Minimum lot area: two (2) acres
Maximum Density: twenty four per acre

Group 2: Animals whose average adult weight is between fifteen pounds and two hundred fifty pounds.

Minimum Lot area: two (2) acres
Maximum Density: eight (8) per acre

Group 3: Animals whose average adult weight is more than two hundred fifty pounds.

Minimum Lot area: two (2) acres
Maximum Density: one (1) per acre

For a combination of animals: Each animal type shall meet the permitted density for its group. The sum of the groups determines the total acreage needed.

Section 309 **DRAINAGE**

309.1 Adequate Drainage Required: No principal building may be erected, structurally altered, or relocated on land which is not adequately drained at all times.

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309.2 Drainage Upon Streets: In order to prevent improper surface water drainage upon streets, each building erected, structurally altered, or relocated, and its driveways, must be at a grade in satisfactory relationship with the existing or proposed street grade.

309.3 Drainage Upon Adjoining Properties; Slopes: In order to protect adjoining property owners, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land may be made which would:

1. Result in a slope of more than fifty (50) percent within twenty (20) feet of a property line.
2. Alter the existing drainage or topography in any way so as to adversely affect adjoining properties.

All slopes must be protected against erosion.

309.4 Obstruction to Drainage Prohibited: The damming, filling, or otherwise interfering with the natural flow of a surface watercourse is not permitted without approval of the Township.

Section 310 NUMBER OF PRINCIPAL USES ON A LOT

In all districts not more than one principal use shall be permitted upon a lot.

Section 311 STREET ACCESS

The lot of any dwelling hereafter erected shall abut a public street or an approved private street.

Section 312 MINIMUM HABITABLE FLOOR AREA

All dwelling units must conform to the minimum habitable floor area following:

1. Single-family Dwelling: Eight Hundred (800) square feet.
2. Two-family (Duplex) Dwelling: Six Hundred (600) square feet.
3. Multi-Family Dwellings: Six Hundred (600) square feet.
4. Accessory Apartment (1 person): Four hundred (400) square feet.

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Section 313 OTHER IMPROVEMENTS

313.1 Water Supply: Unless a safe water supply is provided, a permit shall not be issued for any principal building involving human use or occupancy. The water supply must meet or exceed the Pennsylvania Department of Environmental Protection standards.

313.2 Grading Requirements: No cut shall exceed a ratio of two (2) to one (1) or fill, a ratio of three (3) to one (1) on any lot unless satisfactory erosion controls approved by the Snyder County Conservation District are employed or unless a retaining wall subject to the requirements of Section 313.3 is supplied.

313.3 Retaining Walls: No retaining wall shall be constructed at a height exceeding six (6) feet unless a continuous four (4) foot high protecting fence is provided on top within one (1) foot of the wall edge.

Section 314 INTERSECTION SIGHT DISTANCE

314.1 Clear Sight Triangles: Proper sight lines must be maintained at all street intersections. Clear sight triangles formed by a triangle where the two legs of the triangle extend one hundred feet (100') from the centerline intersection of collectors, local roads and cul-de-sacs and two hundred feet (200') for all arterial streets (may be reduced to 150 feet (150') at the discretion of the Township Engineer) measured along street center lines from their points of junction shall be provided at all intersections and no building, structure, grade or planting higher than three feet above the centerline of the street shall be permitted within such sight triangles. (See Figure 2 Ordinance of Definitions).

Section 315 INTERIOR YARDS

Open space between multi-family buildings shall be provided as follows:

1. Parallel buildings shall have fifty (50) feet between faces for one story in height, plus five (5) feet for each additional story. If the front or rear faces are obliquely aligned the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.

Where service drives, bank grade changes, or collector walks

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are introduced in this space, the yard distance shall be at least twenty-five (25) feet.

2. A yard space of twenty-five (25) feet for each one story building, plus five (5) feet for each additional story, shall be required between end walls of buildings. A yard space of thirty (30) feet for one story, plus five (5) feet for each additional story, shall be required between end walls and front or rear faces of buildings where buildings are not parallel.
3. When two adjacent buildings differ in the number of stories, the spacing shall be not less than the required distance between two (2) buildings having the same height as the higher building.
 - a. Outer and inner courts shall be permitted when such courts are not less than fifty (50) feet or equal to the dimensions of the full height of the building walls enclosing the court, whichever is greater.

Section 316 FLOOD PLAIN REGULATIONS

Any use, activity or development which is proposed in a flood prone area must comply with this Ordinance.

Section 317 DEMOLITION

Demolition of any structure must be completed within three (3) months of the issuance of a permit. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is completed as required in the previous sentence. All evidences of the structure which was demolished must be removed from the exterior surfaces of the remaining building.

Existing well and septic systems no longer in use must be capped and sealed in compliance with DEP regulations.

Section 318 ON-SITE SEWAGE DISPOSAL SYSTEMS

The Township Sewage Enforcement Officer and/or a sanitarian of the Department of Environmental Protection shall certify that the location

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for the on-lot sewage disposal system is present on each lot and the feasibility report prepared under Section 308 of the Subdivision and Land Development Ordinance indicates:

1. Justification of the project necessitates consideration of this method.
2. The soil absorption areas are satisfactory for the type of system proposed.
3. Such systems will not endanger groundwater supplies below the level of the absorption system.

The standards for installation of the replacement system shall be as required by the Department of Environmental Protection at the time of its construction.

Section 319

PERFORMANCE STANDARDS

No land or building in any district in the Township shall be used or occupied in such a manner so as to create any dangerous or objectionable elements in such amount as to adversely affect the surrounding area or premises. All uses of land or building shall initially and continuously comply with all applicable performance standards established by federal and state agencies. Where the provisions of this section impose greater restrictions than those of federal or state agencies, the provisions of this chapter shall prevail. When provisions of state and federal agencies exceed the provisions of this section, the provisions of such state and federal agencies shall prevail. The burden of proof that a property or activity is in violation of this section shall rest with the complainant.

319.1

Noise:

1. The sound level of any operation or activity shall not exceed the decibel levels of the preferred frequencies cited below or as modified or exempted by the ASA. The sound-pressure level shall be measured with an octave band analyzer calibrated in the preferred frequencies conforming to the specifications published by the American Standard Association (Preferred Frequencies for Acoustical Measurements, SI 6-1960 American Standards Association, New York, New York).

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2. Standards. At no point on the property line of the owner of any operation or activity shall the sound-pressure level resulting from any operation or activity exceed the maximum permitted sound levels set forth below or expressly waived below.
Maximum Sound-Pressure Level

Center Frequency (Cycles per second)	R-1, R-2, R-3, V & W-R Districts	A, A-P, C, H-C, N-C & APT Districts	I District
31.5	72	77	82
63	71	76	81
125	65	70	75
250	57	62	67
500	51	56	61
1,000	45	50	55
2,000	39	44	49
4,000	34	39	44
8,000	32	37	42
Total dBA	55	60	65

NOTE:

Sound pressure level in decibels equals 0.0002 dynes/cm².

3. Waivers. The following sources of noise are exempt:
- a. Transportation vehicles not under the control of an on-site use.
 - b. Occasionally used safety signals, warning devices and emergency pressure-relief valves.
 - c. Temporary construction activity between 6:00 a.m. and 7:00 p.m.

319.2 Air Pollution:

1. A person, partnership, corporation or association may not cause on any land or permit on land owned by him, the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the person on whose land the sources is being operated. For purpose of this section, "malodor" is an odor which causes annoyance or discomfort to the public.

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2. Ambient air quality standards have been established by the Commonwealth of Pennsylvania. In order to minimize overlapping regulations, the township adopts these standards as its own. However, to govern situations of a localized nature, the following additional regulations are provided:
 - a) Odor threshold is defined as the lowest concentration of odorous matter that produces an olfactory response in normal human beings. Odor thresholds shall be measured in accordance with ASTM d 1391-57, “Standard Method for Measurement of Odor in Atmosphere (Dilution Method)” or its equivalent.
 - i) Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the lot line, measured either at ground level or habitable elevation.
 - ii) Should any such odorous material contain toxic material, such airborne toxic matter shall not exceed one-thirtieth (1/30) of the odor threshold at the appropriate points of measurement.
 - b) Smoke. For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart published by the United States Bureau of Mines shall be used. Opacity may not exceed No. 1 on the Ringelmann Smoke Chart.

319.3 Heat: No heat from any use shall be sensed at any property line to the extent of raising the temperature of air or material more than one degree Fahrenheit (1° F).

319.4 Vibration: No use shall cause vibrations exceeding the maximum values specified in this section. The maximum vibration is given as particles velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D \text{ where}$$

PV = Particle velocity, inches per second

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F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration inches

Particle velocity shall be the vector sum of three (3) individual components measured simultaneously in three (3) mutually perpendicular directions.

Maximum Ground Transmitted Vibration

Particle Velocity (Inches/second)	Adjacent Lot Line	Residential District
Zoning District		
R-1, R-2, R-3 V, & W-R Zones	0.05	0.02
A, A-P, C, H-C, N-C, APT, & I Zones	0.10	0.02

Where the vibration is produced as discrete impulses and such impulses do not exceed a frequency of sixty (60) per minute, then the values in this table may be multiplied by two (2).

- 319.5** **Offensive Area:** Areas for parking, recreation, service, utility equipment, waste receptacles and/or other elements which because of their appearance, odor and/or noise would be offensive to those occupying the lot or adjoining lots or those on the street, shall be screened, landscaped or otherwise treated to eliminate the offensive condition.
- 319.6** **Landscaping:** Natural landscaping elements, trees, shrubs, rocks, streams, contours, are a valuable asset in the environment. All site developments shall retain as much of the natural landscaping to a quality comparable to that of the surrounding properties.
- 319.7** **Fire:** All site layouts and structures shall comply with the Township Building Code. No structure and no activity within a site or structure shall pose a hazard of fire for adjacent lots and/or structures. Access for fire fighters and equipment shall be provided for every structure on the site.
- 319.8** **Toxic and Noxious Matter:** No emission which would be demonstrably injurious to human health, animals, or plant life at or beyond the

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boundaries of any lot will be permitted. Where such an emission could result from an accident or equipment malfunction, adequate safeguards considered standard for safe utilization of the toxic and noxious matters involved shall be taken.

- 319.9 Radiation Hazards:** The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with the applicable regulations of the Atomic Energy Commission.
- 319.10 Fire and Explosive Hazards:** The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, but only if said materials or products are stored, utilized, or manufactured within completely enclosed building having incombustible exterior and protected throughout by an automatic fire extinguishing system.
- 319.11** All activities involving the use and/or storage and/or disposal of flammable or explosive material shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire-fighting and suppression equipment and devices standard to the industry involved.
- 319.12 Electromagnetic Radiation:** In the interest of maintaining an atmosphere fruitful to research, there shall be no electromagnetic interference that adversely affects at any point the operation of any equipment other than that belonging to the creator of such interference, or that is not in conformance with the regulations of the Federal Communications Commission.
- 319.13 Water:** No emission of pollutants (as defined by the Pennsylvania Department of Environmental Protection) into a waterway, well or sewage system extending beyond the property line shall be permitted.
- 319.14 Outdoor Lighting:** Where light fixtures are installed to provide exterior illumination, excluding overhead street lighting and warning, emergency, or traffic signals, the following restrictions shall apply.
- a) All outdoor lighting, whether or not required by this ordinance; shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook.

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- b) All future amendments to the recommended practices of the IESNA shall be made a part of the Ordinance without further action by the Board of Supervisors.
- c) No glare or direct illumination may be in excess of 0.5 footcandles when measured at a residential use and/or residential zoning districts.
- d) Parking/Site lighting fixtures, when required for safety considerations, may be controlled by photocells for dusk to dawn operation
- d) The lighting from any luminaire shall be shaded, shielded, or directed to prevent direct light from being distributed beyond an angle of thirty-five (35) degrees from a vertical plane onto adjacent properties and/or surrounding areas. Unshielded lighting is not permitted, except for temporary holiday lighting.
- e) Lighting shall be designed so that the illumination does not exceed one tenth (0.1) footcandles beyond the property line on which the lighting originates.
- g) Externally illuminated signs shall be lighted by fixtures mounted on top of the sign and aligned down, rather than by fixtures mounted at the bottom of the sign and aimed up.
- h) All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse (disabling glare), and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property (nuisance glare).
- i) Pole-mounted lamps shall be placed directly above the area to be illuminated and shielded at the top and sides; or positioned near the perimeter of a property and aimed toward the area requiring illumination, subject to applicable yard setback provisions.
- j) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of mounting height, wattage, aiming angle, fixture placement, etc.

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- k) The installation or erection of any lighting which may be confused with warning signals, emergency signals, or traffic signals, shall not be permitted.
- l) Where all night safety or security lighting is to be provided, the intensity levels of said lighting shall not exceed 25% of the levels normally permitted by this ordinance.
- m) Maintenance: Lighting fixtures shall be maintained so as to always meet the requirements of this Ordinance.
- n) Nonconforming Lighting: Any lighting fixture existing on the effective date of this Ordinance which does not conform with the requirements of this Ordinance shall be considered a lawful, nonconforming lighting fixture. A nonconforming lighting fixtures shall be made to comply with the requirements of this Ordinance when such fixture is replaced, relocated or repaired.
- o) When a property owner is notified by the Zoning Officer that a violation of these provisions exists, the glare or illumination problem shall be abated within fifteen (10) days of receipt of the violation notice.

Section 320

PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS.

- 1. Intent: To prevent residential areas from being harmed by nuisance smells and noise from commercial vehicles. To maintain a residential character in the R-1, R-2, R-3, V, and W-R districts.
- 2. Definitions:
 - a) Commercial Vehicle. A motor vehicle that is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material).
 - b) Tractor. A truck that is primarily intended to be used to pull a trailer, as defined below.
 - c) Trailer. A commercial vehicle with a length of 10 feet or more that is not self-propelled, that is intended to haul

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materials, vehicles, goods, gases or liquids and that is intended to be pulled by a tractor (as defined above).

3. Exceptions: No part of this section shall apply to the following:
 - a) Township-owned vehicles
 - b) Ambulance, fire and rescue vehicles
 - c) Recreational vehicles (see definition in Ordinance of Definition)
 - d) Vehicles operated by the U.S. Postal Service
 - e) Vehicles actually engaged in the construction or repair of streets, curbs, sidewalks or utilities
 - f) Vehicles actually engaged in making routine household deliveries or rendering routine household services to a property abutting or that is part of the location where the vehicle is parked.

4. Storage of Commercial Vehicles in Residential District: No commercial vehicle with a gross weight exceeding 11,000 pounds or with greater than 2 axles or any tractor or any trailer (as defined by this Section) shall be maintained (except clearly emergency repairs), parked, stored or otherwise kept within a lot that is within a residential district between the hours of 6:30 p.m. and 9:00 a.m. any day of the week.

5. Refuse Hauling Vehicle: In addition to the requirements of this Section, no vehicle that has been used for the bulk hauling of refuse shall be parked for more than 15 minutes in any 24 hour period on a portion of a lot that is within 200 feet of a dwelling.

6. Nonconformities: The provisions of this Ordinance that allow nonconforming uses to continue and expand do not apply to conditions under this Section. Any nonconforming condition or use that exists under this Section shall be made conforming within 90 days of the adoption of this Ordinance.

7. Moving of Pre-existing Nonconforming Vehicles: If a vehicle that is parked in a nonconforming fashion under this Section is moved from the subject property or street for more than 12 consecutive hours, the nonconformity shall be considered to have been abandoned and the lot shall then only be used in a manner that conforms to this Ordinance in that respect.

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Section 321 TIMBER HARVESTING

1. Timber harvesting, as defined by the Monroe Township Ordinance of Definition, shall not apply to the harvesting of wood for personal use by the property owner and his or her family.

2. A person who intends to undertake timber harvesting activities on land located within the Township shall provide the Township with written notice at least seven (7) days prior to the date that such activities are to commence. Such notice must be sent to the Township Zoning Officer and shall include the following components:
 - a) A copy of the Erosion and Sedimentation Control Plan (as required by Chapter 102, Erosion Control Rules and Regulations issued under Act of June 22, 1937, P.L. 1987 (Clean Streams Law); and

 - b) The following information shall also be submitted to the extent that such information is not clearly indicated within the submitted copy of the Erosion and Sedimentation Control Plan.
 - i. Location of the land;
 - ii. Owner of the land;
 - iii. Person timbering;
 - iv. Timbering schedule;
 - v. Number of acres to be timbered;
 - vi. Estimated number of board feet to be timbered;
 - vii. Type of timbering: selective cutting or clear cut;
 - viii. Method of transport; and
 - ix. Identification of transport route through the Township

3. A person who fails to give notice or fails to provide all of the information required above may not commence timber harvesting

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activities. The Township Board of Supervisors may take the course(s) of action it deems to be necessary (including injunctive relief) to prevent timbering of land within the Township without notice. Any expenses incurred by the Township in order to enforce these provisions (including reasonable attorney's fees) shall be charged to and fully payable by the owner of the land being timbered and/or the person timbering the land and such costs and expenses shall constitute a lien upon the land until paid in full.

Section 322 VACANT

Section 323 CORNER LOTS

A front yard, as provided for in the area and lot requirements for the various zones, shall be required along each street on which a corner lot abuts.

On any corner lot, a clear-sight triangle, formed by a triangle where the two legs of the triangle extend one hundred (100) feet from the centerline intersection of collectors, local roads and cul-de-sacs and two hundred feet (200') for all arterial streets (may be reduced to 150 feet (150') at the discretion of the Township Engineer) measured along street center lines from their points of junction shall be provided at all intersections and no building, structure, grade or planting higher than three feet above the centerline of the street shall be permitted within such sight triangles. (See Figure 2 Ordinance of Definitions).

Section 324 GROUP HOMES

A group home meeting the requirements of the definition in the Ordinance of Definition shall be subject to the following additional regulations:

1. Supervision - There shall be adequate supervision as needed by an adequate number of personnel trained in the field for which the group home is intended.
2. Certification - Any group home involving five (5) or more unrelated persons living in a dwelling unit or that is otherwise required to be licensed or certified under an applicable State, County or Federal program shall be certified or licensed, as applicable, as a condition of Township approval. A copy of any such license or certification shall be filed with the Township, and shall be required to be shown to the Zoning Officer in the future upon request. The group home

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shall notify the Township in writing within 14 days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification/license expires, is suspended or is withdrawn.

3. Registration - The group home shall register its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Township. Such information shall be available for public review upon request.
4. Counseling - Any medical or counseling services provided on the lot shall be limited to residents and a maximum of 3 nonresidents per day.
5. Parking - Two (2) off-street parking spaces shall be provided for each employee on duty at any one time, and every 2 residents of a type reasonably expected to be capable of driving a vehicle. Off-street parking areas of more than 4 spaces shall be buffered from adjacent existing single family dwellings by a planting screen.
6. The use shall not meet the definition of a "group quarters" as defined in the Ordinance of Definition. A group home shall not house persons who can reasonably be considered to be a physical threat to others.
7. Appearance - If the group home is within a residential district, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area. No exterior signs shall identify the type of use.
8. The maximum number of persons who may reside in a group home shall not restrict or include bona fide employees who are needed in the group home to supervise and care for residents. A group home shall not be regulated by the maximum number of unrelated persons permitted to live in a dwelling unit under the definition of "family." The number of unrelated persons may be licensed to the following total number for a group home serving physically handicapped persons or developmentally disabled/retarded persons:
 - a) Single Family Detached Dwelling with minimum lot area of 3 Acres and minimum building setbacks from all lot lines of at

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least 25 feet, and provided that approved public sewage service is provided: 8 unrelated persons.

- b) Any other lawful dwelling unit: 5 unrelated persons.
9. Septic - If a group home will use an on-lot septic system and will involve 6 or more persons routinely on the premises at any one time, the septic system shall be required to be reviewed by the Township Sewage Enforcement Officer to determine if it is adequate.

Section 325 SALE OF AGRICULTURAL PRODUCTS

A roadside stand shall be permitted in the A and A-P Zones for the sale of agricultural products such as vegetables, fruits and eggs subject to the following criteria:

1. Any structure used to display agricultural products shall not exceed (250) square feet in size nor shall it exceed the height and area limitations for that zoning district.
2. No structure used to display agricultural products shall be located less than twenty-five feet (25') from any property line.
3. At least one half of the products for sale must have been produced on the premises.
4. Off-street parking shall be provided for a minimum of three (3) vehicles.
5. Only one sign is permitted subject to the following criteria:
 - a) Size- Shall not exceed six (6) square feet.
 - b) Height - Shall not exceed five (5) feet.
 - c) Display - Shall only be displayed when roadside stand is open for business.

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Section 326. EXOTIC WILDLIFE

The keeping of exotic wildlife in the Township shall be permitted only in the A and A-P Zones. The following restrictions shall apply unless otherwise noted:

1. All exotic wildlife shall be properly caged or restricted to prevent harm to residents of the Township.
2. Anyone in possession of exotic wildlife must possess an "Exotic Wildlife Possession Permit" issued by the Pennsylvania Game Commission under the guidelines of Section 2963 of the Game and Wildlife Code, 34 Pa. C.S., 2963.
3. No manure shall be stored within two hundred feet (200') feet of any property line.
4. All manure management practices and operations shall comply with the provisions set forth in the *Nutrient Management Act of 1993*, or as amended.

Article 4 - Modifications and Non Conformities

Article 4 - Modifications and Non Conformities

Section 400 **SETBACK MODIFICATIONS**

400.1 Front, Side and Rear Setback of Dwellings on Built-up Streets:
Where at least two (2) adjacent buildings within one hundred (100) feet of a property are set back a lesser distance than required, the average of the lesser distances becomes the required minimum setback for the property.

- 400.2** A) Setback on Corner Lots: In the case of corner lots, two (2) front yards and two side yards shall be provided.
- B) Setback on Through Lots: In the case of through lots, the frontage along each street shall be considered the front yard, the remaining yards shall be considered side yards.

400.3 Exceptions for Accessory or Appurtenant Structures: Required setback areas shall be maintained with no portion of such area utilized for building or structures. The following structures and uses shall be the only exceptions to this:

Access Drives
Animal Feeding Areas
Antennas
Arbors and/or Trellis
Awnings
Chimneys
Cornices and/or Gutters
Driveways
Fences and/or Retaining Walls
Fire Escapes
Flagpoles
Clothesline Poles - rear yard only
Lamp Post
Mail Box
Outdoor Furniture
Playground Equipment
Ponds and/or Streams
School Bus Shelters
Sidewalks
Steps
Telephone Booths
Tree Wells
Utility Meters
Water Systems

Article 4 - Modifications and Non Conformities

Section 401 MODIFICATION OF MAXIMUM HEIGHT RESTRICTIONS

The height regulations do not apply to the following projections provided that the height of any such projection above its base shall not be greater than the shortest distance measured along a horizontal plane from such base to any lot line:

1. Structures such as chimneys, standpipes, flagpoles, television antennas (for permitted uses in the C, H-C, APT, and I zones only) or radio towers.
2. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet.
3. Height regulations shall not apply to spires, belfries, cupolas, or domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or towers, silos, and ornamental or necessary mechanical appurtenances.
4. Any structure designed to have a height of one hundred fifty (150) feet or more above ground level must be approved by the Federal Aviation Administration and a written statement of approval must accompany the permit application.

Section 402 BUILDINGS UNDER CONSTRUCTION

If the construction is completed by one (1) year after effective date of this Ordinance, a building, the foundation of which was completed before the effective date, may be constructed without being bound by the requirements of this Ordinance. In like manner, a building, the foundation of which was completed before an amendment, may be constructed if the construction is completed within one (1) year after the amendment.

Section 403 DIVISION OF BUILT-ON LOTS

No lot may be formed from part of a lot occupied by a building unless each newly-created lot will meet all the applicable provisions of this Ordinance, except where a new lot is formed from a lot with an existing approved nonconformity and no new nonconformity is created in any lot by the formation of the new lot.

Article 4 - Modifications and Non Conformities

Section 404 STATUS OF SUBDIVISION OR LAND DEVELOPMENT PLAN

From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in the Subdivision and Land Development Ordinance, and while such application is pending approval or disapproval, no change or amendment of the Zoning Ordinance shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provision of the Zoning Ordinance as it stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance.

When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired, provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

Where final approval is preceded by preliminary approval, the five year period shall be counted from the date of the preliminary approval.

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Section 405 LOTS OF RECORD

On a lot where adjacent lots or land were not owned by the said lot owner or owners, both on the effective date of this Ordinance and on the date of the request for the erection of a building or otherwise, which does not fulfill the regulations for the minimum lot area and/or lot width or depth for the zone in which it is located, a building may be erected, altered or used and any conforming or permitted use may be established, providing the setback requirements conform with district regulations.

Section 406 NONCONFORMITIES - Nonconforming uses and structures and dimensional nonconformities.

406.1 Continuance:

- a) Except as otherwise provided in this Section, the lawful use of land or building existing at the date of the adoption of this Ordinance or amendment thereto may be continued, although such use of land or building does not conform to the use regulations specified by this Ordinance or amendment thereto for the zone in which such land or building is located.

- b) Except as otherwise provided in this Section, any dimensional nonconformities existing at the date of the adoption of this Ordinance or amendment thereto may be continued.

406.2 Expansion and Alteration:

- a) Upon application for a Special Exception and in accordance with the provisions of Section 636, the Zoning Hearing Board may approve the expansion or alteration of a use of land or building which is not in conformance with the provisions of this Ordinance.

- b) A nonconformity may be altered or expanded only if such alteration or expansion is in conformance with the provisions of this Ordinance. The Zoning Hearing Board may authorize additions or improvements to dimensional nonconformities by special exception, provided that such additions or improvements meet the requirement of Section 636.

Article 4 - Modifications and Non Conformities

406.3 Replacement:

- a) Upon application for a Special Exception, the Zoning Hearing Board may approve the replacement of one nonconforming use by another nonconforming use provided however, that the proposed nonconforming use will have no more adverse effect upon adjacent property than the existing nonconforming use as provided in Section 627.

- b) Upon application for a Special Exception, the Zoning Hearing Board may approve the replacement of one dimensional nonconformity by another dimensional nonconformity provided that such replacement does not create new dimensional nonconformities or further increase existing dimensional nonconformities, as provided in Section 627.

406.4 Restoration:

- a) If any nonconforming structure is destroyed by reason of windstorm, fire, explosion or other act of God, terrorist, or public enemy to an extent of more than sixty-five (65%) percent of the market value as appraised for the tax assessment purposes utilizing the (State Tax Equalization Board (STEB) report, then such destruction shall be deemed complete destruction and the nonconformity may not be rebuilt, restored or repaired except in conformance with the Ordinance. The determination of the extent of damage in terms of percent replacement value due to damage or destruction shall be made by comparing estimates made by two (2) certified appraisers appointed by the Township with the insurance adjusters estimate of repair cost. The cost of such appraisals shall be borne by the property owner of the affected property.

- b) If the structure is damaged less than sixty-five percent (65%) of the appraised value, such structure must be repaired or replaced within one (1) year of destruction date.

- c) Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe.

406.5 Abandonment: A nonconforming use shall be adjudged as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner

Article 4 - Modifications and Non Conformities

to reinstate such use within a period of one year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and structure shall not be reoccupied except in conformance with this Ordinance.

406.6 Reversion: No nonconformity shall, if once changed to conform to the regulations of this Ordinance, be changed back again to a nonconformity. This section shall not preclude a property owner from applying for, or securing, a variance or special exception pursuant to the requirements of this Ordinance.

406.7 Identification and Registration:

- a) The owner of the premises occupied by a lawful nonconforming use existing on the effective date of this Ordinance shall secure a certificate of nonconformance which shall be for the purpose of insuring to this owner the right to continue the nonconforming use.
- b) An application for a certificate of nonconformance shall be made to the Zoning Officer by the owner of any property which, at the time of the effective date of this Ordinance, does not conform to the provisions of this Ordinance. Such application shall be made within ninety (90) days after the effective date of this Ordinance, and the certificate of nonconformance shall set forth in detail all of the nonconforming conditions of said property and shall include a sketch of the land and improvements covered by the certificate of nonconformance. This sketch may be either on the back of the certificate of nonconformance or may be a map or sketch attached to the certificate of nonconformance. If desirable or required, photographs may also be made a part of the record.
- c) All forms for applications and certificates on nonconformance shall be supplied by the Zoning Officer on request.
- d) Failure of an owner to secure a certificate of nonconformance by timely application shall create a presumption that the nonconformity did not exist on the effective date of this Ordinance.

Article 5 - Zoning Hearing Board

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Section 500 POWERS AND DUTIES - GENERAL (also see Article IX of the Pennsylvania Municipalities Planning Code)

500.1 Membership of the Zoning Hearing Board (ZHB): The membership of the ZHB shall consist of five (5) residents of the Municipality appointed by resolution by the governing body. The term of office shall be five (5) years and shall be so fixed that the term of office of one member of a five member ZHB shall expire each year. The ZHB shall promptly notify the governing body of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the ZHB shall hold no other office in the Municipality.

The governing body may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the ZHB. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of section 906, of Act 170 an alternate shall be entitled to participate in all proceedings and discussions of the ZHB to the same and full extent as provided by law for ZHB members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in Act 170 and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the planning commission and zoning officer. Any alternate may participate in any proceeding or discussion of the ZHB but shall not be entitled to vote as a member of the ZHB unless designated as a voting alternate member.

500.2 Removal of Members: Any board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the governing body which appointed the member, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

500.3 Organization of ZHB: The ZHB shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the ZHB, but the ZHB may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the ZHB as provided in Section 501. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the board shall designate as many alternate members of the board to sit on the board as may be needed to provide a quorum. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter

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or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The ZHB may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The ZHB shall keep full public records of its business and shall submit a report of its activities to the governing body once a year.

500.4 Jurisdiction: The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render decisions in the following matters:

- a) Substantive challenges to the validity of the Zoning Ordinance, except those brought before the Board of Supervisors pursuant to section 804.3 of this Ordinance.
- b) Challenges to the validity of the Zoning Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
- c) Appeals from the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- d) Appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of the floodplain provisions of this ordinance.
- e) Applications for variance from the terms of the Zoning Ordinance.
- f) Applications for special exceptions under the Zoning Ordinance.

500.5 ZHB Calendar: Each application or appeal filed in the proper form with the required data, must be numbered serially and be placed upon the calendar of the ZHB by the Secretary. Applications and appeals must be assigned for hearing in the order in which they appear on the calendar.

However, for good reason, the ZHB may order the advance of the application or appeal. The ZHB must fix a reasonable time for hearings.

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Section 501 PUBLIC HEARINGS (as provided in Section 908 of the Pennsylvania Municipalities Planning Code, Act 170 as amended)

501.1 Notice; Conduct of Meeting: Public notice shall be given and written notice shall be given to the applicant, the zoning officer, such other persons as the Board of Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the ZHB. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

The governing body may prescribe reasonable fees with respect to hearings before the zoning hearing board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The cost, however, shall not include legal expenses of the zoning hearing board, expenses for engineering, architectural or other technical consultants or expert witness costs.

The first hearing shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An application may, upon request, be granted additional hearings to complete his case-in-chief provided the person opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

The hearings shall be conducted by the ZHB or the ZHB may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the ZHB;

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however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the ZHB and accept the decision or findings of the hearing officer as final.

The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the board.

The ZHB or hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issues involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except the advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

501.2 Representation; Statements: The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the ZHB, and any other person including civic or community organizations permitted to appear by the ZHB. The ZHB shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the ZHB for that purpose.

The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

501.3 Witnesses: The chairman or acting chairman of the ZHB or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and paper, including witnesses and documents requested by the parties.

501.4 Decision Procedure: The ZHB or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing

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before the ZHB or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor.

Conclusions based on any provisions of Act 170 or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the ZHB shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the ZHB prior to final decision or entry of findings, and the ZHB's decision shall be entered no later than 30 days after the receipt of the hearing officer.

Where the ZHB fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the ZHB to meet or render a decision as hereinabove provided, the ZHB shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this section. If the ZHB shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

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

- 501.5** Records: The ZHB or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the ZHB. The cost of the original transcript shall be paid by the ZHB if the transcript is ordered by the ZHB or hearing officer or shall be paid by the person appealing from the decision of the ZHB if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

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Section 502 **VARIANCES** (as provided in Section 910.2 of the Pennsylvania Municipalities Planning Code, Act 170 as amended)

502.1 Filing of Variance: An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Zoning Hearing Board and copies given to the Zoning Officer.

The applicant must provide all the information requested on the form, together with any other information and data that may be required to advise the ZHB of the variance, whether such information is called for by the Zoning Officer or not.

Unless otherwise specified or extended by the ZHB a variance when authorized will remain in effect for a period of six (6) months. If no zoning permit or use certificate is issued for the variance within the six (6) month period the variance will expire.

502.3 Standards for Variance: Where there is unnecessary hardship, the ZHB may grant a variance in the application of the provisions of this Ordinance provided that the following findings are made where relevant in a given case:

- a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
- b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- c) That such unnecessary hardship has not been created by the appellant.
- d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor

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substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

- e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- f) All the above standards must be met.

502.4 Conditions: In granting any variance, the ZHB may attach such reasonable conditions and safeguards as it considers necessary to implement the purposes of this Zoning Ordinance.

Section 503 **SPECIAL EXCEPTIONS** (as provided in Section 912.1 of the Pennsylvania Municipalities Planning Code, Act 170 as amended)

Special exceptions are deemed uses that may be allowed in their respective districts subject to the satisfaction of the requirements and standards set forth in this Article, in addition to all other requirements of this Zoning Ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. Before any special exception shall be granted, the Zoning Hearing Board shall review the proposed special exception in accordance with the following requirements and criteria and satisfy itself that they have been met in addition to any other requirements necessary to fulfill the objectives of this Zoning Ordinance.

All applications for a special exception may be referred to the Planning Commission by the Zoning Hearing Board with the direction that the Planning Commission and/or Township Engineer shall make a study thereof and recommendation thereon to the ZHB within thirty (30) days from the date of the receipt of said application by the Planning Commission and/or Township Engineer. The burden of proof for all specific criteria rests with the applicant.

503.1 Procedures:

The application for the Special Exception shall first be submitted to the Zoning Officer. The Zoning Officer shall review the submittal to determine if it is generally in a form that complies with the terms of this Zoning Ordinance. If within five (5) days from the submittal date the Zoning Officer determines that the submittal is incomplete, it shall be returned to the applicant, not having been properly filed. If the submittal is found to be in

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accordance with this Ordinance, the same shall be forwarded to the Zoning Hearing Board by the Zoning Officer. Such submittals shall be on forms provided by the Township. Submittals shall include the appropriate fee, to be set by resolution of the Board of Supervisors. Failure of applicant to pay the required filing fee shall cause any application to be deemed incomplete and not being properly or duly filed.

503.2 Plan Required:

- a) A scaled (1"=100') drawing (site plan) certified by a licensed engineer, surveyor or landscape architect, or accompanied by a sworn affidavit of the applicant that the drawing is true and correct, for the proposed development shall be submitted with the application for a permitted special exception.
- b) Such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping and other pertinent information that may be necessary to determine if the proposed special exception meets the requirements of this Ordinance.

503.3 General Standards for Special Exceptions:

- a) The Zoning Hearing Board, before granting a special exception for any use, must find that the use and the proposed operations and development in connection with the use, or the modification of the terms of this Ordinance, shall have been specifically authorized as a special exception in the District within which such particular site is located. The ZHB shall make the following findings, in writing, when relevant in a given case, either from the evidence presented at the hearing, or from a study and report prepared by the Planning Commission, the Township Engineer, or other competent technical consultants:
 - 1) That the location of the use, including with respect to the existing or future streets, giving access to it, is in harmony with the orderly and appropriate development of the zone in which the use is to be located;
 - 2) That the nature and intensity of the operations involved are in harmony with the orderly and appropriate development of the zone in which the use is to be located; and
 - 3) That the grant of the special exception shall not materially

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increase traffic congestion in the roads and highways, nor cause nor encourage commercial or industrial traffic to use residential streets.

- 4) The applicant must meet all General and Specific Requirements as defined in this Article.
- b) General Criteria. Each applicant must demonstrate compliance with the following general criteria:
- 1) The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and shall not be detrimental to the health, safety or welfare of the neighborhood.
 - 2) The proposed use shall not injure or detract from the use or enjoyment or character of adjoining or nearby properties or cause land deterioration or potential decrease of value of surrounding properties.
 - 3) The proposed use shall not substantially change the character of the subject property's neighborhood and shall meet the requirements of the district in which it lies.
 - 4) Adequate public facilities are available and existing to serve the proposed use (e.g. schools, fire, police and ambulance protection, sewer, water and other utilities, parks, vehicular access, recreation, and etc.).
 - 5) The proposed use will not impair the integrity of the Township's Comprehensive Plan.
 - 6) The proposed use is not incompatible with the existing traffic conditions and adjacent uses.
 - 7) The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.
 - 8) Operations in connection with a use shall not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, smoke, or other potential nuisance or safety hazard than would be the operations of the permitted use. (See Section 319)

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- c) Specific Criteria. Each applicant must demonstrate compliance with the following specific criteria:
 - 1) The parking, traffic and pedestrian access shall be in conformance with those specified in Article 3 and elsewhere in this Ordinance.
 - 2) Screening and landscaping and slope of the proposed use from adjacent uses is sufficient to prevent deleterious impact of the proposed use upon another and to comply with Section 307 of this Ordinance.

- d) Conditions. The Zoning Hearing Board in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions and safeguards which are more restrictive but not less than those established for other uses in the same district. These conditions shall be enforceable by the Zoning Officer; failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Article 8.

- e) Site Plan Approval. Any site plan presented in support of the special exception pursuant to Section 503.2 shall become an official part of the record for said special exception. Approval of any special exception shall also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another special exception approval.

503.4 Additional Conditions

- a) In granting a special exception, the ZHB may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, considered necessary to implement the purposes of this Ordinance, including conditions which are more restrictive than those established for other uses in the same zone and may require, among others and where appropriate:
 - 1) Planting, fencing or screening;
 - 2) Architectural or landscaping treatment;

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- 3) Hours of operation;
 - 4) Proper vehicular access and parking facilities;
 - 5) Sidewalks, storm sewer and/or other public improvements;
 - 6) Proper restrictions as to the use of outdoor lighting, public address systems, and advertising displays;
 - 7) And such other improvements and/or restrictions and/or conditions as the ZHB may deem appropriate.
- b) For any use permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. In addition to the information required on the building permit application, the special exception application must include:
- 1) Ground floor plans and elevations of proposed structures;
 - 2) Names and addresses of adjoining owners.
 - 3) For existing structures, a dated photograph(s) showing all sides of the structure.
- c). Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the ZHB expires if the applicant fails to obtain, where required to do so, a zoning permit within 1 year of the date of the authorization of the special exception.

503.5 Special Standards: In addition to the general standards for all special exceptions as contained in Section 503.3 the specific standards for particular uses as listed in ARTICLE 6 must be met prior to the granting of a special exception.

Article 6 - Standards for Special Exception Uses

Article 6 - Standards for Special Exception Uses

Section 600 REQUIREMENT OF SPECIFIC STANDARDS

In addition to the general standards for all Special Exceptions as contained in Section 503, the specific standards for the particular uses allowed by Special Exception are set forth in this ARTICLE. These standards must be met prior to the granting by the Zoning Hearing Board of a Special Exception for such uses in applicable zones.

Section 601 ACCESSORY APARTMENTS

Accessory Apartments may be created in a single-family detached dwelling as a special exception use in the A, A-P, C, and H-C Zones, subject to the following criteria:

1. The apartment will be a complete and separate housekeeping unit that can be isolated from the original unit.
2. Only one (1) apartment will be created within a single-family detached dwelling unit.
3. The owner(s) of the residence in which the accessory unit is created shall occupy at least one (1) of the dwelling units on the premises, except for bona fide temporary absences.
4. The accessory apartment shall be designed so that, to the degree feasible, the appearance of the building remains that of a single-family detached dwelling.
5. The design and size of the apartment conforms to all applicable State and Township standards/codes.
6. The accessory apartment shall be no more than thirty percent (30%) of the building's total floor area.
7. A minimum of four hundred (400) square feet of floor area shall be required.
8. At least a total of three (3) off-street parking spaces are available for use by the owner-occupant and tenant.

Article 6 - Standards for Special Exception Uses

Section 602 AGRIBUSINESS

In the A-P, and H-C Zones and subject to the requirements of these zones in which located except as herein modified and provided:

1. The applicant must provide evidence that the proposed use is important to local farming and is specifically sized to primarily serve local users. Activities and services should be directed at meeting the needs of those engaged in local farming. The facility should be directed at providing materials and services needed to farm, as well as the distribution of goods produced on the farm. Some examples of agribusinesses include, but are not limited to:
 - a. Sales or repair of agricultural equipment
 - b. Blacksmith shops, farriers
 - c. Butcher shops
 - d. Grain mills
 - e. Processing of locally produced agricultural products
 - f. Veterinary offices which primarily treat farm animals, stables, and kennels.
 - g. Composting and other farm storage facilities, does not include storage of non-processed manure.
2. The business shall occupy no more than two (2) acres. The applicant shall show that the size of the site is the minimum needed to conduct the business.
3. The maximum lot coverage shall be forty percent (40%).
4. No part of the business shall be within three hundred (300) feet of any land within a residential zone.
5. The length of any on-site access drive(s) shall be sufficient to allow the stacking of delivery and/or customer vehicles. Furthermore, any use that potentially involves the movement of vehicles through mud and/or manure shall provide a paved apron of at least fifty (50) feet from the street right-of-way. In addition, another fifty (50) foot gravel section shall be located just beyond the paved apron.
6. Outdoor storage of supplies, materials and products shall be screened from adjoining roads and properties; the display of farm equipment for sale shall be excluded from this provision.

Article 6 - Standards for Special Exception Uses

Section 603 ANIMAL HOSPITAL

In the A Zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. Minimum of five (5) off-street parking spaces for each veterinarian, plus one for each employee.
2. Evidence of adequate water supply and wastewater disposal must be provided by the applicant.
3. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.
4. Landscaping and bufferyards in accordance with the Subdivision and Land Development Ordinance shall be provided.
5. Fencing shall be provided in accordance with the provisions of Section 300.3 in addition to any landscaping and bufferyard requirements.
6. No outdoor animal pens, stalls, or runways will be permitted.

Section 604 AVIATION RELATED PROFESSIONAL OFFICES

Aviation Related Professional Offices are permitted as a special exception use in the APT Zone subject to the following criteria:

1. Any expansion of an approved, designated professional office use which shall increase the area used for office purposes or increase the parking requirements shall require a new application to and approval by the Board of Supervisors. Expansion for the purpose of this section shall include increase in square footage of office space, increase in office personnel, increase in clientele or other conditions resulting in inadequate parking space. The Board of Supervisors, with proper notice to those concerned, may act upon any such reported change by the property owner, user or off-site complainant.
2. Satisfactory evidence must be provided to demonstrate the use will have minimal adverse impact, taking into account

Article 6 - Standards for Special Exception Uses

location, size, design and operating characteristics on the livability, value and development of abutting properties and the surrounding area.

3. Parking and access drive requirements shall comply with Section 303 of this Ordinance.

Section 605 BED AND BREAKFAST INN

In the A, A-P, and N-C Zones and subject to the requirements of these zones in which located except as herein modified and provided:

1. Bed and Breakfast Inn shall be allowed only in an owner-occupied single-family, detached residential dwelling or buildings accessory thereto.
2. The owners of a Bed and Breakfast Inn must be in the residence when guests are present.
3. The length of stay for each guest shall not exceed seven (7) consecutive days.
4. A minimum of one (1) parking space must be provided for each guest room.
5. A sign of not more than two (2) square feet may be erected to advertise such accommodations. The sign may be illuminated only by indirect lighting.
6. Breakfast shall be the only meal served to overnight lodgers.
7. Bed and breakfast operations shall be conducted so as to be clearly incidental and accessory to the primary use of the site as a single-family dwelling.
8. The inn must comply with local regulations regarding applicable permits, including but not limited to fire, health and building codes.

Section 606 BOARDING HOUSE

In the A, and A-P Zones, boarding houses are permitted by special exception, subject to the following criteria:

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1. The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used.
2. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.
3. All floors above grade shall have a permanently affixed direct means of escape to ground level.
4. One off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
5. All parking areas shall be set back a minimum of twenty-five (25) feet from all property lines,
6. One sign, not to exceed six (6) square feet, shall be permitted/
7. The applicant shall furnish evidence of approvals granted by the PA Department of Labor and Industry.

Section 607 CEMETERY

In the A Zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. All burial plots or facilities shall be located at least one hundred (100) feet from all property or street lines.
2. Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.
3. No burial plots or facilities are permitted in the 100 or 500 year flood plain.

Section 608 CHILD CARE HOME

In A, A-P, R-1, R-2, R-3, N-C, and V Zones and subject to the requirements of the zone in which located except as herein modified and provided:

1. All applicants must provide proof of all approved documentation

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required by the Commonwealth of Pennsylvania prior to the time of request for a special exception.

2. The use shall meet all requirements for licensing or certification by the Department of Public Welfare and the Department of Labor and Industry.
3. The Zoning Officer shall have the authority to continue the special exception as long as proof of annual licensing, certifications, and re-certifications are provided to the Township when such documentation is received by the provider.
4. A minimum outdoor play area of sixty-five (65) sq.ft. per child is required.
5. Outdoor play areas shall be sufficiently enclosed so as to provide for the health and safety of the children as determined by the Zoning Hearing Board. Outdoor play areas for newly approved child care homes shall be sufficiently enclosed prior to conducting business. A minimum height requirement for fencing is four (4) feet with spacing in any fencing structure not greater than four (4) inches.

Section 609 COMMUNICATION, TRANSMITTING AND RECEIVING FACILITIES

Communication, Transmitting and Receiving Facilities may be permitted as a Special Exception Use by the Zoning Hearing Board in the A and A-P Zones.

1. Communication Towers and associated equipment buildings shall be allowed only on hilltops and are not authorized in severe slope areas.
2. Applicants are required to show compliance with the provisions of this Section and other applicable provisions of the Zoning Ordinance.
3. Applications for Special Exception for the construction of communications antenna, support structures, and related facilities shall include a written report containing the following:
 - a) Information describing the tower height and design;
 - b) A cross-section of the structure;

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- c) Engineering specifications detailing construction of tower, base, and guy wire anchorage;
 - d) Information describing the proposed painting and lighting schemes;
 - e) Information describing the tower's capacity, including the number and type of antennas that it can accommodate;
 - f) All tower structure information shall be certified by a licensed professional engineer;
 - g) Certification that there is not suitable space on existing sites or structures where the intended facility can be accommodated and function with reasonable modification;
 - h) Technological evidence that the facility must go where proposed in order to satisfy its function in the grid system and provide quality of service required by law;
 - i) Written authorization from the property owner of the proposed site;
 - j) Inventory of existing antennae support structures within a two (2) mile radius of the proposed site discussing the unavailability of sites and reasons therefore; and
 - k) Evidence of the applicant's good faith efforts to locate the antenna on an existing structure.
 - l) Applicant shall demonstrate that he/she is licensed by FCC to operate a communication tower and/or communication antenna.
4. All other uses ancillary to the antenna, tower, and associated equipment are prohibited unless otherwise permitted in the zoning district in which the site is located. This includes, but is not limited to, business offices, maintenance depot and vehicle storage.
5. Other standards of approval for antenna support structures and antenna related facilities include the following:

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- a) Setbacks.
 - 1) Antenna support structures shall be set back from all property lines a distance equal to the yard setbacks applicable to other structures in the zoning district.
 - 2) The foundation and base of any Communications Tower shall be set back from a property line (not lease line) and shall be set back from any other property line (not lease line) at least fifty (50) feet.
- b) Antenna Support Structure Height.
 - 1) The maximum height of any single antenna support structure located at a single site for one antenna shall be at the lowest height to function at the proposed location, based upon specific engineering data pertaining to the function of the antenna support structure to be supplied to the applicant.
 - 2) An antenna support structure may exceed the minimum allowable height to allow for the co-location of another antenna, provided that the applicant shows the evidence that the antenna support structure will be a shared location site.
- c) Landscaping and Screening.
 - 1) If the antenna support structure site is located in an area of existing woodlands, the existing woodlands shall be preserved to the fullest extent possible
- d) Equipment or Accessory Buildings - Accessory buildings must conform to the yard setbacks as required for the zoning district in which the tower is located.
- e) Parking - At least two (2) off-street parking spaces shall be provided within the fenced area.
- f) Security, Maintenance, and Fencing
 - 1) The site shall be secured by a fence with a minimum height of six (6) feet and maximum height of eight (8) feet to limit accessibility by the general public.

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- 2) All guy wires shall be clearly marked so as to be visible at all times and shall be located within the fence enclosure.
 - 3) All equipment and buildings shall be constructed and maintained in accordance with the Monroe Township Building Code, as amended.
- g) Lighting and Signs
- 1) No signs shall be mounted on a communications tower except as may be required by the Federal Communications Commission, Federal Aviation Administration, or other governmental agency which has jurisdiction.
 - 2) All communication towers shall have lights as may be required by the Federal Communications Commission, Federal Aviation Administration, or other governmental agency which has jurisdiction. If lighting is not required by other agencies, then lighting acceptable to the Township shall be required.
- h) Color - Antenna support structures shall be painted in the color that best allows it to blend into the surroundings unless otherwise by the Federal Aviation Administration regulations. The use of grays, blues, and greens may be appropriate.
- i) Antenna Support Structure Design and Structural Integrity - The owner of the antenna or antenna support structure shall provide a registered professional engineer's report documenting that the structure meets the structural standards of the applicable building code in the Telecommunications Industry Association.
- j) Other
- 1) Prior to issuance of a zoning permit for the erection of an antenna or antenna support structure, applicants must receive approval of a land development plan from the Monroe Township Board of Supervisors. The land development plan must

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provide the information required by all applicable Township Ordinances.

- 2) A formal land development plan is not required if the antenna is to be mounted on the existing structure.
- 3) Evidence shall be submitted from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, taking into consideration winds and other loads associated with location.
- 4) The tower shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable zoning regulations.
- 5) Certification of Insurance evidencing general liability in the minimum amount of \$1,000,000 per incident and property damage coverage in the minimum amount of \$1,000,000 per incident is required to cover the tower, antenna, and structures.

k) Abandonment

- 1) If an antenna support structure is unused as evidence by notice to the Federal Communications Commission of intent to cease operations for a continuous period of twelve (12) months after said notice, it shall be deemed abandoned.
- 2) Any antenna support structure or antenna that is deemed to be abandoned must be removed within one hundred and eighty (180) days.
- 3) Removal of the antenna support structure shall be the responsibility of the owner of the antenna support structure. At the time of land development plan approval, the owner of the antenna support structure must enter into an agreement with the Township regarding the removal of an abandoned antenna support structure as herein defined.
- 4) In the case of multiple operators sharing the use of a single tower, this provision shall become effective

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when all users cease operation.

I) Performance Security

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the Township a bond, or other form of security acceptable to the Municipality as to type of security and the form and manner of execution, in an amount of at least \$75,000.00 and with such sureties as are deemed sufficient by the Township to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Special Exception Use Permit issued pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original Special Exception Use Permit.

Section 610 CONVERSION APARTMENT

In C, H-C, and N-C Zones and subject to the requirements of the zone except as herein modified and provided:

1. A single family dwelling unit may be converted by allowing the incorporation of one (1) additional dwelling unit. For the purpose of this section, the term incorporation shall mean either completely within an existing principal building or added to an existing principal building, provided that both dwelling units shall be attached by a common wall, floor or ceiling, and not simply by an attached breezeway or porch; and shall be contained within one (1) building.
2. The dwelling in question shall be owner occupied during the duration of the special permit.
3. The additional dwelling unit shall contain at least four hundred (400) square feet of floor area. The minimum floor area of the additional dwelling unit shall not be more than thirty percent (30%) of the total habitable floor area of the structure.

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4. Prior to the issuance of a zoning permit, a certificate in the form of an affidavit to verify that the owner is in residence.
5. For sewage disposal, water supply and all other utilities, the addition or conversion area shall be physically connected to those systems serving the principal dwelling. No separate utility systems or conversions shall be constructed or used. All connections shall meet the applicable utility company and Township standards.
6. A minimum of one (1) all-weather, off street parking space with an unrestricted ingress and egress to the dedicated street shall be provided in addition to that required for the principal dwelling.

Section 611 DAY CARE CENTER

In the A Zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. All applicants must provide proof of all approved documentation required by the Commonwealth of Pennsylvania prior to the time of request for a special exception.
2. The use shall meet all requirements of licensing or certification by the Department of Public Welfare and the Department of Labor and Industry.
3. The Zoning Officer shall have the authority to continue the special exception as long as proof of annual licensing, certifications, and re-certifications are provided to the Township when such documentation is received by the provider.
4. A minimum outdoor play area of sixty-five (65) sq. ft. per child is required.
5. Outdoor play areas shall be sufficiently enclosed so as to provide for the health and safety of the children as determined by the Zoning Hearing Board. Outdoor play areas for newly approved family day care homes shall be sufficiently enclosed prior to conducting day care business. If the use existed prior to Zoning Hearing Board approval and no fencing existed, the applicant must install fencing as soon as possible and the children to be served by the facility may not be in the outdoor play area until the fencing requirements are completed. The minimum height

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requirement for fencing is four (4) feet with spacing in any fencing structure not greater than four (4) inches.

6. At least one (1) off-street parking space for each person employed plus one (1) off-street space for each four (4) children to be served by the facility shall be provided. A minimum of five hundred (500) sq. ft. of off-street parking shall be provided.

Section 612 DOMICILIARY CARE UNIT

In the A, A-P, R-1, R-2, R-3 and V Zones and subject to the requirements of the zone in which located except as herein modified and provided:

1. Applicants must secure certification with the Union – Snyder Area Agency On Aging or any other official social agency.
2. The dwelling must be inspected by the Building Code Enforcement Officer of the Township. The Building Code Enforcement Officer shall submit a written report to the Zoning Hearing Board with recommendations for fire safety equipment and any necessary recommendation to insure adequate fire protection.
3. The maximum number of unrelated persons who are eighteen years of age and above who are disabled physically, mentally emotionally or aged, shall not exceed three per dwelling unit.
4. The Use/Occupancy permit shall be renewed annually, following an inspection by the Building Code Enforcement Officer to assure compliance.

Section 613 DWELLING, MULTI-FAMILY

In the R-2 Zone and subject to the requirements of that zone except as herein modified and provided:

1. Minimum Lot Area – One Acre.
2. Minimum Lot Width – One hundred twenty (120) feet.
3. Minimum Yard Setbacks – See Section 205.3.
4. Maximum Building Coverage – 40%

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5. Maximum Impervious Coverage – 75%
6. Density requirement - the maximum number of dwelling units per gross acre of land permitted for this use is eight (8).
7. Building Spacing – The distance between buildings shall be a minimum of thirty (30) feet.
8. Dwellings Units per Building – No building shall contain more than eight (8) dwelling units.
9. Design standards - All of the applicable General Provisions listed in this Ordinance shall be enforced.
10. Consideration shall be given to traffic problems. If the nature of the multi-family development is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated by the Township Comprehensive Plan.

Section 614 DWELLING, SINGLE FAMILY ATTACHED (TOWNHOUSE)

In the R-2 and N-C Zones and subject to the requirements of the zone in which located except as herein modified and provided:

1. Minimum Lot Area and Width

Bedrooms	Minimum Lot Area Per Unit	Minimum Lot Width
1	1800 sq.ft.	20 feet
2	2000 sq.ft.	20 feet
3	2200 sq.ft.	22 feet
4	2400 sq.ft.	24 feet

2. Minimum tract size for a development – One (1) acre
3. Minimum Yards:

Front:	25 feet	
Side:	None	(between units)
	40 feet	(between buildings)
Rear:	30 feet	

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4. There shall be not more than eight (8) dwellings in any one (1) row.
5. Units shall be connected to public water and public sewerage facilities.
6. Design standards - All of the applicable General Provisions listed in this Ordinance shall be enforced.

Section 615 VACANT

Section 616 GROUP QUARTERS

In the A, A-P, R-1, R-2, R-3, and V Zones, group quarters shall be permitted as a special exception use subject to the following criteria:

1. Any group quarters shall have a minimum of 350 square feet of habitable floor area provided for each occupant.
2. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites, this provision is not intended to require any kitchen and dining facilities if the affiliated institution provides them elsewhere.
3. The applicant must provide documentation that the group quarters will be connected to adequate water and sewage facilities.
4. Group quarters shall comply with the Federal Life Safety Code, the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety, and fire codes of the federal, state, or local government.
5. Off-street parking shall be provided for all group quarters based upon one (1) parking space for each occupant, plus one space per employee.

Section 617 HOME OCCUPATION

In the A, A-P, R-1, R-2, R-3, V, C, and H-C Zones, home occupations may be permitted by special exceptions subject to the following criteria:

1. The use shall be clearly incidental to the primary use of the

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premises as a dwelling for living purposes.

2. Only residents of the dwelling may be engaged in the home occupations use.
3. No more than one (1) home occupation may be located in any dwelling unit.
4. The home occupation shall not alter the appearance of the building as a dwelling unit.
5. No mechanical equipment shall be employed in a home occupation other than that customarily utilized for hobby or domestic purposes.
6. No sales of any goods or merchandise shall occur on the premises, other than those goods or merchandise which are produced on the premises.
7. No manufacturing shall occur on the premises other than the products of customary hobbies and fabrication of garments by a seamstress or similar occupation.
8. No goods may be publicly displayed on the premises.
9. Home occupations shall be limited to not more than twenty-five (25%) percent of the net floor areas of the dwelling unit.
10. One accessory building, structure or attached garage may be utilized as a home occupation or for storage for a home occupation.
11. Parking shall be consistent with Section 303 for parking provisions.
12. Only one (1) sign advertising a home occupation may be permitted. Such sign shall not be illuminated and shall be limited to two (2) square feet in display area, including all sides of the sign (see also Section 301).
13. The applicant shall submit evidence of all necessary State approvals or evidence that such approvals are not necessary.
14. No on-site storage of commercial vehicles except as provided

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under the definition of “Garage, Private.”

15. Delivery of materials and goods shall not require a size larger than a standard panel truck.
16. Only single-family, detached dwellings may contain a home occupation.
17. No manufacturing, repairing, or other mechanical work shall be performed in any open area. Such activity shall be conducted in such a way that noise, odor, vibration, electromagnetic interference, dust, smoke, or other nuisance or pollution shall not be noticeable at or beyond the property line.

Section 618 HOUSE OF WORSHIP

In the A-P Zone and subject to the requirements of that zone except as herein modified and provided:

1. Minimum lot area – two (2) acres, provided that within the A-P zone no house of worship shall contain more than two (2) acres of lot area.
2. Minimum lot width – two hundred (200) feet.
3. Side yard setback – Fifty (50) feet on each side.
4. Off street parking areas – All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.
5. All residential uses shall be accessory and located upon the same lot or directly adjacent to a lot containing a house of worship.
6. All residential uses shall be governed by the location, height, and bulk standards imposed upon other residences with the site’s zone.

Section 619 VACANT

Section 620 JUNKYARD, AUTOMOBILE DISMANTLING PLANT

In an I Zone and subject to the requirements of that zone except as herein modified and provided:

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1. Lot area - Five (5) acres minimum.
2. Lot width - Three hundred (300) feet minimum.
3. Setbacks - Any area used for this purpose must be at least seventy-five (75) feet from any property line and one hundred (100) feet from any street line.
4. The area to be used must be completely enclosed with a ten (10) foot high fence so constructed as not to have openings greater than six (6) inches in any direction. The contents of the enclosed area, except for the building and processing equipment, shall not exceed the height of the fence.
5. Must comply with all other applicable State regulations and Township Ordinances.

Section 621 KENNEL

In the A, and A-P Zones and subject to the requirements of the zone in which located except as herein modified and provided:

1. Kennels shall have a minimum lot size of five (5) acres.
2. Minimum of five (5) off-street parking spaces plus one for each employee.
3. One sign may be permitted six (6) square feet in area located a minimum of twenty (20) feet from the street right-of-way.
4. All areas used for exercise shall be securely fenced.
5. All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls, or runways shall be a minimum of one hundred feet (100') from all property lines; and a minimum of two hundred feet (200') from any adjacent residence whose owner is other than the animal building owner.
6. Animals shall be permitted to exercise daily only between the hours of 8 A.M. - 8 P.M. All outdoor exercise areas shall be a minimum of one hundred feet (100') from all property lines; and a minimum of two hundred feet (200') from any adjacent residence whose owner is other than the animal building owner.

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7. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard, nuisance, or odor.
8. Evidence of adequate water supply and wastewater disposal must be provided by the applicant.
9. All kennel areas not enclosed by a building shall be enclosed by a solid fence not less than six feet (6') in height.
10. All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls, or runways shall be located within the rear yard.

Section 622 VACANT

Section 623 NURSING OR CONVALESCENT CENTERS, RETIREMENT VILLAGE

In A, R-1, R-2, or R-3, Zones and subject to the requirements of that zone except as herein modified and provided:

1. Minimum lot area - Five (5) acres minimum.
2. Minimum lot width - Two hundred (200) feet.
3. Lot coverage shall not exceed thirty-five (35) percent.
4. A minimum of twenty-five (25) percent of the lot area shall be landscaped.
5. Required parking:
 - a) Per dwelling unit - One and one-half (1-1/2) spaces.
 - b) Personal care and medical care facilities - One (1) space per facility employee and one (1) space per bed.
 - c) Parking aisles shall be at least twenty-four (24) feet wide.
6. Public water and sewer are required.
7. No structure shall be closer than fifty (50) feet to any lot or street line.

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8. Landscaping and bufferyards in accordance with the Subdivision and Land Development Ordinance shall be provided.
9. Direct access to an arterial or collector road as designated in the Township Comprehensive Plan.
10. All proposed streets and access drives shall follow the provisions of the street design requirements of the Subdivision and Land Development Ordinance.
 - a) One (1) overhead street lamp per ten (10) parking spaces for each facility and multi-family dwelling complex. Residential lighting shall be provided for single-family detached dwellings. The performance standards contained in Section 319 shall apply.

Section 624 VACANT

Section 625 PRIVATE AND SEMI PRIVATE OUTDOOR RECREATION AREAS

As a special exception, private or semi-private outdoor recreation areas may be permitted in the A, A-P, R-1, R-2, R-3, V, and W-R Zones subject to the following provisions:

1. Parking required shall be determined for the use and site by the Zoning Hearing Board.
2. A buffer yard of thirty feet (30') in width and a screen planting shall be provided of a height and type as approved by the Zoning Hearing Board.
3. Where an outdoor recreational use, other than a golf course, adjoins or is in a residential district trees and shrubs must be planted on the site of this use so as to form an effective visual barrier between the outdoor recreational use and adjoining residential properties.
4. Consideration shall be given to traffic problems. If the nature of the park or open space area is such that it will generate a high volume of vehicular traffic then access should be via a collector highway as defined in the Monroe Township Ordinance of Definition, as amended. In addition, the performance standards found in Section 319 shall be met.

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5. Existing trees and vegetation shall be preserved, to the extent possible, to keep the area natural.

Section 626 RENTAL CAR LOCATION

The availability of rental cars are permitted as a special exception in the APT Zone subject to the following criteria:

1. Any expansion which shall increase the area of the airport used for vehicle rental purposes or an increase in the parking area allocated for rentals shall require a new application to and approval by the Zoning Hearing Board. Expansion for the purpose of this section shall include increase in square footage of the kiosk, or rental counter area.
2. Satisfactory evidence must be provided to demonstrate the use will have minimal adverse impact, taking into account location, size, design and operating characteristics on the livability, value and development of abutting properties and the surrounding area.
3. Parking and access drive requirements shall comply with Section 303 of this Ordinance.

Section 627 REPLACEMENT OF NONCONFORMITY BY ANOTHER NONCONFORMITY

In any Zone and subject to the requirements of that zone except as herein modified and provided.

1. Before granting a Special Exception for the replacement of one (1) nonconformity by another, the Zoning Hearing Board must determine that the proposed nonconformity will have no more adverse effect upon adjacent property than the existing nonconformity. In making this determination, the Board should consider particularly the effect upon adjacent property of the following:
 - a) Signs and lighting.
 - b) Extent and appearance of structures.
 - c) Traffic generation and movement.
 - d) Parking and loading.

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- e) Emission of noise, odors, fumes, glare, vibration, smoke, vapors, gases, wastes or storm water runoff.
- f) Fire, explosion or other hazards.

Section 628 RESEARCH LABORATORY

A research laboratory is permitted as a special exception in the C and H-C Zones subject to the following criteria:

1. Lot area - One (1) acre minimum.
2. Lot width - Two hundred (200) feet minimum.
3. Setbacks - All buildings shall be located at least fifty (50) feet from all property or street lines.
4. Access shall be via an arterial or collector street as designated by the Township Comprehensive Plan.
5. Public sewer and water approved by the Pennsylvania Department of Environmental Protection must be utilized.
6. Appearance shall be harmonious with adjoining properties. This includes but is not limited to landscaping, and architectural features.
7. Landscaping and buffer yards in accordance with the Subdivision and Land Development Ordinance shall be provided.

Section 629 RESTAURANT

Restaurants are permitted as a special exception in the APT Zone subject to the following criteria:

1. Any expansion which shall increase the area used for restaurant purposes or increase the parking requirements shall require a new application to and approval by the Zoning Hearing Board. Expansion for the purpose of this section shall include increase in square footage of kitchen and/or dining space, or other conditions resulting in inadequate parking spaces.
2. Satisfactory evidence must be provided to demonstrate the use will have minimal adverse impact, taking into account location, size, design and operating characteristics on the livability, value

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and development of abutting properties and the surrounding area.

3. Parking and access drive requirements shall comply with Section 303 of this Ordinance.

Section 630 RETAIL BUSINESS (Aviation Related)

An aviation retail business is permitted as a special exception in the APT Zone subject to the following criteria:

1. Any expansion which shall increase the area used for a retail business or increase the parking requirements shall require a new application to and approval by the Zoning Hearing Board. Expansion for the purpose of this section shall include increase in square footage of floor space, increase in personnel, increase in clientele or other conditions resulting in inadequate parking spaces. The Zoning Hearing Board, with proper notice to those concerned, may act upon any such reported change by the property owner, user or off-site complainant.
2. Satisfactory evidence must be provided to demonstrate the use will have minimal adverse impact, taking into account location, size, design and operating characteristics on the livability, value and development of abutting properties and the surrounding area.
3. Parking and access drive requirements shall comply with Section 303 of this Ordinance.

Section 631 RIDING ACADEMIES AND BOARDING STABLES

Riding Academies and Boarding Stables are permitted by special exception in the A and A-P Zones subject to the following criteria:

1. Shall have a minimum lot size of ten (10) acres.
2. Signs shall meet the provisions contained in Article 3.
3. All animals except while exercising or pasturing shall be confined in a building erected or maintained for that purpose.
4. The building required by Section 631.3 shall not be erected or maintained within one hundred feet (100') of any lot line and seventy-five feet (75') from any public or private road.

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5. All areas used for exercising and pasturing shall be securely fenced.
6. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.
7. No more than ten (10) equine shall be kept with the exception that one (1) additional equine may be kept for each additional acre of land over ten (10) acres.
8. The building shall not be less than two hundred (200) square feet in size for one (1) equine, with an additional two hundred (200) square feet for each added equine.
9. All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four (4) foot-high fence. All buildings shall be set back a minimum of one hundred feet (100') from any adjacent residence whose owner is not the owner of this use.
10. All parking compounds and unimproved overflow parking areas shall be set back at least ten (10) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties. There shall be one (1) space for each non-resident employee and one (1) space for every two (2) equines kept on the property.

Section 632 VACANT

Section 633 SCHOOL, COMMERCIAL – NON-PUBLIC

A commercial/non-public school is permitted by special exception in the R-1, R-2, and V Zones subject to the following criteria:

1. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period.
2. Passenger “drop-off” and “pick-up” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.
3. Parking as provided for in Section 303 shall be guaranteed.

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4. The subject property shall have frontage along a major arterial road, minor arterial road, or a collector road as defined in the Monroe Township Comprehensive Plan, as amended.
5. Maximum building coverage shall be thirty percent (30%).
6. Lot coverage shall be no greater than eighty percent (75%).
7. All buildings shall be set back at least one hundred (100) feet from any adjoining land within a residential zone
8. If education is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas, outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Any vegetative materials located within the outdoor play area shall be of a non-harmful type (poisonous, thorny, allergenic, etc.).

Section 634 SPECIAL OCCASION HOME

A Special Occasion Home may be established in the A, A-P, R-1, R-2, V, W-R, and N-C Zone subject to the following:

1. A parcel of land of not less than two (2) acres shall be required for a Special Occasion Home.
2. Special occasion functions may be conducted on the grounds surrounding the home and in buildings accessory to a residential home.
3. A Special Occasion Home shall obtain a state highway occupancy permit or a Township driveway permit, if appropriate.
4. Catered food service from a licensed facility is permitted without additional licensing requirements.
5. A Special Occasion Home must conform to all zoning regulations with regard to parking, access, signs, area, setbacks, etc., as applicable under this Ordinance or as attached by the Zoning Hearing Board.
6. No offensive odor, noise, vibration, lighting, etc., shall be emitted

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from the use.

7. The use of a residential dwelling for a Special Occasion Home must be approved by the Township's Sewage Enforcement Officer. The septic system shall be upgraded if necessary.
8. A traffic impact study shall be prepared if deemed necessary by the Zoning Hearing Board.

Section 635 VACANT

Section 636 EXPANSION OF A NONCONFORMITY

In any Zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. Expansion of the nonconformity shall be confined to the lot on 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-three (33) percent of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities.
3. Provision for access drives, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.
4. Provision for yards, building height and building area shall be consistent with the standards required for the permitted use 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 conditions of all improvements and open spaces.
6. Landscaping and bufferyards in accordance with the Subdivision and Land Development Ordinance shall be provided as necessary to adequately protect neighboring properties.

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7. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

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Section 700 CONDITIONAL USES

1. Filing of Conditional Use. For any use that may be permitted by conditional use, a conditional use must be obtained from the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use must show:
 - A. Ground floor plans and elevations of proposed structures.
 - B. Names and addresses of adjoining property owners including properties directly across a public right-of-way.
 - C. Plan Required:
 - 1) A scaled (1"=100') drawing (site plan) certified by a licensed engineer, surveyor or landscape architect, or accompanied by a sworn affidavit of the applicant that the drawing is true and correct, for the proposed development shall be submitted with the application for a permitted special exception.
 - 2) Such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping and other pertinent information that may be necessary to determine if the proposed conditional use meets the requirements of this Ordinance.
 - D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.
2. General Criteria. Each applicant must demonstrate compliance with the following:
 - A. Where appropriate, there should be the presence of adjoining compatible uses.
 - B. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and shall not be detrimental to the health, safety, or welfare of the neighborhood.
 - C. The proposed use shall not detract from the use or enjoyment or character of adjoining or nearby properties or cause land deterioration or potentially decrease the value of surrounding properties.

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- D. The proposed use will not effect a change in character of the subject property's neighborhood.
 - E. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, parks, vehicular access, recreation, etc.)
 - F. For development within the Floodplain that the application complies with those requirements listed in Section 217 of this Ordinance and the necessity of the development to be located in the floodplain.
 - G. The proposed use shall comply with those criteria specifically listed in the Specific Criteria and General Regulations of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance.
 - H. The proposed use shall not impair the integrity of the Township's Comprehensive Plan.
 - I. The parking, traffic, and pedestrian access shall be in conformance with those specified in Section 303, 304 and elsewhere in this Ordinance.
 - J. The proposed use is compatible with the existing traffic conditions and adjacent uses.
 - K. Screening, landscaping, and slope are sufficient to prevent negative impact upon surrounding uses and shall comply with Article 3 and Section 216.
 - L. The use of this site complies with the requirements of any other public agency having jurisdiction over the proposed use.
 - M. Operations in connection with a conditional use shall not be more objectionable to nearby properties than would be the operations of the permitted use.
 - N. The burden of proof shall rest with the applicant.
3. Hearing Procedure. Before voting on the approval of a conditional use, the Township Supervisors shall hold a public hearing thereon, pursuant to public notice. The Township Supervisors shall submit each application to the Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is

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revised, the Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application.

4. Specific Criteria. In addition to the general criteria listed in Section 700.2, the following sets forth specific standards that shall be applied to each individual conditional use. These standards must be satisfied prior to approval of a conditional use by the Monroe Township Board of Supervisors.

Section 701 ADULT REGULATED FACILITY

In a H-C Zone and subject to the requirements of that zone except as herein modified and provided:

1. Permits required. No person shall operate an adult entertainment establishment without first obtaining a use and occupancy or zoning permit as provided in this Ordinance and all other applicable permits required by law. The permit will be reviewed annually for compliance.

2. Minimum Spacing and Proximity Requirements.
 - a) No adult entertainment establishment shall be located within six hundred feet (600') of any other adult entertainment establishment.

 - b) No adult entertainment establishment shall be located within specified distances of certain land uses as set forth below:
 - 1) No such establishment shall be located within six hundred feet (600') of the property line of a residential dwelling.

 - 2) No such establishment shall be located within one thousand feet (1,000') of any parcel of land which contains any one or more of the following specified land uses:
 - (i) Amusement park;
 - (ii) Camp (for minors' activity);
 - (iii) Child care facility;
 - (iv) Church or other similar religious facility;
 - (v) Community center;
 - (vi) Museum;

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- (vii) Park;
- (viii) Playground;
- (ix) School;
- (x) Other lands where minors congregate.

- 1) The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult entertainment establishment and any land use specified in Subparagraph (2) above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the adult entertainment establishment to the closest point on the property line of said land use.
3. Visibility from the street. No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes, or relates to specified sexual activities and/or specified anatomical areas as defined in the Ordinance of Definition, to be viewed from the street, sidewalk, or highway.
 4. Signs.
 - a) No person shall place or cause to be placed or maintained in such a location as can be viewed by persons on any public street, any sign or signs, photographic, pictorial, or other graphic representation, that depict in whole or in part the following:
 - 1) Act or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
 - 2) Scenes where a person displays the vulva or the anus or other genitals.
 - 3) Scenes where artificial devices are employed to depict, or drawings are employed to portray any of

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the prohibited signs, photographs or graphic representations described above.

- 4) Any other graphic illustration pertaining to specified sexual activities and/or specified anatomical areas.

Section 702 CONFINED LIVESTOCK OPERATIONS

Confined Livestock Operations may be permitted as a Conditional Use by the Board of Supervisors in the A and A-P Zones subject to the following criteria:

1. The parcel of land held by the owner of the livestock operation must be and remain at least fifty (50) contiguous acres. In the event the parcel of contiguous land in common ownership consists of more than one "tract" as defined in this ordinance, the owner must merge such tract by a recordable agreement with the Township, which will preclude the tract from being placed in separate ownership without Township subdivision approval.
 - a) Irrespective of the provisions of this section, any livestock operation in existence prior to the enactment of this ordinance may expand such operation subject to the following limitations:
 - 1) The gross floor area of buildings housing such livestock may not be expanded to more than double the gross floor area housing such livestock.
 - 2) The number of equivalent animal units may not be more than doubled. For this purpose both the number of animal equivalent units present on the property prior to the enactment of this ordinance and the number permitted by this section shall be calculated by reference to Title 25, Chapter 83, subchapter D, Table A, referred to in the Pennsylvania Code.
 - b) Any building constructed after the date of the enactment of this ordinance to house animals in a livestock operation must maintain the following setbacks:
 - 1) From a dwelling not owned by the owner of the livestock operation, a church, a building used in

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connection with a home occupation or small business, or other building occupied by human beings at least ten (10) hours a week - five hundred (500) feet.

- 2) From a property line - one hundred (100) feet.
- 3) Buildings housing animals shall not be located within the floodplain.
- 4) From a well not owned by the owner of the livestock operation - one hundred (100) feet.
- 5) Irrespective of the setback requirements of this section, a new building to provide housing for animals may be located in the aforesaid setback area provided:
 - i. The new building housing livestock will not project further into the required setback area than did the building in existence prior to the enactment of this ordinance.
 - ii. The number of equivalent animal units on the parcel where the livestock operation is or will be located, after construction of the proposed building, not be more than three times the number that were present on such tract prior to the enactment of this ordinance.
- c) The owner of the livestock operation must establish and maintain an access to the livestock operation so that all motor vehicles making a right turn (whether entering or leaving the property) can do so without first having to enter the left-hand side of the public highway. Such access is required only for motor vehicles going in one direction with the direction of travel to be selected by the Township, provided such vehicles do not in fact travel in the other direction. In the event vehicles should travel in the other direction, the owner of the livestock operation shall be required to alter the access so that vehicles will not be required to enter the left side of the public highway to complete the turn. In the event motor

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vehicles entering or leaving the livestock operation by making a right turn in fact enter the left lane of the public highway the owner of the operation shall revise the access so that motor vehicles entering or leaving the operation by making a right turn can do so without entering the left lane of the public highway.

- d) The livestock operation must establish and maintain compliance at all times with the requirements of the *Pennsylvania Nutrient Management Law*.
- e) The livestock operation must ensure dead animals, if disposed of on the property, are disposed of in strict accordance with the applicable standards of the Pennsylvania Department of Environmental Protection and until such disposition, irrespective of whether such disposition occurs on the property, are kept in airtight containers if turkeys, chickens, or piglets, and are kept in a manner so as to minimize the spread of odors and disease of larger animals.
- f) The owner of the property on which a building to house animals in a large livestock operation is located shall remove such building within five (5) years following the time such building ceases to be utilized to provide housing for livestock unless prior thereto such owner attains a Use or Occupancy Certificate from the Township to utilize such building for another purpose. Such a Use or Occupancy Certificate shall not be granted to permit use of such building for storage purposes unless:
 - 1) Such storage is of materials utilized in conjunction with the agricultural use of the property.
 - 2) At least fifty (50) percent of the gross floor area of the building is utilized for such storage purposes.
 - 3) A property owner shall not obtain a Use or Occupancy Certificate permitting a different use unless the owner has maintained the buildings so that windows are not out, substantial rust does not appear, and the building is in otherwise reasonably good condition. Following the issuance of such

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Use or Occupancy Certificate, the building must be maintained in the same condition as at the time the certificate is issued.

Section 703 GROUP CARE FACILITY

In the A and A-P Zones and subject to the requirements of the zone in which located except as herein modified and provided:

1. All applicants must provide proof of all approved documentation required by the Commonwealth of Pennsylvania prior to the time of request for a conditional use.
2. The use shall meet all requirements of licensing or certification by the Department of Public Welfare and the Department of Labor and Industry.
3. The Zoning Officer shall have the authority to continue the conditional use as long as proof of annual licensing, certifications, and re-certifications are provided to the Township when such documentation is received by the provider.
4. At least one (1) off-street parking space for each person employed plus one (1) off-street space for each four (4) residents to be served by the facility shall be provided. A minimum of five hundred (500) sq. ft. of off-street parking shall be provided.

Section 704 GROUP DAY CARE HOME

In R-1, R-2, R-3, and V Zones and subject to the requirements of the zone in which located except as herein modified and provided:

1. All applicants must provide proof of all approved documentation required by the Commonwealth of Pennsylvania prior to the time of request for a conditional use.
2. The use shall meet all requirements of licensing or certification by the Department of Public Welfare and the Department of Labor and Industry.
3. The Zoning Officer shall have the authority to continue the conditional use as long as proof of annual licensing,

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certifications, and re-certifications are provided to the Township when such documentation is received by the provider.

4. A minimum outdoor play area of sixty-five (65) sq. ft. per child is required.
5. Outdoor play areas shall be sufficiently enclosed so as to provide for the health and safety of the children as determined by the Supervisors. Outdoor play areas for newly approved group day care homes shall be sufficiently enclosed prior to conducting day care business. The minimum height requirement for fencing is four (4) feet with spacing in any fencing structure not greater than four (4) inches.
6. At least one (1) off-street parking space for each person employed plus one (1) off-street space for each four (4) children to be served by the facility shall be provided. A minimum of five hundred (500) sq. ft. of off-street parking shall be provided.

Section 705 VACANT

Section 706 HOSPITAL

In C and H-C Zones and subject to the requirements of the zone in which located except as herein modified and provided:

1. Lot area - One (1) acre minimum.
2. Lot width - Two hundred (200) feet minimum.
3. Setbacks - All buildings shall be located at least fifty (50) feet from all property or street lines.
4. Access shall be via an arterial or collector street as designated by the Township Comprehensive Plan.

Section 707 HOUSE OF WORSHIP

In an R-1, R-2, R-3, V, or N-C Zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. Minimum lot area – two (2) acres.

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2. No part of a church property shall be located within 1,000 ft. of a property containing an adult-related facility (as defined herein).
3. Minimum lot width – two hundred (200) feet.
4. Side yard setback – Fifty (50) feet on each side.
5. Off street parking areas – All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.
6. All residential uses shall be accessory and located upon the same lot or directly adjacent to a lot containing a house of worship.
7. All residential uses shall be governed by the location, height, and bulk standards imposed upon other residences with the site's zone.

Section 708 MANUFACTURED/MOBILE HOME PARKS

In an A, R-1, or R-2 Zone and subject to the requirements of the zone in which located except as herein modified and provided:

1. The minimum tract area shall be ten (10) acres.
2. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized, and each lot must be not less than five thousand (5,000) square feet in area and not less than fifty (50) feet wide at the building setback line.
3. Regardless of lot size, the side yard distances measured from outside each mobile home to the lot line shall not be less than thirty (30) feet in total and no one side yard distance less than twelve (12) feet. Front yards shall not be less than twenty (20) feet and rear yards shall not be less than ten (10) feet and in no case, shall the distance between any two (2) mobile homes be less than thirty (30) feet.
4. The Board of Supervisors may require suitable screen planting, or may restrict the proximity of mobile homes or other improvements to adjoining properties, or may attach such other

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conditions or safeguards to the use of land for a mobile home park as the Board may deem necessary to protect the general welfare.

5. A mobile home park and extension thereof shall also comply with all applicable State and municipal regulations now in effect or hereafter enacted.

Section 709 VACANT

Section 710 NATURAL PRODUCTION USES

In the I Zone and subject to the requirements of the zone except as herein modified and provided:

1. Machines or operations which cause vibrations shall be permitted, but in no case shall any such vibrations be perceptible along any adjoining or adjacent property in different ownership or public right-of-way.
2. Fencing. A six (6) foot fence that completely encloses the portion of the property in which an open excavation or quarry is located shall be provided and shall be so constructed as to have openings no larger than six (6) inches, and if pickets are used, the openings shall not exceed six (6) inches.
3. In addition to the fencing requirements of (b), landscaping and bufferyards shall be provided in accordance with the Monroe Township Subdivision and Land Development Ordinance.
4. When adjacent to a residential district, no stockpiles, waste piles, processing or manufacturing equipment and no part of the open excavation or quarrying pit shall be located closer than five hundred (500) feet to a residential district.
5. No part of a quarrying or excavating operation shall be closer than one hundred (100) feet from the right-of-way line of a public street or highway.
6. No part of the quarrying or excavating operation shall be located closer than two hundred (200) feet from a Commercial District.

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7. Where a quarry property abuts another quarry property or an operating railroad's right-of-way, no part of the operation shall be closer than seventy-five (75) feet.
8. In no case shall any use permanently impede the flow of natural watercourses.
9. All uses of land or processes which pollute natural watercourses are prohibited.
10. All uses of land shall be conducted in a manner which will not permit stagnant water to remain in quarries or excavations.
11. An Operations Plan shall be submitted that contains, but is not limited to, the following items:
 - a) Ownership and acreage of the land proposed for use.
 - b) Type of resources to be extracted or quarried.
 - c) Estimated depth of the proposed operation.
 - d) Location map at a scale of 1 inch = 400 feet, or less, which shall show:
 - i) The land area to be excavated or quarried with dimensions and the total property.
 - ii) Private access roads and abutting streets and highways.
 - iii) Abutting and/or adjacent districts and land uses.
 - iv) Existing watercourses, and proposed alterations to assure stream quantity and quality.
 - v) Title, scale, north arrow, and date.
 - vi) Ownership.
12. A Rehabilitation/Reclamation Plan shall be submitted that includes, but is not limited to, the following items:

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- a) An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries, and legal description of the tract.
 - b) A description of the location, type, extent, methods, and time schedule for the operations proposed.
 - c) A drawing showing the location and/or proposed re-location of land, trees, buildings, structures, public roads, streams, drainage facilities, and utility lines on the tract or adjacent tracts as may require protection, repairs, clearing, demolition or restoration either during or following the completion of the operations proposed.
 - d) A statement describing methods for handling operations with respect to the "Operational Requirements", plus any drainage, air pollution, soil erosion or other environmental problems created during the operations, including production transportation, processing, stockpiling, storage and disposal of by-products and wastes.
 - e) A plan for re-use of the land after completion of the operation which shall permit the carrying out of the purposes of this Ordinance and appropriately provide for any restoration, reclamation, reforestation or other correction work deemed necessary.
13. Within three (3) years after the termination of operations the area must be rehabilitated to conform with the Rehabilitation/Reclamation Plan as approved.
14. The following minimum standards must be met in the rehabilitation of the area:
- a) The entire area disturbed by excavating, quarrying, mining or other natural production use shall be planted in such a manner so as to control soil erosion.
 - b) The entire area shall be graded wherever necessary to provide for the conveyance of stormwater. Finished grade shall not have a slope of less than two percent (2%) so as to provide for natural drainage.

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- c) Stockpiles, overburden, refuse, plant facilities or equipment shall be removed immediately upon the termination of operations and in no case shall such removal be delayed for more than six (6) months.
 - d) Where screen planting and/or fencing has been provided, the same shall remain where necessary for safety, and shall be continuously maintained in good repair.
15. All mining or quarrying operations and reclamation practices shall conform to the provisions of Act 147 of 1971, the "Surface Mining Conservation and Reclamation Act," as amended.

Section 711 VACANT

Section 712 POWER GENERATION FACILITIES/GAS FIRED GENERATORS

Power generation facilities may be permitted as a Conditional Use by the Board of Supervisors in the I Zone subject to the requirements of the district as modified herein:

- 1. Heat, glare, radiation, noise, vibration, fumes, odors, or other objectionable emissions.
 - a) Every use shall be operated so that it does not emit a dangerous level of heat, glare, radiation, noise, vibration, fumes, odors or other objectionable emission beyond any boundary of the site on which the use is located.
- 2. Outdoor storage and waste disposal.
 - a) No material or wastes shall be deposited upon a site in such form or manner that they may be transferred off site by natural causes or forces.
 - b) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents shall be stored outside in closed containers.
 - c) The storage of explosives and blasting agents, the bulk storage of flammable or combustible liquids and the bulk storage of liquefied petroleum gas must comply with all

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local, state and federal distance and other safety requirements applicable to the types of storage stated in this subsection.

3. The proposed facility shall comply with all applicable federal and state air, waste quality, environmental and regulatory permits and requirements including but not limited to the permits and approvals listed below. Approval would be contingent on the granting of the required permits and approvals.
 - a) NPDES water quality and earth disturbance permits.
 - b) Section 404 of the Clean Water Act.
 - c) Chapter 105 Encroachment Permit.
 - d) Water Consumptive Permit from Susquehanna River Basin Commission.
 - e) Water Allocation/Withdrawal Permit from Pennsylvania Department of Environmental Protection.
 - f) Air Quality Permits.
 - g) Public Utility Commission Approvals.
4. Landscape Requirements
 - a) The landscape provisions in this ordinance are intended to encourage development of an attractive working environment for development, to buffer objectionable views, to provide year round landscape, and to provide for the mitigation of environmental impacts.
 - b) Suitable planting and landscaping shall be provided in areas required as setback under the provisions of this ordinance.
 - c) Landscaping is not required for side and rear property lines behind the front building setback line for property abutting other industrial zoned property.

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- d) Parking shall not be permitted in the landscape setback abutting any street.
- e) Emergency Plan of Access - A written Plan of Access must be provided by the owner in the event of emergency conditions such as fire, assuming the worst condition. The owner's plan of action for emergency access to the building shall be submitted to the Township, County, and the Emergency Management Coordinator at the time of submission for a building permit.

Section 713 PUBLIC SCHOOLS

Public Schools are permitted as a conditional use in the A, AP, R-1, R-2, R-3, V, C, and H-C Zones subject to the following criteria:

1. All height, area, setback and coverage standards within the underlying district shall apply.
2. No part of a public school property shall be located within 1,000 ft. of a property containing an adult-related facility (as defined herein), nor three hundred feet (300') of a property containing an automobile or gasoline service station. All off-street parking shall be set back at least twenty-five feet (25') and screened from adjoining property lines.
3. An outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five feet (25') from all property lines. Outdoor play areas shall be completely enclosed by a six (6) foot high fence, and screened from adjoining residentially zoned properties. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).
4. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period.

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5. Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.
6. The minimum lot area for public schools will comply with the requirements of the zoning district.
7. Parking as provided for in Section 303 shall be guaranteed.
8. A traffic study is required.
9. The subject property shall have frontage along a collector highway as defined in the Monroe Township Zoning Ordinance of Definition, as amended.

Section 714 PUBLIC UTILITY BUILDINGS AND STRUCTURES

In all Zones and subject to the requirements of the zone in which located except as herein modified and provided:

1. In the R-1, R-2, R-3, and V Zones, the permitted building shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing unreasonable noise, vibration, smoke, odor, or hazardous effect shall be installed.
2. Un-housed equipment shall be enclosed with a fence or wall not less than six (6) feet in height which shall be so constructed as not to have openings, holes or gaps larger than six (6) inches in any dimension.
3. When equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the zone in which the building is located.
4. The Board of Supervisors may require additional screening for Public Utility Buildings/Structures located in a Residential or Village Zone.

Section 715 RACE TRACKS

Race tracks shall be permitted as a conditional use in the A, C and H-C Zones subject to the following criteria:

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1. Minimum acreage shall be twenty-five (25) acres.
2. The minimum setbacks of all structures from public roads shall be one hundred (100) feet.
3. Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from the entrance of the principle use at the time of approval.
4. Access to such facility shall be by a paved road. Traffic shall not be directed through residential subdivisions or on minor residential streets.
5. Off-street parking shall be provided at a minimum of one (1) space for each four (4) seats.
6. Lighting shall not cause glare upon adjacent properties.
7. Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.
8. Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.
9. Noise from the race track shall not exceed 80 decibels at one hundred (100) feet from the race track.
10. Hours of operation of the race track shall be between 10:00 A.M. and 10:00 P.M.

Section 716 RESORT

A resort shall be permitted as a conditional use in the A and A-P Zones subject to the following criteria:

1. Those uses involving outdoor activities shall provide sufficient screening and/or landscaping to mitigate any visual and/or audible impacts on adjoining properties. The site shall be buffered and landscaped in accordance with the provisions

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contained in this Ordinance and the Subdivision and Land Development Ordinance.

2. Resorts shall front, and have access to, an arterial or collector roadway as defined in the Monroe Township Ordinance of Definition.
3. Performance standards addressed in Section 319 shall be required.
4. The construction of a resort shall be considered a “development” and is subject to the provisions contained in the Subdivision and Land Development Ordinance, and all other appropriate requirements.
5. Golf courses including accessory uses (e.g., club house, parking lots, storage sheds, pro shop, snack bar, restaurant, swimming pools, etc.) are subject to the following criteria:
 - a) No separate driving range, chip n’ putt, nine hole or miniature golf course shall be permitted.
 - b) Minimum lot area - Thirty (30) acres.
 - c) The construction of a golf course shall be considered a “development” and subject to all appropriate requirements.
 - d) All applicants shall submit plans for the following to the Township and Snyder County Conservation District at the time a request is filed for a conditional use:
 - i. Earth moving and erosion control;
 - ii. Run-off control for herbicides, pesticides, fungicides, and fertilizer, and plans for disposal of the containers for those items;
 - iii. Water use plan, including emergency condition usage;
 - iv. Waste water treatment and disposal;
 - v. Traffic study;

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- vi. Mosquito control; and
 - vii. Nutrient plan to ensure no excess nitrates, herbicides, pesticides, fungicides, or other fertilizer is used. When less potentially environmental alternatives are available, they shall be used.
- e) No golf hole shall be arranged to require a golf ball to be driven across any building, road, or parking lot.
 - f) Any points where the golf course crosses a road shall be signed warning motorists and pedestrians and any private road shall contain speed bumps.
 - g) All accessory uses of the golf course shall be set back at least two hundred (200) feet from all lot lines.
 - h) No outdoor maintenance of golf carts shall be permitted.
 - i) All golf course buildings shall be set back two hundred (200) feet from any adjoining roads and parcels.
 - j) Parking shall be set back at least thirty (30) feet from any adjoining lot lines, be paved with asphalt and screened from adjoining residentially zoned or used property.
- 6. Parking and access drive requirements shall comply with Section 303 of this Ordinance.
 - 7. Landscaping and a buffer yard in accordance with the Subdivision and Land Development Ordinance shall be provided.

Section 717 SHOPPING CENTER/MALL OR PLAZA

In an C, and H-C Zones and subject to the requirements of that zone except as herein modified and provided:

- 1. Lot area - Five (5) acres minimum.
- 2. Lot width - Three hundred (300) feet minimum.

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3. All buildings must be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street line.
4. Landscaping and a buffer yard in accordance with the Subdivision and Land Development Ordinance shall be provided.
5. Parking must be provided at the ratio of parking area to gross floor area of two (2) to one (1).
6. Access must be via an arterial street or collector street as designated by the Township Comprehensive Plan.

Section 718 COMMERCIAL SKEET, RIFLE OR ARCHERY RANGE

Commercial Skeet, Rifle or Archery Ranges shall be permitted as a conditional use in the A, C, and H-C Zones subject to the following requirements:

1. Skeet and rifle ranges shall be directed away from residential areas and adequate backstopping shall be provided to protect surrounding areas from stray bullets or arrows.
2. Outdoor firearm shooting hours shall be limited from 10:00 a.m. to one (1) hour before sunset.
3. No hunting shall be permitted on the grounds within specified safety zones of on-site or off-site buildings and dwellings.
4. A land development plan shall be submitted.

Section 719 SOLID WASTE PROCESSING/DISPOSAL FACILITY

Within the A, and I Zones, solid waste disposal and processing facilities are permitted by conditional use, subject to the following criteria:

1. Any processing of solid waste (including but not limited to incineration, composting, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly-enclosed building.

Article 7 - Standards for Conditional Uses

2. No refuse shall be deposited or stored, and no building or structure shall be located within two hundred feet (200) of any property line, and five hundred (500) feet of any land within a residential zone.
3. Any external area used for the unloading, transfer, storage, or deposition of refuse must be completely screened from view at the property line. (The use of an earthen berm is encouraged where practicable).

Section 720 VACANT

Section 721 INDUSTRIAL PARK

In an I Zone and subject to the requirements of that zone except as herein modified and provided:

1. Total Park area - Ten (10) acres minimum.
2. Lot width - Three hundred (300) feet minimum.
3. All buildings must be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street line.
4. Landscaping and bufferyards in accordance with the Subdivision and Land Development Ordinance shall be provided.
5. Access shall be via an arterial street or collector street as designated by the Township Comprehensive Plan. Traffic routes and exits shall be far enough from houses so that truck noise and vibration will be minimized.
6. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes).
7. Appearance should be harmonious with adjoining properties. This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, building coverage, and architectural controls.

Article 7 - Standards for Conditional Uses

Section 722 PERSONAL SERVICE ESTABLISHMENTS

Personal Service Establishments are permitted as a conditional use in the APT Zone subject to the following criteria:

1. Any expansion of an approved, designated personal service establishment use which shall increase the area used for office purposes or increase the parking requirements shall require a new application to and approval by the Board of Supervisors. Expansion for the purpose of this section shall include increase in square footage of office space, increase in office personnel, increase in clientele or other conditions resulting in inadequate parking space. The Board of Supervisors, with proper notice to those concerned, may act upon any such reported change by the property owner, user or off-site complainant.
2. Satisfactory evidence must be provided to demonstrate the use will have minimal adverse impact, taking into account location, size, design and operating characteristics on the livability, value and development of abutting properties and the surrounding area.
3. Parking and access drive requirements shall comply with Section 303 of this Ordinance.

Section 723 VACANT

Section 724 CAMPGROUNDS

Commercial campgrounds (including recreational vehicle parks) and private campgrounds shall be permitted as a conditional use in the W-R Zone, subject to the following requirements:

1. Campgrounds are subject to the provisions for land development as found in the Township Subdivision and Land Development Ordinance and are subject to the plan submittal procedures of that Ordinance.
2. Campgrounds must secure a Campground Permit from Pennsylvania Department of Conservation and Natural Resources.
3. Minimum tract size for campgrounds shall be fifteen (15) acres.

Article 7 - Standards for Conditional Uses

4. A minimum of one (1) vehicle off-street parking space shall be provided for each camping space plus one (1) additional off-street parking space for every five (5) camping spaces shall be provided within the campground.
5. The following requirements apply to private campgrounds:
 - a) Use shall be seasonal only, not exceeding one hundred eighty (180) days during any calendar year.
 - b) No permanent structures shall be permitted.
6. The following standards apply to commercial campgrounds:
 - a) There shall be a minimum of two thousand (2,000) square feet of area provided for each campsite.
 - b) Campsites shall abut internal driveways for vehicular ingress and egress, except for tent campsites which shall be two hundred fifty (250) feet maximum from an internal driveway.
 - c) Campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from adjoining residential zoned property.
 - d) Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet.
5. Campgrounds in Flood prone Areas:
 - a) Each unit within a campground proposed to be located in any designated Floodplain District, shall only be located within the floodplain from April 1 through September 30 of each year. All units must be removed from the floodplain during the remainder of the year.
 - b) Where campgrounds are proposed to be located within any designated floodplain area, a workable evacuation plan must be developed. Said plan must insure that all units will be removed from the floodplain during flood events.

Article 7 - Standards for Conditional Uses

- c) Units being placed in campgrounds located within a designated floodplain area must remain on wheels and be capable of being towed or transported from the site at all times. Such units may not be placed on blocks or similar supports and no activity may take place on the site which would interfere with the prompt and safe evacuation of the units in times of flood danger.
6. Accessory Uses:
- Accessory uses such as management headquarters, camp store, "bathhouse", and structures customarily incidental to operation of a campground are permitted, provided:
- a) Such establishments shall be restricted in their use to occupants of the campground only.
 - b) The commercial character shall not attract customers, other than occupants of the campground.
7. Signage shall be limited to two signs, with a maximum size of twenty (20) square feet each. Signs shall not exceed eight (8) feet in height.

SECTION 725 ACCESSORY DWELLING UNIT

Within the A, A-P, R-1 and R-2 Zones, an accessory dwelling unit may be permitted by conditional use, subject to the following standards:

- 1. The elder cottage shall be of portable construction and may not exceed nine hundred (900) square feet of floor area.
- 2. The minimum size parcel for consideration of an elder cottage shall be one (1) acre.
- 3. The total building coverage for the principal dwelling, existing accessory structures and the elder cottage together shall not exceed the maximum lot coverage requirement for the respective zone.
- 4. The elder cottage shall only be occupied by at least one (1) person who is at least fifty (50) years old, handicapped or disabled, and is related to the occupants of the principal dwelling by blood, marriage, or adoption.

Article 7 - Standards for Conditional Uses

5. The elder cottage shall be occupied by a maximum of two (2) people.
6. Utilities
 - a. For sewage disposal and water supply and all other utilities the elder cottage shall be physically connected to those systems servicing the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards, and
 - b. If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Board of Supervisors showing that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on site sewer system shall be subject to the review and approval of the sewage enforcement officer.
7. A minimum of one (1) all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling.
8. The elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard setback requirements for principal uses
9. Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

Article 8 - Administration and Enactment

Article 8 - Administration and Enactment

Section 800 PERMITS

800.1 Zoning Permits: Where required by the Monroe Township Zoning Ordinance a Zoning Permit must be obtained from the Township Zoning Officer for the erection, construction, reconstruction, addition, conversion, alteration, enlargement, repair, moving, demolition or use of any building, structure or portion thereof. A Zoning Permit shall be required prior to the use or change in use of a building, structure or land and prior to the change or extension of a nonconforming use. In addition, a Zoning Permit shall also be required for the placement of impervious paving material (i.e. brick, decorative concrete pavers, concrete, asphalt) on any parcel.

All Zoning Permits shall expire unless the work authorized therein shall have been undertaken within a period of six (6) months from the date of issuance, and unless such work shall have been fully completed with a period of two (2) calendar years from the date of issuance. However, that in the case of large or extensive projects the Township Zoning Officer may at the written request of the permittee extend the time for completion to a period not exceeding an additional one (1) year from the date of issuance in six (6) month increments.

800.2 Use Certificates: A use certificate, certifying compliance with this Ordinance must be obtained from the Township Zoning Officer for any new structure as below or for any change of use of a structure or land as set forth below before such new structure or use or change of use is occupied or established:

- a) Use of a structure erected, structurally altered or extended, or moved after the effective date of this Ordinance.
- b) Use of vacant land except for agricultural purposes.
- c) Any change in a conforming use of a structure or land.
- d) Any change from a nonconforming use of a structure or land to a conforming use.
- e) Any change in the use of a structure or land from that permitted by any variance or special exception of the Zoning Hearing Board.

The application for a use certificate must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms with this Ordinance.

Article 8 - Administration and Enactment

Section 801 ERRONEOUS PERMIT

A Zoning Permit or other permit or authorization issued or approved in violation of the provisions of this Ordinance, is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such a permit or other authorization is unlawful. No action may be taken by a board, agency, or employee of the Township purporting to validate such a violation.

Section 802 ENFORCEMENT - ZONING OFFICER

802.1 Appointment and Powers: For the administration of this Ordinance, a Zoning Officer, who may not hold any elective office in the Township, shall be appointed by the Board of Supervisors. The Township Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance. The Township Zoning Officer is the enforcement officer for this Ordinance. He issues all Zoning Permits, use certificates, and at direction of the Zoning Hearing Board, special exceptions and variances. The Township Zoning Officer shall identify and register nonconforming uses and non-conforming structures. The Township Zoning Officer may conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance with consent of the owner.

802.2 Forms: The Township Zoning Officer must provide a form or forms for:

- a) Zoning Permits.
- b) Special exceptions.
- c) Use certificates.
- d) Appeals.
- e) Variances.
- f) Conditional Uses
- g) Registration of nonconforming uses and nonconforming structures.

802.3 Transmittal of Papers: Upon receipt of an application for a special exception, variance or a notice of appeal, the Township Zoning Officer must transmit to the Secretary of the Zoning Hearing Board copies of all

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papers constituting the record upon the special exception, variance, or appeal.

802.4 Action on Zoning Permits: Within thirty (30) business days after receipt of an application for a Zoning Permit, the Township Zoning Officer must grant or refuse the permit. (The Township Zoning Officer shall require that the application for a Zoning Permit contain all information necessary to enable him to ascertain whether the proposed building, alteration, or use is located in an approved land development. No Zoning Permit shall be issued until the Township Zoning Officer has certified that the site for the proposed building, alteration, or use complies with all the provisions of this Ordinance and conforms to the site description as indicated on the approved and recorded Final Plan.) If the application conforms to the applicable requirements of this Ordinance, the Township Zoning Officer must grant a permit. If the permit is not granted, he must state in writing the grounds of his refusal.

802.5 Action on Use Certificates: Within thirty (30) days after receipt of an application for a use certificate, the Township Zoning Officer must grant or refuse the certificate. If the specifications and intended use conform in all respects with the provisions of this Ordinance, he must issue a certificate to that effect. Otherwise, he must state in writing the grounds of his refusal.

802.6 Enforcement: If it appears to the Township that a violation of any zoning ordinance enacted under Act 170 or prior enabling laws has occurred, the Township Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

An enforcement notice shall state at least the following:

- 1) The name of the owner of record and any other person against whom the Township intends to take action.
- 2) The location of the property in violation.
- 3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provision of the ordinance.

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- 4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- 5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this ordinance.
- 6) That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

802.7 Records: The Township Zoning Officer must keep record of:

- a) All applications for Zoning Permits, use certificates, conditional uses, special exceptions and variances and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.
- b) All complaints of violations of provisions of this Ordinance and the action taken on them.
- c) All plans submitted.
- d) Nonconforming uses and nonconforming structures.

All such records and plans shall be available for public inspection.

802.8 Reports: The Township Zoning Officer must report to the Township Supervisors monthly the following information:

- a) The number of Zoning Permits and use certificates issued.
- b) The number of complaints of violations received and the action taken on these complaints.
- c) Decisions of the Zoning Hearing Board.
- d) Any other reports as may be required by the Supervisors.

Section 803 MODIFICATIONS

The regulations embodied in this Ordinance are the minimum standards for the protection of the public welfare. When special circumstances warrant, the Township may impose stricter standards.

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Section 804 AMENDMENTS

804.1 The Township Supervisors may from time to time amend, supplement or repeal any of the regulations and provisions of this Ordinance.

804.2 Before voting on the enactment of an amendment, the governing body shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the perimeter of the tract to notify potentially interested citizens. The affected tract of area shall be posted at least one week prior to the date of the hearing.

In the case of an amendment other than that prepared by the planning agency, the governing body shall submit each such amendment to the Township Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

If after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

At least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the county planning agency for recommendations. The municipality may offer a mediation option as an aid in completing proceedings authorized by this section. In exercising such an option, the municipality and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX, of Act 170.

Within 30 days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the county planning agency.

804.3 Curative Amendments: A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any revision thereof, which prohibits or restricts the use of development of land in which he has an interest may submit a curative amendment to the Township Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 of the Pennsylvania Municipalities Planning Code, Act 170 as amended.

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Section 805 FEES

The Township Supervisors must set fees for all applications, permits, or appeals provided for by this Ordinance to defray the costs of advertising, mailing notices, processing, inspecting, and copying applications, permits, and use certificates. The fee schedule shall be available at the Township Building for inspection.

Section 806 APPEALS

Any person aggrieved or affected by provision of this Ordinance or decision of the Township Zoning Officer, may appeal in the manner set forth in Article IX of the Pennsylvania Municipalities Planning Code, Act 170 as amended.

Section 807 REPEALER

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 808 INTERPRETATION

The provisions of this Ordinance shall be held to be minimum requirements to meet the purposes of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall prevail. When provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance or regulation shall prevail.

Section 809 VIOLATIONS

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of any ordinance enacted under Act 170 or prior enabling laws, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When

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any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of the Township. No such action may be maintained until such notice has been given.

District justices shall have initial jurisdiction over proceedings brought under this section.

Any person, partnership, or corporation who or which as violated or permitted the violation of the provision of the zoning ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating 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 a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township.

The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

Section 810 VALIDITY

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by a recognized court of the Commonwealth, such decision shall not affect the legality of the remaining sections, clauses, provisions or portions of this Ordinance.

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Section 811 EFFECTIVE DATE

This Ordinance shall become effective five (5) days after its adoption by the Board of Supervisors of Monroe Township, Snyder County, Pennsylvania.

Enacted and Ordained this _____ day of _____, 2004.

Board of Supervisors
Monroe Township
Snyder County, Pennsylvania

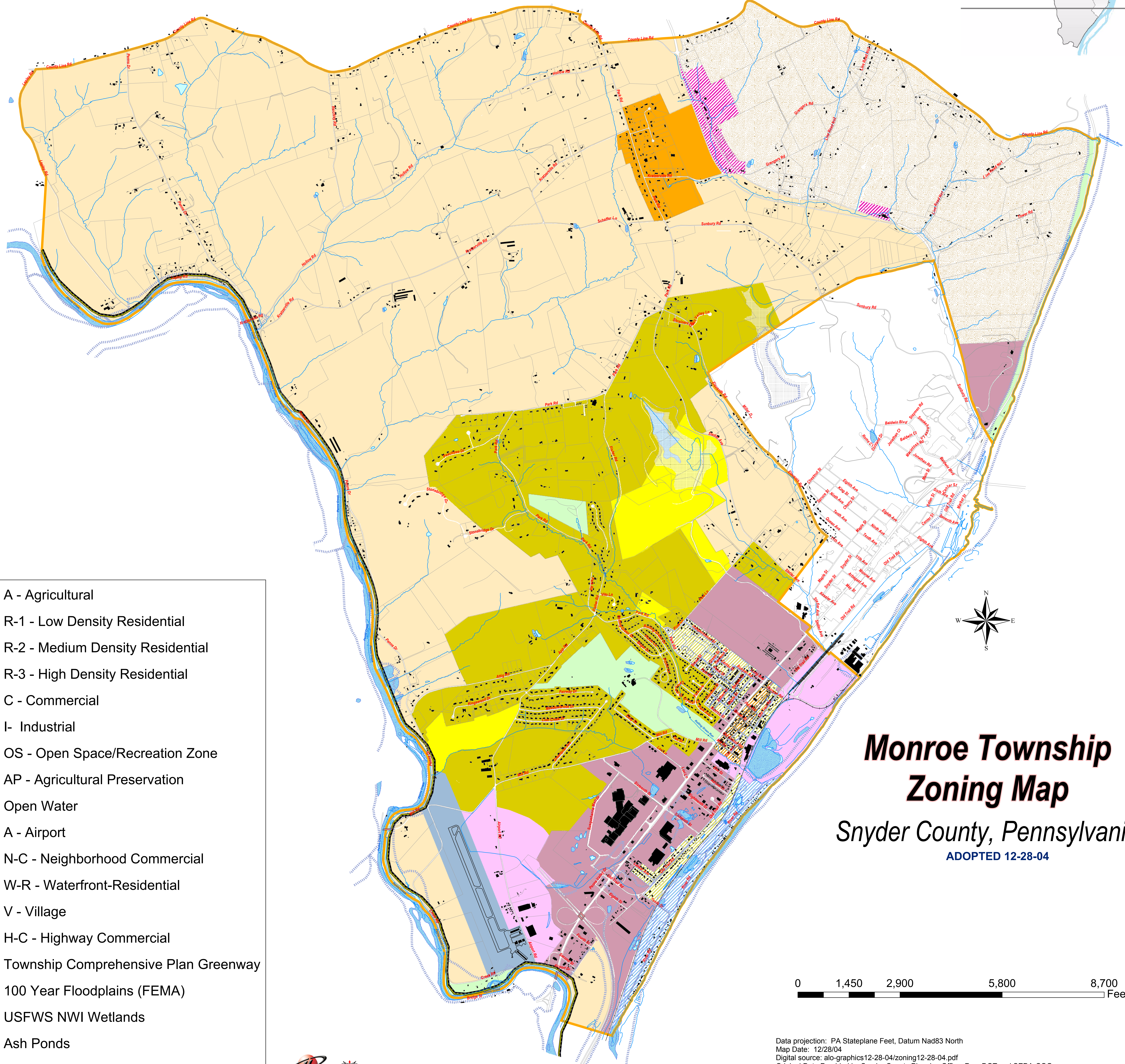
Attest:

Township Secretary

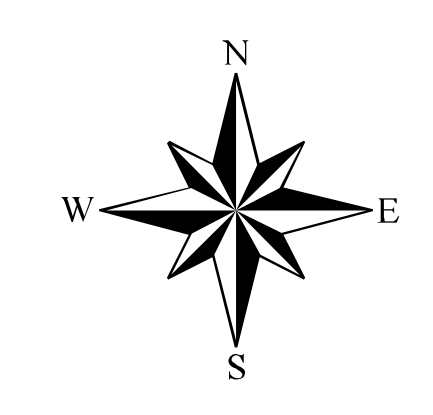
Chairperson

Supervisor

Supervisor



- A - Agricultural
- R-1 - Low Density Residential
- R-2 - Medium Density Residential
- R-3 - High Density Residential
- C - Commercial
- I - Industrial
- OS - Open Space/Recreation Zone
- AP - Agricultural Preservation
- Open Water
- A - Airport
- N-C - Neighborhood Commercial
- W-R - Waterfront-Residential
- V - Village
- H-C - Highway Commercial
- Township Comprehensive Plan Greenway
- 100 Year Floodplains (FEMA)
- USFWS NWI Wetlands
- Ash Ponds
- Township Boundary



**Monroe Township
Zoning Map**
Snyder County, Pennsylvania
ADOPTED 12-28-04



Data projection: PA Stateplane Feet, Datum Nad83 North
Map Date: 12/28/04
Digital source: alo-graphics12-28-04/zoning12-28-04.pdf
Original Data Provided by Snyder County Planning Office, PennDOT and SEDA-COG

