

COVINGTON TOWNSHIP

LACKAWANNA COUNTY, PENNSYLVANIA

ZONING ORDINANCE 2007

This Zoning Ordinance is a re-enactment of the original Zoning Ordinance adopted on August 23, 1989 and all subsequent amendments as listed below. The Zoning Ordinance includes footnotes to reference the specific Township ordinance that added or amended the provisions of the original Zoning Ordinance.

1. Ordinance No. 1990-01 – Solid waste facilities and environmental impact statements.
2. Ordinance No. 1994-02 – Storm water management in Lackawanna River Watershed.
3. Ordinance No. 1994-04 – Re-adoption of zoning map with amended C-1 District boundary.
4. Ordinance No. 1995-01 – Changed zoning designation of Tax Map Parcels 21904-1-1 and 21904-1-2 from RR to R-1.
5. Ordinance No. 1995-02 – Single family dwellings, drive-through restaurants, and water bodies and wetlands.
6. Ordinance No. 1996-02 – Twenty-one items including definitions, forestry enterprises, sawmills, etc.
7. Ordinance No. 1996-05 – Nonconformities.
8. Ordinance No. 1996-06 – Adult business prohibition.
9. Ordinance No. 1999-02 – Eighteen items including definitions, home occupations, commercial communications towers, treatment centers/clinics, etc.
10. Ordinance No. 2001-02 – Multi-family dwelling projects.
11. Ordinance No. 2002-01 – Industrial parks and truck terminals.
12. Ordinance No. 2003-01 – Firewood, forestry enterprises, storage yards.
13. Ordinance No. 2003-03 – Adult businesses.
14. Ordinance No. 2004-01 – Communications towers.
15. Ordinance No. 2004-03 – Recreation vehicle definition.
16. Ordinance No. 2004-04 – M-1 Zone lot coverage.
17. Ordinance No. 2005-02 – Towers and Windmills
18. Ordinance No. 2006-01 – Conservation Design Development; Multi-Family Dwellings and Transferable Development Rights (TDR)
19. Ordinance No. 2006-05 – Commercial, manufacturing and industrial standards
20. Ordinance No. 2006-07 – *Public buildings and uses and public recreation* classified as conditional uses; *building height* definition.

Notes:

1. Ordinance No. 1996-02 included the definition of *permittee* (as used in Section 530 Adult Businesses). At the time Section 530 was amended by Ordinance No. 1996-06, the term *permittee* was not included in the section. For clarity purposes, the definition has not been included in this ordinance.
2. The 1989 Zoning Ordinance, Schedule of Uses for the M-1 District included as Item 10 – *Completely enclosed storage of facilities for raw materials or waste materials of above uses*. The uses on the schedules in this Ordinance are alphabetized. Item 10 has been included as follows: *Completely enclosed storage of facilities for raw materials or waste materials of uses permitted in district*.
3. Ordinance No. 1996-02 amended Section 523 to permit commercial stables as a conditional use in any RR or R-1 District; however, the change was not reflected in the Schedule of Uses.
4. Ordinance No. 1996-02 amended Section 524 to permit livestock operations in all districts except the MP-RV District, and classified livestock operations as a principal permitted use in the RR, R-1 and SC Districts. The intent was to include livestock operations in the R-2 District as well; however, the change was not reflected in the Schedule of Uses.
5. The Zoning Ordinance now includes a *Table of Uses* following the Schedule of Uses in Article IV and an *Index* at the end of the Zoning Ordinance.

GUIDE TO USING THIS ZONING ORDINANCE

- ☛ **Contact the Zoning Officer** to ensure you have the latest version of the Zoning Ordinance and Zoning Map and to help you find what you are looking for.
- ☛ The **Table of Contents** and the **Index** at the back of the Ordinance should help you find the sections applicable to your situation.
- ☛ The **Zoning Map** shows all of the **Zoning Districts** in the Township. Each District is listed in the **Schedule of Uses** in Article IV.
- ☛ The **Schedule of Uses** in Article IV lists all of the uses allowed in each district and the **Table of Uses Permitted by Districts** lists uses by category and specifies in which Districts the uses are allowed.
- ☛ The **Schedule of Uses** in Article IV also classifies all of the uses allowed in each Zoning District.
 - ☛ **Principal Permitted Uses** and **Accessory Uses** - action by the Zoning Officer.
 - ☛ **Conditional Uses** - review by Planning Commission, action by Board of Supervisors. (See §1208)
 - ☛ **Special Exceptions** - review by Planning Commission, action by Zoning Hearing Board. (See §1208)
- ☛ The requirements for **Permit Applications** are found in §1202.
- ☛ The **Schedule of Development Standards** in Article IV sets the minimum lot size and property line and road setback requirements.
- ☛ The **Definitions** in Article III provide the meaning for specific terms.
- ☛ Many uses are subject to specific requirements of this Ordinance.
 - ☛ Article V includes requirements for decks, garages, sheds and other **Accessory Uses, Home Occupations and Off-Street Parking**.
 - ☛ Article VI governs **Residential Uses** – conservation design, two-family dwellings, group homes, etc.
 - ☛ Article VII includes performance standards for **Commercial and Manufacturing Uses**.
 - ☛ Article VIII includes standards for **Specific Uses** ranging from the keeping of animals to cell towers.
- ☛ **Signs** are governed by Article XI and a business sign will probably require a permit.
- ☛ Applications for **Variances** are heard by the Zoning Hearing Board. The application must document *unnecessary hardship* and meet all of the applicable criteria in §1207.1.
- ☛ A legally existing use which predates the Zoning Ordinance and which does not comply with the Ordinance is a **Nonconforming Use**. Commonly referred to as *grand-fathered*, the nonconformity runs with the land and the use can continue and be sold. Such uses can also be expanded within the limits set in Article IX. Nonconforming lots, lots which do not meet the minimum size and dimension requirements, can also be used if they meet the setback, water supply and sewage disposal requirements in §911.
- ☛ If a project involves the creation of a new lot or lots, the change of lot lines, or the erection of one or more new principal nonresidential buildings, the **Subdivision and Land Development Ordinance** will also apply. This ordinance is separate from the Zoning Ordinance.
- ☛ **Fees** are set by Resolution of the Board of Supervisors per §1203 and are shown on the **Fee Schedule** available from the Zoning Officer.

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ORDAINING CLAUSE

BE IT HEREBY ORDAINED AND ENACTED by the Board of Township Supervisors of the Township of Covington, Lackawanna County, by authority of and pursuant to the provisions of Articles VI through X of Act No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code," and any amendments and supplements thereto, as follows:

ARTICLE I - GENERAL PROVISIONS**101 Title**

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 and intensity of use; creating zoning districts and establishing the boundaries thereof; establishing the office of Zoning Officer; creating a Zoning Hearing Board; and providing for the administration, amendment, and enforcement of the ordinance, including the imposition of penalties.

102 Short Title

This Ordinance shall be known and may be cited as the "Covington Township Zoning Ordinance."

103 Purpose

This Ordinance is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare; coordinated and practical community development; density of population; civil defense and disaster evacuation, airports, and national defense facilities; the provisions of adequate light and air; police protection; vehicle parking and loading space; transportation; natural resources, agricultural land and uses; reliable, safe and adequate water supplies; sewerage, schools, public grounds and other public requirements and other purposes set forth in the Pennsylvania Municipalities Planning Code.
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This Ordinance is adopted in accordance with an overall land use control program and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.

104 Interpretation

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Township and its citizens. This ordinance is not intended to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any provisions of this Ordinance, nor is this Ordinance intended to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.

ARTICLE II - COMMUNITY DEVELOPMENT OBJECTIVES201 Community Development Objectives

This Zoning Ordinance has been adopted in part to assist in implementing the Comprehensive Plan. The Community Development Objectives supplement the Comprehensive Plan and include, but are not limited to the following:

- A. To insure that the land uses of the community are logically situated in relation to one another.
- B. To provide adequate space for each type of development in the community so as to avoid overcrowding of land.
- C. To provide for the control of development density in each neighborhood so that the populace can be serviced adequately by such facilities as streets, schools, recreation, and utilities systems.
- D. To protect existing property by requiring that development afford adequate light, air, and privacy for persons living and working within the municipality.
- E. To facilitate the efficient movement of traffic.
- F. To secure the preservation and prudent use of natural resources.
- G. To strive for a variety in housing types.
- H. To provide for equal opportunities in all facets of community living.
- I. To strive for coordination between policies, plans, and programs in the community through cooperation among governing officials, community interest groups, and the general populace.

ARTICLE III - DEFINITIONS

For the purpose of this Ordinance, the following words, terms and phrases have the meaning herein indicated:

Accessory Building or Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Adult Arcade:¹ Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas". An "Adult Arcade" shall be considered an "Adult Business" for the purpose of this Ordinance.

Adult Bookstore or Adult Video Store:² A commercial establishment which, as one of its principal business purposes or as a substantial part of its business, offers for sale or rental for any form of consideration, any one or more of the following:

- A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- B. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities".

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as "Adult Bookstore" or "Adult Video Store". Such other business purposes will not serve to exempt such commercial establishment from being categorized as an "Adult Bookstore" or "Adult Video Store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

The term Adult Bookstore shall include but not be limited to an Adult Video Store, and all such uses shall be considered an "Adult Business" for the purpose of this Ordinance.

Adult Business:³ Any of the following:

- A. A use of a building or land for a business which has obscene materials as a substantial or significant portion of its stock-in-trade.

¹ Added: Ord. 1996-02.

² Added: Ord. 1996-02.

³ Added: Ord. 1996-02.

- B. A use of a building or land for a business which involves the sale, lease, trade, gift or display of drug paraphernalia as a substantial or significant portion of its stock-in-trade.
- C. Any nightclub, bar, restaurant, arcade, theater, or any other establishment that conducts live performances as a principal part of its business that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas", or where any "specified sexual activities" are conducted for economic gain or any other form of consideration.
- D. Any of the following as defined in this Article II:
 - 1. adult arcade
 - 2. adult bookstore or adult video store
 - 3. adult live entertainment use or facility
 - 4. adult motel
 - 5. adult motion picture theater
 - 6. adult theater
 - 7. escort agency
 - 8. massage parlor
 - 9. nude model studio
 - 10. sexual encounter center

Adult Live Entertainment Use or Facility:⁴ A commercial use (including, but not limited to, a use selling food or beverages) including live entertainment involving:

- A. Persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) appearing in a state of nudity; or,
- B. Live performances which are characterized by the exposure of "specified anatomical areas" or simulated or actual "specified sexual activities"; or,
- C. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"

An "Adult Live Entertainment Use or Facility" shall be considered an "Adult Business" for the purpose of this Ordinance.

Adult Motel:⁵ A hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration and as part of the consideration provides patrons with closed-circuit television transmissions, films, motion pictures, video

⁴ Added: Ord. 1996-02.

⁵ Added: Ord. 1996-02.

cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or,

B. Offers sleeping rooms for rent three (3) or more times in one calendar day.

An "Adult Motel" shall be considered an "Adult Business" for the purpose of this Ordinance.

Adult Motion Picture Theater:⁶ A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". An "Adult Motion Picture Theater" shall be considered an "Adult Business" for the purpose of this Ordinance.

Adult Theater:⁷ A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities". An "Adult Theater" shall be considered an "Adult Business" for the purpose of this Ordinance.

Agricultural Use:⁸ The use of any parcel of land for economic gain in the raising of agricultural products or livestock. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes commercial stables, horse farms and dog kennels; the disposal or use of sludge, septage or similar waste products; and agricultural products processing.

Agriculture Products Processing: An industry that involves the processing of raw agricultural products; and transforming those products into a more refined, prepared or marketable state. Includes, but is not limited to, such uses as sawmills, dairies and food canning and freezing operations.

Agriculture Service Establishment: Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services and farm labor and management services, and farm machinery dealers.

Alterations: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Alternative Tower Structure:⁹ Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antenna; or towers used for wireless communication.

Amusement Park: A commercially operated park or facility with various devices for entertainment including but not limited to rides, games, electronic games and similar devices, food stands and other

⁶ Added: Ord. 1996-02.

⁷ Added: Ord. 1996-02.

⁸ Added: Ord. 1996-02.

⁹ Added: Ord. 2004-01.

associated facilities.

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

ANSI/EIA/TIA 222:¹⁰ Latest edition of American National Standards Institute, Electronic Institute of America, Telecommunications Institute of America Standards.

Antenna and Antenna Support Structure:¹¹ Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

Antenna, Accessory:¹² An antenna which is associated with a legally existing principal structure and which does not exceed the maximum building height of the district for principal structures by more than fifteen (15) feet.

Antenna Height:¹³ The vertical distance measured from the base of the antennae support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antennae height.

Applicant: See "Person"

Arrays:¹⁴ Any configuration of antenna elements or portions thereof on a single tower or co-location towers used to receive, transmit or enhance a radio frequency signal.

Bed and Breakfast: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally included as a part of the services rendered.

Boarding or Lodging House: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally but not necessarily included as a part of the services rendered.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature.

Building Height:¹⁵ The average vertical distance from the level of finished grade measured at the exterior walls of the building to: (i) the highest point of the roof, in the case of a flat roof; or (ii) the mid-point of the roof between the ridge and the eave, in the case of a pitched roof. The Building Height in this paragraph is modified by the Height Limitations of paragraph 501.4.

¹⁰ Added: Ord. 2004-01.

¹¹ Added: Ord. 1996-02.

¹² Added: Ord. 1996-02. Amended: Ord. 1999-02.

¹³ Added: Ord. 1996-02.

¹⁴ Added: Ord. 2004-01.

¹⁵ Amended: Ord. No. 2006-07.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Bus Terminal: An area and/or building where buses are stored or parked on a regular basis with or without bus maintenance and repair facilities.

Campground or Recreational Vehicle (RV) Park: See Recreational Subdivision or Land Development.

Car Wash: Any building or premises or portions thereof used for washing automobiles for commercial purposes.

Child Care Center: Any establishment enrolling four or more children five (5) years of age or younger and where tuition, fees, or other forms of compensation for the care of the children is charged.

Church:¹⁶ A building used for public worship. See *semi-public buildings and uses*.

Clear Sight Triangle: An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

Club/Lodge, Private: An establishment operated for social, athletic, recreational or educational purposes but open only to members and not generally open to the general public.

Co-location:¹⁷ The use of a single mount on the ground by more than one carrier (vertical co-location) and/or of several mounts on an existing building or structure, by more than one carrier.

Commercial Communication Device¹⁸ - Any device which is intended for transmitting or receiving commercial television, radio or telephone communications, excluding the following:

1. Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR 18.
2. Military and government radar antennas and associated communication towers used for navigational purposes as regulated by 47 CFR 87.
3. Amateur (ham) and citizen band transmitting and receiving antennas and associated communication towers as regulated by 47 CFR 97 and 47 CFR 95, respectively, and which are less than forty-five (45) feet in height.
4. Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer or water craft.
5. A radio frequency machine which is designated and marketed as a consumer product, such as microwave ovens and radio control toys.

Commercial Communication Device Support Structure¹⁹ - Any pole, telescoping mast, tower, tripod, or any

¹⁶ Amended: Ord. 1999-02.

¹⁷ Added: Ord. 2004-01.

¹⁸ Added: Ord. 1999-02.

¹⁹ Added: Ord. 1999-02.

other structure which supports a commercial communication device.

Commercial Communication Device Support Structure Height²⁰ - The vertical distance measured from the base of the support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height.

Commercial Communications Tower:²¹ A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antenna. This definition does not include any structure erected solely for a residential, non-commercial, individual use as television antenna, satellite dish, or amateur radio antennas

Commission: The Planning Commission of Covington Township.

Communication Tower:²² Any Commercial Communication Device Support Structure; Commercial Communications Tower; Directional Antenna; Omnidirectional Antenna; Panel Antenna; Stealth Tower; Telecommunications Tower; Wireless Antenna, or Wireless Communication Facility constructed, established, owned or acquired by a commercial person or entity.

Communications Antennae:²³ Any device used for the transmission or reception of radio, telephone, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals, including, but not limited to, omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such devices. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communications Equipment Building:²⁴ An unnamed building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area of the ground no greater than 400 square feet.

Comprehensive Plan: The Covington Township Comprehensive Plan including all maps, charts and textual matter.

Conditional Use: A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Township Board of Supervisors after recommendations by the Planning Commission.

Conservation Area, Primary:²⁵ Those areas of a development tract which are comprised of environmentally sensitive lands on which development is not permitted.

²⁰ Added: Ord. 1999-02.

²¹ Added: Ord. 2004-01.

²² Added: Ord. 2004-01.

²³ Added: Ord. 2004-01.

²⁴ Added: Ord. 2004-01.

²⁵ Added: Ord. 2006-01.

Conservation Area, Secondary:²⁶ Those areas of a development tract which are somewhat less sensitive than primary conservation areas and which may be critical to the effect the development will have on both the natural environment and the rural character of the community.

Conservation Design Development:²⁷ A development or subdivision designed at the dwelling unit density specified in the Zoning Ordinance for the Zoning District in which the development or subdivision is located where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity.

Conservation Open Space:²⁸ That part of a particular conservation design development set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Zoning Ordinance and which meets the conservation open space requirements of the Township Subdivision and Land Development Ordinance. Conservation open space may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

Convenience Store: A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"), it may also include the sale of gasoline but shall not include the repair or service of vehicles.

Corral: An enclosure for confining livestock and which is typically attached to or situated in close proximity to a stable or barn; as contrasted to a pasture.

Country Club: A recreational property owned and managed by membership organization and including recreational facilities, restaurant and meeting rooms.

Crop Production:²⁹ An agricultural use involving the use of land for the raising of cultivated plants or agricultural produce such as grain, vegetables, silage, or fruit. The definition excludes commercial greenhouses and commercial nurseries as defined by this Zoning Ordinance.

Decibel (dB):³⁰ Ten times the logarithm to the base ten of the ratio of two power levels.

Deck: An elevated (more than 6 inches) attached accessory structure constructed of wood with no walls or roof. As an attached accessory structure, it must meet the required setbacks for the principle building.

Detention Facility:³¹ A publicly or privately operated facility used to house and/or rehabilitate individuals detained or sentenced by the criminal justice system, including but not limited to, jails, prisons,

²⁶ Added: Ord. 2006-01.

²⁷ Added: Ord. 2006-01. (Note: the definition for "cluster development" was deleted entirely per Ord. 2006-01).

²⁸ Added: Ord. 2006-01.

²⁹ Added: Ord. 1996-02.

³⁰ Added: Ord. 2004-01.

³¹ Added: Ord. 1999-02.

penitentiaries, reformatories and similar facilities.

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

Directional Antenna:³² An antenna that transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

Drug Paraphernalia:³³ Any objects, devices, instruments, apparatus or contrivances, whose primary and traditionally exclusive use is involved with the illegal use of any and all controlled substances under Pennsylvania Law.

Dwelling: A structure or portion thereof which is used exclusively for human habitation.

Dwelling Unit: One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

Dwelling, Multi-family:³⁴ A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term "multi-family dwelling" shall include condominium as well as non-condominium housing units including the following construction types (See also definition of *Multi-Family Project*):

- A. Residential Conversion to Apartments - Conversion of an existing single-family detached dwelling into three (3) to five (5) dwelling units and not exceeding two and one-half (2 ½) stories in height.
- B. Garden Apartment - Multi-family dwellings originally designed as such; containing three or more dwelling units and not exceeding two and one-half (2 ½) stories in height, not including townhouses.
- C. Townhouse - Multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 ½) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.
- D. Apartment Building - Multi-family dwellings of more than two and one half (2 ½) stories but not exceeding the height limitations (in feet) of this Ordinance.

Dwelling, Multi-Family Project:³⁵ See definition of *Multi-Family Project*.

Dwelling, Single-Family: A dwelling unit detached from any other dwelling unit accommodating a single family and having two (2) side yards.

³² Added: Ord. 2004-01.

³³ Added: Ord. 1996-02.

³⁴ Amended: Ord. 2001-02.

³⁵ Added: Ord. 2001-02.

Dwelling, Two-Family:³⁶ Dwelling accommodating two families either with units which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units. A two-family dwelling in a multi-family project shall be considered a townhouse for the purposes of regulation by this Ordinance. (See definition of *Multi-Family Project* and Section 511.)

Environmental Assessment (EA):³⁷ An EA is the complete documentation of the assessment required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) for a personal wireless service facility.

Equipment Shelter:³⁸ An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

Escort:³⁹ A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency:⁴⁰ A person or business association or establishment which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Essential Services:⁴¹ Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment. Buildings, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications devices and/or facilities not specifically regulated by the PA Public Utility Commission shall not be considered essential services. (For essential services requiring enclosure in a building see "semi-public building or use.")

FAA:⁴² Federal Aviation Administration

Fall Zone:⁴³ The area on the ground within a prescribed radius from the base of an antenna support structure facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material. The fan zone shall be the tower height plus 20 percent.

Family: Either an individual, or two or more persons related by blood or marriage or adoption or up to five (5) unrelated persons living together as a household in a dwelling unit.

³⁶ Amended: Ord. 2001-02.

³⁷ Added: Ord. 2004-01.

³⁸ Added: Ord. 2004-01.

³⁹ Added: Ord. 1996-02.

⁴⁰ Added: Ord. 1996-02.

⁴¹ Amended: Ord. 1999-02.

⁴² Added: Ord. 2004-01.

⁴³ Added: Ord. 2004-01.

Farm Residence: A single family dwelling associated and on the same parcel with an agricultural use, the occupants of which are members of the immediate family (mother/father, sister/brother, daughter/son) owning the agricultural use or are fully employed by the agricultural use; and such dwelling is not rented or otherwise used for non-agricultural, income producing purposes.

Farm Stand: A booth or stall on a farm and from which produce and farm products are sold to the general public and operated by the owner of the property.

Fast Food/Drive Through Restaurant: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises and which may include facilities that enable customers to obtain food while remaining in their vehicles.

FCC:⁴⁴ Federal Communications Commission. Major Modification: A ny increase o r change in tower height, antenna h eight, number of antennas impervious coverage devoted to the wireless communication facility, or any other standard regulated by this ordinance.

Firewood Cutting and Sales, Accessory Use:⁴⁵ The cutting of trees by a property owner on his property for sale as firewood. This may include the storage of the cut trees and firewood, and customers on the site to purchase firewood, but no other retail sales. The importing of trees or firewood from any property to any another property for cutting or sale shall not be considered *firewood cutting and sales, accessory use*. (See *storage yard for forest products and stone*.)

Forestry Enterprise:⁴⁶ The management of forests and timberlands when practiced in accord with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any of the following: a land development, the operation of a sawmill, or the operation of any other wood manufacturing business.

Garage, Private Parking: A building or portion thereof used only for the storage of automobiles by the families resident upon the premises or by individuals residing in the immediate vicinity of such storage facilities.

Garden Center, Retail: A retail establishment engaged in the sale of ornamental trees, shrubs and plants and supplies for gardening and landscaping.

Golf Course: A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses; but does not include miniature golf courses or golf ball driving ranges.

Gross Floor Area: The sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.

⁴⁴ Added: Ord. 2004-01.

⁴⁵ Added: Ord. 2003-01.

⁴⁶ Added: Ord. 1996-02; Amended: Ord. 2003-01.

Group Care Facility: A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. Any facility housing six or more individuals, including staff, shall be considered a health facility.

Group Family Household: A group of not more than six individuals including staff, not related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Health Facilities:⁴⁷ Establishments primarily engaged in providing services for human health maintenance including but not limited to hospital facilities, nursing and adult homes, and personal care facilities whether publicly or privately operated. See also *medical offices*.

Home Occupation: Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than a sign as provided herein; professional practice of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers, and veterinarians, and similar types of uses, excluding stables, kennels or motor vehicle or small engine repair shops.

Horse: Any animal of the horse family or resembling a horse including horses, mules and donkeys.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel: A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, and providing additional services such as restaurants, meeting rooms and recreational facilities.

Impervious Surface:⁴⁸ Any building, structure or material which reduces and/or prevents the percolation of precipitation or snowmelt into previously undisturbed soil areas.

Industrial Park:⁴⁹ A large tract of land that has been planned, developed and operated as an integrated facility for a number of industrial uses, including light manufacturing, business services, office buildings, warehousing, truck terminals type A, wholesale trade and other non-residential uses allowed in the M-1 District, with special attention to circulation, parking, utility needs, aesthetics and compatibility.

Junk: Any scrap, waste, reclaimable material or debris, vehicles or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or

⁴⁷ Amended: Ord. 1999-02.

⁴⁸ Added: Ord. 90-01.

⁴⁹ Delete & Add = Amended Ord. 2002-01.

disposition.

Junk Yard: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machines, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The outside storage or deposit on a lot of two or more inoperable vehicles which do not have current licenses shall be considered a junk yard. Agricultural vehicles such as tractors, mowers, etc. which are utilized as part of an active on-going farming operation and contractors construction equipment shall be exempt from this provision. Automobile sales lots managed by licensed automobile dealers and storage areas for antique autos shall be also exempt from this provision.

Kenel: The keeping of four (4) or more dogs that are more than six (6) months of age for commercial purposes.

Land Development: Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, b between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accord with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code.

Light Manufacturing:⁵⁰ Facilities involving generally unobtrusive processes not resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes. Uses producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture or other wood products assembly, and pharmaceutical research and production, but excluding basic industrial processing.

Livestock Operation:⁵¹ An agricultural use involving the fattening or raising of livestock for home use or profit.

⁵⁰ Amended: Ord. 1999-02.

⁵¹ Added: Ord. 1996-02.

Livestock:⁵² Any animals raised or kept for home use or profit, including, but not limited to cattle, bison, sheep, goats, llamas, swine, fowl, rabbits and fur bearing animals.

Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

Lot Area:⁵³ The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). The net lot area shall not be less than the minimum required lot size for the Zoning District as determined by deducting the following areas of constrained land from the total lot size:

Multiply the area of:	by this Constraint Factor:
rights-of-way of existing public streets or highways, existing or proposed overhead rights-of-way of utility lines, and any other rights-of-way	1.00
land under existing private streets	1.00
designated wetlands	0.95
floodway	1.00
100-year floodplain	0.50
natural ground slopes exceeding 25 percent	0.80
natural ground slopes of between 20 and 25 percent	0.60
rock outcrops and boulder-fields more than 1,000 square feet	0.90
ponds, lakes and streams	1.00

Lot, Corner: A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.

Lot Coverage: That portion or percentage of the lot area which is covered by buildings, roads, driveways, walkways, parking areas, or impervious surfaces including but not limited to pavement.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line.

Lot Line, Front: The line separating the lot from a street.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

⁵² Added: Ord. 1996-02.

⁵³ Amended: Ord. 2006-01.

Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

Lot Width: The average of the width of a lot at the building setback line and the rear lot line.

Major Modification:⁵⁴ Any increase or change in tower height, antenna height, number of antennas impervious coverage devoted to the wireless communication facility, or any other standard regulated by this ordinance.

Manufactured Home: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, which arrives at a site complete and ready for installation except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation; including, but not limited to mobile homes and modular homes.

Manufacturing and Industry:⁵⁵ Establishments engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the assembly of component parts, the manufacturing or transformation of products for use by other manufactures, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, and any facility involving processes resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes.

Massage:⁵⁶ The performance of manipulative exercises using the hands and/or a mechanical or bathing device on a person(s)'s skin other than the face or neck by another person(s) that is related to certain monetary compensation, and which does not involve persons who are related to each other by blood, adoption, marriage or official guardianship.

Massage Facility, Therapeutic:⁵⁷ A "service establishment" that meets all of the following criteria:

- A. Massages are conducted (see definition); and,
- B. The person conducting the massage is licensed by the state as a health care professional or a therapeutic massage therapist, or is certified by a recognized therapeutic massage organization that requires substantial professional training; and,
- C. The establishment does not meet the definition of an "adult business."

Massage Parlor:⁵⁸ A person or business association or establishment which furnishes, offers to furnish, or advertises to furnish as one of its primary business purposes for a fee, tip, or other consideration a massage which involves the exposure of any "specified anatomical areas" or the conduct of any "specified sexual activities".

⁵⁴ Added: Ord. 2004-01.

⁵⁵ Amended: Ord. 1999-02.

⁵⁶ Added: Ord. 1996-02.

⁵⁷ Added: Ord. 2003-03.

⁵⁸ Added: Ord. 1996-02.

Maximum Permissible Height:⁵⁹ - The maximum height of a communications tower including all antenna, lightning rods, and other appurtenances.

Medical Office:⁶⁰ An establishment where patients are examined and treated by one or more physicians, dentists, psychologists or social workers and where patients are not lodged overnight, but not including treatment centers/clinics.

Mini-Warehouse Facility: A building or buildings containing separated spaces to be leased or rented to individuals and/or business for the storage of personal belongings, goods or supplies.

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

Mobile Home Lot: Land occupied or to be occupied by a mobile home in a mobile home park, improved with the necessary utility connections and other appurtenances; and, said lot being specifically designated by diversion from other lots in the mobile home park.

Mobile Home Park: A parcel or contiguous parcels of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes.

Model Home: A residential structure associated with a principal permitted commercial use and not intended for permanent occupancy; and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller.

Motel: A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, with at least 25% of the rooms having direct access to the outside.

Multi-Family Project:⁶¹ Any development of a single parcel of property that includes one (1) or more buildings containing three (3) or more dwelling units, which units may or may not be conveyed with a specified lot after development. Any residential development which proposes the construction of two (2) or more two-family dwellings on a single, parcel of property shall also be considered a multi-family project. A two-family dwelling in a multi-family project shall be considered a townhouse for the purposes of regulation by this Ordinance. Multi-family projects shall comply with the standards in Section 511 of this Zoning Ordinance.

Multiple Occupant Commercial Building: A building containing two (2) or more independent, non-residential uses; such uses also being permitted in the District where the multiple occupant building is proposed.

⁵⁹ Added: Ord. 2004-01.

⁶⁰ Added: Ord. 1999-02.

⁶¹ Added: Ord. 1996-02; Amended: Ord. 2001-02.

Natural Resource Use: The removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water, land, on or beneath the surface thereof; said substances including but not limited to coal, limestone, shale, dolomite, sandstone, sand, clay, gravel, rock, stone, earth, peat, soil, ore or other mineral.

Natural Resources Processing: The refinement of minerals to specifications for sale including the crushing, screening, washing or grading of minerals; and may also include the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products.

Neighborhood:⁶² A development of five (5) to twenty-five (25) dwellings clustered in a concentrated area which is surrounded by conservation open space or a recreation area.

Nonconformities:⁶³ See Section 507 of this Zoning Ordinance.

Nude Model Studio:⁶⁴ Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity or a State of Nudity:⁶⁵ The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering or any portion thereof below the top of the areolae.

Nursing Home: Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care.

Obscene Materials:⁶⁶ Any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, video tape, sound recording, article, instrument or any other written or recorded matter which depicts or describes, any "specified anatomical areas" and/or "specified sexual activities".

Office Building: A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity.

Off-Site Sewage Disposal: A sanitary sewage collection and treatment system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two dwelling units located on the same property or adjacent properties shall not be considered as off-site sewerage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

⁶² Added: Ord. 2006-01.

⁶³ Added: Ord. 1996-03. Added: Ord. 1996-05.

⁶⁴ Added: Ord. 1996-02.

⁶⁵ Added: Ord. 1996-02.

⁶⁶ Added: Ord. 1996-02.

Off-Site Water Supply: A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with Pennsylvania Department of Environmental Resources regulations.

Omnidirectional Antenna:⁶⁷ A thin rod that serves as an antenna to transmit or receive radio frequency signals in a 360-degree radial pattern.

On-Site Sewage Disposal: A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

On-Site Water Supply: A system for supplying and transmitting drinking water to a single dwelling or other use from a source on the same lot.

Open Space: All areas of a multi-family development or cluster development not conveyed to individual owners and not occupied by buildings and required or proposed improvements shall be dedicated as permanent open space for the benefit and enjoyment of the residents of the particular units being proposed. Such open space shall be part of the same parcel and contiguous.

Panel Antenna:⁶⁸ A flat surface antenna usually deployed in three directional "sectors" (0 to 120 degrees, 120 to 240 degrees, and 240 to 360 degrees) and used to receive or transmit radio frequency signals from or into that sector only.

Parking Area, Private: An open area for the same uses as a private garage.

Parking Area, Public: An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

Patio: An open recreational area or structure, constructed no higher than six (6) inches from the ground level and resting directly on the ground. It may be attached to or detached from the principal building and may be constructed using wood, masonry, pavement, stone, or other material suitable for that purpose.

Permanent Foundation: A cement, concrete, treated wood or cinder block walled foundation erected on a poured concrete footer. A solid concrete slab will also be considered a permanent foundation.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit.

Porch: An attached roofed patio or deck. With the exception of the wall adjoining the principal structure, all walls must be open or screened with a wall no higher than four (4) feet above the floor level. A porch is considered an attached accessory structure and must meet those setback requirements for principal structures.

Private Recreational Facilities: Outdoor or indoor areas or structures, operated by private non-profit or

⁶⁷ Added: Ord. 2004-01.

⁶⁸ Added: Ord. 2004-01.

private commercial entities, open to the public, which contain entertainment and amusement devices or attractions including animal farms, zoological parks, tennis and racquetball courts, ski areas, golf courses and the like, but excluding theaters, public parks and playgrounds.

Professional Office: The office of a member of a recognized profession maintained for the conduct of that profession.

Public Buildings and Uses:⁶⁹ Any structure, building or use owned and operated by a government body or agency including such things as public schools, parks, civic centers, municipal buildings; but excluding solid waste disposal facilities, institutional uses, detention facilities, nursing homes, health facilities, treatment center/clinics, and other uses specifically defined by this Ordinance.

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

Public Recreational Facilities: Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Township, County, school district, state, or federal government.

PUC Regulated Antenna Site:⁷⁰ A tract or parcel of land that contains the cellular phone antenna, or other antenna regulated by the PA Public Utility Commission, its support structure, accessory building(s), and parking, and may include other used associated with and ancillary to cellular phone or other transmission.

Quarrying: The excavation for sale or off-tract use of rock, ore, stone and similar materials.

Race Track⁷¹ - A road course, either oval, circuitous or straight, where motor vehicles, including but not limited to automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies and the like, are driven for testing or competition; or any course where animals are raced for competition.

Recreation Vehicle:⁷² A vehicle, with or without motor power which is designed as a temporary living unit, and which may be towed on the public highways by a passenger automobile or truck without a special hauling permit, or which may be driven under its own power. This definition includes, but is not limited to campers, travel trailers, motor homes, camping trailers, pick-up trucks with slide-in campers and recreational vehicle park trailers. The recreational vehicle park trailers under this definition must be built on a single chassis mounted on wheels, with a gross trailer area not exceeding 400 square feet in the set-up mode and must be certified by the manufacturer as complying with ANSI A119.5. A recreational vehicle park trailer that meets these criteria will be designated a Recreation Vehicle even though it may require a special hauling permit.

Recreational Subdivision or Land Development: The division or re-division of a lot, tract or parcel of land, by any means, into two or more lots, tracts, parcels or other divisions of land, including changes in existing

⁶⁹ Added: Ord. 1999-02.

⁷⁰ Added: Ord. 1996-02.

⁷¹ Added: Ord. 1999-02.

⁷² Amended: Ord. 2004-03.

lot line for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents, for transient use. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition.

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

Recreational Subdivisions Or Land Development, Non-transient: Planned private communities with recreational and service facilities, including central water and sewage and usually a restaurant and/or bar, lounge, chapel, and community hall, for use only by occupants of tent and/or recreational vehicle sites within the campground. Sites may be owned in common, or may be owned individually by deed conveyance, or may be leased on an annual basis.

Recreational Vehicle Park: See Recreational Subdivision or Land Development.

Related Equipment:⁷³ All equipment ancillary to the transmission and reception of voice and data via radio frequencies.

Resort Facility:⁷⁴ A recreational facility designed to provide overnight accommodations in permanently constructed dwelling units in combination with a variety of generally passive recreational opportunities such as golf, hiking, swimming, etc., not including campgrounds or RV parks.

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

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

Right-of-Way: Land reserved for use as a street, drainage facility or other public or community use.

Sawmill:⁷⁵ An establishment for processing logs into finished or semi-finished lumber, but which does not include wood products industries or lumberyards.

Security Barrier:⁷⁶ A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

Semi-Public Building or Use:⁷⁷ Buildings or uses operated by non-profit, community-based organizations for the general use of Township residents, including churches, fire houses, ambulance buildings libraries

⁷³ Added: Ord. 2004-01.

⁷⁴ Added: Ord. 1999-02.

⁷⁵ Added: Ord. 1996-02.

⁷⁶ Added: Ord. 2004-01.

⁷⁷ Amended: Ord. 1999-02.

and the like, but excluding institutional uses such as solid waste disposal facilities, institutional uses, detention facilities, nursing homes, health facilities, treatment center/clinics, and other uses specifically defined by this Ordinance. It shall also include essential services and public utilities that require enclosure within any structure or building.

Service Establishment: Establishments engaged in providing services involving the care or needs of a person or his or her apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, etc.

Setback: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any building. Front setbacks shall be measured from the edge of the highway right-of-way and other setbacks from property lines.

Sexual Encounter Center:⁷⁸ A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

A "Sexual Encounter Center" shall be considered an "Adult Business" for the purpose of this Ordinance.

Shopping Center or Mall: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Signs: See Section 504.1.

Site Search Ring Analysis:⁷⁹ A written report documenting the scope of the applicant's search for existing structures or property owners in preferred land use areas and the rationale for selecting the site proposed by the applicant.

Solid Waste or Waste:⁸⁰ Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste, including solid, liquid, semi-solid or containing gaseous materials resulting from industrial, mining, agricultural operations, local facilities or any other by-product or effluent from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility.

Solid Waste Facility, Commercial:⁸¹ Any facility operated by a private individual or firm pursuant to the

⁷⁸ Added: Ord. 1996-02.

⁷⁹ Added: Ord. 2004-01.

⁸⁰ Added: Ord. 90-01.

⁸¹ Added: Ord. 90-01.

laws of the Commonwealth of Pennsylvania governing the management, incineration and disposal of solid waste including but not limited to: liquid, solid, toxic, hazardous, infectious and medical waste.

Solid Waste Facility, Public:⁸² Any facility operated by a municipality or other public body pursuant to the laws of the Commonwealth of Pennsylvania governing the management, incineration and disposal of solid waste including but not limited to: liquid, solid, toxic, hazardous, infectious and medical waste.

Special Exception: A use allowed, with permission granted by the Zoning Hearing Board, to occupy and use land and/or a building for specific purposes in accord with this Ordinance.

Specialty Shops: Establishments primarily engaged in providing services involving the care of a person or his or her apparel or specializing in a specific type or class of foods such as a bakery, butcher shop, fish store or similar shops.

Specified Anatomical Areas:⁸³ Any of the following:

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae.
- B. Human male genitals in a discernable turgid state, even if completely and opaquely covered.

Specified Sexual Activities:⁸⁴ Any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
- C. Masturbation, actual or simulated.
- D. Excretory functions as part of or in connection with any of the activities set forth in Subsections "A", "B" and "C" of this definition.

Stable, Commercial:⁸⁵ A structure or land where horses are kept for remuneration, hire, sale, boarding, riding or show, and which includes the commercial hire of horses to the general public for riding or other purposes.

Stable, Private:⁸⁶ An accessory structure or use of land where horses are kept for the sole use of the residents of the principal structure, and which includes no remuneration, hire, boarding or other commercial

⁸² Added: Ord. 90-01.

⁸³ Added: Ord. 1996-02.

⁸⁴ Added: Ord. 1996-02.

⁸⁵ Added: Ord. 1996-02.

⁸⁶ Added: Ord. 1996-02.

use.

Staging Area:⁸⁷ Any area where vehicles containing solid waste are parked or located prior to depositing said solid waste at a solid waste disposal facility.

Stealth Tower:⁸⁸ Towers that are camouflaged in ways to minimize their visibility.

Storage Yard for Forest Products and Stone:⁸⁹ An area, not on the same parcel where the products are initially harvested or gathered, to which trees, firewood, other forest products, flag stone, landscaping stone, or wall stone are hauled and stored, (this may include the storage of cut trees and firewood and customers on the site to purchase firewood, but no other retail sales) and which does not involve any of the following: the operation of a sawmill, the operation of any other wood manufacturing business, or the operation of any natural resources processing.

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley. "Public rights-of-way" shall be those open to the general use of the public, not necessarily publicly dedicated.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Structure, Permanent: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Structure, Portable: Anything constructed that is not permanently affixed to the ground but is designed to be moved from place to place.

Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

Supervisors: The Board of Supervisors of Covington Township.

Telecommunications Tower:⁹⁰ A structure other than a building that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes radio and television transmission towers, microwave towers (including dish type), common-carrier towers, cellular telephone and wireless communications towers, alternative tower structures, and the like. Tower types include, but are not limited to guyed towers, wooden poles, lattice towers and monopoles.

Tower:⁹¹ Any structure whose height is more than twice either the width or the length of its base, with the width being the measurement along the shortest side of the base and the length being the measurement along

⁸⁷ Added: Ord. 90-01.

⁸⁸ Added: Ord. 2004-01.

⁸⁹ Added: Ord. 2003-01.

⁹⁰ Added: Ord. 2004-01.

⁹¹ Added: Ord. 2005-02.

the longest side of the base and is taller than fifteen (15) feet. A dwelling (whether single family, two-family or multi-family), a building housing a retail or wholesale business, a church, a school, a barn, a sawmill, a warehouse or a municipal building is not a tower. Telephone poles are not towers.

Tower Height:⁹² The vertical distance measured from natural ground level to the highest point on a Communications Tower, including antennas mounted on the tower. If the tower is located on a sloped grade, then the average between the highest and lowest grades shall be used in the calculation of tower height. This includes the definition of Commercial Communication Device Support Structure Height.

Tower Permit:⁹³ Written permission from the Township to construct or maintain a Communications Tower in the Township.

Transient Use: Occupancy of a dwelling by three or more families at separate times over the course of a year; not including three or more unrelated individuals who may, during such period, be temporarily staying at the location as a guests of the principal occupant.

Treatment Center/Clinic:⁹⁴ A use (other than a detention facility or a permitted accessory use in a *hospital*) providing treatment and/or housing facilities for persons who need specialized housing, treatment and/or counseling as outpatients or inpatients for stays in most cases of less than one (1) year and who need such facilities because of:

- A. Criminal rehabilitation, such as a criminal half-way house/criminal transitional living facility or a treatment-housing center for persons convicted of driving under the influence of alcohol,
- B. Chronic abuse of or addiction to alcohol and/or a controlled substance, or
- C. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.

Truck Stop: Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities solely for the use of truck crews.

Truck Terminal:⁹⁵ A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation. There are two types of truck terminals:

Type A: A truck terminal in which new manufactured goods, dry goods merchandise, foodstuffs and like items destined for wholesale and retail businesses are transferred from a truck to a storage area in which the goods, merchandise, foodstuffs and items are expected to remain more than forty-eight hours. Any facility that does not fit the description of a Type A truck terminal is a Type B truck terminal.

Type B: A truck terminal (i) in which waste, junk or like items destined for disposal or recycling are transferred directly from a truck to a storage area; (ii) in which any items are transferred directly from

⁹² Added: Ord. 2004-01.

⁹³ Added: Ord. 2004-01.

⁹⁴ Added: Ord. 1999-02.

⁹⁵ Amended: Ord. 2002-01.

a truck to other trucks or other forms of transportation; (iii) which is typically operated by a trucking company for short-term storage and redistribution; (iv) in which items are expected to remain in storage less than 48 hours; or (v) which involves heavy truck traffic to and from a building or facility where items of a generally objectionable or useless nature are transferred. Junk yards and solid waste facilities are distinct uses that shall be treated separately. A facility that fits the criteria of a Type A truck terminal shall not be considered a Type B truck terminal.

Truck Wash: Any building or premises or portion thereof used for washing trucks with a gross vehicle weight exceeding five thousand (5,000) lbs.

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

Variance: Relief granted pursuant to the provisions of 608.3 of this Ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code.

Vehicle:⁹⁶ Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to, automobiles, trucks, vans, buses, utility trailers, tractors, truck tractors, recreational vehicles, motor homes, travel trailers, motorcycles, machinery, trailers, farm machinery and implements, and other wheeled equipment; boats; and aircraft.

Vehicle and Equipment Sales Operation:⁹⁷ The use of any building, land area or other premise for the display and sale of new and used vehicles or equipment but not including *vehicle or equipment repair operations*.

Vehicle or Equipment Repair Operation:⁹⁸ The use of any building, land area or other premise for the service and/or repair of any vehicle or equipment as its principal use, including but not limited to auto body shops, repair garages, truck repair garages and agriculture equipment repair.

Walk Way: A narrow passageway, no wider than four (4) feet, extending from the entrance or patio of the principle building at or no more than six (6) inches above ground level, out to and including encroachment of the front yard but not encroaching on any road right-of-way. Construction material may consist of wood, stone, masonry, pavement, or other similar material suitable for that purpose. (Note: If constructed above six (6) inches from the ground - see deck.)

Warehouse: Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of goods and materials.

Water Extraction And Bottling:⁹⁹ Any use which involves the pumping or removal of water from groundwater sources, with or without bottling, for retail or wholesale sale. *Water extraction and bottling* shall be considered *light manufacturing* for the purposes of regulation by this Ordinance.

⁹⁶ Added: Ord. 1999-02.

⁹⁷ Amended: Ord. 1999-02.

⁹⁸ Amended: Ord. 1999-02.

⁹⁹ Added: Ord. 2001-02

Wholesale Business: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Windmill:¹⁰⁰ Any device or assemblage that directly converts wind energy into usable thermal, mechanical or electrical energy, and includes such directly connected facilities as generators, alternators, invertors, batteries and associated control equipment.

Wireless Antenna:¹⁰¹ Usually in the form of a vertical "mast (or tube)", a flat panel, or dish which is the transmitter/receiver portion of a wireless base station.

Wireless Communication Facility:¹⁰² An all encompassing definition for any towers, poles, antennas, equipment buildings, or other structures intended for use in connection with the transmission or receipt of radio or television signals or any other spectrum-based transmissions and receptions.

Yard: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any building. Front yards shall be measured from the edge of the road right-of-way and other yards from property lines.

Zoning Officer: The administrative officer charged with the duty of enforcing the provision of this Ordinance.

The above definitions are also supplemented by those contained in other Township Ordinances. Where there is any conflict between definitions or provisions contained in this Ordinance and other Ordinances, the definitions or provisions contained herein shall apply insofar as they affect this Zoning Ordinance.

Notes:

1. Ord. 2003-01 deleted the definition for "timber/firewood storage and shipping operation" which originally was added per Ord. 1999-02.
2. Ord. 2006-05 deleted the definition of "shopping center or mall".
3. Ord. 1996-02 deleted the definition of "adult stores/illicit businesses" and "animal husbandry".
4. Ord. 1996-03 and 1996-05 deleted the following definitions: "nonconforming lot", "nonconforming structure" and "nonconforming use".
5. Ord. 1999-02 deleted the following definitions: "animal husbandry", "cell site", "commercial antenna site", "garage, public parking", "gasoline service station", "medical clinic", "tourist recreational facility" and "housekeeping cottages".
6. Ord. 2006-01 deleted the definition of "cluster development".

¹⁰⁰ Added: Ord. 2005-02.

¹⁰¹ Added: Ord. 2004-01.

¹⁰² Added: Ord. 2004-01.

ARTICLE IV - ESTABLISHMENTS OF DISTRICTS

401 General Districts

For the purposes of this Ordinance, Covington Township is hereby divided into eight (8) Zoning Districts, as follows:

RR	Rural Residential District
R-1	Low Density Residential District
R-2	High Density Residential District
C-1	General Commercial District
C-2	Highway Commercial District
M-1	Manufacturing District
MP-RV	Mobile Home Park - Recreational Vehicle Park District
SC	Special Conservation District

401.1 Conservation Design Development Overlay District¹

The Conservation Design Development Overlay District is hereby created to promote the conservation of open lands in the Township. The Overlay District shall apply to all areas of the Township where residential development is permitted, and in addition to all the applicable standards of this Zoning Ordinance, the requirements of Section 510 shall apply. In the SC District Conservation Design Development shall be mandatory, and in all Other Zoning Districts Conservation Design Development may be applied at the developer's option.

402 Official Zoning Map

The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of Covington Township; and, hereby adopted by reference and declared to be a part of this Ordinance together with all amendments thereto.

403 District Boundaries

403.1 Establishment

District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan of record in the Lackawanna County Recorder of Deed's Office and the Lackawanna County Tax Maps at the time of the enactment of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.

403.2 Interpretation

Where district boundaries are indicated as approximately following the center lines of streets or

¹ Added: Ord. 2006-01.

highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;

Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;

Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

403.3 Uncertainty

In the event of uncertainty as to the true location of a district boundary line in a particular instance, any decision of the Zoning Officer may be appealed to the Zoning Hearing Board. It shall be the duty of the Zoning Hearing Board to render its determination with respect thereto.

404 District Intent

Taken as a whole, the eight zoning districts in Covington Township are designed to implement the Purpose set forth in Section 103 and the Community Development Objectives set forth in Article II. The specific Intent of each District follows.

404.1 RR: Rural Residential District

It is the intent of this district to provide adequate space for the continuation of agricultural activities and very low density residential development while preserving the rural character of the area.

404.2 R-1: Low Density Residential District

The intent of this district is to provide for both low and moderate density residential development on lots of sufficient size to safely permit on-site sewage disposal and water supply and on lots served with off-site sewage disposal and water supply.

404.3 R-2: High Density Residential District

The intent of this District is to provide for residential development at high densities in areas where off-site sewage disposal and water supply are provided.

404.4 C-1: General Commercial District

The intent of this district is to provide areas for the development of business and service activities to serve the residents of the Township and surrounding communities.

404.5 C-2: Highway Commercial District²

The intent of this district is to provide areas within the Township for the location of business and service establishments designed to meet the needs of the local citizens, to permit the development of a broad range of commercial activities to serve a wider area, and to limit traffic congestion in the developed portions of the Township.

404.6 MP-RV: Mobile Home Park - Recreational Vehicle Park District

The intent of this district is to provide for the development of mobile home parks, recreational vehicle parks and campgrounds and allow for the reasonable expansion of such existing uses.

404.7 M-1: Manufacturing District

The intent of this district is to provide adequate space to meet the projected needs for industrial activities and to restrict industrial land from being used for residential development and also provide areas for industrial growth to occur unhindered by pressures from other types of development.

404.8 SC: Special Conservation District

The intent of this district is to protect special natural areas, open space and environmentally sensitive areas from over development.

405 District Regulations

District regulations are of two types, Use Regulations and Development Standards, which shall apply to any proposed new use, expansion of an existing use or change of use of any land.

406 Use Regulations

District Use Regulations are provided in the following Schedule of Uses.

Permits for principal permitted uses and accessory uses shall be issued by the Zoning Officer provided such uses comply with the standards in this Ordinance.

Conditional uses and special exception uses shall be subject to the additional review procedures and criteria as specified in this Ordinance.

Principal permitted uses, conditional uses and special exception uses shall be limited to one such use per lot or parcel. Two or more such uses per lot or parcel shall be governed by Section 502.1.

406.1 Uses Not Specified in Schedule of Uses

Whenever a proposed use is neither specifically permitted nor denied by this ordinance, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall decide whether the use is

² Amended: Ord. 1996-02.

permitted or denied in the district proposed, based upon the intent of the district and upon the similarity of the use to other uses listed in the Schedule of Uses. The Zoning Hearing Board shall, if it determines the use is permitted, classify the proposed use as either a principal permitted use, conditional use or special exception use, establish such standards, conditions and supplemental regulations as may be appropriate, and direct the Zoning Officer to proceed accordingly.

406.2 Maximum Size in Schedule of Uses³

Any structure(s) associated with any of the following uses shall be limited to a maximum of fifty thousand (50,000) square feet in size:

1. C-1 GENERAL COMMERCIAL DISTRICT: Convenience stores, professional offices and office buildings, retail businesses, service establishments, wholesale businesses and multiple occupant commercial buildings.
2. C-2 HIGHWAY COMMERCIAL: Convenience stores, mini-warehouse facilities, professional offices and office buildings, retail businesses, service establishments, wholesale businesses and multiple occupant commercial buildings. A use that has significant outside storage, including vehicle and equipment sale operations, shall be no more than two acres in size and have structure(s) associated with its use on greater than fifty thousand (50,000) square feet in size, so that the total area for the use is two acres.

407 Development Standards

The Schedule of Development Standards which follows establishes minimum standards for lot area; lot depth, average lot width and front, side and rear yards; and establishes maximum standards for building height and lot coverage. The standards also establish specific standards and criteria that apply to the use as may be appropriate to protect the public health, safety and welfare. The Supplementary Regulations contained in Article V and the standards contained in Section 509 establish additional criteria for specific uses.

³ The entire Section 406.2 added per Ordinance 2006-05.

SCHEDULE OF DEVELOPMENT STANDARDS

District	Minimum Lot Area Acres	Minimum Lot Width (ft.) Depth (ft.)	Minimum Yards (ft.)			Maximum Building Height (ft.)	Maximum Lot Coverage (%)
			Front	Rear	Side*		
RR & SC	2.0	200/200	50	50	15/40	35	20
R-1	Note 2	Note 2	Note 2			35	25
R-2	Note 2	Note 2	Note 2			35	35
C-1	0.5	100/125	30	25	12/30	35	50
C-2	1.0	150/200	50	25	12/30	35	50
M-1	5.0	300/500	100	100	75 each	Note 8 ⁴	50
MP-RV	Note 7	Note 7	Note 7			Note 7	15

* one yard/both yards

Notes:

1. R-2 District standards shall apply to single-family residential structures in the C-1, C-2, M-1 and MP-RV Districts.
2. The following standards shall apply in the R-1 and R-2 Districts:

	Minimum Lot:		Minimum yards (ft.)		
	Size (acres)	Width/Depth (ft.)	F	R	S
On-site sewage	2.0	150/200	50	25	15/40
Off-site sewage	1.0	1150/200	30	25	12/30

3. Special Performance Standards in Article V may result in the modification of the above standards.
4. Multi-family Dwellings - see Section 511.
5. Two-family dwellings shall conform to the development standards that would be imposed on each individual dwelling unit, including density. For example, a two-family dwelling in the R-1 District, served by on site sewage, would require a lot four acres in size.
6. See Section 502.1 for two or more uses or structures on a lot.⁵
7. The Covington Township Subdivision and Land Development Ordinance, Article IV, shall apply to Mobile Home Parks; and Article V of said Ordinance shall apply to all recreational subdivisions or land developments. The minimum individual lot size for mobile home parks and all recreational subdivisions and land developments shall be five thousand (5000) square feet. No mobile home and no recreational vehicle shall be located closer than twenty (20) feet to any development road, and no closer than fifteen (15) feet to any lot line.
8. Buildings in an M-1 District will have a usual maximum building height of thirty-five (35) feet. A building in the M-1 District may exceed thirty-five (35) feet in height, up to a maximum height of fifty (50) feet, provided that, for every one (1) foot that a building exceeds thirty-five (35) feet in height, the building shall be located an additional ten (10) feet back from the usual setback lines for the M-1 District.⁶

⁴ Amended: Ord. 2002-01.

⁵ Amended: Ord. 1996-02.

⁶ Added: Ord. 2002-01.

SCHEDULE OF USES⁷**RR - RURAL RESIDENTIAL DISTRICT**

Uses not listed on this RR Schedule shall not be permitted in the RR District.

PRINCIPAL PERMITTED USES	CONDITIONAL USES	SPECIAL EXCEPTIONS	ACCESSORY USES
<ul style="list-style-type: none"> - Animal hospitals - Conservation design development⁸ - Crop production⁹ - Farm residences - Farm stands - Forestry enterprises¹⁰ - Livestock operations¹¹ - Single-family detached dwellings¹² - Wholesale greenhouses and nurseries 	<ul style="list-style-type: none"> - Country clubs - Golf courses, excluding driving ranges and miniature golf - Group care facilities¹³ - Natural resource uses - Public buildings and uses¹⁴ - Public recreation¹⁵ 	<ul style="list-style-type: none"> - Bed and breakfast establishments - Boarding and lodging houses - Cemeteries - Child care centers which are regulated by the state - Churches - Commercial stables - Kennels - Sawmills¹⁶ - Semi-public buildings and uses - Tower¹⁷ 	<ul style="list-style-type: none"> - Customary uses accessory to approved uses - Essential services - Firewood cutting and sales, accessory use¹⁸ - Garages, carports, sheds - Home occupations (see Section 503.2 for home occupations which are conditional uses) - Private greenhouses - Private stables¹⁹ - Private swimming pools - TV satellite dishes

⁷ Amended: Ord. 1999-02.

⁸ Ordinance 2006-01 deleted "cluster development" and added "conservation design development" as a principal permitted use.

⁹ Added: Ord. 1996-02.

¹⁰ Added: Ord. 1996-02 and 2003-01.

¹¹ Added: Ord. 1996-02.

¹² Amended: Ord. 1995-02.

¹³ Amended: Ord. 1996-02. Amended Ord. 1999-02.

¹⁴ Amended: Ord. 2006-07 classified as conditional use in all Districts.

¹⁵ Amended: Ord. 2006-07 classified as conditional use in all Districts.

¹⁶ Added: Ord. 1996-02 as a conditional use; Amended: Ord. 1999-02 as a special exception.

¹⁷ Added: Ord. 2005-02.

¹⁸ Added: Ord. 2003-01.

¹⁹ Added: Ord. 1996-02.

SCHEDULE OF USES**R-1 - LOW DENSITY RESIDENTIAL DISTRICT**

Uses not listed on this R-1 Schedule shall not be permitted in the R-1 District.

PRINCIPAL PERMITTED USES	CONDITIONAL USES	SPECIAL EXCEPTIONS	ACCESSORY USES
<ul style="list-style-type: none"> - Conservation design development²⁰ - Crop production²¹ - Forestry enterprises²² - Single-family detached dwellings²³ - Two-family dwellings 	<ul style="list-style-type: none"> - Commercial stables - Garden apartments and townhouses - Group care facilities²⁴ - Livestock operations²⁵ - Public buildings and uses - Public recreation 	<ul style="list-style-type: none"> - Cemeteries - Churches - Funeral parlors - Semi-public buildings and uses - Tower²⁶ 	<ul style="list-style-type: none"> - Customary uses accessory to approved uses - Essential services - Firewood cutting and sales, accessory use²⁷ - Garages, carports, sheds - Home occupations (see Section 503.2 for home occupations which are conditional uses) - Private greenhouses - Private swimming pools - Private stables²⁸ - TV satellite dishes

SCHEDULE OF USES

²⁰ Ordinance 2006-01 deleted "cluster development" and added "conservation design development" as a principal permitted use.

²¹ Added: Ord. 1996-02.

²² Added: Ord. 1996-02 and 2003-01.

²³ Amended: Ord. 1995-02.

²⁴ Amended: Ord. 1996-02. Amended: Ord. 1999-02.

²⁵ Added: Ord. 1996-02 as a permitted use; Amended: Ord. 1999-02 to a conditional use.

²⁶ Added: Ord. 2005-02.

²⁷ Added: Ord. 2003-01.

²⁸ Added: Ord. 1996-02.

R-2 - HIGH DENSITY RESIDENTIAL DISTRICT

Uses not listed on this R-2 Schedule shall not be permitted in the R-2 District.

PRINCIPAL PERMITTED USES	CONDITIONAL USES	SPECIAL EXCEPTIONS	ACCESSORY USES
<ul style="list-style-type: none"> - Conservation design development²⁹ - Crop production³⁰ - Forestry enterprises³¹ - Single-family detached dwellings³² - Two-family dwellings 	<ul style="list-style-type: none"> - Apartment buildings - Garden apartments and townhouses - Group care facilities³³ - Livestock operations - Public buildings and uses - Public recreation 	<ul style="list-style-type: none"> - Cemeteries - Child care centers which are regulated by the state - Churches - Funeral parlors - Semi-public buildings and uses - Tower³⁴ 	<ul style="list-style-type: none"> - Customary uses accessory to approved uses - Essential services - Firewood cutting and sales, accessory use³⁵ - Garages, carports, sheds - Home occupations (see Section 503.2 for home occupations which are conditional uses) - Private greenhouses - Private stables³⁶ - Private swimming pools - TV satellite dishes

SCHEDULE OF USES

²⁹ Ordinance 2006-01 deleted "cluster development" and added "conservation design development" as a principal permitted use.

³⁰ Added: Ord. 1996-02.

³¹ Added: Ord. 1996-02 and 2003-01.

³² Amended: Ord. 1995-02.

³³ Amended: Ord. 1996-02. Amended: Ord. 1999-02.

³⁴ Added: Ord. 2005-02.

³⁵ Added: Ord. 2003-01.

³⁶ Added: Ord. 1996-02.

C-1 - GENERAL COMMERCIAL DISTRICT

Uses not listed on this C-1 Schedule shall not be permitted in the C-1 District.

PRINCIPAL PERMITTED USES	CONDITIONAL USES	SPECIAL EXCEPTIONS	ACCESSORY USES
<ul style="list-style-type: none"> - Animal hospitals - Bed and breakfast establishments - Boarding and lodging homes - Child care centers which are regulated by the state - Club/lodge, private - Conservation design development³⁷ - Convenience stores - Crop production³⁸ - Forestry enterprises³⁹ - Hotels, motels and resort facilities - Professional offices and office buildings - Residence attached to a commercial use - Restaurants - Retail businesses - Semi-public buildings and uses - Service establishments - Single-family detached dwellings⁴⁰ - Specialty shops - Wholesale businesses 	<ul style="list-style-type: none"> - Garden apartments, townhouses and apartment buildings - Group care facilities⁴¹ - Medical offices - Multiple occupant commercial buildings⁴² - Private recreation facilities - Public buildings and uses - Public recreation 	<ul style="list-style-type: none"> - Fast food drive through restaurants⁴³ - Tower⁴⁴ 	<ul style="list-style-type: none"> - Customary uses accessory to approved uses - Essential services - Firewood cutting and sales, accessory use⁴⁵ - Home occupations (see Section 503.2 for home occupations which are conditional uses) - Garages, carports, sheds - Parking area, public⁴⁶ - Private greenhouses - Private stables⁴⁷ - Private swimming pools - TV satellite dishes

SCHEDULE OF USES

³⁷ Ordinance 2006-01 deleted "cluster development" and added "conservation design development" as a principal permitted use.

³⁸ Added: Ord. 1996-02.

³⁹ Added: Ord. 1996-01 and 2003-01.

⁴⁰ Amended: Ord. 1995-02.

⁴¹ Amended: Ord. 1996-02. Amended: Ord. 1999-02.

⁴² Ord. 2006-05 deleted "shopping centers".

⁴³ Added as a conditional use; Ord. 1995-02. Amended to special exception: Ord. 1999-02.

⁴⁴ Added: Ord. 2005-02.

⁴⁵ Added: Ord. 2003-01.

⁴⁶ Amended: Ord. 2002-01.

⁴⁷ Added: Ord. 1996-02.

C-2 - HIGHWAY COMMERCIAL

Uses not listed on this C-2 Schedule shall not be permitted in the C-2 District.

PRINCIPAL PERMITTED USES	CONDITIONAL USES	ACCESSORY USES
<ul style="list-style-type: none"> - Agriculture service establishments including farm machinery dealers - Animal hospitals - Bed and breakfast establishments - Boarding and lodging houses - Car and truck washes - Child care centers which are regulated by the state - Club/lodge, private - Conservation design development⁴⁸ - Convenience stores - Crop production⁴⁹ - Fast food drive through restaurants - Forestry enterprises⁵⁰ - Hotels, motels and resort facilities - Mini-warehouse facilities - Off premises advertising signs including billboards - Professional offices and office buildings - Residence attached to a commercial use - Restaurants - Retail businesses - Semi-public buildings and uses - Service establishments - Single-family detached dwellings⁵¹ - Specialty shops - Theaters - Vehicle and equipment sales operations - Wholesale businesses 	<ul style="list-style-type: none"> - Amusement parks - Bus terminals - Commercial communication devices and antenna sites - Communication Tower⁵² - Garden apartments, townhouses and apartment buildings - Group care facilities⁵³ - Health facilities - Medical offices - Multiple occupant commercial buildings - Public buildings and uses - Public recreation⁵⁴ <hr/> <p>SPECIAL EXCEPTIONS⁵⁵</p> <ul style="list-style-type: none"> - Adult businesses⁵⁶ - Livestock operations - Private recreation facilities - Tower⁵⁷ - Truck stops - Vehicle and equipment repair operations 	<ul style="list-style-type: none"> - Customary uses accessory to approved uses - Essential services - Firewood cutting and sales, accessory use⁵⁸ - Garages, carports, sheds - Home occupations (see Section 503.2 for home occupations which are conditional uses) - Parking area, public⁵⁹ - Private greenhouses - Private stables⁶⁰ - Private swimming pools - TV satellite dishes

SCHEDULE OF USES

⁴⁸ Ordinance 2006-01 deleted "cluster development" and added "conservation design development" as a principal permitted use.

⁴⁹ Added: Ord. 1996-02.

⁵⁰ Added: Ord. 1996-02 and 2003-01.

⁵¹ Amended: Ord. 1995-02.

⁵² Added: Ord. 2004-01 and restated in Ord. 2005-02.

⁵³ Amended: Ord. 1996-02. Amended: Ord. 1999-02.

⁵⁴ Amended: Ord. 2006-07 classified as conditional use.

⁵⁵ Ord. 2002-01 amended the Special Exceptions column by deleting "trucking terminals".

⁵⁶ Added: Ord. 1996-03 as a conditional use. Ord. 2003-03 reclassified "adult businesses" to a special exception.

⁵⁷ Added: Ord. 2005-02.

⁵⁸ Added: Ord. 2003-01.

⁵⁹ Added: Ord. 2002-01.

⁶⁰ Added: Ord. 1996-02.

M-1 - MANUFACTURING DISTRICT

Uses not listed on this M-1 Schedule shall not be permitted in the M-1 District.

PRINCIPAL PERMITTED USES		CONDITIONAL USES	ACCESSORY USES	
<ul style="list-style-type: none">- Agriculture service establishments including farm machinery dealers- Animal hospitals- Bed and breakfast establishments- Boarding and lodging houses- Car and truck washes- Child care centers which are regulated by the state- Club/lodge, private- Completely enclosed storage facilities for supplies, materials or waste materials of uses permitted in district- Conservation design development⁵⁹- Convenience stores- Crop production⁶⁰- Fast food drive through restaurants- Forestry enterprises⁶¹- Hotels, motels and resort facilities- Industrial parks ^{*62}- Light manufacturing		<ul style="list-style-type: none">- Manufacturing and industry- Mini-warehouse facilities- Off premises advertising signs including billboards- Office buildings- Professional offices and office buildings- Recreational vehicle sales operations- Residence attached to a commercial use- Restaurants- Retail businesses- Retail sales of products produced on the premises- Sawmills⁶³- Semi-public buildings and uses- Service establishments- Single-family detached dwellings⁶⁴- Specialty shops- Storage yards for forest products and stone⁶⁵- Theaters- Truck Terminal, Type A⁶⁶- Vehicle and equipment sales operations- Warehouses⁶⁷- Wholesale businesses	<ul style="list-style-type: none">- Commercial communication devices and antenna sites- Communication towers⁶⁹- Detention facilities- Group care facilities⁷⁰- Health facilities- Public buildings and use- Public recreation- Solid waste facilities- Treatment centers/clinics- Truck terminals, Type B⁷¹- Windmill⁷² <hr/> <p>SPECIAL EXCEPTIONS</p> <ul style="list-style-type: none">- Agricultural products processing- Bus terminals⁷³- Junkyards- Livestock operations- Natural resources processing- Private recreation facilities- Race tracks- Tower⁷⁴- Truck stops- Vehicle and equipment repair operations	<ul style="list-style-type: none">- Customary uses accessory to approved uses- Essential services- Firewood cutting and sales, accessory use⁷⁵- Garages, carports, sheds- Home occupations (see Section 503.2 for home occupations which are conditional uses)- Parking area, public⁷⁶- Private greenhouses- Private stables⁷⁷- Private swimming pools- TV satellite dishes
<p>* See Article V, Section 528 for an expanded list of uses permitted by right within an Industrial Park. ⁶⁸</p>				

⁵⁹ Ordinance 2006-01 deleted "cluster development" and added "conservation design development" as a principal permitted use.

⁶⁰ Added: Ord. 1996-02.

⁶¹ Added: Ord. 1996-02 and 2003-01.

⁶² Ord. 2002-01 deleted "industrial parks" from the conditional use column and added it to the principal permitted use column.

⁶³ Added: Ord. 1996-02 as a conditional use; Amended Ord. 1999-02 as a permitted use.

⁶⁴ Amended: ord. 1995-02.

⁶⁵ Ord. 2003-01 deleted "timber/firewood storage and shipping operations" and replaced it by adding "storage yards for forest products and stone".

⁶⁶ Ord. 2002-01 deleted "trucking terminals" from the special exception column and added "truck terminal, type A" to the principal permitted use column.

⁶⁷ Ord. 2002-01 deleted "warehouses" from the special exception column and added it to the principal permitted use column.

⁶⁸ Added: Ord. 2002-01.

⁶⁹ Added: Ord. 2004-01 and restated in Ord. 2005-02.

⁷⁰ Amended: Ord. 1996-02. Amended: Ord. 1999-02.

⁷¹ Ord. 2002-01 deleted trucking terminals" from the special exception column and added "truck terminal, type B" to the conditional use column.

⁷² Added: Ord. 2005-02.

⁷³ Ord. 2002-01 deleted "truck and bus terminals" and added "bus terminals" to a special exception use.

⁷⁴ Added: Ord. 2005-02.

⁷⁵ Added: Ord. 2003-01.

⁷⁶ Added: Ord. 2002-01.

⁷⁷ Added: Ord. 1996-02.

SCHEDULE OF USES

MP-RV - MOBILE HOME PARK - RECREATIONAL VEHICLE PARK DISTRICT			
Uses not listed on this MP-RV Schedule shall not be permitted in the MP-RV District.			
PRINCIPAL PERMITTED USES	CONDITIONAL USES	SPECIAL EXCEPTIONS	ACCESSORY USES
<ul style="list-style-type: none"> - Cemeteries - Conservation design development⁷⁸ - Crop production⁷⁹ - Farm residences - Farm stands - Forestry enterprises⁸⁰ - Single-family detached dwellings⁸¹ 	<ul style="list-style-type: none"> - Mobile home parks - Recreational subdivisions or land developments - Recreational vehicle sales and service and commercial establishments ancillary to recreational land developments 	<ul style="list-style-type: none"> - Public buildings and uses - Public recreation - Towers⁸² 	<ul style="list-style-type: none"> - Customary agricultural accessory uses* - Customary residential accessory uses - Essential services - Garages, carports* - Home occupations* (see Section 503.2 for home occupations which are conditional uses) - Private greenhouses* - Private swimming pools* - Sheds - TV satellite dishes <p>*not permitted in RV Parks</p>

SCHEDULE OF USES

⁷⁸ Ordinance 2006-01 deleted "cluster development" and added "conservation design development" as a principal permitted use.

⁷⁹ Added: Ord. 1996-02.

⁸⁰ Added: Ord. 1996-02 and 2003-01.

⁸¹ Amended: Ord. 1995-02.

⁸² Added: Ord. 2005-02.

SC - SPECIAL CONSERVATION DISTRICT

Uses not listed on this SC Schedule shall not be permitted in the SC District.

PRINCIPAL PERMITTED USES	CONDITIONAL USES	SPECIAL EXCEPTIONS	ACCESSORY USES
<ul style="list-style-type: none"> - Conservation design development⁸³ - Crop production⁸⁴ - Farm residences - Farm stands - Forestry enterprises⁸⁵ - Livestock operations⁸⁶ - Single-family detached dwellings⁸⁷ - Wholesale greenhouses and nurseries 	<ul style="list-style-type: none"> - Commercial communication devices and antenna sites - Communication Tower⁸⁸ - Group care facilities⁸⁹ - Natural resource uses - Windmill⁹⁰ 	<ul style="list-style-type: none"> - Public buildings and uses - Public recreation - Tower⁹¹ 	<ul style="list-style-type: none"> - Customary residential accessory uses - Essential services - Firewood cutting and sales, accessory use⁹² - Garages, carports, sheds - Home occupations (see Section 503.2 for home occupations which are conditional uses) - Private greenhouses - Private stables⁹³ - Private swimming pools - TV satellite dishes

⁸³ Ordinance 2006-01 deleted "cluster development" and added "conservation design development" as a principal permitted use.

⁸⁴ Added: Ord. 1996-02.

⁸⁵ Added: Ord. 1996-02 and 2003-01.

⁸⁶ Added: Ord. 1996-02.

⁸⁷ Amended: Ord. 1995-02.

⁸⁸ Added: Ord. 2004-01 and restated in Ord. 2005-02.

⁸⁹ Amended: Ord. 1996-02. Amended: Ord. 1999-02.

⁹⁰ Added: Ord. 2005-02.

⁹¹ Added: Ord. 2005-02.

⁹² Added: Ord. 2003-01.

⁹³ Added: Ord. 1996-02.

TABLE OF USES PERMITTED BY DISTRICT⁹⁴

(See §404.4)

The Table of Uses by District which follows summarizes the various uses according to the classification of the use in the zoning districts. The Table is for reference only and the Schedule of Uses and all underlying Zoning Ordinance sections shall be the final determinant for regulation.

TABLE OF USES PERMITTED BY DISTRICT									
CODES: P = principal permitted use C = conditional use S = special exception N = not permitted * = not permitted in RV parks		ZONING DISTRICTS							
TYPE OF USE									
ACCESSORY USES	section	RR	R-1	R-2	C-1	C-2	M-1	MP-RV	SC
Customary agricultural accessory uses	--	N	N	N	N	N	N	P*	N
Customary residential accessory uses	--	N	N	N	N	N	N	P	P
Customary uses accessory to approved uses	--	P	P	P	P	P	P	N	N
Essential services	--	P	P	P	P	P	P	P	P
Firewood cutting and sales, accessory use	--	P	P	P	P	P	P	N	P
Garages and carports	--	P	P	P	P	P	P	P*	P
Home occupations	503.2	P	P	P	P	P	P	P*	P
Parking area, public	--	N	N	N	P	P	P	N	N
Private greenhouses	--	P	P	P	P	P	P	P*	P
Private stables	--	P	P	P	P	P	P	N	P
Private swimming pools	--	P	P	P	P	P	P	P*	P
Sheds	--	P	P	P	P	P	P	P	P
TV Satellite dishes	--	P	P	P	P	P	P	P	P
RESIDENTIAL USES	section	RR	R-1	R-2	C-1	C-2	M-1	MP-RV	SC
Apartment buildings	--	N	N	C	C	C	N	N	N
Boarding and lodging houses	--	S	N	N	P	P	P	N	N
Conservation design development	510	P	P	P	P	P	P	P	P
Farm residences	--	P	N	N	N	N	N	P	P

⁹⁴ The Table of Uses was added as part of the 2006 Zoning Ordinance Compilation.

Garden apartments and townhouses	--	N	C	C	C	C	N	N	N
Group care facilities	--	C	C	C	C	C	C	N	C
Mobile home parks	--	N	N	N	N	N	N	C	N
Residence attached to a commercial use	--	N	N	N	P	P	P	N	N
Single family detached dwellings	--	P	P	P	P	P	P	P	P
Two-family dwellings	--	N	P	P	N	N	N	N	N
COMMERCIAL and MANUFACTURING USES									
Retail, Service and Health Related Commercial Uses	section	RR	R-1	R-2	C-1	C-2	M-1	MP-RV	SC
Animal hospitals	--	P	N	N	P	P	P	N	N
Car and truck washes	--	N	N	N	N	P	P	N	N
Child day care centers which are regulated by the state	--	S	N	S	P	P	P	N	N
Convenience stores	--	N	N	N	P	P	P	N	N
Fast food drive through restaurants	--	N	N	N	S	P	P	N	N
Funeral parlors	--	N	S	S	N	N	N	N	N
Health facilities	539	N	N	N	N	C	C	N	N
Kennels	523	S	N	N	N	N	N	N	N
Medical offices	539	N	N	N	C	C	N	N	N
Multiple occupant commercial buildings	517	N	N	N	C	C	N	N	N
Office buildings	--	N	N	N	P	P	P	N	N
Professional offices	--	N	N	N	P	P	P	N	N
Recreational vehicle sales operations	--	N	N	N	N	N	P	N	N
Recreational vehicle sales and service and commercial establishments ancillary to recreational land developments	--	N	N	N	N	N	N	C	N
Restaurants	--	N	N	N	P	P	P	N	N
Retail businesses	--	N	N	N	P	P	P	N	N
Retail sales of products produced on the premises	--	N	N	N	N	N	P	N	N
Service establishments	--	N	N	N	P	P	P	N	N
Specialty shops	--	N	N	N	P	P	P	N	N
Treatment centers/clinics	539	N	N	N	N	N	C	N	N
Vehicle and equipment repair operations	537	N	N	N	N	S	S	N	N

Vehicle and equipment sales operations	537	N	N	N	N	P	P	N	N
Recreation Related Commercial Uses	section	RR	R-1	R-2	C-1	C-2	M-1	MP-RV	SC
Amusement parks	--	N	N	N	N	C	N	N	N
Bed and breakfast establishments	534	S	N	N	P	P	P	N	N
Commercial Stables	523	S	C	N	N	N	N	N	N
Golf courses, excluding driving ranges and miniature golf	--	C	N	N	N	N	N	N	N
Hotels, Motels and Resort facilities	522	N	N	N	P	P	P	N	N
Private Recreation facilities	--	N	N	N	P	S	S	N	N
Race tracks	--	N	N	N	N	N	S	N	N
Recreational subdivisions or land developments	--	N	N	N	N	N	N	C	N
Theaters	--	N	N	N	N	P	P	N	N
Manufacturing, Warehousing and Similar Uses	section	RR	R-1	R-2	C-1	C-2	M-1	MP-RV	SC
Agricultural products processing	--	N	N	N	N	N	S	N	N
Bus terminals	--	N	N	N	N	C	S	N	N
Industrial Parks	528	N	N	N	N	N	P	N	N
Manufacturing, light	--	N	N	N	N	N	P	N	N
Manufacturing and industry	--	N	N	N	N	N	P	N	N
Mini-Warehouse facilities	525	N	N	N	N	P	P	N	N
Truck stops	--	N	N	N	N	S	S	N	N
Truck terminal, Type A	--	N	N	N	N	N	P	N	N
Truck terminal, Type B	--	N	N	N	N	N	C	N	N
Warehouses	--	N	N	N	N	N	P	N	N
Wholesale businesses	--	N	N	N	P	P	P	N	N
Miscellaneous Uses	section	RR	R-1	R-2	C-1	C-2	M-1	MP-RV	SC
Adult businesses	530	N	N	N	N	S	N	N	N
Commercial communication devices and antenna sites	535	N	N	N	N	C	C	N	C
Communication tower	519	N	N	N	N	C	C	N	C
Completely enclosed storage facilities for supplies, materials or waste materials of uses permitted in district	--	N	N	N	N	N	P	N	N

Detention facilities	538	N	N	N	N	N	C	N	N
Junk yards	513	N	N	N	N	N	S	N	N
Off premises advertising signs including billboards	--	N	N	N	N	P	P	N	N
Solid waste facilities	518	N	N	N	N	N	C	N	N
Tower	--	S	S	S	S	S	S	S	S
PUBLIC, SEMI-PUBLIC, COMMUNITY RELATED USES	section	RR	R-1	R-2	C-1	C-2	M-1	MP-RV	SC
Agriculture service establishments including farm machinery dealers	--	N	N	N	N	P	P	N	N
Cemeteries	--	S	S	S	N	N	N	P	N
Churches	--	S	S	S	N	N	N	N	N
Clubs/lodges, private	--	N	N	N	P	P	P	N	N
Country clubs	--	C	N	N	N	N	N	N	N
Public buildings and uses	--	S	S	S	S	S	S	S	S
Public Recreation	--	S	S	S	S	S	S	S	S
Semi-public buildings and uses	--	S	S	S	P	P	P	N	N
AGRICULTURAL AND NATURAL RESOURCE USES	section	RR	R-1	R-2	C-1	C-2	M-1	MP-RV	SC
Crop production	524	P	P	P	P	P	P	P	P
Farm stands	--	P	N	N	N	N	N	P	P
Forestry enterprises	--	P	P	P	P	P	P	P	P
Livestock operations	524	P	C	C	N	S	S	N	P
Natural resources processing	--	N	N	N	N	N	S	N	N
Natural resource uses	506	C	N	N	N	N	N	N	C
Sawmills	--	S	N	N	N	N	P	N	N
Storage yards for forest product and stone	541	N	N	N	N	N	P	N	N
Wholesale greenhouses and nurseries	--	P	N	N	N	N	N	N	P
Windmill	--	N	N	N	N	N	C	N	C

ARTICLE V - SUPPLEMENTARY REGULATIONS

500 Introduction

The standards that follow shall be applied to the specific situations indicated and are intended to supplement the standards in Article IV. Standards contained in a specific section regulating a specific use shall not exempt said use from other applicable regulations contained in this Ordinance.

501 Permitted Deviations From Required Sizes

No lot, yard, or other space shall be so reduced in area or dimension as to make it less than the minimum required by this Ordinance except as follows:

501.1 Nonconforming Lots of Record¹

See Section 507.11.

501.2 Projections Into Yards

Fences, walls and hedges may be located in required yards in all districts but shall not exceed six (6) feet in height and shall comply with Section 502.3.

501.3 Residential Yards

- A. Whenever a dwelling use shall be erected in a C-1, C-2 or M-1 District, lot size, lot coverage, setbacks and building height shall be as required in an R-1 District except when the regulations for the district where said use is located are more restrictive than for an R-1 District.
- B. Where a vacant lot exists between two improved lots, each of which has a building within twenty-five (25) feet of the property line separating the parcels, a building may be erected on the vacant lot closer to the front lot line than normally permitted to keep buildings in line but the front yard shall not in any case be reduced to less than the average depth of the two existing yards, but not less than ten (10) feet from the road right-of-way line.

501.4 Height Limitations²

Height regulations shall not apply to spires, belfries, cupolas, domes, not used for human occupancy, nor to chimneys, ventilators, monuments, water towers, masts and aerals, television antennae, public utility structures that are not buildings, silos, chimneys, ventilators, and parapet walls extending not more than four (4) feet above the limiting height of the building, skylights, bulkheads, and ornamental or necessary mechanical appurtenances. No antenna, mast or aerial accessory to a residential structure shall exceed a height of one hundred (100) feet. However, in no case shall a structure permitted by this Section 501.4 be located closer to any property line than the highest part of the structure, and any such

¹ Amended: Ord. 1996-03. Amended: Ord. 1996-05.

² Amended: Ord. 1996-02. Amended: Ord. 1999-02.

structure proposed to be a height in excess of sixty (60) feet shall be treated as a conditional use. Height standards applied to specific uses by other sections of this Ordinance shall supersede the requirements and limitations of this Section 501.4.

502 Unique Lots and Building Locations³

502.1 Two or More Uses on a Lot

- A. Development Standards - Two (2) or more principal buildings or uses located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building or use if each were on a separate district lot, including but not limited to setbacks, parking, lot coverage, and sewage disposal requirements.
- B. Residential Density - For the purposes of density of residential structures, lot size shall be increased to maintain the density required by this Ordinance. For example, the parcel size required for three (3) single-family dwellings on one parcel would be determined by multiplying the minimum lot size for one (1) dwelling by a factor of three (3). The lot size for a two-family dwelling shall be twice the lot size required for a single-family dwelling.
- C. Non-Residential Uses - In the case of non-residential uses, there shall be no limit on the number of uses or structures on a single parcel provided all other standards of this Ordinance are satisfied. This shall not apply to adult businesses, junkyards, natural resource uses, or solid waste facilities where the parcel size shall be increased to provide for the minimum land area for each use on the parcel. (See also Section 517.)
- D. Residential and Non-Residential on the Same Lot
 - 1. RR, R-1, R-2, R-3 and SC Districts - Residential dwellings provided for in the District by the Schedule of Uses shall be permitted on the same lot as a permitted non-residential use provided the lot is of sufficient size to meet the residential unit density required by this Ordinance in addition to the land area needed to meet the density requirement for the non-residential use.
 - 2. C-1, C-2 and M-1 Districts - One residential unit per property shall be permitted in association with a non-residential use(s) without an increase in the minimum lot size requirement provided said unit is attached to and is an integral part of the principal non-residential structure. The residential unit shall be occupied only by the owner or manager of the non-residential use(s). Any additional residential dwelling units, if provided for in the District by the Schedule of Uses, shall be permitted on the same lot as a non-residential use only if the lot is of sufficient size to meet the residential unit density required by this Zoning Ordinance in addition to the land area needed to meet the density requirement for the non-residential use.
- E. Structure Separation - Principal structures located on the same lot shall be separated by a distance at least equal to the height of the highest adjoining structure, but in no case less than twenty (20) feet. (See Section 503.1 for accessory structures.)

³ Amended: Ord. 1996-02.

502.2 Side Yard of a Corner Lot

Each yard of a corner lot which abuts a street shall be equal in size to the front yard required for the District.

502.3 Clear View At Street Intersections

Visual obstructions at street intersection (excluding an existing building, post, public utility structures, column or tree) exceeding fifty (50) inches in height shall be prohibited on any lot within the triangle formed by the street lot lines of the lot and a line drawn between points along the street lines fifty (50) feet distant from their points of intersection.

503 Accessory Structures and Uses

503.1 Accessory Structures

All accessory structures shall conform to the minimum yard regulations established in Article IV except as permitted below.

A. Unattached Structures Accessory to Residential Buildings

Structures accessory to residential buildings which are not attached to a principal structure and do not exceed twelve (12) feet in height and 275 square feet in total floor area may be erected within the required side and rear yards of a principal structure, provided that they conform to the following:

1. Distance form Side Lot Line - Not less than ten (10) feet, except in the case of corner lots, where the full side yard as specified in Section 502.2 shall be maintained.
- B. Attached Accessory Structures - An accessory structure attached to a principal building shall be considered to be a part of the principal building.
- C. Unattached Accessory Structures to Non-Residential Buildings - Unattached accessory structures for other than residential structures or uses shall comply with front and side yard requirements for the principal structure and shall have a minimum rear yard of not less than ten (10) feet. However, where the rear lot line abuts any Residential District, the rear yard shall be increased to normal rear yard requirements.
- D.⁴ Except as permitted for non-residential uses in C-1, C-2 and M-1 Districts in accord with Section 512.16, motor vehicles, truck trailers or other containers normally used to transport materials shall not be used as accessory structures.

503.2 Home Occupations⁵

It is the intent of this subsection to regulate the operation of home occupations so that the average

⁴ Added: Ord. 1999-02.

⁵ Amended: Ord. 1999-02.

neighbor, under normal circumstances, will not be aware of the existence of the home occupation except for a permitted sign. The burden of proof shall be on the applicant to demonstrate that the standards will be met. Based upon the potential nuisances of a proposed home occupation not specifically permitted by this section, the Board of Supervisors may determine that a particular type or intensity of use is unsuitable to be a home occupation or that the proposed lot area or setbacks are not adequate. (See Section 503.2,M for home occupations which are considered conditional uses.) The following standards shall apply:

- A. The occupation must be clearly incidental and secondary to the use of the dwelling as a residence.
- B. The total gross floor area of any part of the dwelling and/or accessory structures used for the home occupation shall not exceed one thousand (1,000) square feet, except that medical and dental offices may utilize not more than twenty-five (25) percent of the gross floor area of the dwelling unit.
- C. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises; and no retail or wholesale sales shall be permitted on the premises.
- D. There shall be no evidence visible from outside the dwelling (show windows, business displays, advertising, etc.) that the residence is being operated as a home occupation except for the permitted sign and required parking area.
- E. A maximum of two (2) persons other than members of the immediate family residing in the dwelling shall be employed in the home occupation. The total of all employees inclusive of family members shall not exceed six (6) persons.
- F. Off-street parking shall be provided on the premises, as required by this ordinance or as otherwise necessary to prevent parking on any public or private right-of-way.
- G. A home occupation use shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
- H. Retail or wholesale sales involving the keeping of stock items, the servicing of customers on the premises or customers visiting the premises shall not be permitted except for incidental pick-up of items which are sold by telephone, catalog or mail order.
- I. The use shall not require the parking or servicing by a vehicle with more than 26,000 pounds registered gross vehicle weight, except for deliveries of a maximum of two (2) time per day. The use shall not involve the parking of more than one (1) truck of any type on the lot or on adjacent streets at any period of time. The use shall not require servicing by, deliveries by or parking of tractor-trailer trucks.
- J. Section 512, Commercial, Manufacturing and Industrial Standards, shall also apply to home occupations.
- K. The following uses shall not be permitted as home occupations: commercial stables, veterinarians,

commercial kennels or motor vehicle or small engine repair shops, retail or wholesale sales involving customers on the premises, restaurants, funeral parlors or other uses not meeting the requirements of this Section 503.2.

L. The following types of uses shall be permitted as accessory uses in all districts:

1. Professional and business offices for individual practitioners.
2. Rooming and/or housing of not more than two (2) persons.
3. Custom dressmaking or tailoring.
4. Foster family care for not more than four (4) children simultaneously.
5. Child care which is not regulated by the state.
6. Tutoring for not more than four (4) children simultaneously.
7. Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises.

M. Conditional Uses - All applications for home occupations not specifically enumerated as permitted in Section 503.2,L shall be considered conditional uses. The Board of Supervisors shall attach any and all necessary conditions to assure compliance with this Section 503.2, and such conditions may include, but need not be limited to, hours of operation, water use restrictions, sewage disposal requirements, screening and other conditions deemed necessary.

503.3 Private Parking Areas and Garages

Accessory off-street parking areas or garages serving the residential or non-residential parking demand created by the principal building are permitted in accord with Section 505.

503.4 Home Gardening, Nurseries and Greenhouses

Home gardening, and accessory structures used for nurseries or as greenhouses, are permitted in residential areas, provided they are used by the residents thereof for non-commercial purposes and provided further that they shall not include the outdoor storage of equipment and supplies.

503.5 Private Outdoor Swimming Pools

A single private outdoor swimming pool per dwelling unit is permitted as an accessory use to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests, and provided that the pool is not located closer than 10 feet to any property line and does not occupy more than ten percent (10%) of the lot area and that a fence four (4) feet high and of a design to restrict access shall completely surround the area of any ground level swimming pool. Access to all pools shall be restricted when the pool is not in use.

503.6 Temporary Uses

A. Definition - A use accessory to another permitted principal use that operates at a fixed location for a temporary period of time.

B. Zoning certificate required - No temporary use shall be established unless a zoning permit

evidencing the compliance of such use with the provisions of this Section and other applicable provisions of this Ordinance shall have first been issued.

- C. Particular temporary uses permitted - The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.

1. Contractor's office and construction equipment sheds

- a. Permitted in any district where use is incidental to a construction project. Office or shed shall not contain sleeping or cooking accommodations.
- b. Maximum length of permit shall be one (1) year.
- c. Office or shed shall be removed upon completion of construction project.
- d. Required water supply and sanitary facilities must be provided.
- e. This Section 503.6 shall not apply to construction projects under the direct supervision of the Pennsylvania Department of Transportation.

2. Real estate sales office

- a. Permitted in any district for any new subdivision approved in accordance with the Covington Township Subdivision Ordinance. The office may not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office.
- b. Maximum length of permit shall be twelve (12) months, but the zoning officer may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
- c. Office shall be removed upon completion of the development of the subdivision.
- d. Required water supply and sanitary facilities must be provided.

3. Temporary shelter

- a. When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations.
- b. Required water supply and sanitary facilities must be provided.
- c. Maximum length of permit shall be twelve (12) months, but the zoning officer may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
- d. The mobile home shall be removed from the property prior to issuance of any occupancy permit for the new or rehabilitated residence. The applicant shall be required to provide express consent and authorization to Covington Township, plus ten percent (10%) administrative cost, to remove the temporary shelter at the owner's expense upon termination of the permit, if the owner fails to remove the temporary shelter as required.

D. Additional Regulations

1. Documentation must be provided from the Township Sewage Enforcement Officer that adequate arrangement for temporary sanitary facilities has been made.
2. All uses shall be confined to the dates specified in the permit.
3. Hours of operation shall be confined to those specified in the permit.
4. Pursuant to Section 505, parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained.
5. The applicant shall provide a cash bond not to exceed ten thousand (\$10,000) dollars, the amount of which shall be established by the Township. Said bond shall be posted with the Township to insure the repair of any damage resulting to any public right-of-way, facility, structure or property as a result of the event. Said bond shall be returned to the applicant upon the inspection of the subject site, less any amount required to repair any damage done to any public facility.

503.7 Fences, Walls, and Hedges

- A. Fences, walls and hedges may be located in required yards in all districts.
- B. Fences, walls and hedges shall comply with Section 502.3 regarding clear sight triangles.
- C.⁶ Fences or walls over six (6) feet in height which contain less than fifty (50) percent open area shall meet the setbacks required for accessory structures. All other fences and walls, and hedges may be set on the property line.

503.8 Satellite Dish Antennae⁷

All private satellite dish antennae shall be considered structures and shall maintain the setbacks required for accessory structures; however, any such antennae three (3) feet or less in diameter shall be exempt from regulation.

503.9 Firewood Cutting and Sales, Accessory Use⁸

Firewood cutting and sales shall be permitted as an accessory use in all zoning districts except the MP-RV and C-1 Districts in accord with the requirements of this Section 503.8 and other applicable standards of this Ordinance.

- A. Permitted Activities - The cutting of trees for sale as firewood from the premises on which the trees are growing shall be permitted. However, the importing to the premises of trees for cutting into firewood for sale or the importing of firewood for sale shall not be permitted as *firewood cutting and sales, accessory use*.
- B. Hours of Operation - Firewood cutting shall be undertaken only between the hours 8:00 a.m. and dusk.

⁶ Amended: Ord. 1996-02.

⁷ Added: Ord. 1999-02.

⁸ Added: Ord. 2003-01.

- C. Access Road - Access roads to Township and State roads shall be in accord with a valid highway occupancy permit. The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.
- D. Stabilized Area - The area used for processing and storage of firewood shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road, and shall not be less than fifty (50) feet from any stream, water body or wetland.
- E. Parcel Size; Setbacks - The *firewood cutting and sales, accessory use* shall meet the following minimum requirements:

ZONING DISTRICT	MINIMUM PARCEL SIZE	MINIMUM SETBACK FOR PROCESSING AND STORAGE AREAS FROM:	
		PROPERTY LINES INCLUDING ROAD RIGHT-OF-WAY	ANY EXISTING PRINCIPAL STRUCTURE NOT LOCATED ON PREMISES
RR, SC	5 acres	50 feet	150 feet
R-1, R-2	10 acres	50 feet	150 feet
C-1, C-2	1 acre	normal district setbacks for principal structures	
M-1	5 acres	normal district setbacks for principal structures	
MP-RV	not permitted		

504 Signs

504.1 Definitions

- A. Sign: Any object, device, display, structure, or part thereof, situated outdoors or indoors, and intended for viewing from the building exterior, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, state, or city, also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields.
- B. "Off-premises sign": Any permitted sign, including billboards, not located on the land upon which the concern advertised by such sign is located.
- C. "Sign surface area": The size of any sign computed by multiplying its greatest length by its greatest height. Structural members not bearing advertising material or not in the form of a symbol shall not be included in the computation of surface area. Where a sign has two display faces back to back the area of only one face shall be considered the sign face area. In the case of signs with no definable edges (e.g. raised letters attached to a facade) surface area shall be that area within the perimeter of a rectangle enclosing the extreme limits of the advertising material.

504.2 General Sign Regulations

The following regulations shall apply to all permitted signs:

- A. No person shall erect, alter, or relocate within Covington Township any sign without obtaining a permit.
- B. The repainting, changing of parts and preventive maintenance of signs shall not require a permit unless the size or height of the sign changes.
- C. A sign shall be permitted only in connection with a permitted use.
- D. All signs shall be removed when the reasons for their erection no longer apply.
- E. Signs shall not be permitted on the roof or above the roof line of the building to which they are attached.
- F. No part of any sign shall project above the top or beyond the ends of the wall surface upon which it is located.
- G. Signs other than official traffic signs shall comply with side yard setbacks as established for principal structures in the district where the sign is located.
- H. No part of any sign, except official traffic signs, shall be closer than five (5) feet to any public road right-of-way.
- I. No signs shall be erected, installed, or maintained in a location which will constitute an obstruction to vision or endanger the safety of the traveling public.
- J. No sign, except a public sign, visible from a public street, shall use the words "stop," "danger," or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.
- K. No sign shall be so constructed, erected, or located as to obstruct the visibility of a motorist or pedestrian proceeding along the public way or entering or leaving a parking lot.
- L. No revolving sign or any other type of moving sign shall be permitted with the exception of barber poles.
- M. No sign shall be attached to any tree, fence, utility pole or other object not specifically intended for such use.
- N. Freestanding signs shall not exceed a height of twenty (20) feet to the top of the sign.
- O. Permitted on-premises business advertising signs for businesses with frontage on Route 307 and located within one-thousand (1,000) feet of the center line of either the north or south lanes of Interstate 380 may be erected to a height not to exceed fifty (50) feet to the top of the sign.

- P. Signs shall be constructed of durable material and be maintained in good condition.
- Q. Overhead signs shall be at least nine (9) feet high, measured from the ground or pavement to the bottom-most part of the sign.

504.3 Billboard/Off-Premises Advertising, Business and Institutional Signs⁹

A. Billboard/Off-Premises Advertising and Business Signs¹⁰

1. Billboards or off premises advertising signs may be erected and maintained only in Highway Commercial and Manufacturing Districts. Billboards and off-premises advertising signs shall be considered principal permitted uses and shall be permitted only on lots which do not contain another principal or accessory structure. Such signs shall not exceed three hundred (300) square feet in area and not more than one such sign shall be located within one thousand (1,000) feet of any other such sign.¹¹
2. Business identification signs bearing the name of the occupant and products manufactured, processed, sold or displayed may be erected and maintained on the premises in Highway Commercial and Manufacturing Districts. Such signs shall not exceed fifty (50) square feet in area, and shall be limited to one sign per property if two display faces are used, and two signs per property of one display face is used on each sign.
3. In the General Commercial District, business identification signs may be erected on the premises of the commercial uses permitted in that District provided such signs do not exceed forty (40) square feet in area and shall be limited to one sign per property if two display faces are used, and two signs per property of one display face is used on each sign.
4. In addition to the sign permitted in Item A, B and C above, the signs actually physically attached to a business building shall not exceed ten percent (10%) of the surface area of the facade to which the sign is affixed but in no case greater than eighty (80) square feet. Such signs shall advertise only the business or profession in the building.

B. Institutional Signs

Signs of schools, colleges, churches, hospitals, sanitariums or other similar institutions may be erected and maintained on the parcel with the principal permitted use provided such sign does not exceed forty (40) square feet in surface area.

C. Place of Business

The signs provided in Sections A and B above may only be placed on and maintained by the owner, lessee, or occupant of land upon which is located the main office or principal place of business or institution or where a legitimate branch office, store or warehouse is maintained by the said owner,

⁹ Amended: Ord. 1999-02.

¹⁰ Amended: Ord. 1999-02.

¹¹ Amended: Ord. 1999-02.

lessee or occupant of such land. A sign may not be erected on property rented or leased or owned only for sign purposes.

504.4 Directory Signs

The installation and maintenance of a central directory sign board not more than six (6) feet high and not more than ten (10) feet wide at the intersection of two or more roads advertising one (1) or more businesses and directional arrows thereto shall be permitted. An individual sign on this board advertising a single business shall not exceed a surface area of ten (10) square feet and shall be uniform with other signs on the sign board and shall require a permit. Evidence of the ownership and proposed operation and maintenance of such directory shall be submitted with the permit application. Not more than one directory sign shall be permitted on each corner of an intersection.

504.5 Signs Requiring No Permits

- A. Signs advertising the sale, lease, rental or development of the premises upon which they are erected and signs bearing the words "sold" or "rented" or similar phrases, together with the name of the person effecting sale or rental. The following standards shall apply:
 - 1. The area of each sign shall not exceed six (6) square feet;
 - 2. Not more than two (2) signs are placed upon any property unless the property fronts upon more than one (1) street, in which event two (2) such signs may be erected on each frontage;
 - 3. Such signs are not illuminated;
 - 4. Such signs shall be removed within fourteen (14) days after the sale, rental, or lease of the subject property.
- B. Signs to provide for the normal and safe flow of traffic into and out of the place of business such as entrance, exit, and parking signs. Such signs shall not be of a size greater than necessary for persons of normal visual acuity to observe.
- C. Reserved¹²
- D. Signs of mechanics, painters and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided: (1) the size thereof is not in excess of twelve (12) square feet; and (2) such signs are removed promptly upon completion of the work.
- E. Trespassing sign, or sign indicating the private nature of a drive-way or property provided that the size of any sign shall not exceed two (2) square feet.
- F. Signs advertising the sale of farm products grown on the premises provided: (1) the size of any such sign is not in excess of six (6) square feet; (2) not more than two signs are used; and (3) the signs

¹² Amended: Ord. 1999-02.

shall be displayed only when such products are on sale.

504.6 Home Occupation Signs

Signs advertising home occupations shall not be larger than twelve (12) inches by twenty-four (24) inches, and may include the name, occupation, and logotype or trade mark, if appropriate, of the practitioner. Such signs shall not be illuminated.

504.7 Multi-Family Residential Project Signs

One (1) sign identifying a multi-family dwelling project is permitted on the premises of such project providing the sign does not exceed thirty-two (32) square feet in surface area. Signs identifying each building shall also be permitted and such signs shall not exceed one (1) square foot and shall be attached to the building facade.

504.8 Cluster Commercial, Multiple Occupant and Shopping Center Signs

- A. One (1) free standing sign identifying the cluster commercial or multiple occupant project or shopping center is permitted on the premises of such project provided the sign complies with Section 504.3 of this Ordinance.
- B. One (1) sign identifying each business or profession located in the project is permitted provided the sign does not exceed sixteen (16) square feet surface area. Such signs shall be attached to the same frame as the project sign.
- C. One (1) additional sign identifying each business or profession in the project is permitted provided the sign does not exceed sixteen (16) square feet in surface area and the sign is attached directly to the facade of the structure housing the business or profession.

504.9 Industrial Park Signs

- A. One sign identifying the industrial park provided the area of the sign does not exceed forty (40) square feet in area.
- B. One sign identifying each occupant of the industrial park provided the sign does not exceed sixteen (16) square feet in area. Such signs shall be attached to the same frame as the sign provided for in Section 504.2.
- C. One sign identifying each occupant of the industrial park provided such sign does not exceed thirty-two (32) square feet in area and is situated on the occupant's lot.
- D. One sign identifying each occupant of the industrial park provided such sign does not exceed twenty (20) square feet in area and is attached directly to the facade of the principal structure.

504.10 Temporary Signs

The following temporary signs shall be permitted in all Districts upon obtaining a permit: Special

advertising or business identification signs or banners not exceeding forty (40) square feet in total surface area; including, but not limited to, signs announcing to the general public any special events such as commercial sales days, cultural or entertainment attraction, or charitable activities. These shall be permitted for the length of the activity, but in no case exceeding twenty-one (21) days.

504.11 Illumination

- A. Signs shall be illuminated only by a steady, stationary (excepting for indicators of time and temperature), shielded light source directed solely at the sign, or internal to it, without causing glare for motorists, pedestrians or neighboring premises.
- B. No light shall be permitted that by reason of intensity, color, location, movement or direction of its beam may interfere with public safety including flashing, oscillating, and spot lights when improperly placed. No sign shall resemble traffic signals.

504.12 Non-Conforming Signs

- A. Non-conforming signs shall be those existing prior to the effective date of this Ordinance or any amendments hereto.
- B. No non-conforming sign shall be changed, expanded, or altered in any manner except for changing the advertising material on the face of the sign, or to bring the sign into conformity. No non-conforming sign shall be moved in whole or in part to any other location where it would remain non-conforming.
- C. Termination of non-conforming signs
 - 1. Immediate termination - The following signs or sign features shall be terminated within six (6) months after the effective date of this Ordinance, except as otherwise expressly permitted by this Ordinance. Termination of the non-conformity shall consist of removal of the sign or its alteration to eliminate fully all non-conforming features: flashing signs, animated and moving signs, signs which obstruct free ingress to or egress from a fire escape, door, window, or other required access way, signs which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on streets and roads within Covington Township, and signs which advertise a business no longer conducted or a product no longer sold on the premises where such sign is located.
 - 2. Termination by abandonment - Any non-conforming sign structure the use of which as a sign is discontinued for a period of forty-five (45) consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not thereafter be reestablished except in full compliance with this ordinance.
 - 3. Termination by damage or destruction - Any non-conforming sign damaged or destroyed, by any means, to the extent of one-third (.333) or more of its replacement cost new shall be terminated and shall not be restored.

504.13 Nuisance Signs

- A. No owner of any sign or lessee or owner of any land upon which the sign is located shall permit such sign to become unsightly or in disrepair so as to endanger the public or to become a public nuisance.
- B. In the event such a sign is not repaired or properly restored or removed within thirty (30) days after written notice has been given to the owner of the sign or the owner or lessee of the land upon which the signs located, the Township Supervisors may institute appropriate actions to prevent the violation or abate the nuisance.

504.14 Permit Applications

An application for a permit to install or repair a non-conforming sign or relocate a sign shall be made on the Township Sign Permit Application form and submitted to the Township Zoning Officer along with the fee established by resolution of the Township Board of Supervisors.

505 Off-Street Parking and Loading

505.1 Availability of Facilities

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

505.2 Size of Parking Spaces

The net parking space per vehicle shall be not less than nine (9) feet wide and nineteen (19) feet long. Garages and carports not in the public right-of-way may be considered parking spaces. Each parking space shall consist of not less than an average of two hundred seventy (270) square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Garages and carports not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.

505.3 Lighting

Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.

505.4 Public Right-of-Ways

Parking, loading and unloading of vehicles shall not be permitted on public right-of-ways.

505.5 Number of Spaces To Be Provided

Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any

open area hereafter used for commercial purposes, shall be provided with off- street parking spaces adequate to serve such use but with not less than the minimum spaces, as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number. For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use. Should the applicant provide evidence that the number of parking spaces required by this Section 505.5 is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced by a maximum of twenty-five percent (25%) provided sufficient and suitable area is dedicated to future parking to meet the normal standards in this Section 505 and the applicant shall agree in writing to install the parking at the direction of the Board of Supervisors. Reserve parking areas shall be included in the calculation of lot coverage area. Parking facilities used jointly by two or more principal uses shall be considered conditional uses.

USE	PARKING SPACES REQUIRED
Dwellings	2 per dwelling unit
Homes for the handicapped or infirm, nursing homes, halfway houses and similar uses	3 per every 5 beds
Group Care Facilities	1 per employee on duty at any one time, plus 1 per every 3 residents
Hotels, motels, boarding and tourist homes, bed and breakfast establishments and other uses providing overnight accommodations	1.1 per bedroom
Sales and rental of goods, merchandise and equipment	
Retail establishments	1 per 200 SFGFA
Wholesale establishments	1 per 400 SFGFA
Offices, research facilities and services not primarily related to goods	
Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents	1 per 200 SFGFA
Drive-in banks	1 per 200 SFGFA plus reservoir lane capacity equal to 5 spaces per drive-in window
Serving little or few customers or clients on premises, such as corporate offices	1 per 400 SFGFA
Manufacturing, processing, renovating, assembling goods, merchandise and equipment	1 per 400 SFGFA
Educational, cultural, religious, social, fraternal uses	
Public Schools	1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools
Trade and vocational schools, colleges	1 per 100 SFGFA

Churches, synagogues and temples	1 per every 4 seats used for services
Libraries and museums, social, fraternal clubs and lodges; and similar uses	1 per 300 SFGFA
Recreation, amusement and entertainment	
Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
Movie theaters, stadiums and similar uses with seating accommodations	1 per every 4 seats
Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA plus 1 per every 3 persons of fully utilized design capacity
Hospitals, clinics and other medical treatment facilities	2 per bed or 1 per 150 SFGFA, whichever is greater
Restaurants, bars, taverns and other eating establishments	1 per 100 SFGFA plus reservoir lane capacity equal to 5 spaces per drive-in window
Vehicle related uses	
Sales, service, repair	1 per 200 SFGFA
Gas Sales	1 per 200 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces
Car wash	1 per 100 SFGFA plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type
Warehousing and storage	1 per 4,000 SFGFA
Miscellaneous uses	
Veterinary	1 per 200 SFGFA
Open air sales	1 per 1,000 square feet of lot area used for display or sales
Nursery schools and day care	1 per 150 SFGFA
Greenhouses	1 per 200 SFGFA
Emergency services	1 per 200 SFGFA
Junk and scrap yards	1 per 200 SFGFA
Post office	1 per 200 SFGFA

Note: SFGFA means "square feet of gross floor area" which is the total area of a building calculated by taking the outside dimensions of the building at each floor level intended for occupancy or storage and summing the areas.

For uses not specifically mentioned above, the Zoning Hearing Board shall determine the required number of spaces.

505.6 Loading and Unloading Areas

In addition to the off-street parking spaces required above, any building erected, converted or enlarged in any district for commercial, office building, hotel, motel, restaurant, manufacturing, wholesale, hospital or similar uses, shall provide adequate off-street areas for loading and unloading of vehicles. The loading space shall be a minimum of sixty (60) feet in depth, and twelve (12) feet in width, with an overhead clearance of fourteen (14) feet. In no case where a building is erected, converted or enlarged for commercial, manufacturing or business purposes shall any public right-of-way be used for loading or unloading of materials. Every commercial or industrial building which requires the receipt or distribution by vehicles of material or merchandise shall provide one (1) additional off-street loading space for each 25,000 square feet of gross building floor area.

505.7 Access To Off-Street Parking and Loading Areas

There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Where a parking or loading area does not abut on a public right-of-way or private alley or easement of access, there shall be provided an access drive not less than twelve (12) feet in width per lane of traffic; and not less than eighteen (18) feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:

- A. Access drive design and sight distance for access to Township and State roads shall comply with the standards contained in the most current edition of PA Code Title 67, Transportation, Chapter 441, Access to and Occupancy to Highways by Driveways and Local Roads.
- B. There shall be no more than one entrance and one exit for any business or parking area on any one highway. Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit. In no case shall one entrance or exit be located within eighty (80) feet of any other on the same property or adjoining property along the same public right-of-way.
- C. Any subdivision of property for commercial purposes shall provide no more than one common entrance and one common exit on any public right-of-way. Interior access drives shall be provided for movement of traffic to the public right-of-way.

505.8 Parking and Loading Area Setbacks

All parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public right-of-way or adjoining property lines by a buffer area at least ten (10) feet in depth.

505.9 Surfacing

Any off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as a gravel, concrete or bituminous concrete surface, and shall be

so arranged as to provide for orderly and safe parking and storage of vehicles.

505.10 Off-Lot Parking

Parking spaces may be located on a lot other than that containing the principal use provided said lot is owned by the applicant or a written agreement for use of said lot is provided, approved by the municipal solicitor and accepted by the Board of Supervisors as adequate and located within a distance that will achieve the purposes of this Section 505.

505.11 Cross Boundary Parking¹³

In C-1, C-2 and M-1 Districts the Accessory Use of Parking Area, Public is allowed in all three Districts. This includes an Accessory Use in one of these Districts to a use established across a boundary line in another one of these Districts.

- A. Within the first one hundred (100) feet of land area in an industrial park between the residential lots and any buildings in the industrial park, all existing healthy trees shall be preserved; or
- B. Within the first fifty (50) feet of land area in an industrial park between the residential lots and any buildings in the industrial park, all existing healthy trees shall be preserved. Additionally, an earthen berm, with a minimum height often (10) feet, shall be constructed between the buildings within the industrial park and the existing residential lots. A row of evergreen trees with a minimum height of six (6) feet at the time of planting shall be planted along the top one third of the height of the berm.
- C. The first two hundred (200) feet of land area in any industrial park between existing lots within a Residential or MP-RV District and any buildings in the industrial park shall not be occupied by any buildings, parking, storage areas or structures, except structures that are utilities, utility cabinets, storm drainage structures or berms, or like type structures.

506 Natural Resource Uses

In addition to all applicable standards of this Ordinance and all state and federal regulations, natural resource uses shall comply with the following.

506.1 Operational Requirements

- A. Vibrations - 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.
- B. Emissions - The emissions of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances or conditions which can cause any soiling, staining, irritation, or damage to persons or property at any point beyond the property line of the use creating the emission are hereby prohibited.
- C. Fencing - A six (6) feet fence that completely encloses the portion of the property in which an open

¹³ Added: Ord. 2002-01.

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 (6) inches.

- D. Buffer Planting - Where adjacent to Residential districts trees and shrubs must be planted to screen the operation from normal view. The same shall be applicable when such operations is adjacent to a public right-of-way.

E. Setbacks

1. Residential - 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 the Residential District.
2. Street - From the right-of-way line of a public street or highway no part of a quarrying or excavating operation shall be closer than one hundred (100) feet. Where both sides of the right-of-way are in a quarry or excavation operation in single ownership the required street setback may be reduced to fifty (50) feet on each side of the right-of-way. In no case shall an open excavation be closer than one hundred (100) feet.
3. General Property Line Setbacks
 - a. Commercial use - No part of the quarrying or excavating operation shall be located closer than two hundred (200) feet to a commercial district boundary.
 - b. Manufacturing use - No part of the quarrying or excavating operation shall be closer than one hundred (100) feet to an manufacturing district boundary.
 - c. 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.

F. General Provisions

1. In no case shall any use impede the flow of natural watercourses.
2. All uses of land or processes which pollute natural watercourses shall be prohibited.
3. All uses of land shall be conducted in a manner which will not allow water to collect and permit stagnant water to remain in quarries or excavations.

506.2 Submission of Operational Data for Natural Production Uses

The operations plan shall include but need not be limited to:

- 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 = 100 feet which shall show:

1. The land area to be excavated or quarried with dimensions and the total property.
 2. Private access roads and abutting streets and highways.
 3. Abutting and/or adjacent districts and land uses.
 4. Existing watercourses, and proposed alterations to assure stream quality and quantity.
 5. Fencing and buffer planting - If fencing is to be vegetation give details of the size and type.
 6. Title, scale, north arrow and date.
 7. Ownership.
- E. A report setting forth the number and gross weight of trucks associated with the operation, the Township roads to be utilized by said trucks, and the probable effect of the truck traffic on the condition of the roads. Said information along with the advice of the Township Engineer shall be used by the Board of Supervisors to establish conditions of approval to mitigate road impacts for the proposed use if such approval is granted.

506.3 Rehabilitation - Reclamation Plan for Natural Production Uses

At the time the operations plan is submitted a rehabilitation - reclamation plan shall also be submitted setting forth the following information:

- A. An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries are 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 relocations of land, trees, buildings, structures, public roads, streams, drainage facilities and utilities lines on the tract or adjacent tracts as may require protection, repairs, clearance, demolition, restoration either during or following 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 operations which shall permit the carrying out of the purpose of this Ordinance and appropriately provide for any restoration, reclamation, reforestation or other correction work deemed necessary.

506.4 General Rehabilitation - Reclamation Requirements and Standards for Natural Production Uses

- A. Time - Within three (3) years after the termination of operations the area must be rehabilitated to conform with the rehabilitation plan as approved.
- B. Standards - In the rehabilitation of an area the following standards must be met:
 1. 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.

2. The entire area shall be graded wherever necessary to provide for the conveyance of storm water. Finished grade shall not have a slope of less than two (2) percent so as to provide for a natural drainage.
3. Stockpiles, overburden, refuse, plant facilities or equipment shall be removed immediately upon the termination of operations and in no case shall such removal exceed one (1) year.
4. 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.

506.5 Existing Natural Production Uses

Operations existing prior to the effective date of this Ordinance which are non-conforming as to setback requirements, shall not be required to correct such existing non-conformity. A rehabilitation plan and any required fencing and/or screen planting shall be provided within six (6) months after the effective date of this Ordinance.

507 Nonconformities¹⁴

507.1 Purpose, Applicability, Registration, and Continuation and Change

- A. Purpose - It is the purpose of this Section to recognize that if, prior to the adoption of the original Covington Township Zoning Ordinance as amended, reenacted and replaced, property was used for a then lawful purpose or in a then lawful manner which the Zoning Ordinance would render thereafter prohibited and nonconforming, such property is generally held to have acquired a vested right to continue such nonconforming use or nonconforming structure. Nevertheless, this does not preclude the Township from regulating the change, alteration, reconstruction, reestablishment, extension, destruction and abandonment of nonconforming uses in accord with the Pennsylvania Municipalities Planning Code and general case law.

It is also the purpose of this Section to limit the injurious impact of nonconforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that the change, alteration, reconstruction, reestablishment, or extension of non-conforming uses and/or structures may not be contrary to the public interest or the general purpose of this Zoning Ordinance, when failure to allow such change, alteration, reconstruction, reestablishment, or extension would itself lead to neighborhood or district deterioration.

It is further the purpose of this Section to prescribe those standards which are to be applied by the Township in determining the reasonableness of a proposal to change, alter, reconstruct, reestablish, or extend a non-conforming use. The following are regulations which shall apply.

- B. Applicability - The provisions and protections of this Section 507 shall apply only to those nonconforming lots, structures and uses which legally pre-existed the applicable provisions of this Ordinance, as amended, reenacted and replaced, or which are recognized by Section 507.3 and Section 507.4 of this Ordinance. Any lot, structure or use created, constructed or established after the effective date of the original Zoning Ordinance, as amended, reenacted and replaced, which does not conform to the applicable requirements shall be considered an illegal lot, structure or use subject

¹⁴ Amended: Ord. 1996-03. Amended: Ord. 1996-05.

to the penalties prescribed by this Ordinance, and the said lot, structure or use shall not be entitled to any of the protections afforded to legal, pre-existing nonconforming lots, structures or uses.

- C. Registration - It shall be the responsibility of the party asserting a nonconformity to provide the evidence that the nonconformity is legal. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence. The Zoning Officer may submit any application for a Certificate of Nonconformance to the Planning Commission for the Commission's review and recommendation with regard to the evidence of nonconformity.
- D. Continuation and Change - A lawful nonconforming lot, structure or use as defined by this Ordinance may be continued and may be sold and be continued by new owners. Any expansion, alteration, extension or change in a nonconformity shall only proceed in compliance with this Section.

507.2 Definitions

- A. Nonconforming Lot - Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated, such lot having been created and recorded in the office of the Lackawanna County Recorder of Deeds prior to the effective date of the original Covington Township Zoning Ordinance, as amended, reenacted and replaced.
- B. Nonconforming Structure - A structure or part of a structure which does not comply with the applicable district limitations on structure size and location on a lot, where such structure lawfully existed prior to the enactment of the original Covington Township Zoning Ordinance, as amended, reenacted and replaced; and including, but not limited to, non-conforming signs.
- C. Nonconforming Structure, Alteration or Expansion - As applied to a nonconforming structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
- D. Nonconforming Structure, Reconstruction - The rebuilding of a nonconforming structure damaged or destroyed by casualty to the exact or less nonconforming condition which existed prior to the casualty.
- E. Nonconforming Use - A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereto, where such use was Lawfully in existence prior to the enactment of the original Township Zoning Ordinance, as amended, reenacted and replaced.
- F. Nonconforming Use, Change - The conversion of a nonconforming use to a different use classification as enumerated on the Schedule of Uses of this Zoning Ordinance.
- G. Nonconforming Use, Extension - The expansion of a nonconforming use throughout the structure which the said use partially occupies; or the expansion of a nonconforming use onto property not already occupied by the said use.

- H. Nonconforming Use, Reestablishment - The reopening or reinstitution of a nonconforming use which has been discontinued by the owner of the said use, such reopening effected prior to the abandonment of the nonconforming use as determined under the provisions of this Zoning Ordinance.

507.3 Nonconformities Under Development

For the purposes of this Section 507, a building, structure or use, legally permitted, planned and substantially under construction in compliance with existing Ordinances prior to the effective date of this Ordinance, or any amendment hereto, and completed within a one-year period after the effective date of this Ordinance or amendment hereto, shall be considered nonconforming.

507.4 Nonconformities by Variance

A building, structure or use allowed by variance in a district where it is non-conforming with any regulations of this Ordinance, as amended, reenacted and replaced, shall be considered nonconforming for the purposes of this Ordinance.

507.5 Normal Maintenance and Repair Activities

Normal maintenance and repair, such as painting, replacement of siding, and similar activities is allowed, as well as those interior renovations which do not structurally alter the building or area or result in increased use of the building or area, or a change of nonconforming, or otherwise create more incompatibility with the surrounding permitted uses. Such maintenance and repair activities shall, however, comply with all other applicable standards and permit requirements of this Ordinance.

507.6 Changes of Nonconforming Uses

- A. Conditional Uses - All changes of nonconforming uses shall be considered conditional uses subject to the specific procedures and review criteria contained in Section 509 of this Ordinance and the review factors in 507.12 of this Ordinance. A nonconforming use may only be changed to a use of equal or less nonconformity (i.e. more restrictive classification) as determined by the Planning Commission and Board of Supervisors in accord with classification of the uses in the Schedule of Uses of this Ordinance. The general standard shall be that no change of a nonconforming use shall be permitted if such change will result in the establishment of a use which is materially different from the existing use in terms of negative affects on the community and the long term application of the Zoning Ordinance to eliminate incompatible uses from specific zoning districts. For example, a change from a nonconforming retail store in R-1 District to a bank may be permitted; however, a change to a manufacturing use would not be permitted.
- B. Conforming Changes and Conversions - A change in a nonconforming use to a conforming use shall not be considered a conditional use unless the proposed use is classified as a conditional use by the Schedule of Uses in this Ordinance. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use. The conversion of a nonconforming use to a nonconforming use of like classification shall not be considered a conditional use. For example, a nonconforming retail establishment selling groceries proposed for conversion to a shoe store would not be considered a

change in nonconforming use.

- C. Other Standards - All changes to nonconforming uses shall also be subject to all other applicable standards in this Ordinance.

507.7 Extension of Nonconforming Uses

- A. Conditional Uses - All extensions of nonconforming uses into more area of a structure or onto more area of property shall be considered conditional uses subject to the specific procedures and review criteria contained in Section 509 of this Ordinance, and the review factors in this Section 507.
- B. Extension onto Other Properties of Record in the Same Ownership - A nonconforming use may only be extended onto a new property of record if that property is contiguous to the existing location, the properties were both under the same ownership as of the effective date of this Ordinance, as amended, the owner has clearly exhausted the alternatives available for expansion on the existing property, and the use is not one which has been altogether prohibited as a new use under this Ordinance.
- C. Extension Limitation - A nonconforming use shall not be extended more than fifty (50) percent beyond the area of land or structure legally occupied by the use.
- D. Prohibited Extensions - Should the use proposed for extension be one which is specifically prohibited as a new use in the Township or is a use judged by the Township to be one similar to such a use or of such a nature as to impose health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this Ordinance, the requested extension shall be denied. The Board shall consider past operating performance in making its decision.

507.8 Reconstruction

- A. Time Limit - If any nonconforming structure or use (see Section 507.8,D for exception) is damaged up to a maximum of seventy-five (75) percent of its appraised fair market value as a result of a casualty, it may be restored or reconstructed to its preexisting condition of nonconformity provided:
1. The application for a building permit is submitted within eighteen (18) months of the date of the casualty.
 2. The nonconformity is not increased and no new nonconformity is created.
- B. Procedure - Permits - All applicable permits for the reconstruction of a nonconforming use shall be required. Such reconstruction shall be considered a conditional use if the reconstruction involves a change or extension of use as regulated by this Section 507.
- C. Reconstruction Prohibited - A nonconforming structure that has been damaged or destroyed by more than seventy-five (75) percent of its appraised fair market value by any cause shall not be rebuilt in any nonconforming manner except as provided for dwellings in Section 507.8,D.
- D. Dwellings - A destroyed or damaged nonconforming building containing not more than two (2)

dwelling units may be reconstructed regardless of the percentage of destruction provided:

1. The application for a building permit is submitted within eighteen (18) months of the date of the casualty.
 2. The nonconformity is not increased and no new nonconformity is created.
- E. Fair Market Value - The applicant shall have the burden of proof to document the percent of the fair market value that was damaged. Such proof shall require an appraisal by a licensed real estate broker with substantial appraisal experience. Fair market value shall be as generally defined by real estate practice.

507.9 Abandonment and Reestablishment of Nonconformities

A non-conforming use of a structure or land which has been discontinued, razed, removed or abandoned may be re-established within a period of twelve (12) months from the date when the Zoning Officer shall have determined and so notified the owner of the property in question that abandonment had occurred. Thereafter, the use shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance.

- A. Conditional Uses - All re-establishment of nonconforming uses shall be considered conditional uses subject to the specific procedures and review criteria contained in Section 509 of this Ordinance and the review factors in Section 507.12 of this Ordinance.
- B. Abandonment - A non-conforming use shall be considered abandoned when, among other circumstances;
1. Intent - The intent of the owner to discontinue the use is apparent by the posting of signs, boarding of windows, or failure to pay taxes or assessments due or similar actions or lack thereof; or,
 2. Equipment and Furnishings - The equipment and furnishings used in furtherance of the nonconforming use have been removed from the premises; or,
 3. Use Replaced - The nonconforming use has been replaced by a conforming use or changed to another use under permit by the Township; or,
 4. Occupancy - The building is not occupied for a period of one (1) year.
- C. Notice - The Zoning Officer, on determining these circumstances exist, shall so notify the owner of record, informing the owner the use is considered abandoned and may not be reestablished once a period of twelve (12) months has expired. If an owner cannot be reached through the mail, the Zoning Officer shall publish the notice once in a newspaper of general circulation in the Township and the owner shall be presumed to have been notified.

507.10 Alterations and Expansions of Nonconforming Structures

- A. Alterations - The alteration or expansion of nonconforming structures shall be permitted only in accord with this Section 507.10.

- B. Procedure - Permits - All applicable permits for the alteration or expansion of a nonconforming structure shall be required. Such alteration or expansion shall be considered a conditional use if the alteration or expansion involves a change or extension of a nonconforming use as regulated by Section 507.6 and Section 507.7 of this Ordinance, respectively.
- C. Nonconforming Setbacks - Should a building have a lawful nonconforming side or rear building setback, the structure may be altered to increase the height above such setback or to extend other portions of the building up to such nonconforming setback line provided no additional nonconformity is created. However, such additions shall not be permitted to any non-residential structure which abuts a residential use.
- D. Increase in Area or Bulk Nonconformity - In the case where a proposed alteration or expansion of a nonconforming structure will result in an increased nonconformity of setback, height, lot coverage or other area or bulk standard, a variance shall be required from the Zoning Hearing Board.

507.11 Use of Nonconforming Lots of Record

- A. Single Family Dwelling - A single-family dwelling may be erected or expanded on any lawful nonconforming lot of record in any District, provided:
 - 1. Yards - The required front, side and rear yard setback is maintained as required for the District in which the lot is located.
 - 2. Other Standards - All other applicable standards in this Ordinance are satisfied.
 - 3. Sewage Disposal - Sewage disposal is provided in accord with applicable Township and PA DEP requirements.
- B. Commercial Uses - A commercial use may be developed on any lawfully existing nonconforming lot where permitted by the Schedule of Uses provided:
 - 1. Adjoining Property - The lot owner does not own adjoining property which can be combined to make the lot conforming.
 - 2. Setbacks - All setbacks normally required in the District are maintained.
 - 3. Lot Size Requirement - This Ordinance does not require for the specific use a minimum parcel size greater than the normal minimum lot area set forth on the Schedule of Development Standards. For example, the minimum lot size in the RR District is two acres; however, the minimum lot size for a kennel is three acres. Therefore, a kennel would require three acres and would not be permitted on a nonconforming lot in the RR District.
 - 4. Other Standards - All other applicable standards in this Ordinance are satisfied.
 - 5. Sewage Disposal - Sewage disposal is provided in accord with applicable Township and PA DEP requirements.

507.12 Review Factors

The Township shall consider any conditional use application involving an issue of nonconformity in terms of the effect on the following factors:

- A. Traffic generation.

- B. Noise, dust, fumes, gases, odor, glare, vibration, fire and explosion hazards and other nuisances.
- C. Amount and nature of outdoor storage
- D. Hours of operation.
- E. Compatibility with the character of the surrounding neighborhood.
- F. Potential of the expansion to reduce existing congestion and alleviate parking shortages by improved site design, addition of parking and improved loading areas.

508 Buffer for Waterbodies and Wetlands¹⁵

For the purposes of protecting water quality and ensuring recreational access to water bodies, a buffer zone/building setback of not less than fifty (50) feet shall be maintained from any body of water or stream. No buildings, structures (except uncovered docks), sewage disposal systems or other impervious surfaces shall be constructed or placed within these buffer zones. In residential subdivisions this strip shall be protected via a protective easement. In cases where Township Flood Plain Regulations require larger buffers, such regulations shall control. In the case of wetlands, buffers shall be provided in accord with applicable state and federal regulations.

509 Conditional Uses and Special Exceptions¹⁶

509.1 Applications

Applications for conditional uses and special exceptions shall, at a minimum, include a plan containing the information required in Section 509.6. The Township Planning Commission, Board of Supervisors, or the Zoning Hearing Board shall require any other information deemed necessary for the review of the proposal.

509.2 Conditional Uses

Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this Ordinance and in Section 509.4 and any other applicable standards in this Ordinance. Expansions or additions to uses classified as conditional uses shall also be considered conditional uses unless said expansion or addition involves an increase of less than twenty-five (25) percent of the floor area or lot area devoted to the use, as measured cumulatively from the effective date of this provision. The addition of an accessory structure shall not be considered a conditional use.

Upon determining that an application for a specific use may only be granted as a conditional use under the terms of this Ordinance, the Zoning Officer shall forward a copy of said application, along with the required supporting data, to the Township Planning Commission. The Planning Commission shall review the application at a public meeting, and shall report its findings, together with a recommendation indicating whether the criteria listed in this Section 509 and any other applicable performance standards have been satisfied.¹⁷

¹⁵ Amended: Ord. 1995-02.

¹⁶ Amended: Ord. 1996-02.

¹⁷ Amended: Ord. 1999-02.

Upon receipt of the conditional use application and the recommendation of the Planning Commission, the Township Board of Supervisors shall conduct a public hearing pursuant to public notice and shall grant or deny the application. If the application is granted, the Board of Supervisors shall direct the Zoning Officer, in writing, to issue a permit for the same attaching any conditions of approval as authorized by the Pennsylvania Municipalities Planning Code and the standards in this Ordinance, as established by the Board of Supervisors. If the application is denied, the applicant shall be notified of the action in person or by certified mail; such notice including reasons for denial.

509.3 Special Exceptions

Uses specified as special exceptions shall be permitted only after review and approval by the Township Zoning Hearing Board pursuant to the express standards as provided for specific special exceptions in this Ordinance and in Section 509.4. Procedures for special exceptions shall be as established by the Pennsylvania Municipalities Planning Code. Expansions or additions to uses classified as special exceptions shall also be considered special exceptions unless said expansion or addition involves an increase of less than twenty-five (25) percent of the floor area or lot area devoted to the use, as measured cumulatively from the effective date of this provision. The addition of an accessory structure shall not be considered a conditional use.

509.4 Standards and Criteria

The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this Ordinance and other ordinances of Covington Township. In addition to the applicable general provisions of this Ordinance and to the standards provided in this Ordinance for specific conditional uses and special exceptions, the following standards and criteria shall be applied in the review of applications for conditional uses and special exceptions.

- A. The proposed use shall be in harmony with purposes, goals, objectives and standards of the Covington Township Comprehensive Plan, this Ordinance and all other ordinances of Covington Township.
- B. There shall be a community need for the proposed use at the proposed location. Need shall be assessed in light of existing and proposed use of a similar nature in the area and an objective to provide or maintain a proper mix of uses within the Township and, more specifically, that portion of the Township in the immediate area of the proposed use. The proposed use in the proposed location shall not result in either a detrimental over-concentration of a particular use within the Township or within the immediate area.

The location chosen shall not be one demonstratively better suited or likely to be needed for uses which are permitted as a matter of right in the District. The proposal shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in light of other potential sites in the immediate area including those which might exist in adjacent communities.

- C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public

improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this Ordinance, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.

- D. The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, or services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use the applicant shall be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this and other ordinances of the Township. The permit approval shall be so conditioned.
- E. In reviewing an application, the following additional factors shall be considered:
1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
 2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 5. Adequacy of stormwater and drainage facilities stormwater leaving any site shall not exceed pre-development levels and facilities shall be designed to accommodate a 10 year storm.
 6. Adequacy of water supply and sewage disposal facilities.
 7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- F. No application shall be approved unless it is found that, in addition to complying with each of the standards enumerated above, any of the applicable standards contained in this Ordinance shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety and welfare of parties effected, all conditions and safeguards deemed necessary by the Board to protect the general health, safety and welfare and implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code shall be imposed as conditions of approval in accord with Section 912.1 or Section 913.2 of the Pennsylvania Municipalities Planning Code, as the case may be.

Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans for screening, setbacks, special measures addressing sales period activities, environmental controls and other measures which mitigate any

potential adverse impact the use may have on adjoining uses.

The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

509.5 Limitation of Approval

Any conditional use approval granted by the Township Supervisors and any special exception approval granted by the Zoning Hearing Board shall expire one (1) year from the date such approval was granted if no building construction as approved has taken place or the use is not otherwise established as a functional and constructive activity prior to the expiration date. Upon such expiration, the said approval, and any permit issued subsequent thereto, shall be deemed null and void and the developer shall be required to submit another application for the same. The Board of Supervisors or Zoning Hearing Board as the case may be, however, may grant an extension of the time limitations, for good cause.

509.6 Information Required

The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

Six (6) copies of the application for conditional use or special exception and supporting documentation shall be submitted.

In the case of an application involving the construction of any new structure or any addition to an existing structure, all of the information required in this Section 509.6 shall be provided by the applicant. However, the Planning Commission, Township Supervisors, or the Zoning Hearing Board, as the case may be, may determine, as part of the review process, that certain information is not required for a particular application, and upon such determination, the specified information need not be provided by the applicant.

In the case of an application which does not involve the construction of any new structure or any addition to an existing structure, a narrative providing details of the project shall be provided as required by Subsection A which follows. However, a plot plan, as required by Subsection B which follows, shall not generally be required unless the Planning Commission, Township Supervisors, or the Zoning Hearing Board, as the case may be, deems such plot plan necessary to evaluate and make a decision on the application. The Planning Commission, Township Supervisors, or the Zoning Hearing Board, as the case may be, shall determine, as part of the review process, the type of information and level of detail of the plot plan if such plot plan is required.

In any case, the Planning Commission, Township Supervisors, or the Zoning Hearing Board, as the case may be, may require any other additional information or any level of detail deemed necessary to

determine compliance with this Ordinance or to identify any impacts of the proposed use.

- A. A narrative providing details of the project.
- B. A plot plan legible in every detail and drawn to scale but not necessarily showing precise dimensions, and including the following information:
 - 1. Name of the development.
 - 2. Name and address of land owner and/or land developer. (if corporation give name of officers.)
 - 3. Location map.
 - 4. North arrow, true or magnetic.
 - 5. Graphic scale.
 - 6. Written scale.
 - 7. Date plot plan was completed.
 - 8. Names of adjacent property owners and tax map numbers, including those across adjacent roads.
 - 9. Proposed and existing street and lot layout including street names and right-of-way widths.
 - 10. Existing and proposed man-made and/or natural features:
 - a. Water courses, lakes and wetlands (with names).
 - b. Rock outcrops, ledges and stone fields.
 - c. Buildings and structures and setbacks required by the Zoning Ordinance.
 - d. Approximate location of tree masses.
 - e. Utility lines, wells and sewage system(s).
 - f. Entrances, exits, access roads and parking areas including the number of spaces.
 - g. Drainage and stormwater management facilities.
 - h. Any and all other significant features.
 - 11. Location of permanent and seasonal high water table areas and 100 year flood zones.
 - 12. Tract boundaries accurately labeled.
 - 13. The total acreage of the tract and extent of the areas of the site to be disturbed and percentage lot coverage when the project is completed.
 - 14. Location and type of rights-of-way or other existing restrictive covenants which might affect the subdivision and/or development.
 - 15. A statement of the type of water supply and sewage disposal proposed.

510 Conservation Subdivision Design Residential Development¹⁸

In the SC District Conservation Design Development is required. In all other Zoning Districts, Conservation Design Development may be used. Conservation Design Development shall comply with this Section 510.

(Note: A key concept associated with conservation design is to focus on residential density instead of minimum lot size. In a standard subdivision the land is simply cut into as many lots as possible while meeting the minimum lot size requirement. Under conservation design, which is based on unit density instead of minimum lot size, the size of individual lots sold can be quite small, provided the total number of lots does not exceed the density which is based on the underlying minimum lot size. In conservation design, the maximum lot size is the critical element, as it really defines the minimum open space that must be conserved.)

¹⁸ Amended: Ord. 2006-01.

510.1 Purposes and Development Options

A. Purposes - In conformance with the Pennsylvania Municipalities Planning Code the purposes of this section, among others, are as follows:

1. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands, by setting them aside from development.
2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
3. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
4. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
5. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the *Township Comprehensive Plan*.
6. To implement adopted land use, transportation, and community policies, as identified in the Township's Comprehensive plan.
7. To protect areas of the Township with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations.
8. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
9. To provide for the conservation and maintenance of open land within the Township to achieve the above-mentioned goals and for active or passive recreational use by residents.
10. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, flood plain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).
11. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.
12. To conserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.

- B. By-Right Development Options - In order to achieve these purposes, this Section 510 provides for flexibility in designing new residential subdivisions by allowing three forms of *by-right* development referred to as *options*, as summarized below:
1. Option One - Basic Density and Basic Conservation providing for residential dwellings at the density permitted by the underlying Zoning District with not less than fifty (50) percent of the tract comprised of conservation open space.
 2. Option Two - Increased Density with Increased Conservation providing residential uses at a density ten (10) percent higher than the density permitted by the underlying Zoning District with not less than seventy (70) percent of the tract comprised of conservation open space.
 3. Option 3 - Country Properties in SC Districts providing single-family residential lots of ten (10) acres or more in size in accord with the standards in Section 510.7 and other applicable standards without providing common open space.
- C. Densities and Required Open Space Percentages - See Section 510.4.

510.2 General Regulations

The design of all new developments in the Conservation Design Overlay District shall be governed by the following minimum standards:

- A. Ownership - The tract of land shall be controlled by the applicant and shall be developed as a single entity.
- B. Site Suitability - As evidenced by the *Existing Resources/Site Analysis Plan*, the Preliminary Subdivision Plan, and the Final Subdivision Plan, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.
- C. Combining the Design Options - The various layout and density options described in this section may be combined at the discretion of the Board, based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this section, as compared with applying a single option to the property.
- D. Intersections and Access - The number of driveways entering onto existing public streets shall be minimized. Instead, the development shall make maximum use of driveways entering onto an internal local street. Intersections and access shall be governed by the Township Subdivision and Land Development Ordinance.
- E. Sensitive Area Disturbance - The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the *Existing Resources and Site Analysis Plan*.
- F. Primary Conservation Areas - The design shall strictly minimize the disturbance of the following primary conservation areas. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Subdivision Plan

and the Final Subdivision Plan.

1. Wetlands
2. Floodway
3. Floodplain
4. Slopes in excess of twenty-five (25) percent
5. Rock outcrops and boulder fields more than one thousand (1,000) square feet in size.
6. The area within one hundred (100) feet of the top of bank of any stream classified as *high quality* or *exceptional value* by the Pennsylvania Department of Environmental Resources.

510.3 Minimum Parcel Size and Use Regulations

In the SC District, all tracts of ten (10) acres or more shall be subject to Conservation Design Development in accord with this Section 510. Separately deeded tracts in the SC District validly existing as of the effective date of this Section 510 may be developed as a standard subdivision in accord with the normal requirements of this Zoning Ordinance and the Township Subdivision and Land Development Ordinance.) In all other zoning districts tracts of ten (10) acres or more may be developed in accord with this Section 510 at the developers option. The following uses shall be permitted in Conservation Design Developments:

- A. Single-Family Detached Dwellings - Single-family detached dwellings in developments using Option1 - Basic Density and Basic Conservation or Option 2 - Increased Density and Increased Conservation in all zoning districts, and Option 3 - Country Properties in the SC District.
- B. Two-family Dwelling Units or Townhouses - Two-family dwelling units or townhouses in developments using Option1 - Basic Density and Basic Conservation or Option 2 - Increased Density and Increased Conservation at the same density as single-family dwellings, unless the units are otherwise permitted in the District where proposed, in which case the normal standards shall apply.
- C. Conservation Open Space - Conservation open space comprising a portion of residential development, as specified above and according to requirements of Section 510.5.
- D. Retail and Service Establishments - In developments of two hundred (200) or more dwelling units, retail and service establishments, as defined by this Ordinance, may be permitted as a conditional use. Such uses shall be an integral part of the design of the development and shall primarily serve the residents of the development. The development standards for the C-1 District shall apply.
- E. Other Nonresidential Uses - The following other non-residential uses:
 1. Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, and buildings related to the same.
 2. Wood lots, arboreta, and other similar silvicultural uses.
 3. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.

4. Municipal or public uses; public park or recreation area owned and operated by a public or private nonprofit entity or agency; governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal solid waste disposal facilities.
- F. Accessory Uses - Accessory uses shall be permitted on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use.

510.4 Option 1 and Option 2 Density Determination and Dimensional Standards

A. Density Standards and Minimum Required Conservation Open Space

1. Density Factor - The density factor for Option 1 and Option 2 Developments shall be one (1) dwelling unit per the required area for the Zoning District density factor as shown in the Density Standards Table. The number of permitted dwelling units is determined by dividing the adjusted tract acreage by the applicable density factor. In Option 1, the density factor is the same as that of a standard subdivision. In Option 2 the density factor has been reduced by ten (10) percent from that of a standard subdivision. The reduced density factor, when divided into the adjusted tract acreage, yields a bonus number of units.

DENSITY STANDARDS		
Zoning District	Density Factor - required area per dwelling unit	
	OPTION 1	OPTION 2
Density Requirements for Single-Family and Two-Family Dwellings		
RR & SC	87,120 square feet	78,400 square feet
R-1, R2, C-1, C-2, M-1, MP-RV with on-site (individual) sewage	87,120 square feet	78,400 square feet
R-1, R2, C-1, C-2, M-1, MP-RV with off-site (central) sewage	43,560 square feet	39,200 square feet
Density Requirements for Townhouses [off site (central) sewage required]		
RR & SC	87,120 square feet	78,400 square feet
R-1, M-1, MP-RV	43,560 square feet	39,200 square feet
R-2, C-1, C-2	governed by Section 511	

2. Minimum Required Conservation Open Space

- a. Option 1 developments shall include at least fifty (50) percent of the adjusted tract acreage plus all of the constrained land calculated in Section 510.4,D,1, as conservation open space.

- b. Option 2 developments shall include at least seventy (70) percent of the adjusted tract acreage plus all of the constrained land calculated in Section 510.4,D,1, as conservation open space.

- B. Dimensional Standards for Single-Family and Two-Family Dwellings - The dimensional standards in the following Table shall apply.

OPTION 1 AND OPTION 2 Dimensional Standards for Single-Family Detached and Two-Family Dwellings	
Minimum Individual Lot Area	5,000 sq ft
Minimum Lot Width at Building Line	60 feet
Minimum Street Frontage	20 feet
Yard Regulations - the principal building position and orientation should be varied.	
– minimum front	20 feet
– minimum rear	30 feet; 20 feet where the rear yard adjoins conservation open space
– minimum side	- 30 feet separation of principal buildings - no side yard less than 5 feet
Maximum Lot Coverage	40 percent per individual lot
Dimensional Standards for Townhouses - see Section 510.4,C	

- C. Dimensional Standards for Townhouses in Option 1 - Basic Density and Basic Conservation and Option 2 - Increased Density with Increased Conservation Subdivisions - The standards in the following Table, shall apply:

OPTION 1 AND OPTION 2 Dimensional Standards for Townhouses	
Minimum Individual Lot Area	none
Maximum Height Regulations	35 feet
Separation of Principal Buildings	35 feet
If individual lots are provided: Minimum Lot Width	18 feet (24 feet if a 2-car garage or parking of two cars side-by-side is provided in the front)

- D. Adjusted Tract Acreage - Determination of the maximum number of permitted dwelling units on any Option 1 or Option 2 development tract shall be based upon the adjusted tract acreage of the site. The adjusted tract acreage shall be determined by multiplying the acreage classified as being in the categories of constrained land by the numerical *constraint factor* for that category of constrained land, summing all factored constrained land areas, and then deducting the total

from the gross tract area. The following areas of constrained land shall be deducted from the gross (total) tract area:

Multiply the area of:	by this Constraint Factor:
rights-of-way of existing public streets or highways, existing or proposed overhead rights-of-way of utility lines, and any other rights-of-way	1.00
land under existing private streets	1.00
designated wetlands	0.95
floodway	1.00
100-year floodplain	0.50
natural ground slopes exceeding 25 percent	0.80
natural ground slopes of between 20 and 25 percent	0.60
rock outcrops and boulder-fields more than 1,000 square feet	0.90
ponds, lakes and streams	1.00

2. If a portion of the tract is underlain by more than one constrained area, that acreage shall be subject to the most restrictive deduction only.

510.5 Design Standards for Option 1 - Basic Conservation, and Option 2 - Increased Conservation

- A. Dwelling Lots - Dwelling lots shall not encroach upon Primary Conservation Areas and the layout shall respect Secondary Conservation Areas as identified in the Township Subdivision and Land Development Ordinance.
- B. Setbacks - All new dwellings shall meet the setback requirements in following Table:

DWELLING SETBACKS		
SETBACK FROM:	DWELLING TYPE	
	Single-Family and Two-Family	Townhouses
external road rights-of-way	75 feet	150 feet*
other tract boundaries	50 feet	100 feet*
crop land or pasture land	100 feet	
buildings or barnyards housing livestock	300 feet	
*governed by Section 511 in R-2, C-1 and C-2 Districts		

- C. Exterior Views - Views of dwellings from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the this Ordinance and the Township Subdivision and Land Development Ordinance.
- D. Dwelling Access - Dwellings shall generally be accessed from interior streets, rather than from roads bordering the tract.

510.6 Conservation Open Space Use and Design Standards

Protected conservation open space in all subdivisions shall meet the following standards:

- A. Uses Permitted on Conservation Open Space - The following uses are permitted in conservation open space areas:
 - 1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
 - 2. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
 - 3. Pasture land for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required conservation open space.
 - 4. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
 - 5. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Township.
 - 6. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required conservation open space or five acres, whichever is less.
 - 7. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation open space. However, water treatment plants and storage tanks, central sewage treatment plants and lagoons, and a 50-foot buffer around such facilities shall not be included within the minimum conservation open space requirement.
 - 8. Easements for drainage, access, sewer or water lines, or other public purposes.

9. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required conservation open space.
- B. Primary Conservation Areas - The primary conservation areas listed in Section 510.2,F shall be included in the conservation open space.
- C. Layout - The conservation open space shall be in the largest blocks possible and shall be laid out to ensure that an interconnected network of open space will be provided.
- D. Ownership - The conservation open space may be owned and maintained in accord with Section 506 of the Township Subdivision and Land Development Ordinance.
- E. Use by Development Residents - In no case shall the amount of land available for the common use and enjoyment of the subdivision residents be less than thirty (30) percent of the total conservation open space. Not less than fifteen (15) percent of the conservation open space shall be free of wetlands, floodway, slopes in excess of fifteen (15) percent, and rock outcrops and boulder fields more than one thousand (1,000) square feet in size; and, this minimum percentage shall be included in the conservation open space set aside for the common use and enjoyment of the subdivision residents.
- F. Buffers for Adjacent Public Park Land: Where the proposed development adjoins public park, state forest or state game land, a natural conservation open space buffer at least one-hundred-fifty (150) feet in width shall be provided within the development along its common boundary with such public land, within which no new structures or other improvements shall be constructed.
- G. Access - Pedestrian and maintenance access shall be provided to conservation open space reserved for subdivision residents so that each group of fifteen (15) dwelling units and/or lots is provided with at least one (1) centrally located access point a minimum of thirty-five (35) feet in width per fifteen (15) dwelling units and/or lots.
- H. Permanent Conservation Open Space - The required conservation open space shall be subject to permanent conservation easements prohibiting future development, prohibiting its use to meet open space requirements for any other development, and defining the range of permitted activities.

510.7 Standards for Option 3 - Country Properties in SC Districts

In the SC District, subdivisions which are comprised of lots of ten (10) acres or more in size may be developed in accord with the standards in this Section 510.7 and other applicable standards without providing common open space.

- A. Dimensional Standards The following dimensional standards shall apply:

OPTION 3 Dimensional Standards for Single-Family Detached Dwellings	
Minimum Individual Lot Area	10 acres
Minimum Lot Width at Building Line	200 feet
Minimum Street Frontage	100 feet
Maximum Lot Depth to Width Ratio	5:1
Yard Regulations - the principal building position and orientation should be varied.	
– minimum front	existing public roads - 150 feet from the right-of-internal subdivision roads - 50feet
– minimum rear	50 feet
– minimum side	50 feet
Maximum Lot Coverage	10 percent per individual lot

- B. Lot Area - Each ten-acre lot shall contain a minimum of two (2) acres of unconstrained land as calculated in accord with the definition of *lot area* in Article III.

511 Multi-Family Dwellings¹⁹

Multi-family projects are permitted in certain districts in accord with the Schedule of Uses in order to provide the opportunity for the development of a variety of housing types in the Township.

511.1 Project Design Process and Procedure

- A. Subdivision and Land Development - Multi-family projects shall be considered major subdivisions and land developments also subject to the Township Subdivision and Land Development Ordinance. This *major subdivision* classification shall apply to all subdivision of property in connection with the multi-family project, regardless of whether or not the same are connected with building development, and the approvals required for a multi-family project shall be requested and acted upon concurrently as one subdivision.
- B. Design Process and Procedure - All multi-family projects shall be designed and processed in accord with the Adjusted Tract Acreage Approach requirements for Conservation Design Developments contained in Section 510.4,D,1 of this Ordinance and the *Four-Step Design Process* at Section 612.1 in the Township Subdivision and Land Development Ordinance.
- C. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be

¹⁹ Amended: Ord. 2006-01

provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.

- D. Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in the same manner as required for Conservation Design Developments in Section 510 of this Ordinance. In no case shall the minimum open space be less than thirty (30) percent of the project parcel.

511.2 Bulk and Density Standards; Parcel Configuration

The bulk and density factors listed on the following Table shall apply to multi-family dwellings and projects without the application of any density bonuses. All land proposed for a particular multi-family dwelling project shall be part of the same parcel and contiguous.

MULTI-FAMILY DWELLING STANDARDS			
PROJECT STANDARDS	Townhouses	Garden Apartments	Apartment Buildings
Minimum size for project parcel (acres)	6	4	2
Density – square feet of useable land area required per dwelling unit (See Section 510.4,D,1 for adjusted tract acreage)	21,780	21,780	14,520
Maximum number of dwelling units per building	6	8	12
Maximum building height (feet)	35	35	35
Maximum lot coverage (percent)	see §511.1,D		
ADDITIONAL TOWNHOUSE STANDARDS			
Minimum Individual Lot Area	none		
Maximum Height Regulations	35 feet		
Separation of Principal Buildings	35 feet		
If individual lots are provided: Minimum Lot Width	18 feet (24 feet if a 2-car garage or parking of two cars side-by-side is provided in the front)		

511.3 Design Criteria

The following design criteria shall apply to multi-family projects:

A. Setbacks

1. Exterior Property Lines and Public Road Setbacks - All multi-family dwelling structures, access roads (except as required for entry to the property), driveways and parking areas shall comply with the following setbacks:

Number of Dwelling Units in Structure	Minimum Setback From	
	Project Parcel Exterior Property Lines	Public Road Right-of-Way
2	25 feet	50 feet
3 to 5	50 feet	50 feet
6 to 9	75 feet	50 feet
10 or more	100 feet	50 feet

2. Interior Setbacks - No structure in a multi-family dwelling project shall be constructed within twenty (20) feet of the edge of the shoulder of any access drive (without a designated right-of-way) to or through the development or within ten (10) feet of any parking area. Setbacks of multi-family project buildings from access roads through the project shall meet these minimums, however, setbacks of adjacent buildings shall be varied so that adjacent buildings have a setback variation of not less than five (5) feet.
- B. Road Standards - Access roads through the development shall comply with the street requirements of the Township Subdivision Ordinance for minor roads. Access drives serving twelve (12) units or less shall be considered driveways and need not meet minor road standards. Direct access of individual parking spaces to a minor road shall not be permitted, and any such access drive shall remain private.
- C. Building Separation - All principal multi-family structures shall be separated by a distance as may be required by any applicable building code, but in no case less than twenty (20) feet.
- D. Landscaped Buffers - Buffers, not less than fifteen (15) feet in width shall be provided in accord with Section 512.1 of this Ordinance where multi-family structures adjoin existing single-family dwellings, two-family dwellings or any District where such dwellings are not permitted. In all cases, a landscaping plan shall be prepared and submitted by the developer for approval by the Township.
- E. Pedestrian Access - Walkways of such design and construction as approved by the Township shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in the Township Subdivision Ordinance.
- F. Trash Storage - Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.
- G. Architectural Renderings - Preliminary architectural renderings, models or photos for multi-family dwelling projects of more than ten (10) dwelling units shall be provided at the time of submission of the conditional use application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, in

order to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.

- H. Townhouses: Facade Changes - A minimum of two (2) changes in the front wall plane with a minimum offset of four (4) feet shall be provided for every attached grouping of townhouses in one (1) building. This can be met by varying setbacks among different dwellings or varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages.
- I. Parking - Parking for multi-family dwelling projects shall comply with Section 505 of this Ordinance. In addition, for every two (2) units intended for rental or other transient occupancy, one (1) additional space to accommodate parking needs during sales and other peak visitation periods shall be provided.

511.4 Non-Residential Use

Non-residential uses and home occupations which employ persons other than unit residents shall not be permitted in a multi-family dwelling. Such ancillary facilities as laundry areas, service buildings, recreational facilities and the like for the use of the residents of the project shall be permitted. Where a developer proposes to construct multi-family units on property on which there are existing or proposed non-residential uses (other than ancillary facilities and open space uses) there shall be a minimum setback of the multi-family structures from such uses of two hundred (200) feet and the parcels shall be clearly segregated.

511.5 Conversions of Existing Structures

Conversions of existing structures to a multi-family dwelling use, regardless of whether such conversions involve structural alterations, shall be considered major subdivisions and, moreover, be subject to the provisions of this Section 511 and subject to the provisions of the Township Subdivision and Land Development Ordinance. If the proposed project does involve structural alterations, the Preliminary Plan shall include a certification of a registered architect or engineer to the effect that the existing structure is structurally sound and that the proposed conversion will not impair structural soundness.

511.6 Common Property Ownership and Maintenance

In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township in accord with Section 506 of the Subdivision and Land Development Ordinance. The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.

511.7 Water Supply and Sewage Disposal

All multi-family developments shall be served with off-site sewage facilities and off-site water supplies. Effluent disposal areas and any sewage treatment facilities shall not be placed upon individual dwelling lots and shall be a minimum of one hundred (100) feet from any public road right-of-way or exterior development property line. A reserve area suitable for a replacement disposal area equal in size to the required area shall be provided and so identified on the plan.

512 Commercial, Manufacturing and Industrial Standards²⁰

The intent of this Section 512 is to regulate the development and operation of all development in the Township and to protect the environment and the public health, safety and general welfare. The following performance standards shall apply to all existing, proposed new or expanded commercial, manufacturing and other non-residential uses. (Note - This section shall not apply to agricultural uses.) See also Section 517 for additional commercial standards.

512.1 Yards and Buffers

Unless otherwise regulated by this Ordinance, where a commercial or manufacturing use is proposed contiguous to any existing residential use or any RR, R-1 or R-2 District the minimum size of the abutting yard shall be increased by fifty (50) percent. Storage of equipment, supplies, products or any other materials shall not be permitted in any front yard or side yard.

In the case of conditional uses and special exceptions, landscaped buffers may be required by the Township in any yard in order to assure the protection of adjoining uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and, to otherwise maintain and protect the rural character of the District.

- A. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- B. The width of the required buffer, as determined by the Township, shall not be less than ten (10) feet.
- C. A mix of ground cover and shrubbery vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six (6) feet in height will be formed within three (3) years of planting.
- D. Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four (4) feet; however, all clear sight triangles shall be maintained.
- E. In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use, or when two or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Township shall determine that the proposed use and adjoining use(s) are not incompatible.
- F. Design details of buffers shall be included on the site plan, and buffers shall be considered "improvements" for the purposes of guaranteeing installation in accord with the requirements

²⁰ Amended: Ord. 1996-02.

for "land developments" in the Township Subdivision and Land Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

512.2 Fire and Explosion Hazards²¹

All activities involving any manufacturing, production, storage transfer or disposal of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer for review by the local fire company(s). In the case of conditional uses and special exceptions, larger setbacks, additional buffer areas or fencing may be required by the Township if the nature of the proposed use as determined by the Township so requires. All buildings shall comply with the most current BOCA and/or NFPA standards as required by the Board of Supervisors.

512.3 Radioactivity, Electric Disturbance or Electromagnetic Radiation

No activities shall be permitted which emit dangerous radioactivity, electrical disturbance or electromagnetic radiation adversely affecting the operation of any person or any equipment other than that of the creator of such disturbance. All applicable Federal regulations shall apply.

512.4 Noise

The maximum sound pressure level radiated by any use or facility at any lot line shall not exceed the values in the designated octave bands listed in Table 1, after applying the corrections shown in Table 2. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association, Inc., as designated by the Board of Supervisors.

- A. Maximum Levels - Maximum permissible sound pressure levels at the lot line for noise radiated continuously from any facility or activity between the hours of 9:00 p.m. and 7:00 a.m. shall be as listed in Table 1.
- B. Corrections - If the noise is not smooth and continuous, and is not radiated between the hours of 9:00 p.m. and 7:00 a.m., one (1) or more of the corrections in Table 2 shall be applied to the decibel levels in Table 1.

²¹ Amended: Ord. 90-01.

TABLE 1

Frequency Band (cycles/second)	Sound Pressure Level (decibels re 0.0002 dyne/cm)
20-75	69
76-150	60
151-300	56
301-600	51
601-1,200	42
1,201-2,400	40
2,401-4,800	38
4,801-10,000	35

TABLE 2

Type of Operation OR Character of Noise	Correction in Decibels
Day time operation only	+ 5
Noise source operation less than: a. 20% of any one-hour period b. 5% of any one-hour period c. 1% of any one-hour period	a. + 5* b. +10* c. +15*
Noise of impulsive character (hammering, etc.)	-5
Noise of periodic character (hum, scream, screech, etc.)	-5
* Apply only one of these corrections.	

C. Exemptions - The maximum permissible sound levels of this Section 512.4 shall not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency or building, equipment, or facility security alarms.
2. Repair or construction work to provide electricity, water or other public utilities between the hours of 7:00 a.m. and 9:00 p.m., except for emergency repairs which shall not be restricted by time.
3. Household power tools and lawn mowers between the hours of 7:00 a.m. and 9:00 p.m.
4. Construction operations (including occasional blasting in construction) and repairs of public facilities between the hours of 7:00 a.m. and 9:00 p.m., except for emergency repairs which shall not be restricted by time.
5. Agricultural activities, but not exempting kennels.
6. Motor vehicles when used on public streets in accord with state regulations.
7. Railroads and aircraft.
8. Public celebrations, specifically authorized by the Township Supervisors, the County, state or federal government body or agency.
9. Unamplified human voices.
10. Routine ringing of bells or chimes by a place of worship or municipal clock.

512.5 Vibration

No vibration shall be permitted which is detectable without instruments at or beyond the property line; and no use shall generate any vibration which is capable of causing damage to buildings, structures, equipment alignment, or structural soundness.

512.6 Lighting and Glare

A. Lighting shall be controlled in both height and intensity to maintain rural character; and lighting

design should be an inherent part of the project design. The standards of the Illuminating Engineering Society shall be used a guideline for the said design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance.

- B. All access ways, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs.
- C. No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source.
- D. No direct or sky-reflected glare, whether from overhead lighting, floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted so as to be visible at the property line.
- E. The intensity, height and shielding of lighting shall provide for adequate and proper safety, but shall not be a nuisance or hazard to drivers and residents of the Township.
- F. The maximum height of light standards shall not exceed the maximum building height of the district.
- G. The use of mercury vapor lighting shall be avoided.

512.7 Smoke

No emission shall be permitted from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954.

512.8 Odors

No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable without instruments at the property line of the parcel from which the odors are emitted. Odor beyond the lot line shall not exceed the lowest concentration of odorous matter that produces an olfactory response in human beings. This Section 512.8 shall not apply to permitted agricultural uses or to agricultural uses in an approved Agricultural Security Area, nor to odors normally coincident with permitted land uses so long as the odor characteristics are non-offensive as determined by the Zoning Officer based on the odor strength, characteristics and duration.

512.9 Other Forms of Air Pollution

No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can

cause any excessive soiling.

512.10 Surface and Ground Water Contamination

All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions shall be provided by the developer. The Township may require a plan to be submitted for review and approval and may require security for insuring contamination response.

512.11 Landscaping

A landscaping plan for the proposed project shall be prepared by the developer for review and approval by the Township. Landscaping shall be considered an improvement for the purposes of regulation by the Township Subdivision and Land Development Ordinance. The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be utilized, and details of installation. Landscaping shall be installed to the following minimum standards.

- A. All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.
- B. Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four (4) feet in width.
- C. Plants shall be of a type which are proven successful in Covington Township's climate.
- D. Where landscaping is required to serve as a buffer (e.g., between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within a reasonable number of years.
- E. The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
- F. All unusable areas in and around parking areas shall be landscaped.
- G. Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.
- H. Plastic landscape materials shall not be used.
- I. All trees to be planted shall have a trunk diameter of at least three-quarters (3/4) inch as measured one (1) feet above the ground, (fifteen gallon minimum size container).
- J. Ground cover shall be spaced to allow for complete fill-in within one (1) year of the date of planting.

- K. All shrubs not used for ground cover shall be at least five (5) gallons in size.
- L. Adequate soil preparation in accord with accepted landscape industry practices shall be required.
- M. All landscaping shall be maintained in good growing condition by the developer or the homeowners association.

512.12 Stormwater Management and Soil Erosion Control

A stormwater management plan and soil erosion control plan shall be provided to the Township for review and approval. Said plan shall be prepared and implemented pursuant to the standards contained in the Covington Township Subdivision Ordinance and any special purpose stormwater management ordinances adopted by the Township; and the Lackawanna County Conservation District. See also Section 532 of this Zoning Ordinance.

512.13 Waste Materials

No liquid, solid, toxic or hazardous waste shall be stored or disposed in any commercial area, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air contamination. No waste shall be stored on site for a period exceeding six (6) months. In addition, no waste discharge is permitted into a reservoir, sewage or stormwater disposal system, stream, open body of water or into the ground.

512.14 Sewage Disposal

Sewage disposal shall be provided by a system meeting the requirements of the Pennsylvania Department of Environmental Resources. Discharge to such system shall be limited to human wastes. No discharge of wastes or materials in any way associated with a production process shall be permitted to any sewage system.

512.15 Other Regulations

Documentation shall be provided by the applicant demonstrating that the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including but not limited to the PA Department of Transportation, the Pa Department of Environmental Resources, the PA Department of Labor and Industry, the Federal Emergency Management Agency and the U.S. Environmental Protection Agency.

512.16 Trailers Used for Storage²²

Storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted except in accord with this Section 512.16. In C-1, C-2 and M-1 Districts, trailers, if maintained in good condition, shall be permitted as an accessory use for

²² Added: Ord. 1999-02.

storage on the site of an approved commercial or manufacturing use. The placement of said trailers shall require an accessory use permit from the Township. Such trailers shall meet the setback requirements of this Ordinance, and shall not be used for the storage of any flammable or hazardous material except in accord with applicable state and federal regulations.

512.17 Security²³

In cases where deemed necessary by the Township (detention facilities and drug treatment centers, for example), the applicant shall provide a plan addressing security needs to protect the health and safety of the public as well as the occupants of the proposed facility. Such plan shall include a description of the specific services to be offered, types of patients and/or residents to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required with care of the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof. The plan shall also address measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

512.18 Access²⁴

Not more than one entrance and one exit shall be provided to any public right-of-way. This entrance shall be clearly defined and provided with curbing, fencing or vegetative plantings to restrict access to the defined entrance and exit. The Board of Supervisors may require a traffic study, and provision for traffic control means, for any entrance and exit.

The Zoning Officer shall determine that the above standards are satisfied prior to issuing a Certificate of Use for the use.

513 Junk Yards

Junk yards shall be allowed, as conditional uses, in the M-1 District only and in addition to the requirements of the Covington Township Junk Yard Ordinance, #88-03, shall be subject to the conditional use criteria contained in Section 509 of this Ordinance and the following additional standards. In cases where the standards in this Ordinance and the standards in Ordinance #88-03 differ, the more restrictive shall apply:

- 513.1 Any junk yard located adjacent to a Federal Aid highway shall comply with all regulations of the Federal Highway Administration, and all junk yards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.
- 513.2 No junk yard shall be located closer than two hundred (200) feet to any other existing public right-of-way. Provided however, that the Township may permit a reduction of the required set back where the subject property has natural features adequate to provide screening from the public right-of-way; however, the setback shall not be reduced to less than seventy-five (75) feet.

²³ Added: Ord. 1999-02.

²⁴ Added: Ord. 2006-05.

- 513.3 All junk yards shall be completely enclosed by a chain link fence not less than ten (10) feet in height. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. Junk shall not be stacked so as to exceed the height of said fence. It is further provided that the foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.²⁵
- 513.4 Such fence and any structures associated with the junk yard shall not be located closer than fifty (50) feet to any property line or two hundred (200) feet to any public right-of-way or within two hundred (200) from principal residential structures existing at the time of adoption of this Ordinance; or one hundred (100) feet to any Residential District.
- 513.5 All junk yards shall be screened from view from all adjoining properties and any public right-of-way and natural vegetative cover shall be maintained in all required yards. Vegetative plantings of sufficient density or fencing of such design to effect the required screening may be used.
- 513.6 The area used for a junk yard shall not be used as a dump area for trash or garbage.
- 513.7 No burning whatsoever shall be permitted on the premises.
- 513.8 No junk yard shall be located closer than two hundred (200) feet to any body of water, stream, wetland, or well except the well serving the property.
- 513.9 To further protect ground water and surface water all batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials must be removed from all junk within two working days after arrival to the premises and shall be disposed in a manner meeting all state and federal requirements. Such liquids and materials while stored on the premises shall be kept separately in leakproof containers at a central location on the premises.
- 513.10 The owner of any junkyard shall be required to monitor the ground and surface water in the vicinity of the junk yard. Water testing shall be conducted every three months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage of junk if water drainage from the junk yard area is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point upstream of the junkyard drainage area and one sample shall be taken from the stream at a point below the junk yard drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Board of Supervisors, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Resources, the junkyard shall cease operation until such time as the source of the contamination has been identified and

²⁵ Amended: Ord. 1999-02.

corrected.

513.11 Fire lanes of a minimum width of twenty (20) feet shall be maintained so that no area of junk shall span a distance of more than fifty (50) feet.

513.12 The junkyard operation shall comply with Section 512.4 of this Zoning Ordinance governing noise.²⁶

513.13 Any activity associated with the operation of the junk yard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m. and not on Sundays. During business hours, an adult attendant shall, at all times, remain on the premises.

513.14 Applications for permits for junk yards, in addition to meeting the requirements of this Ordinance for permits, shall follow the plan submittal and approval process established by the Township Subdivision and Land Development Ordinance for land developments and major subdivisions.

513.15 No junk shall be stacked or piled to a height of greater than six (6) feet.

513.16 All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. All grass and weeds on the premises shall be kept mowed and shall not be permitted to seed.

513.17 Paper, rags, plastic materials, and other rubbish shall not be stored outside and shall not be accumulated or remain on any premises for more than one month.

513.18 The premises shall have a well which will provide adequate water supply.

513.19 Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.

513.20 All junk yards shall be subject to Township licensing and record keeping requirements which shall be established by the Board of Supervisors.

513.21 Certain financial guarantees may be required from the owner/operator to insure the proper operation, maintenance and/or dissolution of the junk yard.

514 Water and Sewer

All uses shall be provided with an adequate water supply, as demonstrated by evidence to be provided by the applicant, and with a sewage disposal system meeting the needs of the proposed use and meeting the requirements of the Township and the Pennsylvania Department of Environmental Resources. Any sewage treatment plant facilities or subsurface absorption areas for off-site sewage disposal systems shall be a

²⁶ Amended: Ord. 1999-02.

minimum of fifty (50) feet from any public road right-of-way or exterior development property line and shall not be placed on individual building lots. Evidence of legal rights-of-way for any sewage line not located on the development property shall be provided by the applicant. In cases where community on-lot subsurface sewage disposal is proposed, a reserve area shall be provided that is adequate for the installation of a replacement disposal system.

515 Minimum Residential Standards

In addition to the standards required by the Covington Township Building Code, Ordinance #87-2, the following standards shall apply to residential structures:

515.1 Foundations

Any new structure intended for residential occupancy, whether permanent or seasonal, shall be erected on a permanent, frost-free foundation consisting of a full basement or a crawl space.

515.2 Water and Sewer

No building or structure shall be occupied for dwelling purposes unless served by adequate water supply and sewage disposal including as a minimum a toilet, bath and/or shower, indoor plumbing, and an approved sewage disposal system.

516 Mobile Homes on Individual Lots

It is the intent of this Section to provide for the placement of mobile homes on individual building sites not in mobile home parks while at the same time preserving the character of the Township and protecting adjoining property values. This Section 516 shall not apply to recreational vehicles.

516.1 Bulk Requirements

Mobile homes shall comply with lot area, yard height, and other requirements established by this Ordinance.

516.2 Foundation

Mobile homes shall be placed upon and permanently attached to a complete, permanent, frost-free foundation consisting of a full basement, a crawl space or piers; or a floating slab with a minimum of four (4) inches of concrete, reinforced with wire fabric, placed on four (4) inches of compacted 2-B stone.

516.3 Piers or Slabs

If piers or a slab are utilized, skirting consisting of permanent building material attached to the mobile home and extending to ground level shall be provided in order to prevent exposure of the underside of the mobile home.

517 Multiple Occupant Commercial Uses²⁷

Multiple occupant commercial uses are permitted as conditional uses in certain Districts. In addition to the standards in Section 509 of this Ordinance the following standards shall apply.

517.1 Plan

A plan shall be provided by the developer to include, at a minimum, the information required for preliminary plans for major subdivision by the Township Subdivision Regulations.

517.2 Design Criteria

- A. The District minimum lot size, building height, yard and maximum lot coverage ratio set forth in the Schedule of Development Regulations shall be maintained. Nevertheless, larger lot sizes may be required based on parking, sewage disposal, stormwater management and other considerations.
- B. Parking and loading shall be provided pursuant to Section 505 of this Ordinance. Parking and loading space requirements shall be determined by summing the required parking and loading spaces required for each individual use proposed for the proposed project. No more than sixty (60) parking spaces shall be provided in one lot, nor more than fifteen (15) in a continuous row without being interrupted by landscaping. All off-street parking shall be adequately lighted and so arranged as to direct light away from residences.
- C. Not more than one entrance and one exit shall be provided on any public right-of-way. Such entrance and exit shall be clearly defined with curbing, fencing or vegetative plantings to restrict access to the defined entrance and exit.
- D. A storm water management plan meeting the requirements of the Township Subdivision Regulations shall be provided.
- E. In cases where the project parcel adjoins an existing residential structure or a Residential District or where a project structure exceeds five-thousand (5,000) square feet in total floor area (excluding attics and basements), side yards and rear yards shall be increased to provide an area adequate to buffer adjoining uses.
- F. No structure shall be erected within a distance equal to its own height of any other structure.

518 Solid Waste Facilities and Staging Areas²⁸

Solid waste facilities including transfer stations, and staging areas, herein referred to as facilities, shall be considered conditional uses in the M-1 District only, and in addition to the standards in Section 509, Section 512 and other applicable standards of this Ordinance, shall be subject to the following restrictions, which shall apply to both existing and proposed solid waste facilities. The Board of Supervisors shall determine that all said standards will be satisfied prior to granting any conditional use approval.

²⁷ Ordinance 2006-05 deleted "shopping centers" from Section 517.

²⁸ Section 518 amended per Ordinance 90-01.

518.1 The applicant shall submit to the Township for approval a traffic study and plan which shall comply with the following requirements:

- A. Any facility located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration.
- B. Any facility located adjacent to a State Highway shall comply with all regulations of the Pennsylvania Department of Transportation.
- C. The traffic study and plan shall establish the most direct proposed route or routes for vehicles carrying solid waste to the facility. This route shall minimize impacts on any hospital, residential home, commercial, retail establishment, public school or religious institution.
- D. The traffic impact study and plan shall include proposed remedial actions to be taken in the event of a solid waste spill or accident involving a vehicle transporting solid waste.

518.2 No facility created after the effective date of this ordinance shall be located closer than seven hundred and fifty (750) feet to an existing public right-of-way or property line; residential structure; public, semi-public or institutional use; or commercial or recreational facility.

518.3 All solid waste disposal facilities shall be completely enclosed by a chainlink fence not less than ten (10) feet in height. The erection of said fence shall be completed within six (6) months after the effective date of this Ordinance for existing solid waste disposal facilities and within six (6) months after the issuance of a license for a new solid waste disposal facility. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.

518.4 Such fence and any structures associated with the solid waste disposal facilities shall not be located closer than two hundred (200) feet to any property line or seven hundred and fifty (750) feet from any public right-of-way or within seven hundred and fifty (750) from principal residential structures existing at the time of adoption of this Ordinance.

518.5 All existing and proposed solid waste disposal facilities shall prepare and submit to the Township an Environmental Impact Statement pursuant to Section 531 of this Ordinance, and shall fully comply with the regulations of the Pennsylvania Department of Environmental Resources.

518.6 All solid waste facilities and staging areas which store the solid waste at any stage prior to disposal at an approved facility shall maintain the aforesaid solid waste within a completely enclosed building. Storage of materials, supplies or solid waste in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted unless the aforesaid motor vehicles, truck trailers or other containers shall be stored within a building.

518.7 The facility shall provide for treatment and disposal for all liquid effluent and discharges generated by the facility due to the storage, washing or other process used in processing the solid waste. Any water discharge from the facility after being treated by the wastewater treatment

system shall meet all applicable Department of Environmental Resources regulations.

518.8 The owner of any solid waste disposal facility shall be required to monitor the ground and surface water in the vicinity of the facility. Water testing shall be conducted every three months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage or disposal of solid waste if water drainage from the facility is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point upstream of the solid waste disposal facility drainage area and one sample shall be taken from the stream at a point below the facility drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Board of Supervisors, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Resources, the solid waste disposal facility shall cease operation until such time as the source of the contamination has been identified and corrected.

518.9 All stormwater collected on site shall be treated by the facility's wastewater treatment system. Parking of trucks loaded with solid waste or which have not been properly cleaned and washed shall only be permitted in buildings, handling areas or parking areas in which containment of spillage, leakage or other contaminants is provided.

518.10 In cases where natural vegetation is not adequate to screen the facility from view from adjoining properties or roads, a dense evergreen planting to effect such screening shall be provided and maintained by the applicant in accord with a planting plan submitted by the applicant and approved by the Township.

519 Towers²⁹

The placement of any Tower, Communication Tower or Windmill in the Township shall be governed by this Section. A Tower, Communication Tower or Windmill may be allowed provided such use shall not adversely affect the character of the immediately surrounding neighborhood, whether through negative visual impact or otherwise, as determined at the Conditional Use Hearing or the Special Exception Hearing.³⁰

Before a new Communications Tower is permitted, any existing site(s) must be utilized to co-locate the new Array. The applicant shall have the burden of proving that there are no feasible existing structures or towers upon which to locate the applicant's Array.

519.1 Communication Tower and Windmill Design³¹

Communication Tower design and construction shall be such as to meet all expected needs within the next 25 years and designed to support at least five additional Arrays. All Communication Towers constructed shall be designed for and considered to be co-location towers. Communication Tower and

²⁹ "Communication Towers" added: Ord. 2004-01. Section 519 renamed "Towers" in Ord. 2005-02. Ordinance 2004-01 was rescinded by enactment of Ordinance 2005-02.

³⁰ Amended: Ord. 2005-02.

³¹ Added: Ord. 2005-02.

Windmill design, material specifications, load/wind capacity shall be certified to meet the latest revised ANSI/ELA/TIA 222 or other applicable standards. Any changes to the design, other than routine maintenance shall require Township approval by the Planning Commission and the Board of Supervisors.³²

Communication Towers shall not exceed a height of 150 feet above the average terrain level, including those placed on top of structures. Windmills shall not exceed a height of 350 feet above the ground. For Communication Towers placed on buildings or other structures such as towers, water tanks, utility poles, etc., the maximum height shall be no more than 50 feet above the average height of trees or buildings within 300 feet of the site, which ever is the lesser. Electrical service to free standing Communication Towers shall be by underground means. Monopole shall be the preferred design for Communication Towers in the Township.³³

519.2 Tower, Communication Tower and Windmill Sites³⁴

All Communication Tower sites must be located a minimum of 200 feet away from any residence, school, church or public building, except in those situations where the Communication Tower is located on top of a public building. A Windmill shall be placed twice the total height from existing residences, schools, hospitals, churches and public buildings.³⁵

Property line set back fall zones are required and shall be equal to 120 percent of the height of the Communication Tower or Windmill and any attachments. The Fall Zone of a Tower shall be 120 percent of the height. The Fall Zone shall be deemed to be met if the Communication Tower is located on an existing public building that has sufficient open space surrounding it to meet Fall Zone requirements and it is determined that sufficient additional safety measures are in place.³⁶

Access to the Tower, Communications Tower and Windmill sites by vehicular traffic shall be such as to also allow access by fire trucks and emergency vehicles. When access is not by a public street, the minimum width of an easement for access shall be 25 feet.³⁷

The recommendation of the Township Planning Commission regarding the proposed Communication Tower or Windmill site shall be submitted to the Board of Supervisors prior to the Conditional Use hearing request being submitted to the Board by the applicant.³⁸

519.3 Tower Security

The Communication Tower area, including guy wires, guy wire anchors, blade sweep areas and electrical distribution systems, shall be secured by an eight-foot high chain link fence that completely encloses the Communications Tower, guy wires and guy wire anchors. Windmill structures shall not

³² Amended: Ord. 2005-02.

³³ Amended: Ord. 2005-02.

³⁴ Amended: Ord. 2005-02.

³⁵ Amended: Ord. 2005-02.

³⁶ Amended: Ord. 2005-02.

³⁷ Amended: Ord. 2005-02.

³⁸ Amended: Ord. 2005-02.

be climbable, and access doors of Windmills shall be lockable to prevent access to the Windmill.³⁹

519.4 Minor Subdivision

When a Communications Tower or Windmill site is leased for a period of years, with renewal rights, the leased land will not constitute a subdivision from a larger parcel, and will not require minor subdivision approval. If title to a site is to be transferred at the time of application to construct a Communication Tower or Windmill and the site is part of a larger parcel, approval of a minor subdivision is required. Water, other than for facility cooling purposes, and sewage facilities shall not be permitted at Communication Tower or Windmill sites to preclude person(s) from living or staying on the site. Should an existing structure with water and sewage facilities be utilized as a Communication Tower base, then said facilities shall be allowed. Maintenance people are expected to leave the site at the end of any work day.⁴⁰

519.5 Tower, Communication Tower and Windmill Construction⁴¹

Construction of communication towers shall meet the following minimum criteria:

- A. Certification signed and sealed by a professional engineer, licensed in Pennsylvania, documenting that the Tower, Communication Tower or Windmill will withstand the maximum wind loads known to have impacted, or reasonably anticipated to impact the Township, at maximum anticipated ice and snow loads.⁴²
- B. Communication Towers to be placed on existing structures or buildings shall require engineer certification that the tower will not cause the structure to which it will be attached to fail.
- C. The Tower, Communication Tower or Windmill design will be such as to minimize visual impact on the surrounding neighborhood. The Tower and Communication Tower will be kept painted so as to be less noticeable and properly maintained. Stealth Towers, a kind of Communication Tower, are recommended and may be required by the Township if the site will adversely affect the surrounding or nearby residential community view. No sign advertising or exterior lighting to illuminate the Communication Tower or Windmill shall be allowed, other than safety lighting required by the FAA or other government agency.⁴³
- D. Communication Tower and Windmill electrical grounding shall exceed the minimum standards in effect at the time of application. The Township Engineer shall make the final approval of the grounding.⁴⁴

³⁹ Amended: Ord. 2005-02.

⁴⁰ Amended: Ord. 2005-02.

⁴¹ Amended: Ord. 2005-02.

⁴² Amended: Ord. 2005-02.

⁴³ Amended: Ord. 2005-02.

⁴⁴ Amended: Ord. 2005-02.

519.6 Tower, Communication Tower and Windmill Inspections⁴⁵

The operator of a Communications Antenna, Communications Tower or Windmill shall be required to submit annual inspection reports to the Township Zoning Officer which shall include an engineer certification of structural integrity, continued compliance with FCC emission standards and compliance with other applicable municipal, state and federal regulations.⁴⁶

519.7 Site Survey Map

A survey map showing the following information shall be submitted at the time of application to the Planning Commission.

- A. Perimeter boundary lines of the Tower, Communication Tower or Windmill site and of the larger parcel from which it is taken.⁴⁷
- B. The landowner(s) of the proposed Tower, Communication Tower or Windmill site with Deed book, PIN No. or Instrument Number reference, and the landowner(s) of all adjoining properties Deed Book, PIN No. or Instrument Number references.⁴⁸
- C. North arrow and map scale.
- D. Dimensions of properties and 10-foot contour lines.
- E. Access to the proposed site by vehicular traffic if the proposed site does not abut a public right of way.⁴⁹
- F. Tower, Communication Tower or Windmill height, location, blade size and placement of all ancillary improvements to include electrical distribution systems.⁵⁰
- G. Distance to and location of nearest public road(s).
- H. Building locations (within 300 foot radius) with designations (residence, school, etc.)
- I. Location of grounding grid.
- J. Fall zone and chain link fence or other security barrier location.
- K. Approximate location of proposed electrical service distribution system to and from existing power company lines.⁵¹
- L. The signal propagation pattern, to include horizontal and vertical planes, and pre and post construction R F map.
- M. Required set back lines for the zone in which the site is located.⁵²
- N. The maximum size of any initial or proposed horizontal extensions of antennas, support structures or arrays for a Communication Tower shall be shown on separate drawings. This is deemed necessary to preclude any potential overhanging of set back lines.⁵³

519.8 Notification of Problems

⁴⁵ Amended: Ord. 2005-02.

⁴⁶ Amended: Ord. 2005-02.

⁴⁷ Amended: Ord. 2005-02.

⁴⁸ Amended: Ord. 2005-02.

⁴⁹ Amended: Ord. 2005-02.

⁵⁰ Amended: Ord. 2005-02.

⁵¹ Amended: Ord. 2005-02.

⁵² Amended: Ord. 2005-02.

⁵³ Amended: Ord. 2005-02.

Maintenance of the Tower, Communication Tower or Windmill shall be monitored by the Township through the Zoning Officer. There shall be affixed to the Security Barrier in an accessible, visible place for a Communication Tower or Windmill the name and mailing address of the owner(s) and a 24 hour emergency telephone number. This address shall be kept current by the owner(s). The Zoning Officer shall inform the owner(s) of safety problems, maintenance problems or any matter relative to the Tower, Communication Tower or Windmill in accordance with Section 606 of the Zoning Ordinance, sent to the address on the Security Barrier or other address given to the Zoning Officer. If the problem outlined in the letter from the Zoning Officer is not resolved within 30 days of receipt of notice, or within such other period as allowed in writing by the Zoning Officer, this shall constitute a violation of the Zoning Ordinance and Section 607 of the Zoning Ordinance shall apply. An unresolved violation shall constitute grounds for revoking the Tower Permit.⁵⁴

519.9 Permits

The Planning Commission shall recommend approval or disapproval of an applicant's Communication Tower or Windmill application, plans and Site Survey Map. The Supervisors shall then have 60 days from the date of the meeting of the Planning Commission to hold the Conditional Use hearing.⁵⁵

Upon approval of a Communication Tower or Windmill application and payment of all applicable fees, a Tower Permit will be issued by the Township. A bond in form and amount satisfactory to the Township will be required to guarantee tower removal, with a minimum face amount of \$50,000 for each Communication Tower or Windmill. This must be valid for the 10 year period of the Tower Permit and it must be received and approved by the Township before the Tower Permit will be issued. A building permit will also be required for initial construction of the Communications Tower or Windmill.⁵⁶

The Tower Permit will be valid for 10 years from the date of issue unless sooner revoked for violations of the Zoning Ordinance. Application for renewal of a Tower Permit may be made at the end of every 10 year period. The application for renewal shall be made in writing to the Zoning Officer, who will present the renewal application to the Board of Supervisors. The Board of Supervisors may approve the renewal by resolution, or the Board may require a Conditional Use hearing on the application for renewal. Tower Permit renewal will require payment of the prescribed fee.

Should the Township revoke the Tower Permit for violations of the Zoning Ordinance, the date of the revocation will start a 180 day period of shutting down the use of the Communications Tower or Windmill. The Township may require the removal of the Communications Tower or Windmill, the Security Barrier, the Equipment Shelter and Related Equipment after 180 days have passed, as required in the removal agreement executed by the applicant. This removal must then be completed within 60 days.⁵⁷

519.10 Fees

⁵⁴ Amended: Ord. 2005-02.

⁵⁵ Amended: Ord. 2005-02.

⁵⁶ Amended: Ord. 2005-02.

⁵⁷ Amended: Ord. 2005-02.

\$500.00 - Initial site application to Planning Commission.⁵⁸

\$300.00 - Subsequent applications to co-locate on same Communication Tower and/or add additional arrays to a Communication Tower.⁵⁹

Because the establishment of Towers, Communication Towers and Windmills necessarily makes large structures part of the coordinated community development in Covington Township, the Township shall establish a yearly permit fee for each Tower, Communication Tower and Windmill as part of the approval process for any application. The yearly permit fee may include increases to account for inflation. The yearly permit fee shall consider regulation at, along or near agricultural lands, major thoroughfares, airports, residential housing, and other places having a special character or use affected by their surroundings; the natural and scenic values of Covington Township; and public health, safety and general welfare of Covington Township.⁶⁰

The applicant shall deposit with the Township an amount to reimburse the Township for professional fees incurred by the Township in evaluating the application for the Tower Permit. This amount shall be in addition to aforementioned fees.

519.11 Zone Requirements

The requirements of the Zoning District in which the proposed Communication Tower or Windmill is to be located shall apply to the construction and maintenance of the Communication Tower or Windmill, and these may be considered by the Board of Supervisors in the Conditional Use hearing and by the Planning Commission in its recommendation.⁶¹

Any application that places a Communications Tower in a non-permitted District will require a variance from the Zoning Hearing Board.

519.12 Application

The Application to construct a Communication Tower or Windmill in the Township shall be made to the Zoning Officer on a zoning permit form. The Zoning Officer will forward the application, when complete, to the Township Planning Commission. The following information will be included with this application.⁶²

- A. Identification of the applicant, the owner, the owners of Arrays on the Communication Tower, with copies of applicable current FCC licenses or other applicable licenses for all parties in interest.⁶³
- B. A Site Survey Map as outlined in Section 519.7.
- C. Visual impact analysis (stealth towers recommended for Communication Towers).⁶⁴

⁵⁸ Added: Ord. 2005-02.

⁵⁹ Added: Ord. 2005-02.

⁶⁰ Added: Ord. 2005-02.

⁶¹ Amended: Ord. 2005-02.

⁶² Amended: Ord. 2005-02.

⁶³ Amended: Ord. 2005-02.

⁶⁴ Amended: Ord. 2005-02.

- D. Environment assessment, to include a complete copy of Phase I report and supporting documentation.
- E. Statement as to what Related Equipment, including equipment enclosures/shelters, will be located on site. Backup power from on-site generators is allowed as long as the generators meet the requirements of the Township's Noise Ordinance.⁶⁵
- F. Drawing of proposed Communication Tower or Windmill and pictures of similar existing structures from other locations, to include proposed accessory buildings or structures and electrical distribution systems.⁶⁶
- G. Drawing of the Communication Equipment Building, the Security Barrier and proposed ground screening by shrubbery, plantings, etc. for these structures.
- H. Site search analysis to include scope of applicant's search for existing structures, sites in preferred land use areas and the rationale for selecting the proposed site.
- I. Statement that the Communication Tower design will accommodate not less than five (5) additional Arrays.⁶⁷
- J. A Removal Agreement signed by the owner stating that the tower will be removed within 180 days of cessation of use. This must be notarized or bear a corporate seal. The Removal Agreement must state that the owner(s) shall remove all foundations, all surface structures or devices, restore the surface of the site back to the contours that existed prior to the development of the site and seed the site.
- K. Statement by a registered engineer as to the noise levels emanating from existing installations of the type proposed, to include decibels of sound and frequencies heard at various distances and at the base of the Communications Tower or Windmill.⁶⁸
- L. Proof of compliance with applicable FCC, FAA, Commonwealth Bureau of Aviation, and other state and local rules and regulations that apply to the Communications Tower or Windmill.⁶⁹
- M. A Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence covering the proposed Communications Tower or Windmill, related structures and site, and an additional umbrella policy in the amount of \$10,000,000 covering the same items, both having the Township name as an additional, insured party. This must be maintained for the duration that the Communications Tower or Windmill is erected in the Township, and both policies must have clauses that give 30 days notice to the Township before coverage under the policies cease.⁷⁰

519.13 Scope

This Section 519 of Article IV is intended to regulate all types of telecommunication services including functionally equivalent services such as, but not limited to, cellular, personal communication, enhanced specialized mobile radio, specialized mobile radio and paging that require some form of Communication tower or signal enhancing structure. It is also intended to regulate all types of Windmills, Windmill farms and the associated uses for which the Windmills are constructed. Finally, it is intended to have review by the Zoning Hearing Board of all construction of Towers, other than Communication Towers

⁶⁵ Amended: Ord. 2005-02.

⁶⁶ Amended: Ord. 2005-02.

⁶⁷ Amended: Ord. 2005-02.

⁶⁸ Amended: Ord. 2005-02.

⁶⁹ Amended: Ord. 2005-02.

⁷⁰ Amended: Ord. 2005-02.

and Windmills, as Special Exceptions to assess their impact on the Township and provide for restrictions under the Special Exception criteria.⁷¹

519.14 General Criteria for Approval of Windmills⁷²

The following general criteria shall apply for the granting of conditional use approval for Windmills.

- A. Audible noise from a Windmill shall not exceed fifty (50) dBA for any period of time, when measured at any residence, school, hospital, church or public building existing on the date of application.
- B. In the event that audible noise from a Windmill contains a pure steady tone, such as a whine, screech or hum, the standard for audible noise shall be reduced to five (5) dBA. A pure tone exists if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one-hundred and twenty-five (125) Hz.
- C. Signal interference to radio, telephone or television shall be mitigated or minimized.
- D. Repair of damage to Township roads from their use for construction of Windmills shall be reimbursed.

The provisions of this Ordinance are severable. If any article, clause, provision or portion of this Ordinance shall be held to be invalid, illegal or unconstitutional by any court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Covington Township that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, or section had not been included herein.

Wherever there exists a difference between the minimum standards and/or dimensions specified herein and those contained in the Zoning Ordinance or other official regulations, the highest and strictest standards shall apply.

520 Peddling

Peddling shall be governed by the Covington Township Peddling Ordinance.

521 Manufactured Housing Sales Operation

521.1 Procedures

Manufactured housing sales operations shall be considered Land Development and shall comply with

⁷¹ Amended: Ord. 2005-02.

⁷² Added: Ord. 2005-02 (entire section 519.14).

the requirements of the Township Subdivision and Land Development Ordinance.

521.2 Standards

Manufactured homes on display:

- A. Shall be permitted only on the same lot with a permitted principal commercial use.
- B. Shall not be placed upon permanent foundations.
- C. Shall comply with the yard and height requirements for principal structures and shall be included in the maximum lot coverage calculations.
- D. Shall not be served by any water supply or sewage disposal facilities.
- E. Shall not be located closer than twenty (20) feet to any other manufactured home or a principal structure.

522 Hotels, Motels, and Resort Facilities

This section is intended to provide specific standards for the development of hotels, motels, seasonal cottages and other resort facilities at unit densities that allow full use of the project parcel. Specific performance standards are provided to allow for flexibility of design and to insure the protection of adjoining properties and the public health, safety and general welfare.⁷³

522.1 Density

Density of units and facilities shall be determined by the character of the project parcel and compliance with the standards in this Section 522 and this Ordinance, and other applicable Township regulations. However, the number of rentable units shall not exceed ten (10) per acre.

522.2 Design Criteria

- A. Yard, building height, lot width and depth, and lot coverage ratios applicable to the District shall be maintained.
- B. In cases where the project parcel adjoins a Residential or where a project structure(s) exceed(s) fifteen hundred (1,500) square feet in total floor area, larger front side and rear yards may be required.
- C. No structure shall be erected within a distance equal to its own height of any other structure.
- D. A storm drainage plan shall be provided that is adequate to meet the provisions of the Township Subdivision and Land Development Regulations.
- E. Rental units of hotels, motels, seasonal cottages and resort facilities shall not be utilized as a permanent residence as defined by Pennsylvania Law.
- F. All facilities in a hotel, motel or resort facility project shall be on the same parcel of property and

⁷³ Amended: Ord. 1999-02.

shall clearly intended to serve the tourist trade and shall not contain any commercial facility unless such commercial facility is otherwise permitted in the subject property or it is clearly demonstrated such commercial facility is intended solely for the lodging guests of the resort facility.

522.3 Plan

A plan including the items required for land development plans by the Township Subdivision and Land Development Ordinance shall be submitted with the project application.

523 Stables and Kennels⁷⁴

523.1 Stables, Private

Private stables are permitted as an accessory use to a single-family residence in any District except the MP-RV District and shall be subject to the following conditions:

- A. Parcel Size - A minimum parcel of two (2) acres shall be required for the residence and stable.
- B. Number of Horses - No more than two (2) horses shall be kept except that one (1) additional horse may be kept for each additional full one (1) acre of land.
- C. Building Size - Two hundred (200) square feet of stable building area shall be provided for each horse kept on the property.
- D. Setbacks - No stable building or corral or other indoor or outdoor area used for feeding of animals or manure storage shall be located within one hundred (100) feet of an adjoining or neighboring property line and seventy-five (75) feet from any public or private road. These setbacks shall not apply to property lines where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback.
- E. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means.
- F. Uses Prohibited - The following types of uses shall not be permitted as part of the horse farm operation:
 - 1. The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.
 - 2. Commercial horse racing.
 - 3. Sale of horses other than the horses raised on the premises.
 - 4. Retail or wholesale sales of any goods or merchandise.
- G. Existing Structures - On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of horses, which structure does not meet the required setbacks of Subsection "D" of this Section 523.1, may be permitted as a conditional use provided the applicant can

⁷⁴ Amended: Ord. 1996-02.

document that nuisances such as noise, odor, dust and the like will be minimized; and, the Township can establish adequate conditions to assure the same.

523.2 Stables, Commercial

Commercial stables shall comply with Section 509 of this Ordinance and the following conditions:⁷⁵

- A. Parcel Size - A minimum parcel of five (5) acres in the RR District and twenty (20) acres in the R-I District shall be required and a single-family residence for the owner or manager shall be permitted on the premises provided all other Sections of this Ordinance and other applicable standards are met.
- B. Number of Horses - No more than one (1) horse may be kept for each one (1) full acre of land.
- C. Building Size - The stable building shall not be less than two hundred (200) square feet in size for one (1) horse, with an additional two hundred (200) square feet for each additional horse.
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means.
- E. Parking - Adequate off-street parking shall be provided pursuant to Section 505 of this Ordinance with one space provided for each non-resident employee and one (1) space per two (2) horses kept on the premises
- F. Setbacks - No stable building or corral or other indoor or outdoor area used for feeding of animals or manure storage shall be located within two hundred (200) feet of an adjoining or neighboring property line and one hundred (100) feet from any public or private road. These setbacks shall not apply to property lines where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback.
- G. Trails - Riding trails shall be separated from adjoining properties and any public road by a vegetative buffer of not less than fifteen (15) feet in width.

523.3 Kennels

Kennels shall comply with Section 509 of this Ordinance and the following conditions:⁷⁶

- A. Parcel Size - A minimum parcel of three (3) acres shall be required.
- B. Setbacks - No structure or fenced area used for the keeping of dogs shall be located closer than one hundred and fifty (150) feet to any adjoining or neighboring property line or one hundred (100) feet to any public or private road.
- C. Parking - Adequate off-street parking shall be provided pursuant to Section 505 of this Ordinance with one (1) space for each non-resident employee and one (1) space per four (4) dogs kept on the

⁷⁵ Amended: Ord. 1999-02.

⁷⁶ Amended: Ord. 1999-02.

premises.

- D. Noise Barrier - A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas not enclosed in a building.
- E. Hours Outdoors - All animals shall be restricted from using kennel areas not fully enclosed in a building from 8:00 P.M. to 8:00 A.M.
- F. Nuisances - All animal wastes shall be stored in an area meeting the setbacks in Subsection "B" of this Section and shall be disposed of properly. The kennel shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.

524 Agricultural Uses -- Crop Production and Livestock Operations⁷⁷

Agricultural uses, including crop production and livestock operations, shall be permitted in all Districts; except in the MP-RV District where livestock operations shall not be permitted. In addition to the other applicable standards of this Zoning Ordinance, agricultural uses shall be subject to the following requirements:

524.1 Crop Production

Crop production shall be permitted in any District on any size of parcel of land.

524.2 Livestock Operations

Livestock operations shall be considered an agricultural use subject to the applicable requirements of this Ordinance, including the classification of type of use on the Schedule of Uses, and this Section 524. Livestock operations shall not be permitted in MP-RV Districts.

- A. Setbacks - No buildings and structures used to house livestock, corrals, feed lots, or other areas where livestock is concentrated or manure is stored shall be located within two hundred (200) feet of an adjoining or neighboring property line and one hundred (100) feet from any public or private road. These setbacks shall not apply to property lines where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser specified setback. No swine shall be housed or kept less than three hundred (300) feet from an adjoining property line and one hundred fifty (150) feet from any public or private road.
- B. Fences - All livestock shall be restricted from grazing or intruding on an adjoining property by adequate fencing.
- C. Existing Structures - On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of livestock, which structure does not meet the required setbacks of Subsection "B" of this Section 524.2, may be permitted as a conditional use provided the applicant can document that nuisances such as noise, odor and the like will be minimized; and, the Township can

⁷⁷ Amended: Ord. 1996-02.

establish adequate conditions to assure the same.

524.3 State Protected Agricultural Operations

Nothing in this Section 524 is intended to preclude the rights and protections of bona fide agricultural operations afforded by the Pennsylvania Right To Farm Law, as amended; the Pennsylvania Agricultural Securities Area Law, as amended; and other applicable state statutes. Such rights and protections, in terms of limiting the application of the standards in this Zoning Law, shall be afforded to such uses of land which meet the minimum definition of agricultural use as established by the applicable state statute.

525 Mini-warehouses

Mini-warehouse facilities shall, in addition to all other applicable standards of this Ordinance, comply with the following standards:⁷⁸

- A. Minimum lot size, lot width and yards, and maximum lot coverage and building height shall conform to District standards. Minimum distance between buildings shall be twenty (20) feet.
- B. In addition to all other applicable landscaping and buffer standards in this Ordinance, warehouse shall comply with the additional standards in this Subsection B. Natural vegetation shall be maintained to the greatest extent possible. Where natural vegetation is not adequate to screen the warehouse from adjoining properties and any public road right-of-way, a dense evergreen planting of spruce or arborvitae, or similar evergreen consistent with natural vegetation, not less than five (5) feet in height, shall be provided in all yard areas. Said plantings shall be maintained in good growing condition; and whenever necessary, plantings shall be replaced to insure continued compliance with screening requirements. A landscaping plan shall be submitted with the permit application for approval by the Township. Building colors shall be of earth tone colors to complement the landscaping plan. There shall be no use or structure within the buffer area, with the exception of the access drive(s).
- C. The mini-warehouse shall be surrounded by a fence of such height and design as to restrict access to the warehouse, and said fence shall not be less than six (6) feet in height and shall be located between the warehouse and the vegetative screening required by Subsection B above.
- D. The mini-warehouse shall be served by a defined entrance and exit. Said defined entrance and exit shall be defined by use of curbing, landscaping, fencing, or other appropriate means so that access is restricted to the defined entrance and exit. Access to the public road shall be no less than two hundred and fifty (250) feet from any public road intersection.
- E. Parking and loading facilities shall, at a minimum, comply with Section 505 of this Ordinance; and further, shall be designed to meet the requirements of the proposed warehouse. All access, parking and loading areas shall be paved with bituminous or concrete material meeting the requirements for minor roads pursuant to Township standards.
- F. No mini-warehouse shall be used for habitation or residential purposes and individual

⁷⁸ Amended: Ord. 1999-02.

mini-warehouse units shall not be served by a water supply or a sewage disposal system.

- G. All mini-warehouses shall comply with the performance standards for commercial and industrial uses as provided in Section 512 of this Ordinance. Mini-warehouses shall not be used for the storage or keeping of animals, food or any other type of perishable substance or material.
- H. No mini-warehouse shall be used for any other purpose except storage and shall not be used for any other type of commercial or manufacturing activity. No material, supplies, equipment or goods of any kind shall be stored outside of the warehouse structure, with the exception of the vehicles required for the operation of the warehouse and boats and recreational vehicles and trailers.
- I. All mini-warehouses shall be provided with adequate outdoor lighting for security purposes; and such lighting shall be so directed as to prevent glare on adjoining properties.
- J. All mini-warehouse proposals shall include detailed information on the nature and quantity of materials to be stored on the premises. Proposed space rental agreements shall be submitted with the conditional use application and shall provide specific rules and regulations to insure that the requirements of this Section 525 are or will be satisfied.

526 Landscaping

Any part or portion of a site which is not used for building, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season ground cover and shall be landscaped with small trees and shrubs in accordance with an overall landscape plan including the botanical and common names of the plants to be used, the sizes to be planted, and the quantity and spacing of each. Said plan shall be submitted for review and approval by the Township.

527 Special Conservation Standards

All uses shall be subject to special conservation performance standards and the following standards shall apply to any lands that are characterized as steep slopes, wetlands or floodplains. The procedures and standards are as follows:

527.1 Steep Slope Areas

Steep slopes shall be defined as slopes in excess of twenty-five percent (25%) grade as determined by the Zoning Officer, from United States Geological Survey topographic maps or U.S.D.A. Soil Conservation Service maps. In reviewing applications for use of sites partially or wholly included within an area identified as steep-sloped, the Covington Township Board of Supervisors and Planning Commission shall be satisfied that the following performance standards have been or will be met:

- A. An accurate map prepared by a Registered Surveyor in the Commonwealth of Pennsylvania has been submitted showing property boundaries, building and drive locations, contours at five (5) foot intervals and any areas to be graded. The proposed location of any sewage system shall also be shown along with springs, wetlands, areas subject to landslides and extent of vegetative cover.
- B. A grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc., map of the drainage area affected,

computation of the amount of runoff expected, an erosion control plan and schedule for completion of work.

- C. Impervious surfaces are kept to a minimum.
- D. No finished grade where fill has been used shall exceed a fifty percent (50%) slope.
- E. Where fill is used to later support structures, a minimum compaction of ninety percent (90%) of maximum density shall be achieved.
- F. No more than seven thousand (7,000) square feet of area may be totally cleared for building purposes including house, garage and driveway.
- G. At least fifty percent (50%) of the area to be used for building purposes shall be less than fifteen percent (15%) slope as indicated by a contour map.
- H. Soils characterized by the Soil Conservation Service as highly susceptible to erosion shall be avoided.
- I. Roads and utilities shall be installed along existing contours.
- J. Any steep slope areas also characterized by seasonal high water tables shall be avoided.
- K. Natural vegetation shall be preserved to as great a degree as possible.

527.2 Wetlands

Wetlands, as defined and regulated by the Pennsylvania Department of Environmental Resources, the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service, shall be delineated on all applications proposing a new use or expanded use of land; and the applicant shall warrant that said wetlands have been properly delineated. No development shall be undertaken by the applicant except in accord with all State and Federal wetland regulations; and the applicant shall provide to the Township evidence of such compliance. No zoning approval granted by the Township shall in any manner be construed to be an approval of compliance by the applicant with any State or Federal wetland regulations; and the Township shall have no liability or responsibility to the applicant or any other person for compliance with said regulations.

527.3 Floodplains

There is hereby created a special zoning district, the boundaries of which shall be congruent with those identified as Special Flood Hazards (Zone A) on the Flood Hazard Boundary Maps as issued and/or amended by the Federal Insurance Administration, or its successor agencies, and originally dated January 10, 1975 for Covington Township. This District shall be an overlay zone in which the normal provisions of the District indicated on the Official Zoning Map shall apply except that no development shall be permitted which is not completely in accord with the provision of the Covington Township Floodplain Development Ordinance adopted February 6, 1979 as amended.

528 Industrial Parks

This Section is intended to provide specific standards for the development of "parks" for light industrial and other business uses in a setting which will protect environmental quality and be in harmony with surrounding uses. Within Industrial Parks the following uses are permitted by right: light manufacturing, business services, office buildings, warehousing, truck terminals, Type A, wholesale trade and other Principal Permitted Uses in the Schedule of Uses for an M-1 District.⁷⁹

528.1 Parcel, Lot and Building Size⁸⁰

Minimum project parcel size:	10 acres
Minimum individual lot size:	2 acres
Maximum lot coverage:	50%
Maximum building height:	50 feet
Minimum lot width:	200 feet

NOTE: For a project parcel size of 500 acres or more in an M-1 Zone, individual lots may have a maximum lot coverage of up to 70%, providing the impervious coverage of the entire project parcel of 500 acres or more does not exceed 35%.

528.2 Building Setback Lines

A. Setbacks from exterior park boundaries - No building or parking of any vehicles shall be located less than one hundred (100) feet from any exterior lot line of the industrial park or less than two hundred fifty (250) feet from any existing external public right-of-way.

B. Setbacks from interior park lot lines for any building:

Minimum front yard:	50 feet
Minimum side yard:	30 feet
Minimum rear yard:	30 feet

528.3 Landscaping and Buffers

A. Existing vegetation on the site shall be maintained to the greatest extent possible.

B. The following areas shall be landscaped using existing natural materials and/or compatible and appropriate landscaping materials:

1. The entire front yard of each lot in the industrial park;
2. Any yard or area abutting a public road right-of-way;
3. Any area where the existing vegetation is disturbed and such area is not being used for approved buildings, structures or accessory uses.

⁷⁹ Amended: Ord. 1999-02.

⁸⁰ Amended: Ord. 2004-04.

- C. Where an Industrial park will be contiguous to lots in Residential or MP-RV Districts that are occupied by existing residential uses, and where a building is proposed within 400 feet from that boundary line:
1. One of the following buffer requirements shall be met:
 - a. Within the first 100 feet of land area in an Industrial park between the residential lots and any buildings in the industrial park, all existing healthy trees shall be preserved; or
 - b. Within the first 50 feet of land area in an Industrial park between the residential lots and any industrial buildings, all existing healthy trees shall be preserved. Additionally, an earthen berm, with a minimum height of 10 feet, shall be constructed between the buildings in the industrial park and the existing residential lots. A row of evergreen trees with a minimum height of 6 feet at the time of planting shall be planted along the top one third of the height of the berm.
 2. The first 200 feet of land area in any Industrial park between existing lots within a Residential or MP-RV District and any buildings in the industrial park shall not be occupied by any buildings, structures, parking or storage areas.
- D. A landscaping plan shall be submitted by the developer showing any areas to be disturbed and the final landscape of the lot clearly showing the materials to be used and all required buffers.

528.4 Access, Parking and Loading⁸¹

- A. Any industrial park shall not have more than two entrances and two exits on any public right-of-way. All entrances and exits shall be clearly defined with curbing, fencing or vegetative screening to prevent access to the park by other means than the defined entrances and exits.
- B. No lot shall have access to an external public road. All lot accesses shall be to roads interior to the industrial park.
- C. In no case shall one entrance or exit be located within eighty (80) feet of any other entrance or exit on the same lot or adjoining property on the same street.
- D. No driveway, parking area or loading area shall be less than twenty (20) feet from any side or rear property line or fifty (50) feet from any road right-of-way.

528.5 Facility Operation and Materials Storage

All facilities and operations of the principal use including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies shall be enclosed and carried out within a building. Storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. In addition, the standards in Section 512 shall apply.

⁸¹ Ord. 2002-01 amended subsections A, B and C.

528.6 Land Development Standards

- A. The development of an industrial park shall be considered a "Land Development" as defined by the Township Subdivision and Land Development Regulations and the standards of said Ordinance shall be applied.
- B. The developer shall submit a copy of the Covenants and Restrictions for the industrial park along with a plan and evidence for the succession of ownership and the continued operation and maintenance of the land development improvements associated with the park. Such plan shall include, as a minimum, the formation of an industrial park lot owners association with the clearly established responsibility of operation and maintenance of roads, storm water facilities, utilities and other improvements; or deed covenants and restrictions clearly placing the responsibility for operation and maintenance of improvements with the owner of the industrial park.

529 Yard Sales

Individual private family yard sales are a permitted use in all zoning districts and shall be subject to the following specific regulations and requirements:

- 529.1 Each individual property location may have a maximum of three (3) yard sales in any one (1) calendar year. Each sale shall last a maximum of three (3) consecutive days.
- 529.2 All items shall be placed and offered for sale within the confines of the property described in the permit.
- 529.3 No toxic or alcoholic substances shall be offered at any yard sale.
- 529.4 Yard sales are meant to allow individuals to offer for sale accumulated normal household items; and the buying and selling of commercial or surplus material shall be considered a commercial operation and shall be prohibited.

530 Adult Businesses⁸²

530.1 Findings

In adopting these standards which apply to adult businesses, the Township Board of Supervisors has made the following findings in regard to the secondary effects on the health, safety and welfare of the citizens of Covington Township. The findings are based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Board of Supervisors, and on findings incorporated in the cases of City of Renton v. Playtime Theaters, Inc., 475 U.S. 41 (1986), Young v. American Mini Theaters, 427 U.S. 50 (1976), and Northend Cinema, Inc., v. Seattle, 585 P. 2d 1153 (Wash. 1978), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Saint Paul, Minnesota; Manatee County, Florida; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Los Angeles, California; Austin Texas; Seattle, Washington; Oklahoma City, Oklahoma; Beaumont, Texas; and New York City, New York; and also on findings found in the *Report of the Attorney General's Working Group on the Regulation of Sexually*

⁸² Amended: Ord. 1996-03. Amended: Ord. 1996-06. Amended: Ord. 2003-03.

Oriented Businesses, June 6, 1989, State of Minnesota.

- A. The concern over sexually transmitted diseases is a legitimate health concern of Covington Township which demands regulation of adult businesses and adult uses in order to protect the health and well-being of the citizens.
- B. Certain employees of sexually oriented business regulated by this Ordinance as adult theaters and cabarets engage in higher incidents of certain types of sexually oriented behavior at these businesses than employees of other establishments.
- C. Sexual acts occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as regulated by this Ordinance as adult book stores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades.
- D. Offering and providing such space, encourages such activities, which create unhealthy conditions.
- E. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- F. At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B, non B amebiasis, salmonella infections and shigella infections; and, the incidence of many of these diseases is on the increase.
- G. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- H. There is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the downgrading of property values, and the decline of the overall character of the community. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- I. It is generally recognized that adult businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighborhood blight and downgrading the quality of life in the adjacent area. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- J. The Township desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of the citizenry, protect the citizens from increased crime; preserve the quality of life, preserve property values and the character of the surrounding community.
- K. Classifying adult businesses as special exceptions is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure

that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

530.2 Intent

It is the intent of this §530 to:

- A. Regulate adult business in order to promote the public health, safety and welfare by minimizing the secondary effects on the community which are associated with such businesses, and which include difficulties for law enforcement, trash disposal, deleterious effects on business and residential property values, increased crime (particularly the corruption of morals of minors and prostitution), and drive residents and businesses to move elsewhere.
- B. Designate a zoning district where adult businesses are permitted, and establish reasonable, content neutral standards applicable to such uses.
- C. Have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented or adult materials.
- D. Not totally restrict or deny access by adults to sexually oriented materials or adult materials protected by the First Amendment of the Bill of Rights of the U.S. Constitution.
- E. Not deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- F. Not condone or legitimize the distribution of obscene material, or to encourage any violation of the PA Crime Code or PA Obscenity Code.

530.3 Special Exception in The C-2 District

Adult businesses are classified as special exceptions in the C-2 Highway Commercial District, which has been established along a major highway in the Township for ease of access and which provides a suitable area for the development of such uses away from areas with concentrated residential development.

530.4 Standards

In addition to the other applicable general standards and the special exception criteria contained in this Ordinance, the following standards shall apply to adult businesses:

- A. Setback - Adult businesses, and additions or expansions of such use, shall not be located less than:
 - 1. Seventy-five (75) feet from any property line or public road right-of-way;
 - 2. Three hundred (300) feet from any:
 - a. residence

- b. group home
 - c. commercial enterprises catering primarily to persons under eighteen (18) years of age
 - d. public or semi-public building or use
 - e. public park or public recreation facility
 - f. health facility
 - g. any establishment that sells alcoholic beverages; and,
3. One thousand and five hundred (1,500) feet from any:
- a. church or synagogue
 - b. public or private school
 - c. child care centers
- B. Limit In C-2 District - In accord with court decisions and studies related to the negative effects of an over-concentration of adult business, not more than one (1) adult business shall be permitted to be located in each of the three (3) C-2 Districts in the Township. This limitation will preclude an over-concentration of and provide adequate distance between such uses.
- C. Measurement - The setback distances established in this Section 530 shall be as measured from the nearest edge of the building used for the subject use, measured in a straight line (without regard to intervening structures or objects) to the nearest lot line of the premises of a use from which the required setback applies.
- D. Enlargement - An existing, legally created nonconforming adult business may be expanded as a special exception once in total floor area by a maximum of ten (10) percent beyond the floor area that lawfully existed in such use at the time of adoption of this provision.
- E. Limit of One (1) Use - It shall be a violation of this Ordinance for any person to cause or permit: the operation, establishment, or maintenance of more than one (1) adult business in the same building, structure or portion thereof, or an increase of floor area of any adult business in any building, structure, or portion thereof that contains another adult business.
- F. Nonconformity - Any adult business lawfully operating on the date of enactment of this Ordinance that is in violation of any of the provisions of this Section 530 shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, altered or extended, except: as permitted in Subsection D above. The use may be changed to a conforming use. However, under no circumstances shall a non-conforming use as defined and regulated by this Ordinance be changed to any type of adult business.
- G. Location of New Neighboring Uses - An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use if, subsequent to the grant of a special exception permit, a use from which an adult business is required to provide a setback under Subsection A above is developed within the required setback distance.
- H. Signs - No sexually explicit material, signs, display or word shall be visible at any time from outside of the building. Exterior signs shall comply with the provisions of Section 504 of this Ordinance; however, business identification signs shall be limited to a maximum of thirty (30) square feet and signs attached to the building facade shall be limited to a maximum total of forty

(40) square feet. Content of such signs shall be limited to only the text of the name of the business and the hours of operation.

- I. Visibility - No adult business shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to "specified sexual activities" or "specified anatomical areas", inside the premises, from any public way or from any location outside the building or area of such establishment.
- J. Lighting - All parking areas and the entire exterior grounds of the adult business shall be well lighted in accord with Section 512.6 of this Ordinance for safety and to discourage any illicit or illegal activities from being conducted.
- K. Landscaping, Screening, and Buffers - The landscaping required by Section 512.6 of this ordinance shall include the buffers required by Section 512.1, and the Zoning Hearing Board shall require as a condition of approval such additional landscaping, buffers and screening it deems necessary to afford protection to adjoining properties.
- L. Access and Road Capacity - The applicant shall document, using standard methods endorsed by the Institute of Traffic Engineers, that the capacity of the adjoining public road serving the proposed use is adequate to carry the anticipated traffic generated by the proposed use.
- M. Parking - Adequate off-street parking shall be provided in accord with Section 505 of this Ordinance at the rate of one (1) space per one hundred (100) square feet of gross floor area plus one (1) for every employee on the largest shift. In addition, adequate space shall be provided for the number of buses on the property at any given time. The adult business shall not conduct or sponsor any special events or similar activities which would create a demand for parking spaces beyond the number of spaces required for the business.
- N. Noise - No loudspeakers or sound equipment shall be used by an adult business for the amplification of sound to a level audible beyond the walls of the building in which the business is located.
- O. Trash and Debris - All exterior areas of the adult business, including buildings, landscaping, and parking areas shall be kept free of trash and debris and maintained in a clean and orderly manner at all times.
- P. Hours of Operation - No adult business shall be open for business between the hours of 2:00 A.M. and 10:00 A.M.
- Q. Exemption for Modeling Class - It is a defense to prosecution under this Section 530 that a person appearing in a state of nudity did so in a modeling class operated:
 - 1. By a proprietary school, licensed by the State, or an academically accredited college or university;
 - 2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation;

3. In a structure -
 - a. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - b. where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - c. where no more than one (1) nude model is on the premises at any one time; or
4. By an organization which qualifies under §501(c)(3) of the U.S. Internal Revenue Code as a non-profit organization or foundation.

531 Environmental Impact Statement⁸³

- A. An environmental impact statement (EIS) is required for the following proposed developments and uses:
 1. Industrial parks
 2. Manufacturing or industrial uses
 3. Junkyards
 4. Natural resource uses
 5. Natural resource uses processing
 6. Agricultural products processing
 7. Solid waste facilities and staging areas
 8. Warehouses and trucking terminals
 9. Any use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas
 10. Any use involving the initial or cumulative construction, installation and/or placement of 43,560 square feet or more of buildings, structures or other impervious surface areas
 11. Any use involving development in any floodplain area
- B. The purpose of this EIS is to disclose the environmental consequences of a proposed action. This requirement is made in order to protect the natural environment with respect to water quality, water supply, soil erosion, pollution of all kinds, flooding and waste disposal. The intent is to preserve trees and vegetation, to protect water courses, air resources and aquifers.
- C. An Environmental Impact Statement shall include a response to the following items pertaining to a proposed development and said proposal shall comply with all other standards included in this Ordinance and other Township Ordinances:
 1. Soil Types
 - a. U.S.D.A. Soil Types (show on map)
 - b. Permeability of soil on the site.
 - c. Rate of percolation of water through the soil for each five acres.

⁸³ Added: Ord. 90-01.

2. Surface Waters
 - a. Distance of site from nearest surface water and head waters of streams.
 - b. Sources of runoff water.
 - c. Rate of runoff from the site.
 - d. Destination of runoff water and method of controlling down stream effects.
 - e. Chemical additives to runoff water on the site.
 - f. Submission of an erosion and sediment control plan meeting the requirements of the PA DER and the Lackawanna County Conservation District.
 - g. Said information shall be set forth in a storm water management plan meeting the requirements of the Covington Township Subdivision Ordinance.
3. Ground Cover Including Trees
 - a. Extent of existing impervious ground cover on the site.
 - b. Extent of proposed impervious ground cover on the site.
 - c. Extent of existing vegetative cover on the site.
 - d. Extent of proposed vegetative cover on the site.
4. Topography
 - a. Maximum existing elevation of site.
 - b. Minimum existing elevation of site.
 - c. Maximum proposed elevation of site.
 - d. Minimum proposed elevation of site.
 - e. Description of the topography of the site and any proposed changes in topography.
5. Ground Water
 - a. Average depth to seasonal high water table.
 - b. Minimum depth to water table on site.
 - c. Maximum depth to water table on site.
6. Water Supply
 - a. The source and adequacy of water to be provided to the site.
 - b. The expected water requirements (g.p.d.) for the site.
 - c. The uses to which water will be put.
7. Sewage System
 - a. Sewage disposal system (description and location on the site, of system).
 - b. Expected content of the sewage effluents (human waste, pesticides, detergents, oils, heavy metals, other chemical).
 - c. Expected daily volumes of sewage.
 - d. Affected sewage treatment plant's present capacity and authorized capacity.
8. Solid Waste
 - a. Estimated quantity of solid waste to be developed on the site during and after construction.
 - b. Method of disposal solid waste during and after construction.
 - c. Plans for recycling of solid waste during and after construction.

9. Air Quality

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

10. Noise

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

11. Impact of Proposed Use

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

- a. Existing plant species, (upland and marine), and effects thereon.
- b. Existing animal species and effects thereon.
- c. Existing wildfowl and other birds and effects thereon.
- d. Effects on drainage and runoff.
- e. Effects on ground water quality.
- f. Effects on surface water quality.
- g. Effects on air quality.
- h. Alternatives to proposed development, consistent with the zoning of the tract.
- i. Effects on sites of historic significance.
- j. Amount and type of traffic generated and effects on public roads and highways.

12. Critical Impacts Areas

In addition to the above, plans should include any area, condition, or feature which is environmentally sensitive, or which if disturbed during construction would adversely affect the environment.

- a. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, estuaries, slopes greater than 15%, highly acid or highly erodible soils, areas of high water table, and mature stands of native vegetation and aquifer recharge and discharge areas.
- b. A statement of impact upon critical areas and of adverse impacts which cannot be avoided.
- c. Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.
- d. A list of all licenses, permits and other approvals required by municipal, county or state law and the status of each.
- e. A listing of steps proposed to minimize environmental damage to the site and region during and after construction.

13. In addition to the above requirements the Planning Commission and/or Board of Supervisors may require such other information as may be reasonably necessary for the Township to evaluate the proposed use.

14. The EIS shall be prepared by a professional architect, landscape architect, planner, engineer or other qualified individual whose qualifications have been previously approved by the Planning Commission and Board of Supervisors.

15. Procedures for Evaluating the Environmental Impact Statement Shall be as Follows:

- a. Upon receipt of the application the Secretary of the Planning Commission shall forward the EIS to the Township Engineer and any other Agency or firm which the Planning Commission may desire for consultation.
- b. The above mentioned Agencies shall review the applicant's EIS and shall report its comments within thirty (30) days of the date of submission of the EIS to the Planning Commission.
- c. The Planning Commission and/or Board of Supervisors may require the opinion of experts in their review of the EIS
- d. Fees for the costs of such consultation as described in Subsections "a" and "c" above shall be paid by the applicant.
- e. Copies of the Environmental Impact Statement shall be on file and available for inspection in the Township office.
- f. The Planning Commission shall evaluate the proposed project and the EIS and recommend action on same to the Board of Supervisors.

532 Storm Water Management in the Lackawanna River Watershed⁸⁴

The uses listed below which are regulated by the Township Stormwater Management Ordinance for the Lackawanna River Watershed, Ordinance No. 1994-01, as amended, and set forth at Section 404, Subsection B of said Ordinance, shall also require a zoning permit issued in accord with the requirements in this Zoning Ordinance for principal permitted uses, unless the use proposed is otherwise regulated by this Zoning Ordinance as a conditional use or special exception, in which case it shall be processed in accord with the applicable provisions.

1. Construction of new or additional impervious or semi-pervious surfaces (driveways, parking lots, etc.).
2. Construction of new buildings and structures or additions to existing buildings and structures not regulated as land developments by the Township Subdivision Ordinance.
3. Diversion or piping of any natural or man-made drainage channel.
4. Installation of stormwater systems or appurtenances thereto.

Application shall be made to the Township and said application shall contain all information required by the Township Storm Water Management Ordinance for the Lackawanna River Watershed or as otherwise required by the Township to determine compliance with the Stormwater Management Ordinance and this Zoning Ordinance.

533 RESERVED

534 Bed and Breakfast Establishments⁸⁵

A bed and breakfast establishment, where permitted in accord with the Schedule of Uses, shall comply with the following standards in addition to all other applicable standards of this Ordinance.

⁸⁴ Added: Ord. 1994-02.

⁸⁵ Added: Ord. 1996-02.

534.1 Parcel Size

The minimum district parcel size applicable to single-family dwelling shall be required.

534.2 Parking

Adequate off-street parking is provided in accord with Section 411 of this Ordinance, with the minimum number of parking spaces provided as follows: one (1) space for each rentable room; one (1) space for each non-resident employee, and two (2) spaces for the dwelling unit.

534.3 Sewage Disposal

Adequate and approved sewage disposal shall be provided.

534.4 Number of Rooms

Not more than five (5) rentable rooms are provided in the establishment.

534.5 Management

The owner or manager of the bed and breakfast must reside on the premises.

535 RESERVED⁸⁶

536 Property Line Buffer Areas⁸⁷

It is the intent of this section to preserve the rural character of the Township by requiring the conservation of trees and other vegetation, especially during the land development process, and by requiring property line buffers. This effort will also minimize the detrimental effects of soil erosion and sedimentation and storm water run-off. The Township's agricultural and other open land are vital to the rural character of the Township, which is the keystone of the local economy, and the preservation of that character will protect and promote the public welfare. This section is not intended to prescribe specific cutting practices; or to prevent or hinder any landowner from realizing financial return from the sale of trees; or to prevent or hinder commercial tree harvesters from operating in the Township.

536.1 Natural Vegetation

In order to minimize soil erosion and storm water run-off, and to preserve the rural character of the Township, natural vegetation shall be maintained to the greatest extent possible.

A. Clearing of vegetation shall be limited to those areas of the site needed for proposed and required improvements.

B. Any part of a site where existing vegetation has been disturbed and which is not used for buildings,

⁸⁶ Amended: Commercial Communications Devices removed for consistency with Ord. 2005-02.

⁸⁷ Added: Ord. 1999-02.

structures, loading or parking spaces and aisles, sidewalks, designated storage areas or other improvements, shall be provided with an all-season ground cover and shall be landscaped.

- C. In the case conditional uses and special exceptions, additional landscaping, screening and/or buffers may be required by the Township where the same are determined by the Township as necessary to protect adjoining uses.

536.2. Buffer Areas

In addition to the requirements of §536.1, the following requirements shall apply to all parcels in RR, C-1, C-2, M-1 and SC Districts, and to all parcels of four (4) acres or more in all other districts:

- A. The buffer required by this Section 536.2 shall be maintained until such time as a development plan is approved for the parcel in accord with this Zoning Ordinance. The buffer shall not be less than seventy-five (75) feet in width and shall be maintained along all property lines and any road right-of-way. Existing vegetation in this buffer area shall not be disturbed except that trees may be harvested to the extent that the basal area of trees in the seventy-five foot buffer area shall not be reduced below fifty (50) percent of the basal area present before cutting or below sixty-five (65) square feet per acre, whichever is higher. Basal area is the area in square feet per acre occupied by tree stems at four and one-half (4.5) feet above the ground, normally measured by a calibrated prism or angle gauge.
- B. Clearing of vegetation and landscaping for a development project shall be in accord with an overall plan to be submitted with the zoning and land development plan application. Such clearing shall not be initiated until the application is approved by the Township. For the purposes of installation, landscaping shall be considered an improvement in accord with the Township Subdivision and Land Development Ordinance. The clearing and landscaping plan shall show the type and extent of existing vegetation, the area proposed for clearing and proposed landscaping.

537 Vehicle Related Uses⁸⁸

Vehicle related uses shall be permitted only in those districts as specified in the Schedule of Uses, and in addition to all other applicable standards, shall comply with the standards in this §537.

537.1 Car and Truck Wash Facilities

All car and truck wash facilities shall be subject to the following specific regulations and requirements:

- A. The principal building housing the said facility shall be set back a minimum of sixty (60) feet from the road or street right-of-way line and thirty (30) feet from the side or rear property lines.
- B. Appropriate facilities for the handling of waste water from the washing activities shall be provided including, the prevention of water being dripped onto the adjoining road or street from freshly washed vehicles during periods of freezing weather.
- C. The facility shall have adequate means of ingress and egress to prevent adverse effects to either

⁸⁸ Added: Ord. 1999-02.

vehicular or pedestrian traffic. When a wash facility occupies a corner lot, the access driveways shall be located at least seventy-five (75) feet from the intersections of the front and side street right-of-way lines.

- D. The site shall be sufficiently large to accommodate vehicles awaiting washing during peak periods, but in no case shall the waiting area for each stall accommodate less than three (3) automobiles.
- E. Any wash facility located within two hundred (200) feet of any residential district shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

537.2 Race Tracks

All race tracks for motor driven vehicles, including but not limited to automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies, water craft, and the like, shall be located not less than one (1) mile from any R-1 or R-2 District.

538 Detention Facilities⁸⁹

In addition to all other applicable standards, detention facilities shall be in strict conformity with the following specific requirements and regulations and shall be permitted only in those districts as specified in the Schedule of Uses.

538.1 Parcel Size

In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of one hundred (100) acres.

538.2 Site Design Standards

The site shall be improved in accordance with the following minimum requirements:

- A. The building and all secure areas shall not be less than one thousand (1,000) feet from any property line and the right-of-way line of any abutting public road, and one thousand five hundred (1,500) feet from any:
 - 1. residence
 - 2. group care facility
 - 3. commercial enterprises catering primarily to persons under eighteen (18) years of age
 - 4. public or semi-public building or use
 - 5. public park or public recreation facility
 - 6. health facility
 - 7. church or synagogue
 - 8. public or private school
- B. A perimeter security fence shall be required by the Township, and shall be a minimum of ten (10)

⁸⁹ Added: Ord. 1999-02.

feet in height and constructed of chain-link, topped with barbed or concertina wire as may be required by the Township.

538.3 Security

All applications for detention facilities shall include a plan addressing security needs to protect the health and safety of the public as well as residents of the proposed facility. Such plan shall include a description of the specific services to be offered, types of residents to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required with care of the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof. The plan shall also address measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

538.4 Accessory Uses and Ancillary Activities

Accessory uses permitted in conjunction with an institution shall include laboratories, offices, snack bars, educational facilities and programs, vocational training facilities and programs, recreational and sports facilities and other accessory uses ordinarily provided in conjunction with such institutions.

539 Medical Offices, Health Facilities and Treatment Centers/Clinics⁹⁰

In addition to all other applicable standards, medical offices and health facilities including, but not limited to, hospital facilities, nursing and adult homes, personal care facilities and treatment centers/clinics, whether publicly or privately operated, shall comply with the following requirements and shall be permitted only in those districts as specified in the Schedule of Uses.

539.1 Waste Disposal

Details shall be provided by the applicant about the types and amount of medical and hazardous waste generated anticipated to be generated at the facility and how such waste will be handled, stored and disposed of in accord with state and federal requirements.

539.2 Security

In cases where deemed necessary by the Township, the applicant shall provide a plan addressing security needs to protect the health and safety of the public as well as the occupants of the proposed facility. Such plan shall include a description of the specific services to be offered, types of patients and/or residents, to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required with care of the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs

⁹⁰ Added: Ord. 1999-02.

or a combination thereof. The plan shall also address measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

539.3 Treatment Centers/Clinics

The following additional standards shall apply to treatment centers/clinics.

- A. In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of ten (10) acres.
- B. The building and all secure areas shall not be less than two hundred (200) feet from any property line and the right-of-way line of any abutting public road, and five hundred (500) feet from any:
 - 1. residence
 - 2. group care facility
 - 3. commercial enterprises catering primarily to persons under eighteen (18) years of age
 - 4. public or semi-public building or use
 - 5. public park or public recreation facility
 - 6. health facility
 - 7. church or synagogue
 - 8. public or private school
- C. A security plan shall be provided in accord with Section 512.15 of this Zoning Ordinance.
- D. A perimeter security fence may be required by the Township, and shall be a minimum of ten (10) feet in height and constructed of chain-link, topped with barbed or concertina wire as may be required by the Township.

540 RESERVED

541 Storage Yards for Forest Products and Stone⁹¹

The intent of this section is to provide standards for access to public roads and setbacks for storage yards for forest products and stone. (See definition of *storage yards for forest products and stone* in Article III.)

541.1 Access to Public Roads

- A. Highway Occupancy Permit - Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.
- B. Stabilization - The access road and all processing and storage areas shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.
- C. Weight Limitations - All operations shall comply with all posted weight limits and road bonding regulations.

⁹¹ Added: Ord. 2003-01.

- D. Use of Public Roads - Felling or skidding on or across any public road shall be prohibited without the express written authorization of the Township or the Pennsylvania Department of Transportation, as applicable.
- E. Road Ditches - Ditches on the public road shall be cleaned and graded as necessary to be maintained to pre-harvest condition.

541.2 Setbacks

ZONING DISTRICT	MINIMUM PARCEL SIZE	MINIMUM SETBACK FOR PROCESSING AND STORAGE AREAS FROM:	
		PROPERTY LINES INCLUDING ROAD RIGHT-OF-WAY	ANY EXISTING PRINCIPAL STRUCTURE NOT LOCATED ON PREMISES
RR, SC	5 acres	75 feet	150 feet
R-1, R-2	10 acres	75 feet	150 feet
C-1, C-2	1 acre	normal district setbacks for principal structures	
M-1	5 acres	normal district setbacks for principal structures	
MP-RV	not permitted		

- A. Residential and Nonresidential Buildings - Storage yards shall not be less than one hundred fifty (150) feet from any existing residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the landing is located.
- B. Property Lines - Storage yards shall not be less than fifty (50) feet from any property line.
1. Public Roads - Storage yards shall not be less than fifty (50) feet from any public road right-of-way.
 2. Streams, Water Bodies and Wetlands - Storage yards shall not be less than fifty (50) feet from any stream, water body or wetland and must comply with all federal/state statutes and regulations.
 3. Slope - Storage yards shall be located on gently sloping ground that will provide good drainage. Low spots and poorly drained places shall be avoided.

541.3 Hours of Operation - Loading, Unloading, Transportation

Weekdays - 7:00 AM to Dusk
Weekends - 8:00 AM to Dusk

542 Optional Transferable Development Rights (TDR)⁹²542.1 Purpose

The primary purpose of establishing the transferable development rights (TDR) program is to permanently preserve open land, sensitive natural areas, and rural community character that would be lost if the land were developed. In addition, this section is intended to enable landowners who desire to preserve their land the opportunity to sell on the free market their right to develop to other areas of Covington Township deemed appropriate for higher density development based on the availability of community facilities and infrastructure.

542.2 Basic Concept and Authorization

- A. Sending Properties and Receiving Properties - The provisions of this Zoning Ordinance which permit transferable development rights allow owners of parcels in Covington Township proposed for conservation, called *sending properties*, to sell the right to develop all or a portion of their land to the owners of qualifying parcels in Covington Township proposed for additional development, called *receiving properties*.
- B. Pennsylvania Municipalities Planning Code - The transferable development rights provisions set forth in this section are specifically authorized under §603(c)(2.2) and §619.1 of the Pennsylvania Municipalities Planning Code, under the terms of which development rights are acknowledged to be severable and separately conveyable from a *sending property* to a *receiving property*.
- C. Development Rights - When landowners sell their right to develop all or a portion of their land, they must restrict that portion of land from which development rights are sold against any future development as provided in this Ordinance, although the land may still be used for purposes that do not involve development, such as agriculture or forestry. When the owner of a *receiving property* buys the development rights from the owner of a *sending property*, they receive the right to build more dwelling units on their land than they would have been allowed had they not purchased development rights.
- D. Voluntary Agreement - The owners of the *sending property* and *receiving property* shall voluntarily commit to participate in the transfer of development rights. Once the required conservation easement is established, it shall be binding upon all current and future owners of the *sending property*. The applicant for the *receiving property* is responsible to negotiate with, and pay compensation to, the owner of the *sending property* for the conservation easement. Such transaction shall occur privately, and the value shall be determined by the private market. The Township is under no obligation to pay the owner of the *sending property*.
- E. Conservation Easement
 - 1. Land Sale and Development - The conservation easement imposed on the *sending property* will not prohibit the landowner's sale of the land after the development rights have been severed, although such land cannot thereafter be used for development purposes.

⁹² Added: Ord. 2006-01.

2. Easement Holders - The easement shall be held by the Township and a, bonafide nonprofit conservation organization (a nonprofit organization created in accord with U.S. Code Title 26, Subtitle A, Chapter 1, Subchapter F, Part I, §501(c)(3) which is devoted to the conservation of open space) acceptable to the Township.
3. Conservation Organization Terms - It shall be responsibility of the *sending property* owners to meet all of the terms of acceptance of the easement by the conservation organization, including, but not limited to, baseline documentation, monitoring endowment, and legal fees.
- F. Disposition of Development Rights - The owner of the *sending property* from which the development rights are severed or any subsequent purchaser or purchasers of the development rights may declare the development rights for sale, may hold the development rights, or may resell the development rights. The only use which may be made of the development rights is the ultimate transfer to a developer with a *receiving property*. The Township shall have no obligation to purchase the development rights which have been severed from a *sending property*.
- G. Donations or Intermediaries - The development rights from a *sending property* may be purchased by or may be donated to the Township, the County or a bona fide conservation organization acceptable to the Township. A permanent conservation easement shall be established on the *sending property* at the time of such purchase or donation.
- H. Permanent Severance - Once severed from a *sending property*, development rights shall remain a separate estate in land and shall not be joined with the antecedent estate.
- I. Term of Development Rights - The development rights severed from a *sending property* shall have no term regardless of the number of intermediate owners unless such rights are legally extinguished.

542.3 Sending Property Qualifications, Calculations and Requirements

Owners of qualifying tracts may sell their development rights in accord with the following:

- A. Sending Property Qualifications - The *sending property* shall not be otherwise restricted from development and:
 1. The *sending property* shall be located in any RR or SC Zoning District and shall be a minimum of ten (10) acres in size.
 2. At least eighty (80) percent of the *sending property* shall be restricted from future development by a conservation easement in accord with this §542.
 3. The restricted acreage shall be contiguous and shall not be less than seventy-five (75) feet in the narrowest dimension at any point except for such lands specifically serving as trail links.
 4. The portion of the parcel which will not be restricted shall be useable under the use, area, dimensional, performance and other standards of this and other Township Ordinances.
- B. Declaration of Transferable Development Rights and Certification by Township - Any owner of a

qualified *sending property* may elect to declare the severance of development rights, and may request a written certification from the Township of the number of rights that may be severed, which certification shall not be unreasonably withheld. Such request shall be made to the Zoning Officer on the form provided by the Township.

C. Calculation of Transferable Development Rights: Conditional Use - The calculation of transferrable development rights shall be considered a conditional use based on application made by the *sending property* owner.

1. Determination of Number of Development Rights - The Township shall determine the total number of development rights available from a *sending property* by dividing the adjusted tract acreage as calculated for the property in accord with §510.4,D of this Ordinance by the density factor (# of acres of adjusted tract acreage per dwelling unit) in the Calculation of Transferable Development Rights Table. .

CALCULATION OF TRANSFERABLE DEVELOPMENT RIGHTS (See §542.3,C,2 below for parcels subdivided after the effective date of this §542)	
Sending Property Location	Density Factor (# of acres of adjusted tract acreage per dwelling unit)
RR or SC	2.00

2. Subdivision Prior to Transfer - The density factors in §542.3,C,1 shall not apply where the transfer of rights is proposed from any parcel to any other parcel created by a common subdivision approved after the effective date of this §542. Density in such case shall be determined using the density factors in §510 applicable to conservation design subdivisions.
3. Plan Requirement - The applicant shall provide a plan prepared by a professional consultant as defined by the Pennsylvania Municipalities Planning Code to document to the satisfaction of the Township the determination of Adjusted Tract Acreage. At a minimum, the plan shall show the site features enumerated in §510.4,D of this Ordinance.
4. Partial Severance - If the severance of development rights would entail less than an entire parcel, the portion of the parcel from which the development rights are severed shall be clearly identified on a survey of the entire parcel made and sealed by a surveyor licensed in Pennsylvania.
5. Preserved Land - Land previously restricted against development by covenant, easement or deed restriction shall not be eligible for transferable development rights unless and until such time as said covenant, restriction or easement is dissolved or rescinded with agreement of all beneficiaries of such covenant, restriction or easement.

D. Severance of Transferable Development Rights.

1. Severance - Transferable development rights which have been severed shall be conveyed by a Deed of Transferable Development Rights duly recorded in the Office of the Lackawanna County Recorder of Deeds. The Deed of Transferable Development Rights shall specify the tract of land to which the rights shall be permanently attached or that the rights shall be transferred to the Township, retained by the owner of the *sending property*, or another person in gross.
2. Conservation Easement - The Deed of Transferable Development Rights which severs the development rights from the *sending property* shall be accompanied by a conservation easement which shall permanently restrict development of the sending property as provided below and which shall be recorded in the Office of the Recorder of Deeds at the same time as or prior to the Deed of Transferable Development Rights.
3. Township Approval of Easement - All Deeds of Transferable Development Rights and conservation easements shall be endorsed by the Township prior to recording, which endorsement shall not be unreasonably withheld.
 - a. Deeds submitted to the Township for endorsement shall be accompanied by a title search of the *sending property* and a legal opinion of title affirming that the development rights being transferred by the Deed have not been previously severed from or prohibited upon the *sending property* and that the *sending property* is not Preserved Land as described in Section 542.3,C,5 above.
 - b. A title report shall be prepared not less than ten (10) days prior to submission of the Deed, and the legal opinion of title must meet the reasonable approval of the Township Solicitor.
4. Partial Sale of Severed Rights - If an agreement of sale of development rights would entail less than the entire number of development rights represented by a recorded Deed of Transferable Development Rights, the applicant shall indicate in the Deed the disposition of the remaining development rights.
- E. Sending Property Conservation Easement - Any *sending property* from which development rights have been severed must be permanently restricted from future development by a conservation easement provided to the Township which meets the following minimum requirements:
 1. Development Restricted - Except where any development rights are retained, the restrictive covenant shall permanently restrict the land from future development for any purpose other than agricultural uses, public park land, conservation areas and similar uses.
 2. Township Approval - The conservation easement shall be approved by the Board of Supervisors of Covington Township, in consultation with the Township Solicitor.
 3. Enforcement Rights - The conservation easement shall designate Covington Township, and a bona fide conservation organization acceptable to the Township, as the beneficiary/grantee, but shall also designate the following parties as having separate and independent enforcement rights with respect to the easement:
 - a. All future owners of any portion of the *sending property*, and

- b. All future owners of any portion of any parcel to which the transferable development rights are permanently attached.
4. Specification of Rights Sold and Retained - The conservation easement shall specify the number of development rights to be severed as well as any to be retained.
5. Lot Area and Yard Prohibition - No portion of the tract area used to calculate the number of development rights to be severed shall be used to satisfy minimum yard setbacks or lot area requirements for any development rights which are to be retained or for any other development.
6. Other Provisions - The conservation easement shall include all other necessary provisions to address the specific circumstances of the subject property in terms of meeting the requirements of this Section.
7. Legal Interest Owners - All owners of all legal and beneficial interest in the tract from which development rights are severed shall execute the conservation easement. All lien holders of the tract from which development rights are severed shall execute a joinder and/or consent to the conservation easement.
8. Development Approval - Final approval for any subdivision or land development plan using transferred development rights shall not be granted prior to the recording of the required conservation easement and other applicable documents at the Lackawanna County Recorder of Deeds.

542.4 Receiving Property Qualifications, Calculations and Requirements

Owners of tracts which meet the following requirements may use development rights that are purchased from *sending property* owners.

- A. Receiving Property Prohibition - Development rights shall not be transferred to any property in any SC, C-1, C-2 or M-1 District.
- B. Residential; Off-Site Sewage and Off-Site Water; Other Receiving Property Qualifications - Residential density of permitted residential types on a *receiving property* may be increased through the use of TDR's in accord with the provisions of this §542 when the *receiving property* is located in an RR, R-1, R-2 or MP-RV District and is:
 1. Served by publically owned off-site sewage disposal and public or private off-site water supply; or is
 2. Served by soil-based off-site sewage disposal and public or private off-site water supply.
- C. RR District, Conservation Design Required - All *receiving properties* in the RR District shall be governed by the Conservation Design Development standards in §510.
- D. Receiving Property Base Residential Density - The base residential density of the *receiving property* shall be determined by dividing the adjusted tract acreage as calculated for the property in accord

with §510.4,D of this Ordinance by the applicable zoning district minimum lot size requirement for lots served by off-site sewage disposal and off-site water supply.

- E. Receiving Property Increase in Permitted Residential Density - The number of dwelling units on a *receiving property* may be increased above the *receiving property* base density only to the extent that all applicable standards, including, but not limited to, the minimum required open space are satisfied.
- G. Modification of Area and Bulk Standards via Conditional Use - For any development where at least twenty (20) transferable development rights are received, applicable area and bulk requirements may be modified up to fifty (50) percent subject to conditional use approval by the Board of Supervisors. Any conditional use approval to permit such modification(s) shall be subject to the following criteria:
1. Ordinance Consistency - The design and modifications shall be consistent with the purposes and the design standards contained in this Ordinance.
 2. Street System - The design and modifications shall not produce lots or street systems that would be impractical in terms of layout or circulation, or detract from the appearance of the development or surrounding community, and shall not adversely affect emergency vehicle access.
 3. Quality of Design - The applicant shall demonstrate to the Board of Supervisors that the proposed modification(s) will produce equal or better development design and open space conservation results than could be achieved without the requested modification.
 4. Burden; Conditions - If the Board of Supervisors determines that the applicant has met the burden of proof, it may grant a conditional use for the modification of the requirements. The Board of Supervisors may impose such conditions as will, in its judgment, secure the objectives and purposes of this Ordinance.

542.5 Plan Submission Process

- A. Plans Required - All applicants for use of transferable development rights shall submit subdivision or land development plans in accord with the Covington Township Subdivision and Land Development Ordinance for the development to which the transferable development rights will be added. A conditional use application shall be submitted where applicable. Such plans shall, in addition to meeting all other applicable provisions, include the following:
1. Proof of Available Development Rights - A Deed of Transferable Development Rights or an agreement of sale for all development rights proposed to be purchased from the *sending property*.
 2. Dwelling Unit Numbers - A note on the plan showing the total number of dwelling units proposed on the *receiving property*, the total number that could be built not using TDR's, and the incremental difference between the two.

3. Plan - The Adjusted Tract Acreage plan of the *sending property* required by §542.3,C,3 for the site(s) from which the applicant proposes to purchase development rights. If the applicant is purchasing development rights from a portion of a *sending property*, the plan show the areas of severed rights. If the development rights have previously been severed from a *sending property*, a copy of the recorded Deed of Transferable Development Rights shall be submitted.
 4. Title Search - A title search of the *sending property* sufficient to determine all owners of the tract and all lien holders. If the development rights have previously been severed from the *sending property*, a title search of the rights set forth in the Deed of Transferable Development Rights sufficient to determine all of the owners of the development rights and all lien holders shall be provided to the Township.
- B. Final Approval: Conservation Easement - In order to receive final plan approval, the Applicant must provide documentation that the required conservation easement has been recorded for all *sending property* lands whose development rights are being used by the applicant. These restrictive covenants must meet the requirements stipulated herein. The restrictive covenant on the *sending property* shall be recorded first, followed by a Deed of Transfer, in accord with the provisions of the Pennsylvania Municipal Planning Code, which transfers the development rights from the *sending property* landowner to the *receiving property* landowner.
- C. Public Acquisition - Covington Township may purchase development rights and may accept ownership of development rights through transfer by gift. All such development rights may be resold or retired by the Township. Any such purchase or gift shall be accompanied by the conservation easement required by §542.3,E.

542.6 Amendment and/or Extinguishment

- A. Amendment - The Township reserves the right to amend this Ordinance in the future, and expressly reserves the right to change the manner in which the number of development rights shall be calculated for a *sending property* and the manner in which development rights can be conveyed.
- B. Termination - The Township further expressly reserves the right to terminate its transferable development rights program at any time.
- C. Claims - No owner of the land or owner of development rights shall have any claim against the Township for damages resulting from a change in this Ordinance relating to the regulations governing the calculation, transfer and use of development rights or the abolition of the transferable development rights program.
- D. Vested Rights - If the transferable development rights program is abolished by the Township, only those rights which were severed prior to the effective date of the ordinance abolishing the transferable development rights program may be attached to any *receiving property*. This shall also apply in the case where an application for severance in conformity with the provisions of this §542 was filed prior to the effective date of such ordinance, and the application thereafter is continuously processed to approval.

ARTICLE VI - ADMINISTRATION**601 Authority****601.1 Zoning Officer**

It shall be the duty of a Zoning Officer, to be appointed by the Township Board of Supervisors, to enforce the provisions of this Ordinance. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents and make such reports as the Township Supervisors may require.

601.2 Conditional Uses and Special Exceptions

Permits for construction and uses which are conditional uses shall be issued only upon written order of the Planning Agency and the Township Supervisors. Permits for construction and uses which are a special exception or a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board.

602 Permits**602.1 Requirements of Permits**

A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building or land; and prior to the change or extension of a non-conforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No Zoning Permit shall be required in cases of normal maintenance activities, minor repairs or alterations which do not structurally change a building or structure.

602.2 Applications for Permits

All applications for permits shall be accompanied by plot sketch in duplicate, drawn to show the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance and all other pertinent ordinances. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

602.3 Subdivision Approval

Applications for uses which also necessitate approvals under the Township Subdivision Ordinance shall be processed in the manner provided for plat approval under that Ordinance. Such applications shall also contain all information or data normally required for a submission under the Subdivision Ordinance. A Zoning Permit shall not be issued until the proposed use has been granted a Preliminary Approval under

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the Subdivision Ordinance.

602.4 Issuance of Permits

No permit shall be issued until the Zoning Officer has certified that the proposed use, building, addition or alteration, complies with all the provisions of this Ordinance as well as with all the provisions of other applicable regulations.

602.5 Temporary Permit

A temporary permit may be authorized by the Board of Supervisors for a non-conforming structure or use which it deems necessary to promote the proper development of the community, provided that such non-conforming structure or use shall be completely removed upon expiration of the permit for a specified period of time not to exceed one (1) year and may be renewed annually for an aggregate period not exceeding three (3) years.

603 Fees

As authorized by Section 617.2(e) and Section 908(1.1) of the Pennsylvania Municipalities Planning Code, the Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this Ordinance.

Permits, special exceptions and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.

The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or shall be paid by the person appealing the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

604 Inspection

604.1 Inspection by the Zoning Officer

It shall be the duty of the Zoning Officer to make the following minimum number of inspections on property for which a permit has been issued. Nothing contained in this Ordinance shall impose any responsibility upon the Township or its officials or agents for the quality of workmanship or materials employed in construction.

- A. At the beginning of construction: A record shall be made indicating the time and date of the inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the building. If the actual construction does not conform to the application, a written notice of the violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

- B. At the completion of construction: A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to the issuance of a Certificate of Use.

605 Certificate of Use

- 605.1 A Certificate of Use shall be a statement issued by the Zoning Officer setting forth either that a building, structure or parcel of land complies with the provisions of this Ordinance; or that a building or structure lawfully may be employed for specified uses under the provisions of this Ordinance, or both.
- 605.2 No vacant land shall be occupied or used, and no structure or part of a structure, hereafter erected, structurally altered or changed in use shall be occupied or used, until a Certificate of Use shall have been issued therefore by the Zoning Officer.
- 605.3 A Certificate of Use, either for the whole or part of a new building or for the alteration of an existing building, shall be applied for co-incident with the application for a building permit, and shall be issued within fifteen (15) days after the erection or alteration of such building or part shall have been completed in conformity with the provisions of this Ordinance.
- 605.4 A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, shall be applied for and issued before any such land shall be occupied or used or such land or building changed in use, and such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed use is in conformity with the provisions of this Ordinance.
- 605.5 A Certificate of Use for changing or extending a non-conforming use, existing at the time of the passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such non-conforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed change or extension is in conformity with the provisions of this Ordinance.
- 605.6 A record of all Certificates of Use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

606 Violations

Failure to comply with any provision of this Ordinance, failure to comply with a decision of the Board of Supervisors or Zoning Hearing Board or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a Certificate of Use Permit, shall be violations of this Ordinance. Written notice of a violation of any of the provisions of this Ordinance shall be served by the Zoning Officer, personally or by certified mail, in the manner prescribed by Section 616.1 of the PA Municipal Planning Code and such violation shall be discontinued or corrected as set forth in said notice.

607 Penalties and Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this 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 be 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 this Zoning Ordinance shall be paid over to the Township.

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

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.

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this Ordinance, the Board of Supervisors or,

with the approval of the Board of Supervisors, an officer of the municipality, 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 (in the name of the Township) any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the 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. No such action may be maintained until such notice has been given.

608 Zoning Hearing Board

608.1 Jurisdiction

The Township Board of Supervisors shall appoint a Zoning Hearing Board, which shall have three members with staggered terms and two alternate members with such powers and authority as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except those brought before the

governing body pursuant to sections 609.1 (Curative Amendments) and 916.1(a) (2) (Ordinance Validity) of the Pennsylvania Municipal Planning Code.

- B. Challenges to the validity of a land use 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. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Applications for variances from the terms of the Zoning Ordinance pursuant to Section 910.2 of the Pennsylvania Municipalities Planning Code.
- E. Applications for special exceptions under the Zoning Ordinance pursuant to section 912.1 of the Municipalities Planning Code and Section 509 of this Ordinance.
- F. Appeals from the Zoning Officer's determination under Section 916.2 (Preliminary Opinion) of the Municipal Planning Code.
- G. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision and Land Development applications.

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

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

608.2 Zoning Hearing Board Applications

Application to the Zoning Hearing Board shall be made in writing to the Chairman of the Zoning Hearing Board and shall state:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate to be affected by such proposed exception, or variance.
- C. A brief description and location of real estate to be affected by such proposed change.
- D. A statement of the present zoning classification of the real estate in question, the improvements

thereon, and the present use thereof.

- E. A statement of the section of this Ordinance under which the application is being requested and the reasons why it should be granted.
- F. Any reasonably accurate description of the present improvements, and the additions intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for building permits, indicating the location and size of the lot, and size of improvements now erected, and proposed to be erected thereon.
- G. Any other information the applicant deems appropriate.

If the Zoning Hearing Board finds the appeal or request outside its scope of jurisdiction, it shall return the application for the same to the Zoning Officer for proper processing. Zoning Hearing Board matters shall otherwise be processed in conformance with the requirements of the Pennsylvania Municipalities Planning Code.

608.3 Variances

The Zoning Hearing Board shall have the right to authorize such variances from this Ordinance as are permitted under Section 910.2 of the Pennsylvania Municipalities Planning Code. The Board may grant a variance provided the following findings are made where relevant in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, not to be detrimental to the public welfare; and
- E. That the variance, if authorized, will represent the minimum variance, that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of Article VI and the Zoning Ordinance.

This authority shall not include the right to grant a use variance that would, in fact, alter the Zoning Map

and thus constitute a re-zoning.

609 Appeals to Court and other Administrative Proceedings

Appeals to court and other administrative proceedings shall be governed by Article X-A and Article IX of the Pennsylvania Municipal Planning Code, respectively.

610 Amendments

The Township Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code.


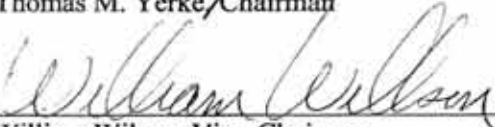
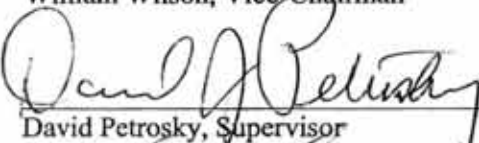
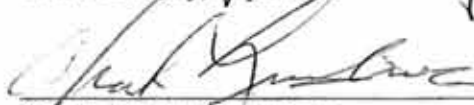

A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code.

611 Separability

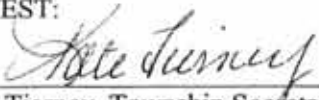
In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

ARTICLE XIII
ADOPTION

This Ordinance ordained and enacted this 6 Day of FEBRUARY, 2007, by the Board of Supervisors of Covington Township, Lackawanna County, Pennsylvania, to be effective immediately.


Thomas M. Yerke, Chairman
William Wilson, Vice-Chairman
David Petrosky, Supervisor
Charles Linder, Supervisor
Marlene Beavers, Supervisor

ATTEST:


Kate Tierney, Township Secretary

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