

DENNISON TOWNSHIP 2015 ZONING ORDINANCE

Date of Amendment: November 5, 2016

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ARTICLE 1
GENERAL PROVISIONS

SECTION 101 TITLE

This Ordinance shall be known and may be cited as "**The Dennison Township Zoning Ordinance of 2015.**"

SECTION 102 PURPOSE

This Ordinance is enacted to accomplish the purposes enumerated in Section 604 of the Pennsylvania Municipalities Planning Code, Act 247, as amended which includes the following:

1. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency management preparedness, airports and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
2. 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.
3. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
4. To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided however, that this Ordinance shall not be deemed invalid for the failure to provide any other specified dwelling type.
5. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

SECTION 103 COMMUNITY OBJECTIVES

The enactment of this Ordinance is intended to promote the public health, safety, morals, and welfare of the present and future residents of the Township by providing Dennison Township with procedures which will assist in directing growth and development in accordance with stated goals and objectives of the Dennison Township's Comprehensive Plan

SECTION 104 SEVERABILITY

If any article, section, subsection, paragraph sentence or phrase of this Ordinance is for any reason declared to be invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

SECTION 105 REPEALER.

The Dennison Township Zoning Ordinance of 1989, as amended, is hereby repealed. All other ordinances, or parts thereof, which are inconsistent or in conflict with this Ordinance are also hereby repealed to the extent of any inconsistency or conflict.

SECTION 106 PROCEDURAL DEFECT

Any allegation that this Ordinance or any amendment thereto has been enacted in a procedurally defective manner shall be appealed as provided by state law and must be filed no more than 30 days after the intended effective date of this Ordinance or any amended thereto.

SECTION 107 EFFECTIVE DATE. This Ordinance shall become effective immediately upon its date of enactment as set forth in Section 108 below.

SECTION 108 ENACTMENT

The Board of Supervisors of Dennison Township, Luzerne County, Pennsylvania, by the authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, do hereby enact and ordain into an ordinance the "Dennison Township Zoning Ordinance of 2015" this 2nd day of September, 2015.

ATTEST:

DENNISON BOARD OF TOWNSHIP SUPERVISORS:

BY: B. D. Thomas
Chairperson

Michael C. Mack
Vice Chairperson

Sheila Weaver
Supervisor

ATTEST:

Kathleen Stortz
Kathleen Stortz, Township Secretary

**ARTICLE 2
DEFINITIONS**

SECTION 201 APPLICATION AND INTERPRETATION

For the purpose of the administration and enforcement of this Ordinance and unless otherwise expressly stated, the words, terms and phrases in Section 202 shall have the meaning as indicated therein. Words used in the present tense include the future tense. The singular number shall include the plural, and the plural the singular. The word "Building" shall include the word "Structure". The words "Used" or "Occupied" as applied to any land or building shall include the words "Arranged", "Designed", "Constructed", "Altered", "Converted" or "Intended" to be used or occupied. The word "Lot" shall include the words "Parcel" or "Plot". The word "Shall" is always mandatory.

SECTION 202 DEFINITIONS

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

ABUTTING: Bordering or sharing a common property line.

ACCESS: A means of vehicular approach to provide entrance to or exit from a property.

ACCESSORY STRUCTURE: A structure detached from a principal structure on the same lot and used for a purpose customarily incidental and subordinate to the principal structure or use.

ACCESSORY USE: A use of land or building or a portion thereof, customarily incidental and subordinate to the principal use of land or structure and located on the same lot with such principal use.

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

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for farm homes and packing, treating or storing the product; provided, however, that the operation of any accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include commercial hog farms, fur farms, fertilizer plants or animal kennels

AGRI-TOURISM: An activity or operation that is agriculturally based and brings in

visitors to a farm or ranch, including buying produce direct from a farm stand, navigating a corn maze, picking fruit, feeding animals or staying at a Bed and Breakfast on a farm.

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

ALTERATION, STRUCTURAL: Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

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

ANIMAL: Any living creature other than hominids. Unless indicated otherwise, the term shall include livestock, fowl, reptiles, amphibians, and wildlife, as well as dogs, cats and other creatures commonly owned as pets.

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

ANIMAL STRUCTURE: this term shall include pens, coops, yards, runs were similar structures utilized for animals kept upon a property.

APARTMENT: One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two (2) dwelling units.

APPEAL: A means for obtaining review of a decision, determination, order or failure to act pursuant to the enforcement and administration of this Ordinance.

APPLICANT: The person or entity filing an application under this Ordinance.

AREA: The quantity of land projected on a horizontal plane enclosed by boundaries of a defined lot, parcel or tract of land.

AUTOMOTIVE SALES: The use of any building, land or other premises, other than a street, for the display and sale or rental of new or used automobiles, panel trucks or vans, trailers, recreational vehicles, all-terrain vehicles, motorcycles or boats which are in operable condition, with any repair service conducted within an enclosed structure as an accessory use and subject to the person operating such business having a valid state license for the sale or rental of such items.

AUTOMOTIVE REPAIR GARAGE: A building where repairs, improvements and installation of parts and accessories for motor vehicles are conducted that involves work that is more intense in character than work permitted under the definition of "Gas Station, Limited-Service." An auto repair garage shall include, but not be limited to, any use that involves any of the following work: both minor and major mechanical

overhauling, paint, and body work. In addition, any use permitted under the definition of a "Gas Station, Limited-Service." is also permitted as part of an Automotive Repair Garage.

AUTOMOBILE WRECKING YARD (ALSO SEE JUNK YARD): The dismantling or wrecking of junked vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked or junked vehicles or their parts.

BED AND BREAKFAST: An owner-occupied dwelling containing units which are rented on a nightly basis for periods of less than a week. Dining and other facilities shall not be open to the public, but shall be exclusively for the use of the residents and registered guests. Breakfast shall be the only meal served. Such rooms shall not have separate utilities, provisions for cooking or dormitories for sleeping and must be located within the principal structure.

BASEMENT: A portion of a building having at least one half of its height, measured from finished floor to finished ceiling, equal to or higher than the above grade of the adjoining land or ground. A basement shall be counted as a story for the purpose of administering height regulations of this Ordinance.

BOARD OF TOWNSHIP SUPERVISORS: The Board of Township Supervisors of Dennison Township, Luzerne County, Pennsylvania.

BOARDING HOUSE: A residential use in which any or all of the following applies:

- (1) individual room(s) that do not meet the definition of a dwelling unit are rented for habitation by a total of 2 or more persons who are not "related" to the owner of record of the property, or
- (2) a dwelling unit that includes a greater than the permitted maximum number of unrelated persons (see the definition of "family"), or
- (3) if individual units of living space not meeting the definition of a dwelling unit are separately rented to person(s) who are not "related" to the owner of record of the property. Individual leases shall be deemed to have a dwelling unit classified as a boarding house

A boarding house shall not include the following uses: treatment center, homeless shelter abused person shelter, hotel, dormitory, motel, assisted living center, bed and breakfast use, group home or nursing home. A boarding house may either involve or not involve the providing of meals to residents.

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

Buffer Area shall not be occupied by any building, parking, outdoor storage or any use other than open space and approved vegetative plantings.

BUILDING: Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of any individuals, animals, equipment, goods or material of any kind or nature.

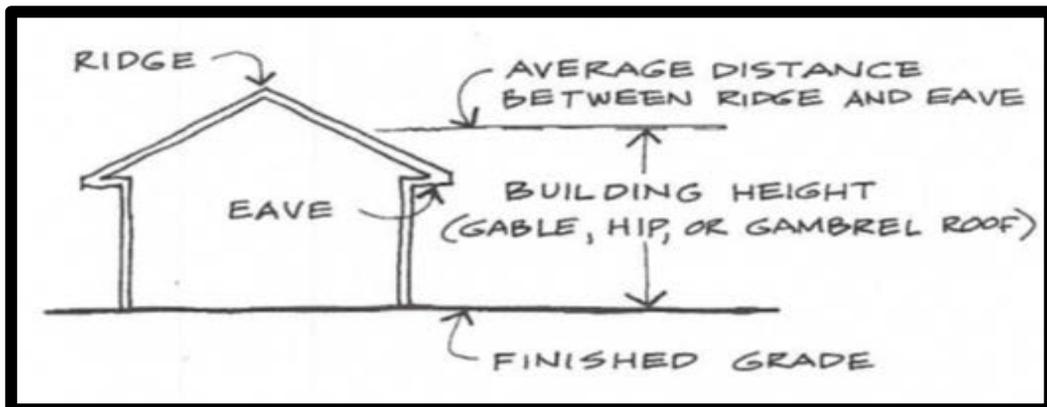
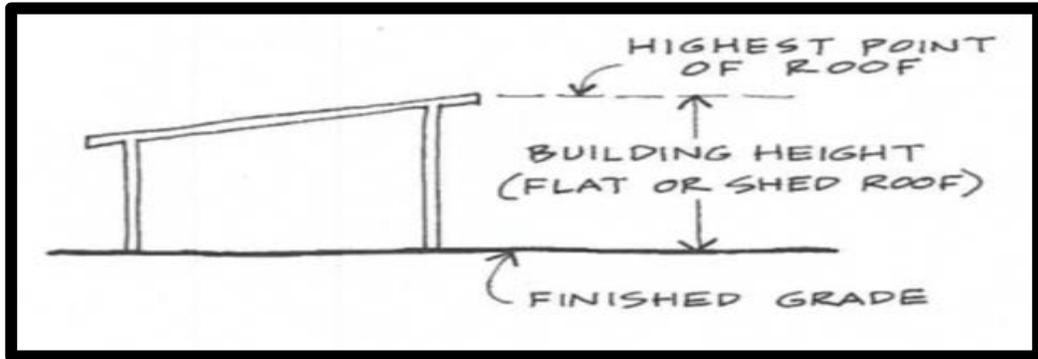
BUILDING AREA: The aggregate of the maximum cross-section areas of all principal and accessory buildings on a lot above ground level, measured at the greatest outside dimensions, excluding projecting cornices, eaves, gutters, chimneys, bay windows not projecting more than two (2') feet and open or enclosed porches, patios, decks, balconies and steps.

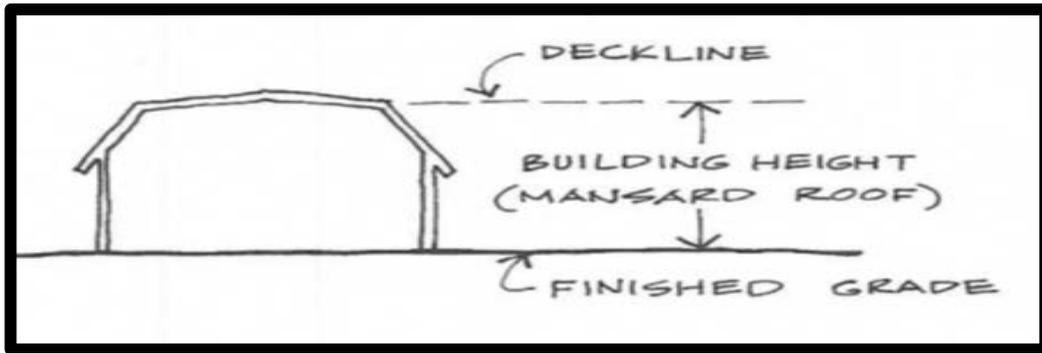
BUILDING COVERAGE: The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

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

BUILDING HEIGHT: The vertical distance of a building measured from the average elevation of the finished grade within twenty (20') feet of the structure to the highest point of the roof in the cases of flat roofs, to the decline of mansard roofs or to the mean height level between eaves and ridges for gable, hip and gambrel roofs.

EXAMPLES





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

BULK FUEL STORAGE FACILITY: Any facility where (1) gasoline is stored in bulk for distribution by delivery truck; (2) fuel, including but not limited to kerosene, home heating oil, diesel fuel, gasoline, or propane, is stored in large volume tanks for distribution to retail or wholesale establishments; or (3) the total combined on-site storage of fuel exceeding twenty thousand (20,000) gallons.

CARPORT: A roofed structure opened on two (2) sides or more and used for the storage of private motor vehicles which may be an accessory structure or part of the principal structure.

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

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

CERTIFICATE OF ZONING COMPLIANCE: A statement, form or similar written documentation signed by the Zoning Officer, setting forth that a building, structure, or use upon inspection of the property complies with the zoning ordinance and the same may be used for the purposes stated on the approved zoning permit application. Said certificate shall not be construed in any manner to certify or warranty the safety as related to the construction of a building, structure, or use.

CHANGE OF USE: Any use which differs from the previous use of a building, structure or land.

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

CHURCH: (SEE PLACE OF WORSHIP)

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

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

COMMERCIAL COMMUNICATIONS EQUIPMENT BUILDING: An unmanned building or cabinet containing communication equipment for the operation of a Commercial Communication Antenna.

COMMERCIAL COMMUNICATIONS FACILITY: The components normally associated with the use and operation of a Commercial Communication Antenna including a Commercial Communication Tower and Commercial Communications Equipment Building.

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

COMMERCIAL COMMUNICATIONS TOWER; HEIGHT: The vertical distance measured from the ground to the highest point on a communications Tower, including antennas mounted on the tower.

COMPOSTING OF YARD WASTE: The controlled process of degrading yard waste by microorganisms.

COMPREHENSIVE PLAN: The Comprehensive Plan of Dennison Township consisting of maps, charts, and textual material as officially adopted by the Board of Supervisors.

CONDITIONAL USE: A use permitted in a particular zoning district only upon verification that such use in a specified location will comply with the conditions and standards for the location of operation of such use as specified in the Zoning Ordinance and where authorization can only be granted by the Board of Supervisors, preceded by a review and recommendation of the Township Planning Commission and a public hearing.

CONTINUING CARE FACILITY: An age-restricted residential facility as defined in current state licensing requirements, designed, operated and maintained to provide a continuum of accommodations and care for retired adults that may include:

- Independent Dwelling Units

- Skilled Nursing Facilities
- Intermediate Care Facilities
- Personal Care Facilities

A Continuing Care Facility may also include supporting services and facilities that encompass dining, recreational and social activities limited to residents within said facility.

COUNTY PLANNING COMMISSION: The Luzerne County Planning Commission.

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

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

DAY CARE FACILITIES: The provision of out-of-home care for children or adults for part of a 24 hour day, excluding the care provided by relatives.

- A. Adult Day Care Center: A facility licensed by the state providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.
- B. Child Day Care Center: A premises in which child day care is provided simultaneously for seven (7) or more children who are not relatives of the provider of the child day care home, where such facility is subject to the PA Department of Public Welfare supervision or licensing under the PA Public Welfare Code.
- C. Family Day Care Home: A premise in which child day care is provided at any one time to between four (4) to six (6) children who are not relatives of the provider of the child day care, where such facility is required to be registered with the PA Department of Public Welfare under the PA Public Welfare Code.
- D. Group Day Care Home: A State licensed facility in which care is provided for more than 6 but less than 12 children, at any one time, if care is provided in a facility where the child care areas are being used as a family residence.

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

DEVELOPMENT: Any man-made improvements to improved or unimproved real estate. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or structure, any mining, dredging, filling, grading, paving, excavation, drilling, land disturbance and any use or extension of the use of land shall be deemed to constitute a development.

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

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

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

DOMICILE: Domicile is a person's permanent place of dwelling and legal address. A domicile represent the residence where a person uses as a permanent home or principal establishment to which he or she intend to return whenever absent. Domicile determines where a person votes and where a person's driver's license is issued. Every person is compelled to have one and only one domicile at a time.

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

DRUG TREATMENT CENTER: Facilities for the treatment of persons who abuse or are addicted to the use of legal or illegal controlled substances, such as a methadone clinic, where such treatment is designed to cure persons of such addictions, but not including overnight stays

DWELLING: One or more rooms, designed, occupied or intended for occupancy as separated living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

- A. **DWELLING, SINGLE-FAMILY:** A detached building arranged or used for occupancy by one (1) family. A mobile home or similar manufactured housing unit which is permanently attached and anchored to a permanent foundation shall be deemed to be a single family dwelling unit
- B. **DWELLING, TWO FAMILY:** A detached or semidetached building where not more than two (2) individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except by access to the outside or to a common cellar.
- C. **DWELLING, MULTIPLE:** A building containing three or more dwelling units entirely separated by vertical walls or horizontal floors, unpierced except by access to the outside or to a common cellar. The term "Townhouse" is excluded under this term (See Definition of Townhouse)
- D. **TOWNHOUSE:** A residential structure constructed as a single entity

containing a row of more than two (2) single-family attached dwelling units but not more than four (4) single-family attached dwelling units, whereby each unit may be sold as an individual single-family attached unit, with each unit having a lot under individual or association ownership. Each unit shall have its own front and rear access to the outside and may have a common or public open space, such as an off-street parking area, yard area, recreational area, or similar common area. No dwelling units shall be located over another unit and each unit shall be separated from another unit by one (1) or more party walls without openings.

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

DWELLING UNIT: One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilet facilities and separate cooking facilities for exclusive use by the family residing therein.

EARTH DISTURBANCE ACTIVITY: Any construction or other activity which disturbs the surface of the land including but not limited to excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth. Any construction or activity resulting in an earth disturbance shall be subject to the governing regulations of the Dennison Township Storm Water Management Ordinance.

EASEMENT: A legally recorded grant of one or more of the property rights by the property owner and/or for the use by the public, a corporation, or another person or entity.

EMERGENCY SERVICES FACILITY: A publicly owned building for the housing of fire, emergency medical or police equipment and for related activities.

ENTERTAINMENT FACILITIES: Establishments engaged in providing entertainment for a fee or admission charge such as indoor motion picture theaters, live theater performances, bowling alleys, roller skating facilities, billiard halls, arcades and other similar uses.

EXISTING USE: The use of a lot or structure at the time of the enactment of this Ordinance.

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

FACILITY: A structure or place which is built, installed, or established to serve a particular purpose.

FAMILY: Any number of individuals related by blood, marriage or legal adoption, including foster children, occupying a dwelling unit as their domicile as a single nonprofit housekeeping unit. A family shall also be deemed to include not more than 4 unrelated persons occupying a dwelling unit as their domicile and living as a single, nonprofit housekeeping unit. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first sentence of this definition.

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

FLOOR AREA, GROSS: The sum of the gross horizontal area of a building measured from the exterior face of exterior wall.

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

FOWL: This term shall include all birds, e.g., chickens, turkeys, pheasants, pigeons, quail, guineas, geese, ducks, peafowl, and other domestic feathered creatures and nondomestic feathered creatures regardless of age or sex.

GARAGE: A building or part thereof used or intended to be used for the parking or storage of motor vehicles.

GARAGE, PRIVATE RESIDENTIAL: Any accessory building or part of a principal building used for the storage of motor vehicles owned and operated by the owner or tenant of the premises and which is not operated as a separate commercial enterprise available to the general public.

GAS STATION, LIMITED-SERVICE: A facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, and minor automobile accessories. In addition, such a facility may provide minor vehicle servicing, minor repairs, and maintenance, excluding those services provided under the definition of "Automotive Repair Garage."

GENERAL NUISANCE:

- A. Any use considered to be inconsistent with the public comfort, convenience, health, safety, and general welfare, including the following: fire and explosion hazards; electrical and radioactive disturbances; noise and vibration; dust, dirt, and fly ash; glare; smoke and odors; and other forms of air pollution.

- B. Any use operated or conducted in a manner which directly or indirectly endangers the public health safety and/or welfare, including but not limited to having a detrimental effect on an adjoining property or use of property and/or the community.
- C. A property in a continuing state of disrepair that is not fit for human habitation and/or occupancy with the potential to attract vermin and/or deemed to be a fire hazard to adjoining properties.
- D. A property that contains trash, junk and/or one or more inoperable motor vehicles.

GOVERNING BODY: Shall mean the Board of Supervisors of Dennison Township, Luzerne County, Pennsylvania.

GROUP HOME: A dwelling unit shared by more than 4 individuals, who are not related by blood, marriage or legal adoption occupying the premises as their domicile and living together as a single nonprofit housekeeping unit. The term "group home" shall not include:

- A. A boarding house and/or a personal care home
- B. A facility providing shelter and/or rehabilitative care or treatment of persons for alcoholism and/or addiction to a controlled substance
- C. A facility for persons released from or under the jurisdiction of a governmental bureau of corrections or similar institution, including, but not limited to a halfway house or other housing facilities serving as an alternative to incarceration.

HALFWAY HOUSE: A State licensed house for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

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

- A. Cause, or significantly contribute to, an increase in mortality or an increase in a serious irreversible or incapacitating illness.
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- C. This definition shall be deemed to include substances that are radioactive material, medical waste, explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, corrosives, carcinogens, irritants, sensitizers, and other hazardous substances all based upon the most recent listing of the same by the U.S. Department of Environmental Protection.

HOME IMPROVEMENTS STORE: A store selling household hardware for home improvement including but not limited to lumber, plumbing supplies, electrical supplies, paint, tools, keys, locks, hinges, chains, lawn and garden products directly to consumers for use at home or for business.

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

HOME OCCUPATION: A business, profession or trade conducted in a single family dwelling unit or a building accessory to the dwelling unit operated by the inhabitant thereof and being clearly incidental and secondary to the use of the dwelling and lot for residential purposes. There shall be no exterior evidence of the home occupation except the display of permitted signage as provided in this Ordinance.

HOTEL: A building or group of buildings containing individual rooms for rental primarily for transients, with common hallways for all rooms on the same floor and having lodging accommodations for ten (10) or more persons.

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

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

IMPERVIOUS MATERIAL: Any material and/or development that substantially reduces or prevents the infiltration of storm water into previously undeveloped land as further defined by the Dennison Township Stormwater Management Ordinance.

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

INDUSTRY, HEAVY: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or

storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions and having potential to produce noise, dust, glare, odors or vibration beyond its property line.

INDUSTRY, LIGHT: Uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, or distribution of such products. Further, “light industrial” shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories, or the like. Light industry must be capable of operation in such a manner to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. Light industry shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal and/or any form of basic industrial processing, including but not limited to the use of hazardous materials

INSTITUTIONAL USE: A structure or facility which provides medical, health, educational, social and/or rehabilitate services to more than six (6) persons on a continuous and/or regular basis excluding overnight stays and, excluding a facility for persons released from or under the jurisdiction of a governmental bureau of corrections or similar institution.

INTERMEDIATE-CARE FACILITY: A facility, as defined under current State licensing requirements, that provides nursing care and related medical or other personal health services to patients on a planned program of care and administrative management, supervised on a continuous twenty- four hour basis in an institutional setting.

JUNK: Junk shall include, but not be limited to, the following items; scrap metals and alloys, rags, cloth, rubber, rope, metal foil, bottles, machinery, tools, appliances, fixtures, tires, and any manufactured goods, including motor vehicles, which are abandoned or so worn, deteriorated or obsolete as to make them unusable in their existing condition.

JUNKED VEHICLE: Any vehicle, including a trailer, excluding those which are stored in a fully enclosed structure, which does not bear current license and/or inspection stickers or is incapable of being moved under its own power, or presents a hazard or danger to the public by virtue of its state or condition of disrepair. The following conditions, which are not exclusive, are examples of what may constitute a state or condition of disrepair to classify a vehicle to be a junked vehicle.

- a. rusted and/or jagged metal on or protruding from the body of a vehicle;
- b. deflated tires
- c. broken glass or windows on or in the vehicle;
- d. leaking of any fluids from the vehicle;
- e. unsecured and/or unlocked doors, hood or trunk;
- f. storage or placement of the vehicle on concrete blocks;
- g. harboring or rodents, insects or other pests

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

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

LIVESTOCK: This term shall include, regardless of age, sex or breed, horses and all equine species, including mules, donkeys, and jackasses; cows and all bovine species; sheep and all ovine species; lammas; goats and all caprine species; and pigs and all swine species.

LIVESTOCK/FOWL STRUCTURE OR ENCLOSURE: This term shall include structures or enclosed open areas intended to be used to house or to keep livestock or fowl.

LODGE: A premises that provides accommodations (room and board) and a variety of other related services, with or without an exchange of money, on a regular basis, during any season, for visitors who may be engaging in recreational activities.

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

LOT AREA: The total area of land within the lot lines of a parcel of land excluding any street right-of-ways.

LOT, CORNER: A lot abutting upon two (2) or more streets or upon two (2) parts of the same street forming an interior angle of less than 135 degrees.

LOT, DEPTH: The mean distance between the front and rear lot line.

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

LOT, INTERIOR: A lot other than a corner lot, the sides of which do not abut a street.

LOT LINE: A line of record bounding one lot from another lot or from a public or private street or any other public space.

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

LOT, THROUGH: A lot which fronts upon two (2) parallel streets or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

LOT, WIDTH: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MASSAGE ESTABLISHMENT: An establishment or business operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy.

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

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

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

MEDICAL CLINIC/CENTER:

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

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

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

MINERAL EXTRACTION: Any operation which removes minerals from its natural location and transports the product removed away from the extraction site.

MIXED USE ZONING: Regulations which permit a combination of different types of land uses within a single zone.

MIXED USE STRUCTURE: A structure which contains two or more distinctly separate uses such as a commercial use and a residential use.

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with all necessary utility connection and other appurtenances necessary for the erections thereon of a single mobile home.

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

MOTEL (SEE ALSO HOTEL): A building or group of buildings containing apartments and/or rooming units, each of which maintains a separate outside entrance. Such building or group buildings is designed, intended, or used primarily for the accommodations of automobile travelers and provides automobile parking conveniently located on the premises.

MUNICIPALITY: Shall mean Dennison Township, Luzerne County, Pennsylvania.

NO IMPACT HOME-BASED BUSINESS: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling, and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pick-up, delivery, or removal functions to or from the premises in excess with those normally associated with a residential use. The business or commercial activity must also comply with the subject supplemental requirements contained within Article 8 of this Ordinance.

NONCONFORMING USE: A structure, building, sign, or use of land which does not conform to the applicable regulations of the zoning district in which it is located, either at the time of the enactment of this Ordinance or as a result of subsequent amendments thereto, where such use lawfully existed prior to the enactment of this Ordinance or such amendments.

NONPROFIT SOCIAL HALL AND CLUBS: Buildings or facilities used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to bona fide members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. The club shall involve a meaningful and substantial membership system, as opposed to a token system. These facilities shall not be operated in a manner in which it could also be classified as a Sexual Oriented Business as so defined by this Ordinance.

NURSING HOME: An extended or intermediate care facility licensed and approved to provide full-time convalescent or chronic care to individuals who by reason of advanced age, chronic illness or infirmity are unable to care for themselves.

NURSERY: Land or greenhouse used to raise flowers, shrubs and plants for sale.

OFFICES:

PROFESSIONAL OFFICE:

An office (other than a service office) for the practice of professions, such as the offices of physicians, dentists, attorneys-at-law, architects, veterinarians, engineers, artists, musicians, teachers, and others who, through training, are qualified to perform services of a professional nature.

SERVICE OFFICE:

An office in which are offered services by real estate agents, travel agents, insurance agents, accountants, public stenographers, brokers, or others who, through training, are duly qualified to perform services of an executive nature as distinguished from a professional office.

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

OUTDOOR WOOD-FIRED BOILER: A fuel-burning device designed: (1) to burn clean wood or other approved solid fuels; (2) by the manufacturer specifically for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals (e.g., garages); and (3) to heat building space and/or water via distribution, typically through pipes of a fluid heated in the device, typically water or a water/antifreeze mixture. Outdoor wood-fired boilers are also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, etc.

PARKING LOT: An off-street surfaced area designed solely for the parking of motor vehicles.

PATIO: A level surfaced area directly adjacent to a principal building constructed above the existing grade which has an average elevation of not more than 30 inches, and without walls or a roof.

PERMANENT FOUNDATION: A foundation for a structure, residence, mobile home or trailer which cannot be readily removed and which is generally accepted as permanent in the building and construction industry.

PERMITTED USE: A use allowed by right in a particular zoning district, but subject to the restrictions and provisions applicable to that zoning district.

PERSONAL-CARE HOME: A facility, as defined under current State licensing requirements, in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four consecutive hours for more than three (3) adults who are not relatives of the operator of the facility and who

require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self-administration but who do not require hospitalization or care in a skilled nursing or intermediate care facility.

PERSONAL SERVICES: Establishments primarily engaged in providing services involving the care of a person or his or her apparel, such as shoe repair, beauty shops, barbershops, watch repair, dry cleaners, coin-operated laundries, health clubs, photographic studios and related uses.

PLACE OF WORSHIP: A building or portion thereof used for religious services either on a permanent or periodic basis, including churches, synagogues, mosques and similar edifices.

PLANNING COMMISSION: The Planning Commission of Dennison Township, Luzerne County, Pennsylvania.

PRINCIPAL USE: The primary or predominant use of any lot or structure.

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

PUBLIC USE: The operation and ownership of a building, structure or land by a governmental agency for a public purpose of an administrative or service nature.

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

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

QUARRYING: The use of land for the purpose of extracting rocks and minerals for sale that is required to have and maintain a Non-Coal Surface Mining Permit and abide by Title 25 Department of Environmental Protection Bureau of Mining and Reclamation Chapter 77 Noncoal Mining Regulations, exclusive of grading a lot preparatory to the construction of a structure for which a zoning permit has been issued.

RECREATIONAL FACILITIES, COMMERCIAL: A recreational facility operated as a business and opened to the public for a fee.

RECREATIONAL FACILITIES, PRIVATE: A recreational facility operated as a nonprofit organization and opened only to members and guests of such organization.

RECREATIONAL FACILITIES, PUBLIC: A recreational facility operated as a nonprofit enterprise by a governmental agency and opened to the general public.

RECYCLING COLLECTION CENTER: A publically owned facility which is limited to the collection, separating and processing of used material prior to shipment to others who will use those materials to manufacture new products. Hazardous or toxic substances shall not be accepted, located and or stored at such a facility. This definition shall not include a junkyard.

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

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

RETAIL SALE ESTABLISHMENTS: An establishment selling products as opposed to services or entertainment to the general public, such as antique shop; appliance store; artist, music, and automotive parts store; beverage packaging store; building or plumbing supplies; crafts and hobby supplies; clothing store; dairy products store; dry goods and variety stores; florist; garden supplies; hardware store; newspapers, books and stationary products; office furniture, equipment and supplies; paintings and photography store; pet store; pharmacy; specialty gifts; sporting goods store; and other establishments selling related products

RIGHT-OF-WAY: A defined and designated area for vehicular or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, which usually include cartways, shoulders, and sidewalks.

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

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

SEATING CAPACITY: The actual seating capacity of an area based upon the number of seats or one (1) seat per eighteen (18) inches of bench or pew length. For other areas where seats are not affixed, the seating capacity shall be determined by the applicable standards of the most recent Pennsylvania Uniform Construction Code.

SELF-STORAGE FACILITY: A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or wares. The units shall be used solely for dead storage of non-hazardous materials and no processing, manufacturing, sales, research and development, service or repair, or other storage activities shall occur.

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

SEWAGE DISPOSAL, ON-SITE: Any facility designed to biochemically treat sewage within the boundaries of an individual lot in accordance with the rules and regulations of the Pennsylvania Department of Environmental Resources.

SEWAGE DISPOSAL, OFF-SITE: A sanitary sewage collection system in which sewage is carried from individual lots, by a system of pipes, to a central treatment and disposal facility.

SEXUALLY ORIENTED USES:

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

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

Massage Parlor: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or

manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

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

Specified Sexual Activities: As herein, specified sexual activities means and includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth as a "Sexually Oriented Use".

SHOPPING CENTER: A group of more than two commercial establishments, planned, designed and constructed as an integrated unit with off-street parking provided on-site for customers and employees.

SIGN: Any object, device, display, or structure or part thereof situated outdoors or indoors, 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, design symbols, fixtures, colors, illumination or projected images. The word sign shall not include flag, pennant, or insignia of any nation, state or municipality nor shall it include public traffic or directional signs.

SMALL WIND ENERGY CONVERSION SYSTEM: ("Small WECS"): A wind energy conversion system that is incidental and subordinate to another use on the same parcel and supplies electrical power solely for on-site use, which is intended to primarily reduce consumption of utility power at that location and not for resale.

SOIL EROSION AND SEDIMENTATION CONTROL PLAN: A plan that indicates necessary land treatment designed to effectively minimize soil erosion and sedimentation measures requiring approval by the Luzerne County Conservation District.

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

STORMWATER MANAGEMENT ORDINANCE: The governing Stormwater Management Ordinance for Dennison Township

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between such floor and the ceiling above it.

STREET: A public (dedicated) or private (undedicated) right-of-way, whether improved or unimproved, intended for use by vehicular traffic and pedestrian traffic.

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

SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devise, transfer of ownership or building or lot development, provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE: The official and most recent version of the Dennison Township Subdivision and Land Development Ordinance, as amended.

SWIMMING POOL, PRIVATE NONCOMMERCIAL: A water-filled enclosure, having a depth of eighteen (18) inches or greater, permanently constructed or portable, designed to be used or intended to be used for swimming purposes by any family or persons residing on the premises or their guests. The use shall not be operated for financial gain and the use shall be considered an accessory use to the dwelling on the lot thereon.

TAVERN: A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which may or may not include the sale of food and live entertainment.

TRAVEL TRAILER: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer of the vehicle and when factory equipped for the road, having a body width not exceeding eight (8) feet and being of any length provided that its gross weight does not exceed 4,500 pounds or being any weight provided its body length does not exceed twenty-nine (29') feet.

TRAILER PARK OR CAMP: A parcel of land under single ownership which has been planned and improved for the temporary placement of travel trailers and similar vehicles for temporary use for travel, recreation and vacation.

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

USE: Any purpose for which a lot, building, or other structure or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

VARIANCE: A waiver granted by the Zoning Hearing Board, from the terms and conditions of this Ordinance, which would create an unnecessary hardship as a result of peculiar or unique conditions or circumstances pertaining solely to the lot or property in question.

WALL, RETAINING: A wall built or designed to retain or restrain lateral forces of soil or other materials, said materials being similar in height to the height of the wall.

WAREHOUSE: A building used primarily for storage of goods, and materials.

WATERCOURSE: A permanent or intermittent stream, river, brook, creek, or channel or ditch for collection and conveyance of water, whether natural or man-made.

WETLANDS: Those areas that are inundated or saturated by the surface or ground water at a frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. Any area meeting the official wetland definition of the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, as amended, shall be considered a wetland for the purposes of this Ordinance. In the event the definition of wetland accepted by the U.S. Army Corps of Engineers conflicts with the definition of a wetland accepted by the Pennsylvania Department of Environmental Protection, the more restrictive definition shall apply.

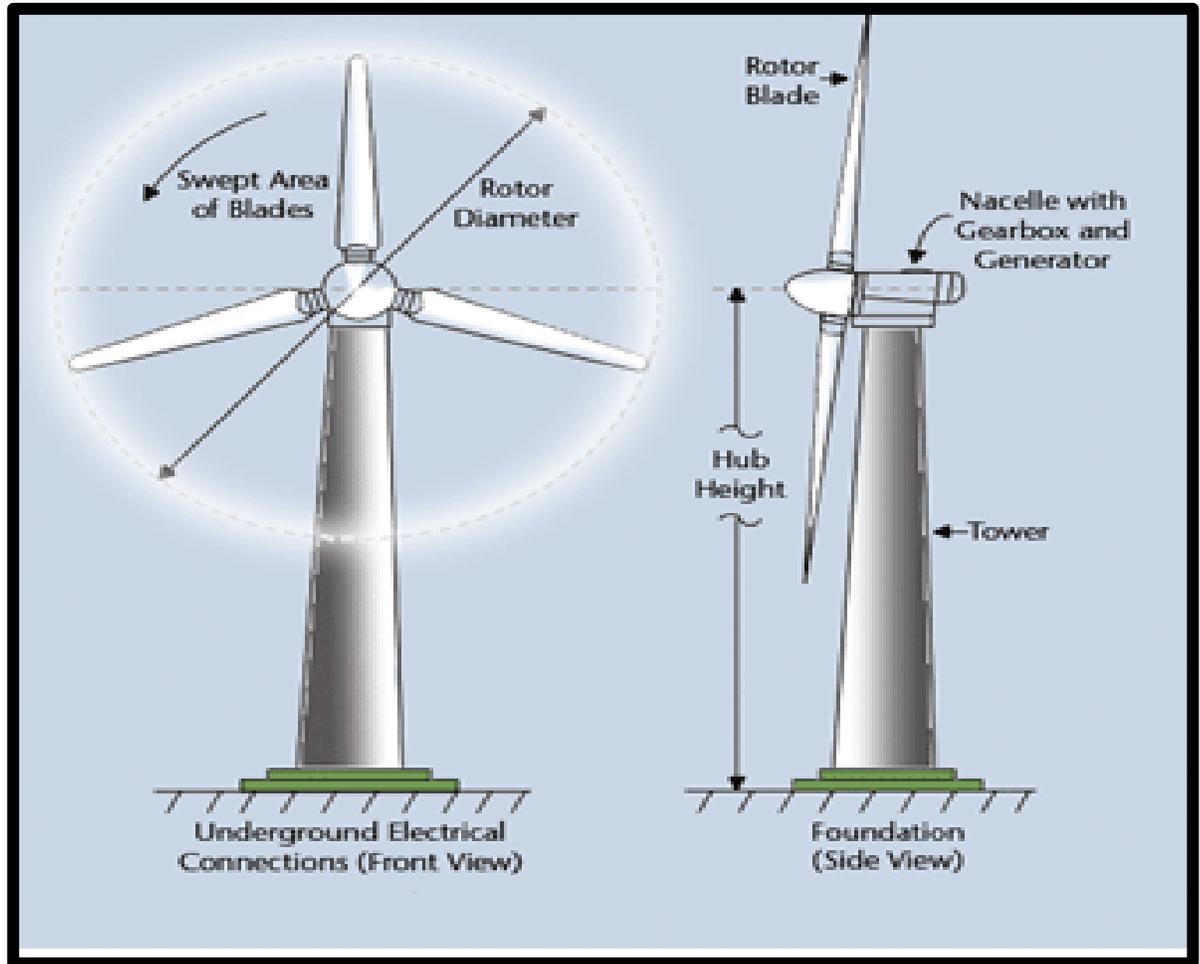
WIND ENERGY CONVERSION SYSTEM (“WECS”): A machine designed for the purpose of converting wind energy into electrical energy. (Commonly known as “wind turbine” or “windmill”). The term WECS shall be used interchangeably with the terms “wind turbine” or “windmill,” with said terms having the same meaning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

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

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

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

WIND TURBINE DIAGRAM



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

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

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

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

ZONING HEARING BOARD: The Zoning Hearing Board of Dennison Township, Luzerne County, Pennsylvania.

ZONING MAP: The official map or maps which are part of the Zoning Ordinance which indicates and delineates the zoning districts of Dennison Township, Luzerne County, Pennsylvania.

ZONING OFFICER: The administrative officer designated by the governing body to administer and enforce the Zoning Ordinance of Dennison Township, Luzerne County, Pennsylvania.

ZONING ORDINANCE: The Dennison Township Zoning Ordinance of September 2, 2015, and any subsequent amendments.

ARTICLE 3
GENERAL REGULATIONS

SECTION 301 COMPLIANCE REQUIRED

No structure or land shall be used or occupied, and no structure or part of a structure shall be erected, demolished, reconstructed, altered, converted or moved, unless in compliance with all applicable provisions and regulations of this Ordinance.

SECTION 302 REQUIRED ACCESS

Every building or structure hereafter erected shall have access to or be located upon a lot adjacent to a public or private street.

SECTION 303 INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall represent the minimum requirements for the protection and promotion of the public health, safety, convenience, comfort, morals, and general welfare of the residents of the Township. In the event of any conflict in the application of this Ordinance with other applicable public or private provisions, the following shall apply:

303.1 Public Provisions: The regulations of this Ordinance are not intended to interfere with or abrogate or annul any other ordinance, rules or regulations previously adopted or previously issued by the Township which are not in conflict with any provisions of this Ordinance. Where this Ordinance imposes a greater restriction upon the use of land, structure or building than any other previously adopted ordinance, rules, or regulations of the Township, the provisions of this Ordinance shall apply.

303.2 Private Provisions: The regulations of this Ordinance are not intended to interfere with or abrogate or annul any easement, covenant or other form of private agreement or restriction, provided that where the provisions of this Ordinance impose a greater restriction, the requirements of this Ordinance shall govern. Dennison Township shall not be responsible or be a party to any action intended to enforce or carry out the terms of any private agreement or restriction, including but not limited to easements, covenants or other forms of private agreements or restrictions.

303.3 Conflicting Regulations: In the event that any provisions within this Ordinance are found to be in conflict with another provision of this Ordinance, and/or any other ordinance, law, or regulation of the Township, the Commonwealth of Pennsylvania or United States Government, the most restrictive shall apply.

303.4 Uses Not Addressed Within Ordinance: Whenever, in any district established under this Ordinance, a use is neither specifically permitted nor prohibited, nor is said use provided for in another Zoning District, and an application is made by a landowner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications. The proposed use may be approved only if it is determined to be similar to and compatible with permitted uses in

the district and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use would meet the standards and criteria for a conditional use as contained in Section 704 and Section 706 of this Ordinance and would not be detrimental to the public health, safety, morals and welfare and/or environmental features and characteristics of the site and/or surrounding areas.

SECTION 304 ATTACHED ACCESSORY STRUCTURES

Accessory structures which are attached to a principal structure shall be considered a part of the principal structure and shall comply with the same yard and lot requirements applicable to the principal structure.

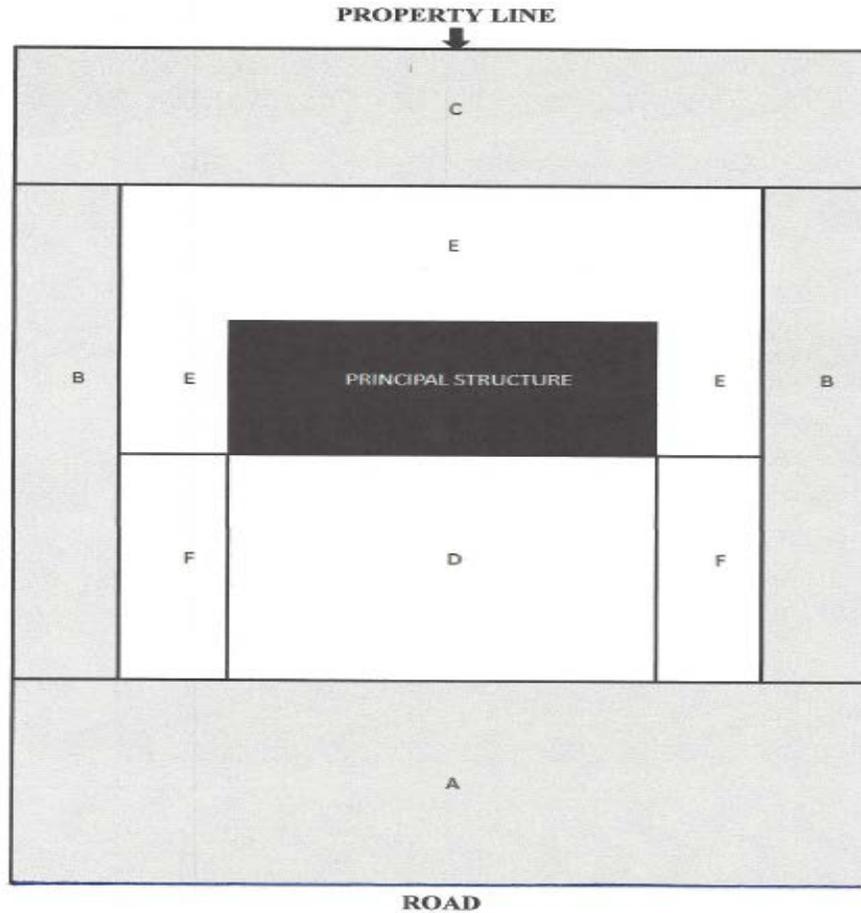
SECTION 305 UNATTACHED ACCESSORY STRUCTURES

An unattached residential or nonresidential accessory structure shall be subject to the following requirements:

A. LOCATION UPON THE LOT

Unattached accessory structures may be located within the certain yard areas of a property in accordance with the following diagram and regulations hereunder.

ILLUSTRATION OF REGULATIONS FOR YARD AREAS FOR ACCESSORY STRUCTURES



I

- Area A. = Minimum Front Yard Setback - No Accessory Structure Permitted.
- Area B. = Minimum Side Yard Setback - No Accessory Structure Permitted.
- Area C. = Minimum Rear Yard Setback - No Accessory Structure Permitted.
- Area D. = Yard Area Directly Between the Front of the Principal Structure and Front Yard Setback.
- Area E. = Accessory structures may be permitted within Area E.
- Area F. = Portion of Front Yard Area.

1. When distance between front of the principal structure and front yard setback is less than 500 feet no accessory structure shall be permitted within Area D.
2. When distance between front of the principal structure and front yard setback is less than 500 feet not more than 2 accessory structure shall be permitted within Area F.
3. When distance between front of the principal structure and front yard setback is 500 feet or greater, accessory structures shall be permitted in Area D and Area F.

B. DIMENSIONAL REQUIREMENTS

1. The maximum height shall not exceed twenty (20') feet.
2. An accessory structure shall not be less than five (5') feet from the principal structure.
2. An accessory structure whose outer dimensions results in a gross floor area of not fifty (50) square feet or less shall be exempt from securing zoning approval.

SECTION 306 ACCESSORY STRUCTURES ON RESIDENTIAL LOTS

For residential lots, permitted accessory structures shall include but not be limited to patios, gazebos, noncommercial greenhouses, tool or lawn sheds, private garages or carports, private noncommercial swimming pools and satellite antenna dishes, small wind energy conversion systems, outdoor wood burning boiler and other similar accessory uses.

SECTION 307 SMALL WIND ENERGY CONVERSION SYSTEM

A Small Wind Energy Conversion System, whether free standing or roof mounted shall be deemed to be an accessory structure permitted only an R-A and C-1 District as a conditional use, requiring approval from the Board of Supervisors, and also subject to the supplemental regulations in Article 8 of this Ordinance.

SECTION 308 OUTDOOR WOOD-FIRED BOILER:

An Outdoor Wood-Fired Boiler shall be deemed to be an accessory structure permitted in all zoning districts and shall be subject to the supplemental regulations as set forth in Article 8 of this Ordinance.

SECTION 309 CORNER LOT PROPERTY - ORIENTATION OF FRONT YARD

On a corner lot, the front yard area for the principal structure shall be based upon the mailing address for the subject property as established by the U.S. Postal System. Other yard areas having road frontage shall be deemed to be side yard.

SECTION 310 PRIVATE NONCOMMERCIAL SWIMMING POOLS

A private noncommercial swimming pool capable of containing water to a depth of eighteen (18) inches or greater shall be permitted as an accessory use in any zone subject to the following:

310.1 In-Ground Pools

The pool or the entire property on which the pool is located, shall be enclosed with a permanent fence not less than four (4) feet in height, which includes a gate secured with a lock. The required fencing for an in ground pool must be installed upon the completion of the excavation work for said pool.

310.2 Above Ground Pools

A. Pools With Exterior Supports

An above ground pool which is manufactured, designed and erected with supporting devices around and/or within the outer wall or edge of a pool shall be enclosed with a permanent fence not less than four (4) feet in height which includes a gate secured with a lock in accordance with the above requirements of Section 310.1 or in lieu of a fence, a barrier not less than four (4) feet in height. Said barrier may include the pool wall and any extension thereto which equals or exceeds a height of four (4) feet. Access into a pool which includes a deck shall be secured by a gate with a lock. Pools without access from a deck, shall include retractable steps or any similar device which prohibits uncontrolled access into the pool when not in use. Shrubbery is not to be considered as a barrier.

B. Inflatable Pools without Exterior Supports

An above ground pool which may be inflated and used without supporting devices around and/or within the outer wall or edge of a pool shall be enclosed with a permanent fence not less than four (4) feet in height which includes a gate secured with a lock in accordance with the above requirements of Section 309.1

SECTION 311 LOTS DIVIDED BY ZONING BOUNDARIES

If a zoning district boundary line divides a lot held in single and separate ownership prior to the effective date of this Ordinance, placing ninety (90%) percent or more of the lot area in a particular zoning district, the location of such district boundary line may be construed to include the remaining ten (10%) percent or less of the lot so divided.

SECTION 312 HANDICAPPED RAMPS

The installation of a handicapped ramp in any zone, designed to provide access to handicapped persons, shall be exempt from meeting any applicable front yard or rear yard setback requirements, but shall comply with minimum side yard setbacks of not less than five (5) feet.

SECTION 313 PROHIBITED PROJECTIONS

No projections shall be permitted within and/or over a public right-of-way.

SECTION 314 EXCEPTIONS TO HEIGHT LIMITATIONS

Unless stated otherwise, the height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes, chimneys, flagpoles, water towers, skylights; silos, barns and other farm buildings or structures or to any accessory mechanical appurtenances usually located above the roof level but may be subject any supplemental height regulation associated with a specific use as contained in this Ordinance.

SECTION 315 MORE THAN ONE BUILDING, STRUCTURE AND/OR USE PER LOT

In addition to zoning approval, the improvement of one or more contiguous lots, involving 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 tenants, in addition to the applicable provisions of this Ordinance, shall also be governed by the applicable provisions of the Dennison Township Subdivision and Land Development Ordinance.

SECTION 316 VISIBILITY AT INTERSECTIONS

On any corner lot, with the exception of street signs, utility poles or traffic signs, no structure, shrubbery or similar vegetation shall be erected or maintained within the line of sight triangle formed by a line projected between two points measured at a minimum distance of thirty (30) feet from the intersection of the side yard lot lines of the property which abut the public right-of-way.

SECTION 317 FENCES AND WALLS

Fences and walls shall be permitted according to the following subsections:

317.1 FRONT YARD

The maximum height of any fence or wall in a front yard shall not exceed four (4') feet in height.

317.2 SIDE AND REAR YARDS

The maximum height of any fence or wall located in a side yard or rear yard shall not exceed eight (8') feet in height.

SECTION 318 FRONT YARD USES PROHIBITED

Camping trailers, house trailers, mobile homes, boats, unregistered or inoperative motor vehicles, or similar durables shall not be stored or parked within the required front yard area unless specifically provided by other provisions in this Ordinance.

SECTION 319 SETBACK EXEMPTION FOR STRUCTURAL REPLACEMENTS

Any structural portion of a building, such as a deck, patio, porch or similar feature which is in need of repair to the point of replacement shall be exempt from complying with the applicable setback requirements when all of the following conditions exist:

- A. The use of the building represents a use permitted by right in the district in which it is located.
- B. There are no outstanding zoning or building code violations against the owner of the property.
- C. The structural replacement shall be the exact same location and said structural replacement shall be the same size and height, or less, than that which is being replaced.
- D. A photograph of the subject property, taken prior to the start of work, must be submitted to the Zoning Officer with a completed zoning permit application, along with any other information deemed necessary by the Zoning Officer to process the application.

SECTION 320 MOBILE HOMES - PERMANENT FOUNDATIONS

A mobile home shall be constructed and anchored to a permanent foundation. Under such conditions said mobile home shall be deemed to be a single family residence.

SECTION 321 PUBLIC UTILITIES

The provisions and regulations of this Ordinance shall not apply to any existing or proposed building or extension thereof, used or to be used by a public utility corporation necessary for the convenience or welfare of the public.

SECTION 322 HIGHWAY OCCUPANCY PERMIT

Zoning approval for any proposed use and/or development of a property, which includes the construction and/or relocation of a driveway or access onto a public road shall be conditioned upon the applicant securing a Highway Occupancy Permit from the Pennsylvania Department of Transportation, Luzerne County Road and Bridge Department and/or Dennison Township dependent upon the governmental entity having jurisdiction over the subject road.

SECTION 323 STORMWATER MANAGEMENT

Any proposed development or use of property which results and/or requires a land disturbance shall be undertaken in compliance with the applicable regulations of the governing Dennison Township Stormwater Management Ordinance.

SECTION 324 COMPLIANCE FLOOD PLAIN MANAGEMENT REGULATIONS

Any improvements to structures or land located within a 100 Year Flood Plain as established by FEMA shall be in compliance with all applicable provisions and of Article 12 of this Ordinance.

SECTION 325 SUPPLEMENTAL REQUIREMENTS

A use, provided for under any Zoning District within this Ordinance, may, in addition to all other applicable provisions of this Ordinance, be governed by supplemental regulations applicable to such use contained within Article 8 (Supplemental Regulations) of this Ordinance.

SECTION 326 REGULATION FOR KEEPING OF LIVESTOCK OR FOWL

The keeping of livestock and/or fowl shall only be allowed within an R-A or C-1 Zoning District. The following supplemental regulations shall apply to properties upon which livestock are intended to be kept:

ZONING REGULATION	FOWL	LIVESTOCK EXCEPT SWINE	SWINE
PERMITTED ZONING DISTRICT	RA, C-1	RA, C-1	RA, C-1
MINIMUM LOT SIZE	NONE	5 ACRES	5 ACRES
SETBACK FOR ANIMAL STRUCTURES	100 FEET	100 FEET	300 FEET
SETBACK; RUN, FENCING , PASTURE	NONE	NONE	300 FEET

SECTION 327 ANIMAL STRUCTURES

“Animal Structures” as so defined within this Ordinance shall comply with the following:

- a. Be constructed in a manner so as to be easily cleaned and remain in good repair.
- b. Shall be maintained and keep with all areas in a sanitary condition.
- c. All animal wastes shall be disposed of properly and shall be cleaned as needed to prevent unpleasant odors, and not to draw insects or other vermin or create a nuisance. Burning of animal waste or bedding shall be prohibited.

For additional Township regulations on Animal Control, please refer to the most recent version of the Dennison Township Animal Control Ordinance.

ARTICLE 4
ZONING MAP AND ZONING DISTRICTS

SECTION 401 OFFICIAL ZONING MAP

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

SECTION 402 CHANGES TO OFFICIAL ZONING MAP

Any changes to the location of zoning district boundaries or other matters portrayed upon the Official Zoning Map shall be undertaken in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended. Such changes shall be provided upon the Official Zoning Map promptly after the enactment of the subject amendment by the governing body.

SECTION 403 INTERPRETATION OF BOUNDARIES

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

403.1 ZONING HEARING BOARD

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

403.2 GUIDELINES

- (A) Zoning district boundary lines are intended to follow or parallel the center line of streets, streams and railroads; and the lot or property lines as they exist on a recorded deed or plan in the Luzerne County Recorder of Deeds Office at the time of adoption of this Ordinance, unless such zoning district boundary lines are fixed by dimensions as shown on the Official Zoning Map.
- (B) Where a zoning district boundary is not fixed by dimensions and where it approximately follows lot lines, and does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- (C) If the guidelines as stated above fail to provide and establish the boundary of a zoning district, a survey of the property or area of land in question shall be made by a registered surveyor, with the cost of the survey paid by the party who is questioning or contesting the boundary location.

SECTION 404 CLASSES OF ZONING DISTRICTS

For the purpose of this Ordinance, Dennison Township is hereby divided into Zoning Districts as designated below:

- | | |
|-----|---------------------------------------|
| R-A | RURAL AGRICULTURAL DISTRICT |
| R-R | RURAL RESIDENTIAL DISTRICT |
| R-1 | SINGLE RESIDENTIAL DISTRICT |
| R-2 | MODERATE DENSITY RESIDENTIAL DISTRICT |
| B-1 | BUSINESS DISTRICT |
| MU | MIXED USE DISTRICT |
| C-1 | CONSERVATION DISTRICT |
| I-1 | INDUSTRIAL DISTRICT |

**ARTICLE 5
ZONING DISTRICT REGULATIONS**

SECTION 501 ZONING DISTRICT DIMENSIONAL REGULATIONS.

Except as otherwise provided in this Ordinance or by state or local law or regulation, each building, structure and use shall be governed by the dimensional regulations listed in the following Table:

SECTION 501 ZONING DISTRICT DIMENSIONAL REGULATIONS.

Except as otherwise provided in this Ordinance or by state or local law or regulation, each building, structure and use shall be governed by the dimensional regulations listed in the following Table:

AREA, BULK AND DENSITY TABLE

ZONING DISTRICT	MINIMUM					MAXIMUM	
	LOT SIZE Acres	WIDTH feet	FRONT YARD SETBACK feet	REAR YARD SETBACK feet	SIDE YARD SETBACK feet per side	LOT COVERAGE	BLDG. HEIGHT
R-A	2 Acres	150	50	25	25	7%	2 ¹ / ₂ Stories or 35 feet
R-R	2 Acres	150	50	25	25	7%	2 ¹ / ₂ Stories or 35 feet
R-1	1 Acre	150	40	20	20	7%	2 ¹ / ₂ Stories or 35 feet
R-2	1 Acre	150	35	35	15	30%	2 ¹ / ₂ Stories or 35 feet
B-1	2 Acres	150	50	25	25	20%	2 ¹ / ₂ Stories or 35 feet
MU	2 Acres	150	50	25	25	20%	2 ¹ / ₂ Stories or 35 feet
C-1	10 Acres	200	50	25	25	7%	2 ¹ / ₂ Stories or 35 feet
I-1	5 Acres	200	150	75	75	20%	3 Stories or 40 feet

SECTION 502 PERMITTED USES, CONDITIONAL USES, SPECIAL EXCEPTION USES AND NON-PERMITTED USES.

- (1) Permitted Uses. The letter “P” designated under any of the zoning districts in the Use Table of this Ordinance indicates a permitted use in that district, which use is permitted by right within that zoning district, thereby not requiring the Board of Supervisors or Zoning Hearing Board approval, but only a determination by the Zoning Officer.

- (2) Conditional Uses. The letters “C” designated under any of the zoning districts in the Use Table of this Ordinance indicates a conditional use in that district, which use requires the Board of Supervisors approval. The Board of Supervisors may either approve or deny a conditional use in accordance with the provisions of this Ordinance. The Zoning Officer has no discretion to approve any permit where the use is classified as requiring a conditional use approval.
- (3) Special Exception Uses. The letters “SE” designated under any of the zoning districts in the Use Table of this Ordinance indicates a special exception use in that district, which use requires Zoning Hearing Board approval. The Zoning Hearing Board may either approve or deny a special exception use in accordance with the provisions of this Ordinance. The Zoning Officer has no discretion to approve any permit where the use is classified as requiring special exception approval.
- (4) Non-Permitted Uses. The letter “N” designated under any of the zoning districts in the Use Table of this Ordinance indicates a use not permitted in that district, which use requires a use variance to be approved or denied by the Zoning Hearing Board in accordance with the provisions of this Ordinance.

Symbol Key

- P- Permitted Use
- SE- Special Exception
- C – Conditional Use
- N- Non-Permitted Use

ZONING DISTRICTS

- R-A RURAL AGRICULTURAL DISTRICT
- R-1 SINGLE RESIDENTIAL DISTRICT
- R-2 MODERATE DENSITY RESIDENTIAL DISTRICT
- R-R RURAL RESIDENTIAL DISTRICT
- B-1 BUSINESS DISTRICT
- MU MIXED USE DISTRICT
- C-1 CONSERVATION DISTRICT
- I-1 INDUSTRIAL DISTRICT

**DENNISON TOWNSHIP
USE TABLE**

ZONING DISTRICTS

TYPES OF LAND USES								
RESIDENTIAL USES	R-A	R-R	R-1	R-2	B-1	MU	C-1	I-1
Single-Family Dwelling Units	P	P	P	P	N	P	P	N
Two-Family Dwelling Units	P	P	N	P	N	P	N	N
Multi Family Dwelling Units	N	N	N	N	N	P	N	N
Townhouses	N	N	N	P	N	P	N	N

RESIDENTIAL USES	R-A	R-R	R-1	R-2	B-1	MU	C-1	I-1
Group Home	N	N	N	N	N	P	N	N
Mobile Home	P	N	P	P	N	P	P	N
Boarding House	N	N	N	N	N	P	N	N
Bed and Breakfast	N	N	N	N	N	P	N	N
Personal-Care Home	N	N	N	N	N	P	N	N
Lodge	N	N	N	N	N	P	P	N
No Impact Home Based Business	P	P	P	P	P	P	P	P
Home Office	P	P	P	P	P	P	P	P
Home Occupation	SE	SE	SE	SE	SE	SE	SE	SE
Mobile Home Parks	N	N	N	C	N	N	N	N
NONRESIDENTIAL USES	R-A	R-R	R-1	R-2	B-1	MU	C-1	I-1
Agriculture	P	N	N	N	N	N	P	N
Agri-Tourism	N	N	N	N	N	N	P	N
Animal Hospitals	N	N	N	N	N	P	N	N
Artist and Hobby Supplies (sale of)	N	N	N	N	P	P	N	N
Automotive Repairs	N	N	N	N	N	N	N	P
Automotive Sales (sale of vehicles)	N	N	N	N	P	P	N	N
Automotive Supplies (sale of)	N	N	N	N	P	P	N	p
Automotive Wrecking Yard	N	N	N	N	N	N	N	C
Bulk Fuel Storage Facility	N	N	N	N	N	N	N	C
Cemeteries	P	N	N	N	N	N	N	N
Clothing and Clothing Accessories (sale of)	N	N	N	N	P	P	N	N
Commercial Communications Facility	N	N	N	N	N	N	C	C
Commercial Greenhouses and Nurseries	P	N	N	N	N	P	P	P
Composting of Yard Waste as a Commercial Use	N	N	N	N	N	N	SE	P
Continuing Care Facility	N	N	N	N	N	P	N	N
Contractors' Offices, Shops and Storage Yards	N	N	N	N	N	N	N	P
Day Care Facilities	SE	N	N	SE	P	P	N	N
Drug Treatment Center	N	N	N	N	N	C	N	N
Dry Goods (sale of)	N	N	N	N	P	P	N	N
Emergency Services Facility	P	N	N	P	N	N	N	N
Entertainment Facilities	N	N	N	N	P	P	N	N
Equipment Sales and Repairs	N	N	N	N	P	P	N	P
Extraction of Minerals	N	N	N	N	N	N	P	P
Fish Hatcheries and Fishing Preserves	P	N	N	N	N	N	P	N
Food Products (sale of)	N	N	N	N	P	P	N	N
Forestry (as defined in Article 2)	P	P	P	P	P	P	P	P

NONRESIDENTIAL USES	R-A	R-R	R-1	R-2	B-1	MU	C-1	I-1
Furniture or Office Supplies and Equipment (sale of)	N	N	N	N	P	P	N	N
Game Lands and Wildlife Preserves (Privately owned)	P	N	N	N	N	P	P	N
Gas Station, Limited-Service	N	N	N	N	P	P	N	P
Halfway House	N	N	N	N	N	C	N	N
Home Improvements Store	N	N	N	N	P	P	N	N
Hotels and Motels	N	N	N	N	N	C	N	N
Household Goods and Appliances	N	N	N	N	N	P	N	N
Institutional Uses	N	N	N	N	N	C	N	N
Intermediate-Care Facility	N	N	N	N	N	C	N	N
Junk Yards	N	N	N	N	N	N	N	C
Light Industry	N	N	N	N	N	N	N	P
Medical Clinic	N	N	N	N	C	P	N	N
Methadone Treatment Facility	N	N	N	N	N	C	N	N
Mortuaries and Crematories	N	N	N	N	N	P	N	N
Newspapers, Books and Stationery Supplies	N	N	N	N	P	P	N	N
Nonprofit Social Hall and Clubs	N	N	N	N	N	C	N	N
Nursing Home	N	N	N	N	P	P	N	N
Personal Services	N	N	N	N	P	P	N	N
Pharmaceutical Products (sale of)	N	N	N	N	P	P	N	N
Place of Worship	N	N	N	N	P	P	N	N
Professional Offices	N	N	N	N	P	P	N	N
Public Uses	P	N	N	P	P	P	N	N
Public Utility Facilities, Essential (excluding storage yards)	SE	N	SE	SE	SE	SE	SE	SE
Quarry	N	N	N	N	N	N	N	P
Recreational Facilities, Commercial	N	N	N	N	C	C	N	N
Recreational Facilities, Private	N	N	N	N	C	C	N	N
Recreational Facilities, Public	P	N	P	P	P	P	P	N
Recreational Vehicle Trailer Park or Camp	N	N	N	N	N	P	C	N
Recycling Collection Center (publicly owned)	N	N	N	P	N	N	P	P
Restaurants	N	N	N	N	P	P	N	N
Retail Sale Establishments	N	N	N	N	P	P	N	N
Sale of Farm Products (produced on the property)	P	N	N	N	N	N	P	N
Self-Storage Facility	N	N	N	N	P	P	N	P
Shopping Center	N	N	N	N	N	P	N	N
Sexually Oriented Uses as defined in Article 2.	N	N	N	N	N	C	N	N
Sporting Goods (sale of)	N	N	N	N	P	P	N	N

NONRESIDENTIAL USES	R-A	R-R	R-1	R-2	B-1	MU	C-1	I-1
State Game Lands	P	P	P	P	P	P	P	P
Taverns (without outdoor entertainment)	N	N	N	N	P	P	N	N
Variety and Sundry Goods (sale of)	N	N	N	N	P	P	N	N
Warehouse Facilities (including storage yards)	N	N	N	N	N	N	N	P
Wind Energy Facility	N	N	N	N	N	N	C	C
MISCELLANEOUS NONRESIDENTIAL USES	R-A	R-R	R-1	R-2	B-1	MU	C-1	I-1
Any nonresidential use permitted by right or by special exception excluding agricultural uses, forestry and quarries, shall be deemed a conditional use if it involves either of the following:	C	C	C	C	C	C	C	C
(a) the initial or cumulative earth disturbance activity or use of property which equals or exceeds 20,000 square feet of surface area. OR	C		C	C	C	C	C	C
(b) the initial or cumulative construction, placement or installation of a building, structure and/or development which equal or exceeds 5,000 square feet.	C		C	C	C	C	C	C
OTHER MISCELLANEOUS USES	R-A	R-R	R-1	R-2	B-1	MU	C-1	I-1
Any use which utilizes and/or stores any hazardous substances (as defined in Article 2)	N	N	N	N	N	N	N	C
Outdoor Wood-Fired Boilers	P	N	P	P	P	P	P	P
Small Wind Energy Conversion System	C	C	C	C	C	C	C	C
Satellite Dish Antenna (Noncommercial)	P	P	P	P	P	P	P	P
Dwelling Over or Attached to a Business	N	N	N	N	P	P	N	N

ARTICLE 6
SPECIAL EXCEPTIONS

SECTION 601 PURPOSE

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

SECTION 602 GENERAL PROVISIONS

The authority for approving or denying applications for uses permitted by special exception shall be vested in the Zoning Hearing Board in accordance with the provisions contained in Article 15. Decisions by the Zoning Hearing Board shall be made pursuant to the standards and criteria set forth in Section 1510.2, the respective zoning district in which the use is located, all other applicable regulations of this Ordinance, including but not limited to Supplemental Standards as set forth in Article 8 of this Ordinance, other ordinances of Dennison Township and any applicable State and/or Federal regulations.

SECTION 603 SITE PLAN

Uses classified as a special exception shall file, in addition to a zoning permit application and an application for hearing before the Zoning Hearing Board, a site plan at a scale of not greater than

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

OR

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

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

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

1. Copy of the deed to the property.
2. The location and size of all buildings and structures, both principal and accessory, both existing and proposed.
3. The location of all off-street parking areas and/or loading and unloading areas.

4. The location of all open space areas, including buffer areas and fencing, as applicable.
5. Traffic access to the site and internal traffic circulation including the width and pavement of traffic lanes, and aisle widths.
6. All streets, both public and private within two-hundred (200) feet of the site, including right-of-way and cartway widths.
7. Streams, ponds, watercourses, wetlands, or any other types of bodies of water, including natural or man-made drainage swales, located on the site or within two hundred (200) feet of the site.
8. Any areas of the property that are subject to flooding including but not limited to the boundaries of any FEMA designated 100 Year Flood Plains based upon the most recent Flood Insurance Rate Maps (FIRM) for the Township.
9. The location, nature and terms of any existing or proposed easements on the site.
10. The Map, Block and Lot Number of the subject parcel, as contained in the records of the Office of the Luzerne County Recorder of Deeds.
11. A location map at a scale of not greater than one (1) inch equals two thousand (2,000) feet, indicating the relation of the site to its geographic proximity within the Township.
12. In cases when a proposed use includes new construction and/or grading of the site, the applicant, in addition to compliance with the Township Stormwater Management Ordinance, shall provide upon the site plan the contours of the site at vertical intervals of:
 - not more than five (5) feet for land with an average natural slope of five (5%) percent or less.
 - not more than ten (10) feet for land with an average natural slope exceeding five (5%) percent.
 - not more than twenty (20) feet for land with an average natural slope exceeding fifteen (15%) percent.

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

15. The applicant shall supply any other information required by the Dennison Township Zoning Hearing Board for determining the conformance of the special exception use with the applicable regulations for that particular use.

SECTION 604 IMPACT ANALYSIS

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

ARTICLE 7
CONDITIONAL USES

SECTION 701 **PURPOSE**

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

SECTION 702 **GENERAL PROVISIONS**

The authority for approving or denying applications for uses permitted as a conditional use shall be vested in the Dennison Township Board of Supervisors, with the Dennison Township Planning Commission having the authority to review and submit their recommendations to the Board of Supervisors. Decisions by the Board of Supervisors shall be made in accordance with standards and criteria set forth in this Article, any studies and reports required within the context of an Impact Analysis, as so defined in Article 2 of this Ordinance, the respective zoning district in which the use is located, all other applicable regulations of this Ordinance, other ordinances of the Township and all applicable State and/or Federal regulations.

SECTION 703 **PLANS, INFORMATION AND PROCEDURES FOR CONDITIONAL USES**

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

- A. An application for a conditional use permit shall be submitted to the Zoning Officer with a site plan at a scale of not greater than:

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

OR

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

Such plan shall, at minimum, indicate:

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

5. All streets, both public and private within two-hundred (200) feet of the site, including right-of-way and cartway widths.
6. Streams, ponds, watercourses, wetlands, or any other types of bodies of water, including natural or man-made drainage swales, located on the site or within two hundred (200) feet of the site.
7. Any areas of the property that are subject to flooding including but not limited to the boundaries of any FEMA designated 100 Year Flood Plains based upon the most recent Flood Insurance Rate Maps (FIRM) for the Township.
8. The location, nature and terms of any existing or proposed easements on the site, and any easements both on-site and off-site which are used or intended to be used for access to the site, including the name and address of the owner or owners granting such easement.
9. The location of any residential structures which border the site on an adjoining lot and/or those within two hundred (200) feet of any property boundary line of the subject site.
10. The Map, Block and Lot Number of the subject parcel, as contained in the records of the Office of the Luzerne County Recorder of Deeds.
11. A location map at a scale of not greater than one (1) inch equals two thousand (2,000) feet, indicating the relation of the site to its geographic proximity within the Township.
12. In cases when a proposed use includes new construction and/or grading of the site, the applicant, in addition to compliance with the Township Stormwater Management Ordinance, shall provide upon the site plan the contours of the site at vertical intervals of:
 - not more than five (5) feet for land with an average natural slope of five (5%) percent or less.
 - not more than ten (10) feet for land with an average natural slope exceeding five (5%) percent.
 - not more than twenty (20) feet for land with an average natural slope exceeding fifteen (15%) percent.

Topography data shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.
13. If applicable, the applicant shall submit a Soil Erosion and Sedimentation Plan and/or NPDES Permit for review and approval by the Luzerne County Conservation District.

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

If the Board of Supervisors fails to conduct or complete the required hearing as provided for under Section 1506(D) of this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.

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

- F. The Board of Supervisors may grant an approval for a conditional use upon its determination that adequate evidence and information has been provided, which indicates the applicant's proposal meets the general and specific requirements for the type of conditional use in

question, and any additional conditions and safeguards deemed necessary to protect the public health, safety and general welfare.

SECTION 704 GENERAL STANDARDS

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

- A. The proposed use shall not jeopardize Community Development Objectives, and is generally consistent with those as set forth in Article 1 of this Ordinance.
- B. Public services and facilities such as streets, sewers, water, police, and fire protection shall be adequate for the proposed use and/or development.
- C. Existing streets and proposed access to the site shall be adequate regarding the width and pavement for emergency service vehicles.
- D. The proposed use shall not adversely affect the public health, safety and welfare due to changes in traffic conditions. Existing streets and proposed access to the site shall be adequate to accommodate anticipated traffic volumes in a manner that avoids undue traffic congestion, and provides for the safety and convenience of pedestrian and vehicular traffic. The proposed use shall not result in unsafe or dangerous traffic conditions.
- E. The proposed use shall be compatible with adjoining development and the character of the zoning district and neighborhood in which it is proposed to be located. The nature and intensity of the operation of the proposed use shall be considered regarding its compatibility or lack thereof.
- F. The proposed use shall not adversely affect neighborhood property values and aesthetic characteristics in the neighborhood where it is proposed to be located.
- G. The proposed use shall not adversely affect the public health, safety and welfare as related to drainage, air quality, noise and natural features of the land. The proposed use and/or development shall not be more objectionable in its operations in terms of noise, fumes, odors, vibration, or lights than would be the operations of any permitted use in the subject Zoning District.
- H. The submission of any reports and/or studies, required by the Board of Supervisors within the context of the definition "Impact Analysis" as contained defined in Article 2 of this Ordinance, which conclusively demonstrates that the proposed use or development will not have a negative impact upon the particular subject or subjects as defined by the Board of Supervisors, in requiring such reports and/or studies.
- I. The proposed use and/or development shall not be injurious to the public interest.

In granting approval, the Board of Supervisors may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

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

705.01. SOIL TYPES

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

705.02 SURFACE WATERS

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

705.03 GROUND COVER INCLUDING TREES

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

- d. Extent of proposed vegetative cover on the site.

705.04 TOPOGRAPHY

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

705.05 GROUND WATER

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

705.06 WATER SUPPLY

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

705.07 SEWAGE SYSTEM

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

705.08 SOLID WASTE

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

- c. Plans for recycling of solid waste during and after construction.

705.09 AIR QUALITY

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

705.10 NOISE

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

705.11 IMPACT OF PROPOSED USE/DEVELOPMENT

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

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

705.12 IMPACT UPON CRITICAL AREAS

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

705.13 OTHER GOVERNMENTAL JURISDICTION

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

705.14 REVIEW PROCEDURE OF ENVIRONMENTAL IMPACT STATEMENT

- A. Upon receipt of an Environmental Impact Statement, the Board of Supervisors shall promptly forward the Environmental Impact Statement to the Township Planning Commission, the Township Planning Consultant, the Township Engineer and any other agency, firm or individual which the Board of Supervisors may desire for their consultation and input.
- B. The Planning Commission shall review the applicant's Environmental Impact Statement and provide the Board of Supervisors with its comments and recommendations within thirty (30) days from the date of its submission to the Planning Commission.
- C. The Board of Supervisors shall have the discretion to retain the expertise of appropriate parties in their review of the Environmental Impact Statement.
- D. In the event that any information, data, and/or "Impact Analysis" indicate a projected and/or potential adverse impact, the applicant shall fully mitigate such impact. A determination of a potential adverse impact which may result, based upon the Environmental Impact Statement or the Board of Supervisors' review of the same shall constitute sufficient basis for the denial of a conditional use permit.

ARTICLE 8
SUPPLEMENTAL REGULATIONS

SECTION 801 PURPOSE AND INTENT

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

801.01 ANIMAL HOSPITAL

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

801.02 AUTOMOBILE RELATED ACTIVITIES

- A. Gasoline Service Stations: When a service station abuts on the rear side lot line of a district having residences as a principal use, a solid wall or substantial attractive fence six (6') feet in height shall be constructed and maintained in good condition along such boundary. When a service station occupies a corner lot, the access driveways shall be located at least sixty (60') feet from the intersection of the front and side street lines of the lot. All access driveways shall not exceed twenty-five (25') feet in width. Gasoline pumps or other service appliances may be located in the required front yard subject to having a front yard setback distance of not less than twenty-five (25') feet. All repairs, service, storage or similar activities in connection with the use shall be conducted within the building where adequate measures shall be taken to minimize noise, fumes and glare. Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height. Outside lighting shall be directed away from adjacent properties.
- B. Automotive Repairs (major): Activities including the repair of automobiles, trucks, snowmobiles and motorcycles shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize noise, vibrations, fumes and glare. Only vehicles to be repaired on the premises or picked up by the vehicle owner may be stored in the yard area. Where the operation abuts on the side or rear property line of a district having residences as a principal permitted use, a solid wall or substantial attractive fence six (6') feet in height shall be constructed and maintained in good condition along such boundary. Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height. Outside lighting shall be directed away from adjacent properties.
- C. Automotive Sales: The outdoor display of new or used automobiles, panel trucks or vans, trailers, recreational vehicles, all-terrain vehicles, motorcycles, snowmobiles, mobile homes or boats shall meet the appropriate yard requirements for the zoning district in which such use is located. Uses which

are normally accessory to such sale establishments (such as engine repairs, body repairs, painting, radiator repair and undercoating) shall be permitted, provided such uses are clearly incidental and subordinate to the principal use and further provided that such uses are conducted within a completely enclosed building designed and constructed to minimize noise, fumes, vibrations and glare. Where an automotive sales use abuts a rear or side lot line of any district having residences as a principal permitted use, a solid wall or substantial, attractive fence six (6') feet in height shall be constructed and maintained in good condition along such boundary. Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height. Outside lighting shall be directed away from adjacent properties.

801.03 BED AND BREAKFAST

A Bed and Breakfast shall be within an owner occupied dwelling which are rented on a nightly basis for periods of normally not more than a week. There shall not be separate cooking facilities in any guestrooms. Dining and other facilities shall not be open to the public, but shall be exclusively for the use of the residents and registered guests. Two off street parking spaces shall be provided for each rental unit.

No signs, show windows or any type of display or advertising shall be visible from outside the premises, except for a single wall or freestanding sign, which shall not be internally illuminated, with a maximum sign area of four square feet on each of two sides, if freestanding, and with a maximum height of eight (8) feet.

In a residential district, the exterior of the building shall not be changed in any way that would decrease its residential appearance and character, except for needed modifications for historic restoration, handicapped access or fire safety.

801.04 BOARDING/ROOMING HOUSE

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

801.05 BULK FUEL STORAGE

Bulk fuel storage shall be located on a tract of land not less than ten (10) acres. Storage tanks shall be located not less than five hundred (500') feet from any property line and shall be not less than one thousand (1000') feet from any dwelling, school, church or similar use. Cylinder filling rooms, pumps, compressors and truck filling stations shall be located two hundred fifty (250') feet from all property lines.—The tank storage area shall be fenced with an eight (8') feet high industrial gauge fence. If the storage property abuts on the side or rear property line containing a residence, the fence shall be screened from view by a dense growth of evergreens at least five (5') feet in height at the time of planting. Bulk fuel storage facilities shall be developed in full compliance with all applicable federal, state and insurance regulations.

801.06 COMMERCIAL COMMUNICATION ANTENNAS
(ATTACHED TO BUILDING OR STRUCTURE)

A Commercial Communication Antenna when attached to an existing building or structure shall require approval as a conditional use and shall be subject to the following requirements:

- (1) Commercial Communications Antenna shall not be located or permitted on any building or structure located within a Residential Zoning District.
- (2) A Commercial Communications Antenna mounted on a building or other structure shall not exceed eight (8) feet in height above the existing building or structure and shall not exceed three (3) feet in width.
- (3) A Commercial Communications Antenna shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. A copy of the subject standards shall be submitted with a Zoning Permit Application along with a graphic depiction of the proposed Communications Antennas.
- (4) The applicant shall provide a copy of its current Federal Communication Commission license.
- (5) The applicant shall provide certification and documentation from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, considering wind and other loads associated with such mount or location.
- (6) The applicant shall provide evidence of agreements and/or easements necessary to provide access to the building or structure on which the Commercial Communications Antenna is to be mounted.
- (7) The applicant shall provide A Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 million per occurrence.
- (8) An antenna mounted upon an existing structure shall be removed by the owner of the same within six (6) months of the discontinuance of its use. The owner shall provide Dennison Township with a copy of the notice to the FCC of intent to cease operations. The six month period for the removal of an antenna mounted upon an existing structure shall commence on the date indicated for ceasing operations.

801.07 COMMERCIAL COMMUNICATION ANTENNAS (CO-LOCATION)

The placement of a Commercial Communication Antenna upon an existing Commercial Communication Tower or an existing Public Utility Transmission tower shall be permitted by right in all nonresidential zoning districts. Said antenna shall be removed by the owner of the same within six (6) months of the discontinuance of its

use. The owner shall provide Dennison Township with a copy of the notice to the FCC of intent to cease operations. The six month period for the removal of an antenna mounted upon an existing structure shall commence on the date indicated for ceasing operations.

801.08 COMMERCIAL COMMUNICATIONS FACILITY

Commercial Communication Facilities shall be subject to the following requirements.

A. COMMERCIAL COMMUNICATIONS ANTENNA

- (1) Commercial Communications Antenna shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. A copy of the subject standards shall be submitted with a Zoning Permit Application.
- (2) The applicant shall provide a copy of its current Federal Communication Commission license.

B. COMMERCIAL COMMUNICATION TOWER

- (1) A written statement and graphic depiction that describes and depicts the proposed Tower including the type of construction (monopole, lattice tower, guyed tower), tower height and the provision for co-location.
- (2) The submission of not less than three color photos, no smaller than 8 inches by 10 inches, taken from locations within a three (3) mile radius of the proposed site of a Communications Tower, as selected by the Board and computer enhanced to simulate the as-built appearance of the Tower as it would appear from these locations.
- (3) Certification and documentation from a Pennsylvania registered professional engineer that the proposed Tower will be designed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Pennsylvania Uniform Construction Code and other applicable regulations.
- (4) The name, address, and emergency telephone number for operator of the Tower.
- (5) The applicant shall demonstrate, using technological evidence, that the Tower must be located where it is being proposed and that it represents the minimum height required to function satisfactorily.
- (6) All new Towers shall be engineered and constructed to accommodate at

least one (1) other user.

- (7) Unless required by the FAA, no Tower may use artificial or strobe lighting. The tower shall be a brownish color (whether painted brown or caused by oxidation or otherwise to lessen its visual impact) up to the height of the tallest nearby trees. Above that height, it shall be painted silver or another color that will minimize its visual impact.
- (8) A Tower shall be setback from all property lines a distance that is not less than one hundred and twenty (120%) percent of the height of the Tower as measured in linear feet.
- (9) An applicant proposing the construction of a Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing building, structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable structures within a one-half ($\frac{1}{2}$) mile radius of the proposed Tower site be contacted. The applicant shall supply supporting documentation for not selecting an alternate location.
- (10) All guy wires associated with a Guyed Tower shall be clearly marked at ground level so as to be visible at all times and shall be located within a fenced enclosure.
- (11) No signs shall be mounted on a Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction, provided, however, that a sign shall be affixed to the security fence in an accessible and visible location containing the name and address of the owner of the Tower and a 24-hour emergency telephone number.

C. COMMERCIAL COMMUNICATIONS EQUIPMENT BUILDING:

A Commercial Communications Equipment Building shall meet the governing setback distances applicable to the district in which it is located.

D. DECOMMISSIONING AND RESTORATION REQUIREMENTS

A tower shall be removed from the site within six (6) months of its cessation of use. The applicant shall include the following information regarding decommissioning and removal of the tower and restoring the site:

- (1) The anticipated and/or estimated life of the project.
- (2) The estimated decommissioning costs in current dollars.
- (3) The method and schedule for updating the costs of decommissioning and restoration,

- (4) The method of ensuring that funds will be available for decommissioning and restoration.
- (5) The anticipated manner in which the project will be decommissioned and the site restored.
- (6) The applicant shall provide an appropriate and adequate demolition bond for purposes of removing the tower in case the applicant fails to do so as required above. Proof of this bond shall be provided each year and shall be a continuing condition for the life of the project.
- (7) The sufficiency of the demolition bond shall be confirmed at least every five years by an analysis and report of the cost of removal and property restoration to be performed by a licensed professional engineer, the cost of same to be borne by the applicant. If said analysis and report determines that the amount of the bond in force is insufficient to cover the removal, disposal and restoration costs, the bond shall be increased to the amount necessary to cover such costs within 10 days of the applicant's receipt of such report.

E. INSURANCE REQUIREMENTS

The applicant shall provide a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 million per occurrence covering the Commercial Communications Facility.

801.09 CONTRACTORS' STORAGE YARDS

Commercial or industrial uses utilizing outdoor storage space of more than one thousand (1,000) square feet shall be located on a tract of land of not less than two (2) acre. A complete listing of all types of items to be stored therein. No hazardous substances, as so defined in Article 2 of this Ordinance, shall be permitted upon the site. Supplies stored outdoors shall be neatly arranged and no required yard areas shall be used for storage. Outside lighting shall be directed away from adjoining properties.

801.10 CEMETERIES

The property shall not be less than ten (10) acres. A grave or place of permanent burial shall be set back not less than ten (10') feet from the property line. The cemetery shall be enclosed by a fence, wall or shrubbery at least three (3') feet in height.

801.11 DAY CARE FACILITIES

All day care facilities shall comply with the following:

- A. The applicant or owner shall provide evidence of certification of compliance with all appropriate regulations of any designated State

agency whose approval and/or license is required by the laws of the Commonwealth.

- B. Noise and all other possible disturbing aspects connected such use shall be controlled to the extent that the operation of such use shall not unduly interfere with the use and enjoyment of properties in the surrounding area.
- C. All day care facilities shall have an outdoor play area which shall be completely enclosed with a fence six (6') feet in height.
- D. The applicant shall supply evidence that vehicular traffic congestion will be avoided in "pick-up and drop-off points" utilized in transporting individuals to and from the facility.
- E. One off-street parking space shall be required for each employee.
- F. One off-street parking space shall be required for each vehicle used by the establishment for the purpose of transporting persons attending the facility

801.12 DWELLING OVER OR ATTACHED TO A BUSINESS

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

801.13 ENTERTAINMENT FACILITIES

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

801.14 EXCAVATION OF MINERALS (as defined in Article 2)

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

- A. Project Narrative: A written report shall be submitted by the applicant that includes the type of minerals proposed to be excavated, extracted, and/or removed from the site, the volume of such material and the maximum length of time associated with the proposed operation based upon the stated volume of material. Said narrative shall also describe normal, daily operational features performed upon the site, including but not limited to, proposed hours of operation, anticipated noise levels, and the type and

volume of truck traffic to be generated with the proposed traffic routes to and from the site.

- B. Map: Submission of a map or maps at a scale of not greater than one (1") inch equals fifty (50') feet that outlines the entire property and the proposed area subject to excavation, extraction, and/or removal of minerals. Said map shall indicate existing contours prior to the start of work, and proposed final contours, including the proposed maximum depth of excavation at all points subject to excavation. Said map or maps shall also contain surface features showing the location of buildings, dwellings, places of worship, schools, railroads, highways and public uses within a distance of five hundred (500) feet from the perimeter of the proposed use.
- C. Distance Provisions: The perimeter of any excavation under this Section shall not be nearer than five hundred (500) feet from any building, property line or street, except that owned by the applicant.
- D. Limitation on Land Area: At any given time, the active excavation/extraction areas shall not exceed ten (10) acres in area on any lot or tract of land. Additional areas may be approved on the completion and cessation of previous approvals.
- E. Compliance With State Requirements: Final and/or unconditional approval for excavation, extraction and/or minerals under the provisions of this Ordinance shall not be issued until the applicant documents that all required licenses and/or permits have been properly secured from the applicable State and /or Federal agencies, including but not limited to the Pennsylvania Department of Environmental Protection.

801.15 HOME OCCUPATIONS

A home occupation shall be an incidental use of a dwelling unit or of a building or other accessory structure to a dwelling unit and shall be conducted by a person or persons residing in the dwelling unit with not more than one (1) nonresident employee. Not more than twenty-five (25%) percent of the building floor area (including the floor areas of both the principal and accessory structures) shall be used for the home occupation-

The exterior appearance of the structure or premises shall be maintained in its residential character with the home occupation conducted entirely within an enclosed structure and with no goods publicly displayed on the premises other than a permitted sign as provided for in Article 10. The home occupation shall not involve display windows, the storage or sale of articles not produced on the premises, frequent truck deliveries or the production of offensive noise, smoke, vibration, dust odors, heat or glare. Outdoor storage of materials or products shall also be prohibited. Off-street parking requirements for both dwelling and home occupation uses shall be fulfilled in accordance with Article 11. Home occupations may include an office or studio of a physician, dentist, artist, photographer, architect, engineer, accountant, surveyor, lawyer, realtor, insurance salesperson, or a member of some other similar recognized

profession. Home occupations may also include dressmaking and tailoring shops, beauty shops or barber shops, ceramic shops, small appliances and lawnmower repair, tutoring and music instructions for not more than two (2) students at a time, but shall not include animal hospitals, commercial kennels or stables, mortuaries, clothing shops, eating and drinking establishments, dance studios or business schools.

801.16 INDUSTRIAL ACTIVITIES

All activities and uses permitted within the I-1 District shall comply with all regulations governing odors, fumes, dust, smoke, vibration, noise, sewage, industrial waste, fire hazards and any other of the activities and uses which side effects are deemed injurious to the public health, safety and welfare by the United States Environmental Protection Agency (E.P.A.), the Pennsylvania Department of Environmental Protection (DEP) and the Pennsylvania Department of Labor and Industry. It shall be the responsibility of the applicant to provide the Zoning Officer with a complete listing of all State and Federal regulations governing the proposed use and written compliance from the governing agencies. All industries are required to supply the Township Emergency Management Agency and the Fire Department with all applicable MSDS sheets, emergency operations and evacuation plans.

801.17 JUNK YARDS AND/OR AUTOMOTIVE WRECKING YARDS

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

- A. Such premises shall at all times be maintained so as not to constitute a nuisance or menace to the health of the community or residents nearby or a place for the breeding of rodents and vermin.
- B. Burning of any materials shall be prohibited.
- C. No oil, grease, tires or gasoline shall be burned at any time.
- D. No garbage, organic waste, rubbish, toxic materials and hazardous materials shall be stored on such premises.
- E. Whenever any motor vehicle shall be received on such premises as junk, all gasoline and oil shall be drained and removed therefrom.
- F. The storage of any combustible materials, such as gasoline, oil or related items, shall be placed in fireproof containers and stored within fireproof sheds.
- G. The manner of storage and arrangement of junk and the drainage facilities on the site shall be such as to prevent the accumulation of stagnant water upon the premises and to facilitate access for fire fighting purposes.
- H. There shall be no stockpiling of motor vehicles, nor shall there be any junk piled higher than four (4') feet.

- I. There shall be a fourteen (14') foot roadway provided for every forty (40) linear feet of junk. The roadway shall be kept open and unobstructed for any firefighting equipment and safety purposes.
- J. Junk shall not be stored within one hundred (100') feet of any adjoining property line or nearer than one hundred (100') feet to any adjoining or abutting street.
- K. All junk yards shall be completely screened from view on all sides by a solid wall or substantial fence not less than eight (8') feet in height and an evergreen hedge with such evergreens being a minimum height of at least five (5') feet at the time of planting. Any fence or wall shall be no closer than five (5') feet to the property lines.
- L. Such premises may be open for business or any work in connection with the storage, processing and transportation or removal of junk only on Monday, through Saturday from 8:00 A.M. to 8:00 P.M., local time.

801.18 MORTUARIES AND CREMATORIES

Mortuaries and crematories shall accommodate all of the parking areas required as provided in Article 11. In addition, sufficient area shall be provided for vehicular circulation on the lot and for the assembly area for the procession beyond the street right-of-way line. Points of vehicular access to the site shall not create traffic hazards on the street. Loading and unloading areas for ambulances and hearses shall be within an enclosed building or shall be screened from view from adjacent properties by a solid wall or substantial, attractive fence not less than six (6') feet in height. Outside lighting shall be directed away from adjacent properties. Such use shall be serviced by and connected to an off-site sewage disposal system.

801.19 MOTELS AND HOTELS

A motel or hotel shall be serviced by and connected to an off-site water system and an off-site sewage disposal system. Such uses shall require a lot area, of not less than three (3) acres and a lot width of not less than two hundred (200') feet. The width of any access drive shall not exceed twenty-five (25') feet and shall not be less than sixty (60') feet from the intersection of two (2) streets, as measured from the intersection of their right-of-way lines unless superseded by a PennDOT Highway Occupancy Permit or Luzerne County Highway Occupancy Permit,.

801.20 PUBLIC USES, INCLUDING EMERGENCY SERVICES FACILITY

Where the lot abuts residences on the side or rear property lines, a solid wall or substantial, attractive fence not less than six (6') feet in height shall be constructed and maintained along such boundary. Outside lighting shall be directed away from adjacent properties.

801.21 NO IMPACT HOME-BASED BUSINESS

A No Impact Home-Based Business, as defined in Article 2 of this Ordinance, shall be permitted by right in all Residential Zoning Districts and zoning districts in which residences are permitted as a principal permitted use, except that such permission shall not supersede any deed restriction, covenant, or agreement restricting the use of the land, nor any master deed, bylaw, or other document applicable to common interest ownership community. The following standards and criteria shall apply to a No Impact Home-Based Business:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than the family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business, including, but not limited to, parking, signs or lights.
- E. The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with a residential use in the neighborhood.
- G. The business activity shall not occupy more than twenty-five (25%) of the habitable floor area.
- H. The business shall not involve any illegal activity.

801.22 NONPROFIT SOCIAL HALLS AND CLUBS

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

801.23 NURSING HOME

All nursing homes shall be serviced by and connected to an off-site sewage disposal system as approved by DEP. The minimum lot area shall be not less than two (2) acres. Unless superseded by a PennDOT Highway Occupancy Permit or Luzerne County Highway Occupancy Permit, access drives shall be no more than twenty-five (25') feet in width. In the case of a corner lot, access drives shall be not less than sixty (60') feet from the intersection of two (2) streets, as measured from the right-of-way lines.

801.24 OUTDOOR WOOD-FIRED BOILER

An Outdoor Wood-Fired Boiler shall comply with the following standards

- A. The property must have a lot area of not less than five (5) acres.
- B. A safe flue or chimney shall be provided which has a minimum termination height of twenty-five (25) feet above the natural ground level upon which the outdoor wood-fired boiler is located and be provided with a spark arresting device designed and approved for that purpose.
- C. A fan or blower attached to the appliance to increase the efficiency of the Outdoor Wood-Fired Boiler.
- D. An outdoor wood-fired boiler shall be located not less than two hundred (200) feet from any property line and not less than forty (40) feet to any principal structure or building located upon the property.
- E. The outdoor wood-fired boiler shall have an orange hang tag that signifies that it meets the EPA's standards for Phase 1 air emission levels of 0.60 pounds of fine particulates per million BTU heat input and qualifies for the EPS's voluntary program.
- F. All outdoor wood-fired boilers shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder. In the event of a conflict, the regulations promulgated within this Section shall apply unless the manufacturer's instructions more restrictive, in which case the manufacturer's instructions shall apply.
- G. The owner of the outdoor wood-fired boiler shall produce the manufacturer's instructions for all devices that do not conform to the requirements of this Section.
- H. All outdoor wood-fired boilers may only be utilized for the sole purpose of furnishing heat to a structure or building and/or providing hot water during the time period of October 1 through May 1; and subject to meeting the requirements of this Section.
- I. No homemade outdoor wood-fired boilers will be allowed.

J. Only natural clean wood may be burned in outdoor wood-fired boiler. Regardless of the manufacturer's instructions an outdoor wood-fired boiler shall not be used to burn any of the following materials:

- Any material that does not meet the definition of clean wood.
- Furniture
- Garbage
- Tires
- Lawn clippings or yard waste
- Wet or soggy wood
- Material containing plastic
- Material containing rubber
- Waste petroleum products
- Paints and paint thinners
- Chemicals
- Any hazardous waste
- Coal
- Glossy colored paper
- Construction and demolition debris
- Plywood
- Particleboard
- Salt water driftwood
- Manure
- Animal carcasses
- Asphalt products

K. All storage of materials to be burnt in the outdoor wood-fired boiler shall be neatly stacked and/or stored under cover and free from insects (termites, ants, etc.) or any type of disease carrying rodents.

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

801.25 PLACES OF WORSHIP:

A parking area shall accommodate all parking spaces as required in Article 11. Unless superseded by a PennDOT Highway Occupancy Permit or Luzerne County Highway Occupancy Permit, access driveways shall be no more than twenty-five (25') feet in width and in the case of a corner lot, access driveways shall be at least sixty (60') feet from the intersection of the two streets, as measured from the intersection of their right-of-way lines. Where the property abuts existing residences on the side or rear property lines, a solid wall or substantial, attractive fence, a minimum of six (6') feet in height and maintained in good condition shall be provided.

801.26 PUBLIC UTILITY FACILITIES

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

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

801.27 RECREATIONAL FACILITIES - (OUTDOORS AS A PRINCIPAL USE)

All such facilities, whether public, private or commercial, shall conform to the following regulations:

- A. No outdoor recreation activity shall be conducted closer than one hundred (100') feet to any property line.
- B. A buffer area, at least fifty (50') feet in depth and planted with trees, shrubs or other landscaping, shall surround the property except for access drives.
- C. Unless superseded by a PennDOT Highway Occupancy Permit or Luzerne County Highway Occupancy Permit, access drives shall be not greater than twenty-five (25') feet in width; parking areas shall not be located within buffer areas.
- D. Storm drainage from the site shall be channeled to natural drainage courses and away from adjoining properties.

801.28 RESTAURANTS AND TAVERNS

All restaurants and taverns shall meet the parking requirements as set forth in Article 11. Unless superseded by a PennDOT Highway Occupancy Permit or Luzerne County Highway Occupancy Permit, access drives shall not exceed twenty-five (25') feet in width and for those establishments located on a corner lot, no access drive shall be located less than sixty (60') feet, as measured from the right-of-way lines, from the intersection of the two abutting streets. Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height. Outside lighting shall be directed way from adjacent properties.

801.29 SATELLITE DISH ANTENNA (NONCOMMERCIAL)

A noncommercial satellite dish antenna, as so defined in this Ordinance, shall be deemed an accessory use, permitted by right in all zoning districts. Granting approval for the establishment and/or construction of a satellite dish antenna shall not restrict or imply to restrict the use or development of another zoning lot. The height of a noncommercial satellite dish antenna, including any supporting device, measured from ground level to its highest point of elevation, shall not exceed the maximum height restriction of the zoning district in which it is located. The following supplemental provisions shall apply.

A. Location on Lot

No satellite dish antenna shall be installed on a portable or moveable device.

B. Number on Lot

Not more than one satellite dish antenna shall be permitted on a zoning lot.

C. Size Limitations

The dimensions of a satellite dish antenna measured from its outermost edges cannot exceed twelve (12) feet in diameter.

D. Roof-Mounted

A roof-mounted satellite dish antenna having a diameter not greater than three (3) feet and installed in accordance with the manufacturer's specifications shall be exempted from securing zoning approval.

802.30 SELF-STORAGE FACILITY

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

802.31 SEXUALLY ORIENTED BUSINESS

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

1. A residential dwelling.
2. A place of worship

3. A public or quasi-public use or structure.
4. A zoning boundary of any zoning district in which residences are permitted as a principal permitted use.

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

801.32 SMALL WIND ENERGY CONVERSION SYSTEM (Small WECS)

The following requirements shall apply to a proposed Small WECS.

The applicant for a Small Wind Energy Conversion System (“Small WECS”) as so defined in Article 2 shall be required to submit the following information:

1. The applicant and landowner’s name and contact information. Please note that the Conditional Use Application must be signed by both the applicant and the landowner, regardless of any equitable interest or other documentation held by the applicant. Failure to provide an application bearing both signatures will be deemed to be an incomplete submission and shall represent a basis for denying the application.
2. The tax map numbers, existing use and acreage of the site parcel.
3. A copy of the deed to the property.

A. DESIGN AND INSTALLATION

1. Design Safety Certification

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

2. All components of a small WECS shall be designed and constructed to be in compliance with pertinent provisions of the Pennsylvania Uniform

Construction Code. The owner of a small WECS shall have all components the Facility inspected annually, with each inspection not to exceed a twelve (12) month period, for structural and operational integrity by a licensed professional engineer, and shall submit a copy of the inspection report to the Township.

3. Controls and Brakes

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

4. Rotor Blades

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

5. Electrical Components

All electrical components of a Small WECS shall conform to the Pennsylvania Uniform Construction Code.

The maximum turbine power output shall be limited to 10 KW.

All on-site electrical wiring associated with the system shall be installed underground except for "tie- ins" to a public utility company and public utility company transmission poles, towers and lines.

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

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

Anchor points for any guy wires for a small WECS shall be located within the property that the system is located on and not on or across any above ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering eight (8) feet above the ground.

B. VISUAL APPEARANCE

1. A visual analysis of a small WECS as intended to be installed shall be provided with conditional use. The visual analysis shall include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points selected by the Board of Supervisors.
2. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
3. A Small WECS's tower and blades shall be painted in a non-reflective, light gray or light blue hue, which blends with sky and clouds.
4. A small WECS shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible, the system:
 - shall not project above the top of ridgelines.
 - shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.

C. LOT SIZE, SETBACK AND HEIGHT REQUIREMENTS:

1. A Small WECS shall not exceed a maximum height of eighty (80) feet and shall be located on a lot with a minimum size of not less than ten (10) acres.
2. Setback requirements. A small WECS shall not be located closer to a property line than two and a half (2.5) times the turbine height as measured from center point of the base of the tower.
3. Only one small WECS per legal lot shall be allowed.

D. CLIMB PREVENTION/LOCKS

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

E. NOISE AND SHADOW FLICKER

1. Audible sound from a Small WECS shall not exceed 50 dBA, measured at all points of the site's property line. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.
2. Reasonable efforts shall be made to preclude shadow flicker to any off-site building not owned by the applicant. The applicant shall provide an assessment of potential buildings that that could be affected.

F. ABANDONMENT

1. A Small WECS which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

801.33 TOWNHOUSES DEVELOPMENTS

All townhouse developments containing more than one building shall comply with the following:

- A. Minimum Lot Area: Two (2) acres
- B. Minimum Lot Width: Two hundred (200') feet
- D. Minimum Distance Between Buildings: Minimum distance between principal structures shall be not less than thirty (30) feet.
- E. Maximum Lot Coverage: Applicable to the zoning district in which it is located.
- F. Maximum Density: Four (4) units per acre
- G. Maximum building height shall be 2¹/₂ stories or thirty-five (35) feet.

No townhouse shall exceed two hundred (200') feet in length, nor contain more than four (4) dwelling units. A site plan for townhouses developments shall be required. The site plan shall include, but may not be limited to, the following information:

- H. A layout of the total area at a scale of one (1") inch equals fifty (50') feet, with contours for every five (5') feet of change in elevation.
- I. The location, use, plan dimensions and height of each building and the total gross floor area.

- J. The location, dimensions and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking areas, pedestrian ways, widths of streets and sidewalks.
- K. The provisions made for and the location of sewage disposal, water supply, storm drainage and other required site utilities.
- L. Any other pertinent information deemed necessary by the Board of Supervisors.

801.34 WAREHOUSE FACILITIES

All materials shall be stored within a completely enclosed building and yard areas shall be kept clear of junk, trash or other types of debris. Access drives shall not exceed twenty-five (25') feet in width; parking and loading areas shall conform with the regulations of Article 11.

801.35 WIND ENERGY FACILITIES

A. INFORMATION TO BE SUBMITTED

The applicant for a Wind Energy Facility shall be required to submit the following information:

1. The applicant and landowner's name and contact information.
2. The tax map numbers, existing use and acreage of the site parcels or which it is to be located.
3. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the generating capacity of the Wind Energy Facility; the number, representative types and height of all Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
4. A site plan sealed by a professional land surveyor at a scale not greater than one (1") inch equals one hundred (100') feet which includes but may not be limited to identification of the properties on which the proposed Wind Energy Facility will be located with the name and mailing address of the owners of record, the properties adjacent to where the Wind Energy Facility will be located with the name and mailing address of the owners of record, the proposed location of each wind turbine within the Wind Energy Facility, property lines, setback lines, access roads, substations, electrical cabling from each wind turbine within the Wind Energy Facility to the substations, ancillary equipment, buildings, and structures, including permanent meteorological towers.
5. A survey drawing at an appropriate and legible scale showing the proposed location of the wind energy facility (including access roads) as it relates to the boundaries of the parcel, adjacent ownerships and existing residences, schools, churches, hospitals, libraries, federal, state, county or local parks, and recognized historic or heritage sites within a distance of 2,000 feet or less from any property boundary.

6. As applicable, copies of all proposed leases required to be secured by the applicant, shall be provided, if the applicant is not the sole owner of the parcel or parcels on which the Wind Energy Facility is proposed to be constructed. Boundaries of said leases shall be clearly illustrated upon the site plan.
7. Standard drawings of proposed wind turbine structures, including the tower, base and footings.
8. Documentation that all proposed wind turbines conform to applicable industry standards, including compliance with the Pennsylvania Uniform Construction Code (UCC), and the regulations adopted by the Department of Labor and Industry. All wiring shall comply with the applicable version of the National Electric Code (NEC). The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute.
9. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations certified by an engineer registered in the Commonwealth of Pennsylvania.
10. A completed Environmental Impact Statement, otherwise required for a Conditional Use, under Section 705 of this Ordinance shall be provided.
11. The applicant shall provide to the Zoning Hearing Board three dimensional graphic information that accurately portrays the visual impact of the proposed wind farm and each individual wind turbine within that wind farm from various vantage points selected by the Zoning Hearing Board, such as, but not limited to residential developments, roads and recreation areas. This graphic information shall be provided in the form of photographs or computer-generated images with the wind turbines superimposed, as may be required by the Zoning Hearing Board. The Zoning Hearing Board shall also require the applicant to conduct a balloon test to confirm the visual impact.

B. APPROVAL STANDARDS

A Wind Energy Facility shall in addition to all other applicable criteria and requirements of this Ordinance comply with the following:

1. The minimum distance between the ground and any part of the rotor blade system shall be one hundred (100') feet.
2. To limit unauthorized access, a fence eight feet high with a locking portal shall be placed around the base of the tower of a wind turbine. Also, all access doors to wind turbines and electrical equipment shall be locked to prevent entry by non-authorized persons. A sign shall be posted on the entry area of the fence around each Wind Turbine or group of towers and any building, containing emergency contact information, including a telephone number with 24 hour, 7 days a week coverage.

3. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, color objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.
4. Wind turbines shall not be climbable up to 15 feet above the average grade of the ground surface. Tower-climbing apparatus shall be located no closer than 15 feet from the ground and a locked anti-climb device shall be installed on the tower.
5. No signs or lights shall be mounted on any wind turbine except as may be required by this Ordinance, the Federal Aviation Administration, or other governmental agency which has jurisdiction. No wind turbine shall be artificially lighted, except as required by the Federal Aviation Administration or for security purposes approved as part of the zoning permit. No approved security 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. No direct or sky-reflected glare, whether from overhead lighting or floodlights shall be permitted. The applicant shall provide a copy of the response to Notice of Proposed Construction or Alteration forms submitted to the FAA and PA DOT Bureau of Aviation; and, the Wind Energy Facility and support structures shall comply with all Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation (PA DOT) requirements.
6. All wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
7. All power transmission lines from a wind turbine to on-site substations shall be underground.
8. The applicant shall submit a certificate of insurance evidencing general liability coverage in the minimum amount of one million (\$1,000,000.00) dollars per occurrence and property damage coverage in the minimum amount of one million (\$1,000,000.00) dollars per occurrence covering the Wind Energy Facility and all its facilities. The applicant shall provide the Township with proof of annual renewal prior to expiration.

C. SITING AND INSTALLATION:

A Wind Energy Facility shall:

1. Combine transmission lines and points of connection to local distribution lines.
2. Connect the facility to existing substations, or if new substations are needed, minimize the number of new substations.

3. All wiring between wind turbines and the wind energy facility substation shall be underground.
4. The wind power generation facility, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to wind power generation facilities and shall provide evidence of a signed interconnection agreement, or letter of intent, with the interconnecting utility company.

D. LAND AREA REQUIREMENTS AND SETBACKS:

1. A Wind Energy Facility shall require a minimum lot size of not less than 50 acres, with a minimum lot width of 660 feet and a minimum lot depth of 660 feet.
2. If the parcel on which the Wind Energy Facility is located is a separate and distinct parcel, no wind turbine shall be located closer to any property line than 1,500 feet as measured from the center of the foundation of a Wind Turbine. The setback for equipment containers, other accessory structures, and any guy wire anchors shall be a minimum of 500 feet from any property line.
3. If the land on which a Wind Energy Facility is leased, or is used by license or easement, no wind turbine shall be located closer to any line of lease, license or easement than 1,500 feet as measured from the center of the foundation of a Wind Turbine. The setback distance for equipment containers, other accessory structures, and guy wire anchors shall be a minimum of 500 feet from the line of lease, license or easement. If the land to construct a Wind Energy Facility is to be leased, a subdivision plan must be submitted to and approved by the Township creating the new parcel to be leased prior to granting approval.
4. No wind turbine within a Wind Energy Facility shall be located less than 1,500 feet to any public road as measured from the center of the foundation of a Wind Turbine to the outer edge the public right-of-way.
5. Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, as measured from the center of the foundation of a Wind Turbine to an existing power line or telephone line.

E. NUISANCE ISSUES:

1. All wind turbines shall be located so that the level of noise produced by wind turbine operation shall not exceed 55 dBA, measured at all points of the site's property line. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.

2. The applicant shall document that the radio, television, telephone or reception of similar signals from nearby properties will not be disturbed or diminished by the installation of any wind turbine.
3. No vibration associated with the operation of a wind turbine shall be permitted which is detectable without instruments at or beyond the property line; and no use shall generate any vibration which is capable of causing damage to buildings, structures, equipment alignment, or structural soundness.
4. The applicant shall make reasonable efforts in siting proposed locations of wind turbines to minimize shadow flicker to any off-site Building.
5. The Applicant shall provide to the Zoning Hearing Board a plan for how complaints about noise, communications interference and vibration will be addressed by the operator of a wind turbine

F. ENVIRONMENTAL AND VISUAL:

1. No wind turbine shall be located less than 1,000 feet from any important bird area or migration corridor, National Wetland Inventory Wetland, Historic Site or lake, dam, stream, creek, ponds or public water supply sources or waterways. These areas shall be defined or designated by the Pennsylvania Department of Environmental Protection and/or as depicted on U.S.G.S. mapping.
2. Wind Energy Facilities shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
3. The design of the wind turbines buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
4. Where wind characteristics permit, wind turbines shall be set back from the tops of visually prominent ridgelines.
5. The maximum Turbine Height, as so defined in this Ordinance, shall not exceed 450 feet.
6. Wind Turbines shall be designed and located to minimize adverse visual impacts from neighboring residential areas to the greatest extent feasible.
7. Wind Turbines shall be designed to avoid, to the extent practicable, the creation of artificial habitat for raptors or raptor prey, such as a) electrical equipment boxes on or near the ground that can provide shelter and warmth, b) horizontal perching opportunities on the towers or related structures or c) soil where weeds can accumulate.
8. A Wind Energy Facility shall provide conclusive documentation that the location and operation of the proposed facility will not adversely affect the wild life

habitat, including but not limited to bats and birds of the region and associated migration routes. Comments from any State and/or Federal Agency having a jurisdictional review or stewardship over the protection of wildlife shall be required.

G. TRAFFIC

1. Access to a Wind Energy Facility shall be provided by means of a public street or easement to a public street. All access easements shall be a minimum of 25 feet in width and shall be improved to a width of not less than 12 feet with an improved, durable, dust-free, all weather surface. No access easement shall exceed a grade of 15% unless it can be proven to the Township Engineer that an unsafe situation is not being proposed, the road surface can be properly maintained by the applicant and emergency vehicles can negotiate the excessive slopes.
2. The Applicant shall identify all state, county and Township roads to be used within Dennison Township intended for use to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.
3. The applicant is responsible for remediation of damaged roads upon completion of the installation or maintenance of a Wind Energy Facility. A bond, letter of credit or other financial guarantee shall be posted by the applicant in an amount, determined by the Township Engineer to be fair, reasonable and sufficient to compensate the Township for any damage to Township roads.
4. The Township shall hire a licensed professional engineer to document the condition of Township roads prior to the start of construction. The engineer shall document the road conditions again within thirty (30) days from the completion of construction or as weather permits. Completion of construction shall be deemed to be the date on which final approval land development approval is granted by the Board of Supervisors. The applicant shall be responsible to reimburse the Township for the subject engineering fees.
5. If the wind farm site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall be equal to the number of people on the largest shift plus overflow spaces equal to 20 percent of the required spaces based on the employees but not less than two.

H. DECOMMISSIONING AND RESTORATION REQUIREMENTS

The owner or operator of a Wind Energy Facility or the landowner shall complete decommissioning within twelve (12) months after the end of the useful life of a Wind Energy Facility Each wind turbine will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses shall be the responsibility of the owner, operator or land owner and shall be so identified in writing as part of the approval process for any a Wind Energy Facility. Decommissioning shall include the removal of each wind turbine, buildings, electrical components, and roads to a depth of sixty (60) inches, as well as any other

associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the County Register of Deeds. All access roads to the wind turbine shall be removed, cleared, and graded by the Owner, Operator, or Landowner unless the landowner requests, in writing, a desire to maintain the access road. The Township will not be assumed to take ownership of any access road unless through official action of the Township Supervisors. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner, operator or landowner. An independent and certified professional engineer shall be retained by the Township to estimate the total cost of decommissioning ("Decommissioning Costs") with no regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommission Costs"). When determining this amount, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent or its successor). Said estimates shall be submitted to the Township Zoning Officer after the first year of operation and every fifth year thereafter. The owner or operator shall post and maintain Decommissioning Funds in an amount equal to or greater than Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than one hundred percent (100%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or state chartered lending institution chosen by the owner or operator posting the financial security. The bonding company or lending institution must be authorized to conduct such business and be approved by the Township.

ARTICLE 9
NONCONFORMING LOTS, USES STRUCTURES AND BUILDINGS

SECTION 901 INTENT

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

SECTION 902 NONCONFORMITY – TYPES:

For the purposes of this Ordinance, nonconformities shall be defined and classified by types, as follows:

902.1 Nonconforming Use:

"Nonconforming use" means a use, whether of land or a structure, which does not comply with the applicable use provisions in this Zoning Ordinance or in an amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or such amendment.

902.2 Nonconforming Structure:

"Nonconforming structure" means a structure or part of a structure manifestly not designed to comply with the applicable use provisions in this Zoning Ordinance or in an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or such amendment. Nonconforming structures shall include nonconforming signs.

902.3 Bulk Nonconformity:

"Bulk nonconformity" refers to the bulk of a structure which does not comply with the applicable size, height or other bulk provisions in this Zoning Ordinance or in an amendment hereafter enacted, where such structure lawfully existed in compliance with such provisions prior to the enactment of this ordinance or such amendment.

902.4 Area Nonconformity:

"Area nonconformity" refers to that aspect of a structure or use on a zoning lot which is not in compliance with the applicable yard, coverage or other area provisions in this Zoning Ordinance or in an amendment hereafter enacted, where such structure or use lawfully existed in compliance with such requirements prior to the enactment of this Ordinance or such amendment.

SECTION 903 CONTINUATION

Nonconforming uses, nonconforming structures, bulk nonconformities and area nonconformities may be continued except as otherwise set forth in this Article, but no nonconforming use or structure shall be enlarged, reconstructed, structurally altered or changed except as permitted by the provisions of this Article.

SECTION 904 REGISTRATION OF NONCONFORMING USES AND STRUCTURES

The owner or occupant of the premises occupied by a nonconforming use or structure may apply for a Certificate of Nonconformity from the Zoning Officer. The owner or occupant shall bear the sole responsibility to provide required documentation to substantiate the issuance of a Certificate of Nonconformity. The Zoning Officer may issue a Certificate of Nonconformity where he finds that a use or structure, although not in compliance with the requirements presently applicable thereto, is a nonconforming use or structure.

SECTION 905 CHANGES OF NONCONFORMING USES AND STRUCTURES

Nonconforming uses and structures shall be changed only in accordance with the following subsections:

905.1

A nonconforming use or structure shall not be extended to displace a conforming use or structure.

905.2

Structures, buildings or uses, either main or accessory, shall not be combined for the purpose of extending a nonconforming use or creating a different nonconforming use.

905.3

When authorized by the Zoning Hearing Board as a special exception approval, a nonconforming use may be changed to another nonconforming use if the Board finds that all of the following-standards are met:

- a. The proposed change shall be less objectionable in external effects than the previous nonconforming use, and will be more consistent physically with its surroundings.
- b. There will be no increase in traffic generation or congestion including both vehicular and pedestrian traffic.
- c. There will be no increase in the danger of fire or explosion.
- d. There will be no increase in noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration or electrical disturbances.

- e. There will be no increased threat to health by reason of rodent infestation or otherwise.
- f. There will be no reduction in minimum lot area requirements as a result of the proposed change.

SECTION 906 ENLARGEMENT OF NONCONFORMING USE OR STRUCTURE

A nonconforming structure or a nonconforming use shall not be enlarged except by special approval authorized by the Zoning Hearing Board in accordance with the following:

- a. The enlargement will not replace a conforming use.
- b. Nonconforming Structure or Nonconforming Use: The area subject to a proposed expansion shall after enlargement conform to all area and bulk requirements applicable to conforming buildings in the zone in which it is located and to all applicable off-street parking and loading requirements.
- c. Subject to (a) above, the floor or land area of a nonconforming structure or use shall be enlarged not more than twenty-five (25) percent of the floor or land area as it existed at the time the structure or use first became nonconforming.
- d. Not more than one enlargement of a nonconforming use shall be permitted.
- e. A nonconforming structure or use shall not be enlarged beyond the limits of the zoning lot on which it is located. Expansion to an adjoining lot is prohibited.

SECTION 907 REPAIR AND REHABILITATION

Nonconforming structures and structures containing nonconforming uses maybe normally maintained and repaired provided that there is no alteration which extends the area occupied by the nonconforming use.

SECTION 908 RESTORATION OF USE AND/OR STRUCTURE

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

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

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

SECTION 909 TERMINATION OF NONCONFORMING USE AND/OR STRUCTURE

909.1 NONCONFORMING USE AND/OR STRUCTURE

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

909.2 CHANGE OF NONCONFORMING USE

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

909.3 ABANDONMENT OF NONCONFORMING USE

The right to a nonconforming use shall be terminated and a nonconforming use shall not be resumed if a nonconforming use is abandoned. A nonconforming use shall be deemed to be abandoned if it is changed as set forth in Section 909.2 or if it is discontinued for a period of one year or more without substantial evidence of intent to resume the nonconforming use.

909.4 UNSAFE STRUCTURES

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

**ARTICLE 10
SIGNS**

SECTION 1001 TYPE AND USE OF SIGNS

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

1001.1 IDENTIFICATION SIGN:

A sign which communicates the name and/or address of an occupant or a permitted home occupation upon the zoning lot on which the sign is located.

1001.2 BUSINESS SIGN:

A sign which communicates information concerning a business, profession, commodity, service, entertainment or development which is sold, offered, prepared, manufactured or conducted upon the zoning lot where the sign is located.

1001.3 BILLBOARD SIGN OR OFF PREMISE ADVERTISING SIGN:

A sign which communicates information concerning a subject, business, profession, activity, commodity, service, entertainment or development not related to, sold, offered, prepared or manufactured on the zoning lot where the sign is located.

1001.4 REAL ESTATE SIGN:

A temporary sign, having an area not greater than eight (8) square feet in area, which advertises the sale, rental or development of the premises upon which the sign is located.

1001.5 SUBDIVISION/DEVELOPMENT SIGN:

A temporary real estate sign, not greater than twenty (20) square feet in area, which advertises the sale of property within an approved subdivision.

1001.6 INSTITUTIONAL SIGN:

A sign which identifies a use pertaining to a school, church, hospital or other institution of a similar public or semipublic nature.

1001.7 ON-SITE DIRECTIONAL SIGN:

A sign commonly associated with, and limited to, information and directions, necessary for visitors entering or exiting a property, including signs marking entrance and exits, hours of operation, parking areas, circulation direction, restrooms and pick-up and delivery areas. Such signs shall contain no advertising material.

1001.8 INFORMATION SIGN FOR A BUSINESS

A sign which conveys basic information such as open/close signage and business hours.

1001.9 SUBDIVISION/DEVELOPMENT IDENTIFICATION SIGNS:

A sign which identifies the name of subdivision or development.

SECTION 1002 CONSTRUCTION TYPES

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

1002.1 FREESTANDING SIGN:

A sign not attached or applied to a principal building but supported by another structure, including structures designed for the sign itself and accessory structures.

1002.2 WALL SIGN:

A sign attached, painted or affixed to the wall of a principal structure or accessory structure, not projecting over any public right-of-way and not extending more than two (2') feet from such wall.

1002.3 PROJECTING SIGN:

A sign which projects outward or extends more than two (2') feet from the building or structure.

SECTION 1003 PERMITTED SIGNS BY ZONING DISTRICT

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

1003.1 IDENTIFICATION SIGN:

Such signs shall be permitted in all zoning districts.

1003.2 BUSINESS SIGNS:

Such signs shall be permitted in C-1, R-A, MU, B-1 and I-1 zoning districts.

1003.3 REAL ESTATE SIGNS:

Such signs shall be permitted in all zoning districts.

1003.4 SUBDIVISION/DEVELOPMENT SIGNS:

Such signs shall be permitted in all zoning districts.

1003.5 INSTITUTIONAL SIGNS:

Such signs shall be permitted in the MU zoning district, upon securing zoning approval of the principal use.

1003.6 ON-SITE DIRECTIONAL SIGN:

Such signs shall be permitted in all zoning districts upon properties which include a commercial use.

1003.7 BILLBOARD SIGN OR OFF PREMISE ADVERTISING SIGN:

Such signs shall be permitted in the I-1 District.

1003.8 SUBDIVISION/DEVELOPMENT IDENTIFICATION SIGNS:

Such signs shall be permitted in all zoning districts.

1003.9 INFORMATIONAL SIGN FOR A BUSINESS

Such signs shall be permitted in all zoning districts.

SECTION 1004 SIGNAGE/SPECIAL APPROVAL USES

Any use within Article 5, classified as a special exception use or a conditional use, shall be allowed to provide the type of signage required for such use, subject to the applicable provisions of this Ordinance, upon approval of the principal use from either the Zoning Hearing Board or the Township Board of Supervisors, as the case may be.

SECTION 1005 AREA, HEIGHT AND SETBACK REQUIREMENTS

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

1005.1 IDENTIFICATION SIGN:

An identification sign shall not exceed two (2) square feet in area. Such a sign shall be setback not less than ten (10') feet from the front lot line. The maximum height of an identification sign, if free standing, shall not exceed ten (10') feet in height, or if attached to a building shall not be higher than the first story of the building to which it is attached.

1005.2 BUSINESS SIGN:

A business sign shall not exceed the square feet of area for the following Zoning Districts:

- C-1 District - Fifty (50) square feet
- B-1 District - Fifty (50) square feet
- MU District - Fifty (50) square feet

I-1 District - Fifty (50) square feet

Any single structure containing two or more businesses, in addition to permitting each individual business establishment to display a business sign, one (1) sign shall be permitted on the lot, which indicates the name of the development and the names of the business establishments located therein. Only one (1) such sign shall be permitted on the lot and such sign shall not exceed one hundred (100) square feet in area.

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

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

1005.3 REAL ESTATE SIGN:

A temporary real estate sign shall not exceed eight (8) square feet in area and shall be located on the same lot on which the property is offered for sale or rental. The sign shall be setback not less than ten (10') feet from the front lot line and shall be removed from the premises within thirty (30) days after the sale or rental of the property. A temporary real estate sign in compliance with the above provisions shall be exempt from securing zoning approval.

1005.4 SUBDIVISION/DEVELOPMENT SIGN:

A subdivision/development sign shall be considered as a temporary real estate sign and shall not exceed twenty (20) square feet in area. The sign shall be located on the same property on which lots and/or homes in the subdivision are offered for sale. Not more than one (1) sign shall be erected in any subdivision, and such signs shall be setback not less than thirty-five (35') feet from the front lot line. The sign shall be removed from the premises within thirty (30) days after the last lot and/or home is sold.

1005.5 INSTITUTIONAL SIGN:

An institutional sign for public and semipublic facilities, such as schools, churches, hospitals, libraries, colleges or other institutions of a similar nature shall not exceed twenty-four (24) square feet in area. The maximum height of such signs shall not exceed twelve (12) feet. An institutional sign shall have a setback of not less than ten (10') feet from any property line.

1005.6 ON-SITE DIRECTIONAL SIGN

An on-site directional and/or informational sign shall not exceed two (2) square feet in area. A front, rear or side yard setback of not less than five (5') feet shall be required for such signs. Such signs shall comply with the line of sight distance as

provided for under Section 316 of this Ordinance. The maximum height of such signs shall not exceed six (6') feet. Handicapped parking signs shall be included within this classification of signs.

1005.7 BILLBOARD SIGN OR OFF PREMISE ADVERTISING SIGN:

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

- There shall be a minimum spacing distance of 1,000 feet between all such signs.
- Such signs shall be setback not less than two-hundred (200) feet from the center line of any public right-of-way for vehicular traffic
- Such signs shall not be attached to a building nor shall such signs be permitted to project above the maximum height limitation of twenty (20) feet.

1005.8 SUBDIVISION/DEVELOPMENT IDENTIFICATION SIGN:

A subdivision/development identification sign shall not exceed six (6) square feet in area and not more than one (1) sign shall be erected at any entrance point to the subdivision/development. Such signs shall be setback not less than ten (10) feet any property line. The maximum height of such signs shall not exceed six (6) feet

1005.9 INFORMATIONAL SIGN FOR A BUSINESS

Such a sign shall not exceed six (6) square feet in area. A front, rear or side yard setback of not less than five (5') feet shall be required for such signs. Such signs shall comply with the line of sight distance as provided for under Section 315 of this Ordinance. The maximum height of such signs shall not exceed six (6') feet. Not more than one sign shall permitted for a business.

SECTION 1006 NUMBER OF SIGNS

Excluding on-site directional signs, informational signs, and signage for single structure containing two or more businesses, not more than two (2) signs shall be permitted on any property located in any zoning district. In the case of a property located upon a corner lot, a total of three (3) signs may be permitted.

SECTION 1007 SETBACK FOR FREESTANDING SIGNS

Unless stated otherwise, the minimum side yard setback and rear yard setback for any freestanding sign shall be not less than fifty (50%) percent of the minimum side yard or rear yard setback for a principal structure in the zoning district in which the sign is located. Unless stated otherwise, the minimum front yard setback for any freestanding sign, with the exception of Section 1005.6, On-site Directional and/or Informational Sign, shall be

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

SECTION 1008 SIGNS RELATED TO NONCONFORMING USES

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

SECTION 1009 AREA COMPUTATION OF SIGNS

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

1009.1 WALL SIGN:

For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying design or symbols together with any backing associated with the sign.

1009.2 SEPARATE SYMBOLS:

Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols

1009.3 DOUBLE-FACE SIGN:

In computing the area of a double-face sign, only one (1) side shall be considered, provided both faces are identical.

1009.4 CYLINDRICAL SIGN:

The area of a cylindrical sign shall be computed by multiplying one-half (.5) of the circumference by the height of the sign.

SECTION 1010 ILLUMINATED SIGNS

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

using the streets.

SECTION 1011 MISCELLANEOUS SIGN PROVISIONS

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

SECTION 1012 PROHIBITED SIGNS

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

- A. Signs which are located in such a position which endangers vehicular and/or pedestrian traffic by obscuring the site distance.
- B. Signs which by design and/or location may be confused with traffic signs or signals.
- C. Any sign located in or extending into a public right-of-way, except an official street sign or traffic control sign.
- D. Any freestanding or projecting sign within an area bounded by the intersection of two (2) public or private streets, for a distance of thirty (30') feet along the right-of-way lines of such streets from the point of their intersection.
- E. Sequential, flashing or oscillating signs, including an Electronic Message Board Sign.
- F. Signs which due to their construction and/or location would constitute a hazard or a potential danger to the community.

SECTION 1013 PERMITS REQUIRED

A zoning permit shall be required for the erection, alteration or relocation of any sign, excluding a temporary real estate sign not exceeding eight (8) square feet in surface area.

SECTION 1014 SIGN REGULATION TABLE

MAXIMUM AREA AND HEIGHT OF SIGNS

TYPE OF SIGN	Maximum Area of Sign	Maximum Height Free-Standing Sign
Identification	2 sq. ft.	10 feet
Business	50 sq. ft. (C-1, B-1 and & MU Districts)	12 feet
Real Estate	8 sq. ft.	6 ft.
Subdivision/Development*	20 sq. ft.	6 ft.
Institutional	24 sq. ft.	12 ft.

MAXIMUM AREA AND HEIGHT OF SIGNS (continued)

TYPE OF SIGN	Maximum Area of Sign	Maximum Height Free-Standing Sign
On-Site Directional	2 sq. ft.	6 ft.
Billboard/Off-Premise Advertising	300 sq. ft.	20 ft.
Subdivision/Development Identification	6 sq. ft.	6 ft.
Informational Sign for a Business	6 sq. ft.	6 ft.

* Denotes A subdivision/development advertising sign located on the same property on which lots and/or homes in the subdivision are offered for sale.

ARTICLE 11
OFF-STREET PARKING AND LOADING

SECTION 1101 PURPOSE

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

SECTION 1102 SIZE OF OFF-STREET PARKING SPACES

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

SECTION 1103 SIZE OF OFF-STREET LOADING SPACES

Each off-street loading space shall be not less than fifty (50') feet in depth, twelve (12') feet in width and provide an overhead clearance of not less than fourteen (14') feet. All loading areas shall be designed, constructed and used so that all vehicular maneuvering is contained within the lot and no vehicle shall be permitted to back into or out of the public right-of-way.

SECTION 1104 ACCESS TO OFF-STREET PARKING OR LOADING AREAS

There shall be adequate ingress or egress to all parking spaces. There shall be provided an access drive leading to off-street parking and/or loading areas. Unless superseded by a PennDOT Highway Occupancy Permit, such access drives shall not be less than ten (10') feet in width for residential uses and not less than twenty (20') feet, nor greater than thirty (30') feet for any nonresidential use. Access drives to such off-street parking and/or loading areas shall be limited to well defined locations, not to exceed two (2) along each front, side or rear lot lines. For corner properties, all access drives shall be not less than thirty-five (35') feet from the intersection of streets, as measured along the right-of-way lines.

SECTION 1105 LOCATION OF OFF-STREET PARKING AREAS

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

- A. The lot to be used for off-street parking and the lot on which the principal use is located shall be in the same zoning district.
- B. The lot to be used for off-street parking and the lot on which the principal use is located shall be held under the same ownership

- C. The lot to be used for off-street parking shall be not less than four hundred (400') feet to any lot line on which the principal structure is located.

SECTION 1106 DRAINAGE AND SURFACING OF OFF-STREET PARKING AREAS

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

SECTION 1107 INTERIOR CIRCULATION

Interior access ways and aisles shall be designed so as to prevent the blocking of vehicles entering or exiting the site.

SECTION 1108 SCREENING

A nonresidential use which contain off-street parking for ten (10) or more vehicles and/or any amount of off-street loading, along a side yard or rear yard which abuts an existing residence shall be screened by a substantial, tight fence not less than six (6') feet in height or a planting strip not less than five (5') feet in depth, with shrubbery, plants or trees which are a minimum of three (3') feet in height at the time of planting, unless existing vegetation exists which meets or exceeds the aforementioned planting strip.

SECTION 1109 LIGHTING

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

SECTION 1110 PARKING IN YARD AREAS

Parking for residential properties shall be permitted within the required front and rear setbacks, provided that the minimum setback distance to any area used for off-street parking is not less than ten (10') feet to the nearest property line. However any parking space shall be located, designed, constructed and used in such a manner that all vehicular maneuvering is contained within the lot and no vehicle shall be permitted to back into or onto a public right-of-way.

Parking for a nonresidential use shall comply with the yard setback distance applicable for the zoning district in which it is located.

SECTION 1111 EXISTING STRUCTURES AND USES

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

SECTION 1112 CHANGES OF STRUCTURES OR USES

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

SECTION 1113 FRACTIONAL SPACE

When required parking computation results in fractions, any fraction less than one-half (.50) shall be disregarded and any fraction equal to or greater than one-half (.50) shall be construed to require a full space.

SECTION 1114 MULTIPLE ACTIVITIES OR USES

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

SECTION 1115 OFF-STREET PARKING REQUIREMENTS

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

1. Single-family Structure Unit: Two (2) spaces for each dwelling unit.
2. Two-family Structure: Two (2) spaces for each dwelling unit.
3. Multifamily Residential, including Townhouses: Two (2) spaces for each dwelling unit.
4. Rooming House or Boarding House: One (1) space for each guest room.
5. Home Occupation: Three (3) spaces, excluding those required for the dwelling unit.
6. Residential Conversion: Three (3) spaces for each additional dwelling unit.
7. Churches and Similar Places of Worship: One (1) space for every four (4) seats in the main assembly room or one (1) space for each (12) feet of bench length, if fixed seating is not provided, one (1) space for every 30 square feet of gross floor area.
8. Places of Public or Private Assembly, including Auditoriums or Meeting Halls: One (1) space for every four (4) seats.

9. Schools: One (1) space for each staff member, plus one (1) space for every twenty (20) classroom seats.
10. Nursery or Day-care Schools: One (1) space for each employee, plus one (1) space for every five (5) children, based upon the maximum number of children which the facility is licensed to serve.
11. Nursing Homes: One (1) space for every five (5) beds, plus one (1) space for each employee on the maximum working shift.
12. Medical or Dental Offices or Clinics: Eight (8) spaces for every doctor, dentist, chiropractor or other licensed medical practitioner.
13. Nonprofit Social Halls, Clubs and Lodges: One (1) space for every one hundred (100) square feet of gross floor area.
14. Public Uses: One (1) space for every one hundred (100) square feet of gross floor area.
15. Public Utility Facilities: Two (2) spaces per facility; if the facility includes maintenance and/or storage yards then the required number of spaces shall be one (1) for each employee assigned to work at such facility.
16. Outdoor Recreational Facilities: In cases where such facilities include spectator seating, there shall be one (1) space for every four (4) seats; facilities which do not provide any spectator seating shall provide one (1) space for every two thousand (2,000) square feet in the recreational site, plus an additional ten (10) spaces, if there is a swimming pool and an additional two (2) spaces if there is playground equipment.
17. Retail Businesses: One (1) space for every two hundred (200) square feet of gross floor area.
18. Restaurants and Taverns: One (1) space for every two and one-half (2.5) seats.
19. Entertainment Facilities: Such facilities as defined in Article 2 of this Ordinance, shall require one (1) space for every one hundred (100) square feet of gross floor area.
20. Personal Services: As defined in Article 2 of this Ordinance, such establishments shall provide one (1) space for every three hundred (300) square feet of gross floor area; the following exceptions include:
21. Group Residence: One (1) space for each two (2) employees, based upon the maximum working shift and one (1) space for each two (2) residents who are eligible to operate a vehicle.
22. Animal Hospital: Five (5) spaces for every veterinarian.

23. Funeral Homes and Crematories: Twenty (20) spaces for each viewing parlor.
24. Professional Offices: One (1) space for every two hundred (200) square feet of gross floor area.
25. Motels and Hotels: One (1) space for each unit for guest accommodations; any such facility which also serves food and/or beverages shall also comply with the parking requirements of an eating or drinking establishment.
26. Self-Storage Facility: One (1) space for every ten (10) stalls or lockers available for rental, plus one (1) for each employee on the maximum working shift.
27. Gasoline Service Stations: Two (2) exterior spaces for each service bay, plus one (1) space for every two hundred (200) square feet of gross floor area which is used for the sale of retail goods, including and/or beverages.
28. Automotive Sales: One (1) exterior space for every two hundred (200) square feet of gross interior floor area.
29. Automotive Repairs: One (1) exterior space for every two hundred (200) square feet of gross interior floor area.
30. Equipment Sales and Repairs: One (1) exterior space for every two hundred (200) square feet of gross floor space.
31. Shopping Center (Structure or Structures) with more than two occupants per Structure Five (5) spaces for each one thousand (1,000) square feet of gross floor area.
32. Sexually Oriented Businesses
 - a. Sexually Oriented Bookstore: One (1) space for every one hundred (100) square feet of gross floor area, plus two additional (2) spaces for every three (3) employees based upon the maximum working shift.
 - b. Sexually Oriented Entertainment: One (1) space for every one hundred (100) square feet of gross floor area, plus:
 - one (1) additional space for every two (2) seats and/or, one (1) space for each fifty (50) square feet of floor area when there is no fixed seating.
 - two (2) additional spaces for every three (3) employees based upon the maximum working shift.
 - c. Sexually Oriented Parlor: One (1) space for every one hundred (100) square feet of gross floor area, plus two (2) additional spaces for every three (3) employees based upon the maximum working shift.

SECTION 1116 PARKING FOR OTHER COMMERCIAL USES

Any commercial use or nonresidential use of a structure, building or land, not specifically listed within Section 1115 of this Ordinance shall provide one (1) off-street parking space for every three hundred (300) square feet of gross floor area or lot area.

SECTION 1117 OFF-STREET LOADING REQUIREMENTS

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

SECTION 1118 PROVISION OF HANDICAPPED PARKING SPACES

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

- places of lodging
- establishments serving food or drink
- places of exhibition or entertainment
- places of public gathering
- sales or rental establishments
- service establishments, stations used for specified public transportation.
- places of public display or collection
- places of recreation
- places of education
- social service center establishments, and places of exercise or recreation.

A commercial facility shall include any business whose operations are open to the general public.

SECTION 1119 DESIGN FEATURES FOR HANDICAPPED PARKING SPACES

The following provisions shall apply for required handicapped parking spaces:

1. An area not less than five (5) feet in width shall be provided between each handicapped parking space. Said area shall be marked and/or designed to prevent parking therein.
2. An area not less than eight (8) feet in width shall be provided between each van accessible parking space. Said area shall be marked and/or designed to prevent parking therein.
3. Vehicular access to handicapped parking areas shall have a minimum vertical clearance of not less than nine and one half (9.5) feet.

4. An off-street parking area shall be designed to provide accessible routes from the handicapped parking areas to an accessible building entrance and to public streets and sidewalks which adjoin the off-street parking area.

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

SECTION 1120 SIGNAGE FOR HANDICAPPED PARKING

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

SECTION 1121 MINIMUM NUMBER OF HANDICAPPED ACCESSIBLE SPACES

When parking spaces are provided for self-parking by employees or visitors, or both, within the total number of off-street parking spaces required under Section 1115 and/or Section 1116 of this Ordinance, the following table shall be used to determine the required number of handicapped accessible spaces.

TOTAL NUMBER OF SPACES	REQUIRED NUMBER OF ACCESSIBLE SPACES
1 TO 25	1
26 TO 50	2
51 TO 75	3
76 TO 100	4
101 TO 150	5
151 TO 200	6
201 TO 300	7
301 TO 400	8
401 TO 500	9
501 TO 1000	TWO PERCENT OF TOTAL SPACES

ARTICLE 12
FLOOD PLAIN MANAGEMENT

SECTION 1201 STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry.

SECTION 1202 INTENT

The intent of the regulations as set forth in this Article to:

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

SECTION 1203 APPLICABILITY

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within Dennison Township unless a Permit has been obtained from the Floodplain Administrator. A Permit shall not be required for minor repairs to existing buildings or structures.

SECTION 1204 ABROGATION AND GREATER RESTRICTIONS

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

SECTION 1205 SEVERABILITY

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

SECTION 1206 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of

study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside any identified floodplain areas or that land uses permitted within such areas will be free from flooding or flood damages.

This Article shall not create liability on the part of Dennison Township or any officer or employee thereof for any flood damages that result from reliance on the provisions of this Article or any administrative decision lawfully made there under.

SECTION 1207 DEFINITIONS

Unless specifically defined below, words and phrases used in this Article shall be interpreted so as to give this Article its most reasonable application.

Specific Definitions

1. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").
3. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
4. Basement - any area of the building having its floor below ground level on all sides.
5. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
6. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
7. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
8. Expansion to an existing manufactured home park or subdivision – the

preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

9. Flood - a temporary inundation of normally dry land areas.
10. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Township, which is on file and available for public inspection by contacting the Township.
11. Flood Insurance Study (FIS) - the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
12. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
13. Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
14. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
15. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
16. Historic structure – any structure that is:
 - Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or

- Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:

By an approved state program as determined by the Secretary of the Interior

or

Directly by the Secretary of the Interior in states without approved programs.

17. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Article.
18. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
19. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
20. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
21. New construction - structures for which the start of construction commenced on or after November 2, 2012 and includes any subsequent improvements to such structures. Any construction started after April 15, 1981 and before November 2, 2012 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
22. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
23. Permit – the term permit as used throughout this Article shall mean a Zoning

Permit which is required by the Dennison Township Zoning Ordinance for the use of property as set forth in Section 1402 of Dennison Township Zoning Ordinance. The regulations contained within this Article shall be deemed to be supplemental as an overlay to the underlying regulations contained in the Zoning District in which a property is located.

24. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
25. Recreational vehicle - a vehicle which is built on a single chassis; not more than 400 square feet, measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck; not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
26. Regulatory flood elevation - the base flood elevation (BFE) plus a freeboard safety factor of one and one-half (1 ½) feet.
27. Repetitive loss – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.
28. Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
29. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
30. Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

31. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
32. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
33. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
34. Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

35. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and

the IBC.

36. Violation - means the failure of a structure or other development to be fully compliant with the applicable flood plain management regulations of Dennison Township as set forth in this Article. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(4) or (e)(5) and within this Article is presumed to be in violation until such time as that documentation is provided.

SECTION 1208 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Zoning Officer is hereby appointed to administer and enforce the provisions of this Article and is referred to herein as the Floodplain Administrator.

SECTION 1209 PERMITS REQUIRED

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

SECTION 1210 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

- A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this Article and all other applicable codes and ordinances.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
- D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified

floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Article.

- F. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to Board of Supervisors for whatever action it considers necessary.
- G. The Floodplain Administrator shall maintain all records associated with the requirements of this Article including, but not limited to, permitting, inspection and enforcement.
- H. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof. Application Procedures and Requirements

SECTION 1211 APPLICATION PROCEDURES AND REQUIREMENTS

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by Dennison Township. Such application shall contain the following:
 - 1. Name and address of applicant.
 - 2. Name and address of owner of land on which proposed construction is to occur.
 - 3. Name and address of contractor.
 - 4. Site location including address.
 - 5. Listing of other permits required.
 - 6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
 - 7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
 - 1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this Article and all other applicable codes and ordinances;

2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 3. adequate drainage is provided so as to reduce exposure to flood hazards.
 4. structures will be anchored to prevent floatation, collapse, or lateral movement.
 5. building materials are flood-resistant.
 6. appropriate practices that minimize flood damage have been used.
 7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
1. A completed Zoning Permit Application Form.
 2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale, and date;
 - b. topographic contour lines, if available;
 - c. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - d. the location of all existing streets, drives, and other access ways; and
 - e. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - b. the elevation of the base flood;

- c. supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.
4. The following data and documentation:
- a. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood elevation; and
 - b. detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - c. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an Special Floodplain Area (See Section 1220(B) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.
 - d. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

- e. detailed information needed to determine compliance with Section 1225 (F). Storage, and Section 1226, Development Which May Endanger Human Life, including:
 - i. the amount, location and purpose of any materials or substances referred to in Sections 1225 (F). and 1226 which are intended to be used, produced, stored or otherwise maintained on site.
 - ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 1226 during a base flood.
- f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

5. Applications for Permits shall be accompanied by a fee, payable to Dennison Township based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

SECTION 1212 REVIEW BY COUNTY CONSERVATION DISTRICT

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

SECTION 1213 REVIEW OF APPLICATION BY OTHERS

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

SECTION 1214 CHANGES

After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

SECTION 1215 PLACARDS

In addition to the Permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit the date of its issuance and be signed by the Floodplain Administrator.

SECTION 1216 START OF CONSTRUCTION

Work on the proposed construction or development shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main

structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

SECTION 1217 ENFORCEMENT

A. Notices

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Article, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. be in writing;
2. include a statement of the reasons for its issuance;
3. allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
4. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;
5. contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Article.

B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Article or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the Township shall be guilty of a misdemeanor and upon conviction shall pay a fine to Dennison Township in accordance with the provisions of Section 1306.4 of this Ordinance. In addition to such penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Article. The imposition of a fine or penalty for any violation of, or noncompliance with, this Article shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Article may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

SECTION 1218 APPEALS

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Article, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- B. Upon receipt of such appeal the Zoning Hearing Board shall convene a hearing in accordance with the procedures set in Article 14, SECTION 1406, HEARINGS.
- C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief from said decision by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

SECTION 1219 IDENTIFICATION OF FLOODPLAIN AREAS

The identified floodplain area shall be any areas of Dennison Township, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated November 2, 2012, and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Dennison Township and declared to be a part of this ordinance.

SECTION 1220 DESCRIPTION AND SPECIAL REQUIREMENTS
OF IDENTIFIED FLOODPLAIN AREAS

The identified floodplain area shall consist of the following specific areas:

- A. The Floodway Area/District Identified as Floodway in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS.
 - 1. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall not be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - 2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

- B. The AE Area/District without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.
1. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
 2. In Special Floodplain Areas without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one (1) foot.
- C. Approximate Floodplain Area is the area identified as Zone A in the FIS which are subject to inundation by a 1-percent-annual-chance flood event determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown.
1. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
 2. When available, information from other Federal, State, and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible. When no other information is available, the BFE shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by Dennison Township.

SECTION 1221 CHANGES IN IDENTIFICATION OF AREA

The identified floodplain area may be revised or modified by the Dennison Township Board where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify the FEMA of the changes by submitting technical or scientific data.

SECTION 1222 BOUNDARY DISPUTES

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Dennison Township Floodplain Administrator and any party aggrieved by this decision or determination may appeal to the Dennison Township Zoning Hearing Board. The burden of proof shall be on the appellant.

SECTION 1223 TECHNICAL PROVISIONS

Section 1223.1 General

A. Alteration or Relocation of Watercourse

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.
2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
3. In addition, the FEMA and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

B. Technical or scientific data shall be submitted by the applicant to FEMA for a Letter of Map Revision (LOMR) as soon as practicable but within six (6) months of any new construction, development, or other activity resulting in changes in the BFE. The situations when a LOMR or a Conditional Letter of Map Revision (CLOMR) are required are:

1. Any development that causes a rise in the base flood elevations within the floodway; or
2. Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
3. Alteration or relocation of a stream (including but not limited to installing culverts and bridges).

C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Article and any other applicable codes, ordinances and regulations.

SECTION 1224 ELEVATION AND FLOODPROOFING REQUIREMENTS

A. Residential Structures

1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to or above the base flood elevation plus one and one-half (1 ½) foot of freeboard, herein referred to as Regulatory Flood Elevation.
2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above the regulatory flood elevation in accordance with Section 1220.C of this Article.
3. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

B. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above the regulatory flood elevation or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
2. In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above the regulatory flood elevation or completely floodproofed to the regulatory flood elevation in accordance with 1220.C of this Article.
3. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

C. Space Below the Lowest Floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. the bottom of all openings shall be no higher than one (1) foot above grade.
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Accessory Structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. floor area shall not exceed 100 square feet.
3. The structure will have a low damage potential.
4. the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. sanitary facilities are prohibited.

8. the structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. the bottom of all openings shall be no higher than one (1) foot above grade.
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

SECTION 1225

DESIGN AND CONSTRUCTION STANDARDS

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill

If fill is used, it shall:

1. extend laterally at least fifteen (15) feet beyond the building line from all points;
2. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
4. be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
5. be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities

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

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code shall be utilized.

D. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 1226, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
4. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives

1. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood

waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination

The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Article, to the extent that they are more restrictive and/or supplement the requirements of this Article.

International Building Code (IBC) 2009 or the latest edition thereof:
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof:
Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

SECTION 1226 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or,
2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
3. will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)

- Phosphorus
 - Potassium
 - Sodium
 - Sulphur and sulphur products
 - Pesticides (including insecticides, fungicides, and rodenticides)
 - Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any Floodway Area, any structure of the kind described in Subsection A., above, shall be prohibited.
- C. Within any floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- D. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:
1. elevated or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation,
 2. designed to prevent pollution from the structure or activity during the course of a base flood elevation.

Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

SECTION 1227 SPECIAL REQUIREMENTS FOR SUBDIVISIONS

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 1228 SPECIAL REQUIREMENTS FOR MANUFACTURED HOMES

- A. Within any FW (Floodway Area), manufactured homes shall be prohibited.
- B. Within Approximate Floodplain or Special Floodplain Area, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

- C. Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
1. placed on a permanent foundation.
 2. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation.
 3. anchored to resist flotation, collapse, or lateral movement.
- D. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.
- E. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the unit(s) proposed installation.

SECTION 1229 SPECIAL REQUIREMENTS FOR RECREATIONAL VEHICLES

1. Recreational vehicles in Zones A, A1-30, AH and AE must either:
 - a. be on the site for fewer than 180 consecutive days,
 - b. be fully licensed and ready for highway use, or
 - c. meet the permit requirements for manufactured homes in Section 1228.

SECTION 1230 PROHIBITED USES

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area:

- A. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
1. Hospitals
 2. Nursing homes
 3. Jails or prisons

- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

SECTION 1231 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 1231.1 Existing Structures

The provisions of this Article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 1231.2 shall apply.

Section 1231.2 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the base flood elevation.
- B. No expansion or enlargement of an existing structure shall be allowed within any Special Floodplain Area that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Article.
- D. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.
- E. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this Article

SECTION 1232 VARIANCES

Section 1232.1 General

If compliance with any of the requirements of this Article would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board of Dennison Township may, upon request, grant relief from the strict application of the requirements.

Section 1232.2 Variance Procedures and Conditions

Requests for variances shall be considered by the Zoning Hearing Board of Dennison Township in accordance with the procedures contained in Section 1218 of this Article and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any indentified floodplain that would cause any increase the BFE.
- B. No variance shall be granted for any use, activity and/or development that is prohibited under Section 1230 of this Article.
- C. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Section 1226, Development Which May Endanger Human Life.
- D. If granted, a variance shall involve only the least modification necessary to provide relief.
- E. In granting any variance, the Zoning Hearing Board of Dennison Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Article.
- F. Whenever a variance is granted, the Zoning Hearing Board of Dennison Township shall notify the applicant in writing that:
 1. The granting of the variance may result in increased premium rates for flood insurance.
 2. Such variances may increase the risks to life and property.
- G. In reviewing any request for a variance, the Zoning Hearing Board of Dennison Township shall consider, at a minimum, the following:
 1. That there is good and sufficient cause.
 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 3. That the granting of the variance will
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

H. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board of Dennison Township. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

ARTICLE 13
ENFORCEMENT AND ADMINISTRATION

SECTION 1301 ZONING OFFICER

1301.1 APPOINTMENT

A Zoning Officer, who shall not hold any elected office within Dennison Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall meet qualifications established by Dennison Township, which shall at minimum include a working knowledge of municipal zoning.

1301.2 DUTIES AND POWERS OF THE ZONING OFFICER

It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance in accordance with its literal terms and said Officer shall not have the power to permit any construction, alteration or any use or change of use to land or structure which does not conform to the applicable provisions within this Ordinance. The Zoning Officer's duties shall include but are not limited to the following:

- (A) Receive and review all applications for zoning permits and to approve and issue zoning permits when warranted.
- (B) Keep an official record of all business and activities, including all complaints of zoning violations of any of the provisions of this Ordinance and the resulting action of said complaints Said records shall be maintained in files at the Township Building.
- (C) Conduct inspections of properties as required to fulfill his/her duties. In conducting such activities, the Zoning Officer may have access to any land, building or Structure, subject to the consent and/or right of entry by the owner or tenant or by securing a search warrant issued by a Court of proper jurisdiction.
- (D) Issue permits as authorized by the Zoning Hearing Board or the Board of Supervisors, pursuant to the requirements and applicable procedures of this Ordinance or by written order of a Court of proper jurisdiction.
- (E) Issue Certificates of Nonconformity to nonconforming uses and/or structures and to maintain a listing of such as required.
- (F) Issue of Certificates of Zoning Compliance indicating that the proposed development, activity and /or use as listed upon an approved Zoning Permit Application has been completed in conformity and compliance with said approved Zoning Permit Application.
- (G) Maintain the Zoning Map, showing the current zoning districts of all land and the zoning text, including amendments thereto.
- (H) Notify the Zoning Hearing Board and/or the Board of Supervisors of

required and/or requested hearings based upon the completion of his review and processing of applications for a zoning permit. The submission of an application for a zoning permit to the Zoning Officer and his determination that a hearing before the Zoning Hearing Board or the Board of Supervisors is either required or requested shall be a prerequisite for any application being forwarded to either the Zoning Hearing Board or the Board of Supervisors for consideration.

- (I) Participate in proceedings before the Zoning Hearing Board, Planning Commission or Board of Supervisors and at their request, furnish such facts, records and similar information which may assist them in rendering decisions.
- (J) In the event of a violation of this Ordinance, provide written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct the violation. Such written notice may be served personally or by certified mail. Corrective action may include an order to cease and desist the illegal use and/or activity of land, buildings, signs, or structures; or to remove illegal buildings, structures, additions, signs, and/or structural alterations.
- (K) Render a Preliminary Opinion on a proposed development in accordance with Section 1307 of this Ordinance.
- (L) Provide the Board of Supervisors with a monthly written report which addresses all administrative, enforcement and related activities undertaken in his/her capacity as Zoning Officer and the final disposition of the same.

SECTION 1302 ZONING PERMIT

1302.1 ISSUANCE OF PERMIT

No building, structure or sign shall be erected, constructed, moved added to or structurally altered, nor shall land be put to any use without first obtaining approval of a zoning permit application from the Zoning Officer. No such permit shall be issued except in conformity with the provisions of this Ordinance or upon written order from the Zoning Hearing Board in the form of a special exception, variance or as otherwise provided for by this Ordinance or by a court of competent jurisdiction. Normal and routine maintenance and repairs to a structure shall be exempt from obtaining a zoning permit.

1302.2 FORM OF APPLICATION

All applications for permits shall be made in writing by the owner, his authorized agent or equitable owner and shall be filed with the Zoning Officer on forms prescribed by the same. All applications which seek approval, involving new construction, additions, structural alterations, a change of use and/or any other form of improvements to a property shall be accompanied by two (2) sets of plans and information which includes but is not limited to the following:

- (A) A plan drawn to scale, indicating the actual dimensions and shape of the lot

to be built upon and a written statement that the applicant is the owner or authorized agent of the owner or equitable owner.

- (B) The exact size and location on the lot of existing and/or proposed structures, buildings or signs, including proposed additions thereto.
- (C) The number and type of dwelling units, if applicable.
- (D) The amount and location of parking and/or loading facilities.
- (E) The existing use and/or proposed use of the property.
- (F) The height of the building, structure and/or sign.
- (G) A detailed scale drawing of all signs, existing and proposed, indicating their location and how they are and/or will be affixed to the property.
- (H) Existing and/or proposed access to the site, including the name of the public street and/or road.
- (I) Any other information deemed necessary by the Zoning Officer to determine conformance with the provisions and regulations of this Ordinance.

1302.3 PROCESSING APPLICATIONS

The Zoning Officer shall return one (1) copy of the plans and accompanying information to the applicant upon marking such copies approved or denied and attested to the same by his signature. One (1) copy of the plans and accompanying information shall be retained by the Zoning Officer and kept on file.

1302.4 TIME PERIOD FOR PROCESSING APPLICATION

A properly completed zoning permit shall be approved or denied within thirty (30) days from the date of receipt of a completed application and plans along with any additional information as required by the Zoning Officer. A zoning permit shall not be deemed complete, until all applicable and associated fees are paid in full. In cases of denial, the applicant shall be informed of his/her rights of appeal as prescribed within this Ordinance. Such notice shall be in writing under the signature of the Zoning Officer.

1302.5 EXPIRATION OF ZONING PERMIT

A zoning permit shall expire one (1) year from the date of issuance, if the work described in said permit has not commenced, including permits authorized to be issued by the Zoning Hearing Board or Board of Supervisors. If the work described within the zoning permit has commenced within the prescribed one (1) year period, the permit shall expire two (2) years from the date of issuance. In such cases, should the applicant wish to pursue the work described within the expired permit, a new application shall be required with the payment of new fees.

1302.6 REVOCATION OF PERMITS

The Zoning Officer may revoke a permit or approval issued in error under the provisions of this Ordinance or in the case of any false statements or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other just cause as set forth in this Ordinance.

SECTION 1303 POSTING OF PERMITS

Prior to the commencement of work at a property for which a zoning permit has been issued, the owner of the property shall have the zoning permit posted in an area publicly visible upon said property, signed by the Zoning Officer, stating the type of construction or activity for which the permit was obtained

SECTION 1304 COMPLETION OF A DEVELOPMENT, ACTIVITY/ AND/OR USE

Upon the completion of a development, activity and/or use authorized by a zoning approval obtained in compliance with this Ordinance, and prior to the use or occupancy, the property owner shall notify the Zoning Officer of such completion. Use and occupancy shall not be authorized until the Zoning Officer, has certified that the development, activity and/or use has been inspected and approved as related to its conformity with the applicable zoning approval and is issued a Certificate of Zoning Compliance.

SECTION 1305 CERTIFICATE OF ZONING COMPLIANCE

- A. Requirements: It shall be unlawful to use and/or occupy any structure, building, sign and/or land or portion thereof, for which a zoning permit is required until an Application for a Certificate of Zoning Compliance is approved by the Zoning Officer for such structure, building, sign, and/or land or portion thereof.

A change-in ownership of a nonresidential property without any new construction or structural alterations shall also require the submission and approval of an Application for Certificate of Zoning Compliance by the Zoning Officer prior to occupancy or use of the property.

- B. Time of Application: When the use of a property involves a new building or structure or additions to an existing building or structure, the Application for Zoning Compliance, shall be made at the same time the application is made for a Zoning Permit. If no new construction or structural alteration is involved, the application to occupy and use property and/or land may be made at any time prior to use and/or occupancy of the property.
- C. Form of Application: The Application for a Certificate of Zoning Compliance shall be in such form as the Zoning Officer may prescribe. The application shall contain the intended use and/or occupancy of any structure, building, sign and/or portion thereof.
- D. Issuance of Certificate of Zoning Compliance: The Zoning Officer, shall inspect any structure, building, sign and/or use of land within 10 days upon notification that the proposed development, activity and/or use listed under the approved Zoning Permit

Application has been completed. If determination is rendered by the Zoning Officer that the completed activity/use and/or development are in conformity and compliance with the approved Zoning Permit, he shall issue a Certificate of Zoning Compliance.

- E. Exceptions: The use and/or occupancy of any residential structure or accessory residential structure which does not involve new construction or structural alterations which would extend the footprint of the structure shall be exempt from securing a Certificate of Zoning Compliance.

SECTION 1306 ENFORCEMENT PROCEDURES

1306.1 NOTICE OF VIOLATION

If in the judgment of the Zoning Officer, it appears that a violation of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending a violation notice to the owner of record of the parcel of land on which the violation has occurred, to any person who has filed a written request to receive violation notices regarding the parcel of land and to any other person requested in writing by the owner of record. The violation notice shall include, but may not be limited to the following:

- A. The name of the owner of record and any other person against whom Dennison Township intends to take action.
- B. The location and/or address of the property in violation.
- C. The specific violations with a description of the requirements which have not been met, citing in each instance the applicable sections and provisions of this Ordinance.
- D. The date by which the steps for compliance must be commenced and the date by which the steps for compliance must be completed.
- E. That the recipient of the violation notice has the right to appeal the violation notice and request a hearing on the same before the Zoning Hearing Board within thirty (30) days from the issuance of the violation notice. Section 1406 (M) shall govern the procedural process of any appeal of a violation notice.
- F. Failure to comply with the notice within the specified time period, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation, with a description of sanctions which shall result to correct or abate the violation.

1306.2 CAUSES OF ACTION

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, Board of Supervisors or, with the approval of the Board of Supervisors, an officer or agent of Dennison Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged

violation, in addition to other remedies, may institute any appropriate action or proceedings to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation of this Ordinance. When such action is instituted by a landowner or tenant, notice of that action shall be served upon Dennison Township not less than thirty (30) days prior to the time the action is begun by serving a copy of the complaint to the Board of Supervisors. No action may be taken until such notice has been given.

1306.3 JURISDICTION

District Justices shall have initial jurisdiction over proceedings brought under Section 1306.4 of this Ordinance.

1306.4 ENFORCEMENT REMEDIES

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceedings commenced by Dennison Township or the Zoning Officer, shall pay a judgment of not more than five-hundred (\$500.00) dollars, plus all court costs, including reasonable attorney fees incurred by Dennison Township as a result of said proceedings. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, Dennison Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there has been a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation. In such cases, there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to Dennison Township.

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

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

SECTION 1307 PROCEDURE TO OBTAIN PRELIMINARY OPINION

In accordance with Section 916.2 of the Pennsylvania Municipalities Planning Code, the Zoning Officer, shall be authorized to render a preliminary opinion for pending applications of development. In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may

advance the date from which time for any challenge to the ordinance or map will run under Section 1512 of this Ordinance by the following procedure:

- A. The landowner may submit plans and other materials describing his proposed use or development to the zoning officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.

- B. If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under Section 1512.1 and the time therein specified for commencing a proceeding with the Zoning hearing Board shall run from the time when the second notice thereof has been published. A favorable preliminary opinion shall in no way preclude landowner's responsibility to formally submit of all required applications and gain approval of the same prior to the start of any activity related to the subject development.

SECTION 1308 SCHEDULE OF FEES, CHARGES AND EXPENSES

The Board of Supervisors shall establish by resolution a schedule of fees, charges and expenses and collection procedures for Zoning Permits, Certificates of Zoning Compliance, Certificates of Nonconformance, appeals to the Zoning Hearing Board, applications for conditional uses, amendments to the Zoning Ordinance or Zoning Map. Issuance of a Preliminary Opinion and any other matters pertaining to the administration of this Ordinance. The schedule of fees, charges and expenses shall be available for public inspection and may be altered or amended by resolution of the Board of Supervisors. No action shall be taken on any application, appeal or certificate until all related fees, charges and expenses have been paid in full. An application shall not be deemed as filed until completed and submitted with payment in full of appropriate fees and applicable supporting documentation.

**ARTICLE 14
AMENDMENTS**

SECTION 1401 AMENDMENT PROCEDURE

The provisions of this Ordinance and the boundaries of the zoning districts as set forth upon the Zoning Map, may from time to time be amended by the Board of Supervisors in accordance with the provisions as set forth in the Pennsylvania Municipalities Planning Code, Act 247, as amended. Prior to adopting any amendment to this Ordinance or to the Zoning Map, the following procedures shall be met:

- (A) Any proposed amendment, not initiated by the Township Planning Commission, shall be referred to the Township Planning Commission not less than thirty (30) days prior to a public hearing before the Board of Supervisors to provide the Township Planning Commission an opportunity to submit any comments or recommendations regarding the proposed amendment.
- (B) Prior to voting on the enactment of any proposed amendment, the Board of Supervisors shall hold a public hearing pursuant to public notice. If, after any public hearing held upon a proposed amendment, said amendment is substantially changed, or is revised to include land not previously affected by the proposed amendment, the Board of Supervisors shall hold another public hearing before proceeding to vote on the amendment.
- (C) Any recommendation of the Township Planning Commission shall be submitted to the Board of Supervisors in writing.
- (D) Not less than thirty (30) days prior to the public hearing, the Board of Supervisors shall submit the proposed amendment to the Luzerne County Planning Commission for its comments and recommendation. In addition to the proposed amendment, the Board of Supervisors shall submit any required fees charged by the Luzerne County Planning Commission for their review.
- (E) Proposed action shall not be taken until the Township Planning Commission and the Luzerne County Planning Commission comments and recommendations are submitted to the Board of Supervisors. If either Commission fails to act within thirty (30) days, from its receipt of the proposed amendment, the Township Council may proceed without such recommendation.
- (F) When a proposed amendment involves a Zoning Map change, the following procedures shall be applicable:
 - 1. Notice of the public hearing shall be conspicuously posted by the Township at points deemed sufficient along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted not less than one (1) week prior to the date of the public hearing.
 - 2. Notice of the public hearing shall be mailed by the Township, at least thirty (30) days prior to the date of the public hearing, by first class mail to the

addresses to which real estate tax bills are sent to property owners whose properties:

- are located within the property or area proposed to be rezoned.
- have a common property boundary with the property or area proposed to be rezoned.
- are located within a distance of two hundred (200) feet of any property boundary line of the property or area proposed to be rezoned.

The above information shall be based upon current tax records within the Luzerne County Tax Assessment Office. The party requesting the zoning boundary amendment shall be responsible for securing such information and providing the same to the Township. The notice shall include the location, time and date of the public hearing. A good faith effort and substantial compliance shall be deemed to satisfy this requirement. While it shall be the intent of the Board of Supervisors to provide written notice to such owners, failure to do so shall not invalidate an otherwise duly enacted ordinance that amends in the Zoning Map.

3. The above requirement shall not apply when the rezoning constitutes a comprehensive rezoning.

SECTION 1402 APPLICATIONS FOR AMENDMENTS TO THE TEXT OR MAP

The application for a proposed amendment, which is not submitted as a curative amendment, to the text of this Ordinance or to the Zoning Map, shall be submitted in writing to the Zoning Officer, who shall process said application in accordance with Section 1401 of this Ordinance. An application shall contain the following information as applicable:

- (A) The applicant's name and address and/or the name and address of his authorized agent or the equitable owner.
- (B) A copy of the deed to the property, and when the applicant is not the owner of the property, appropriate documentation to establish the applicant's standing as the equitable owner.
- (C) A signed statement by the owner of record, or applicant as the case may be, attesting to the truth of the facts of all information contained within the application.
- (D) A scaled plan of the area proposed to be rezoned, which indicates abutting streets, the zone classification of adjoining properties and the names and addresses of the true and correct owners of record within the area proposed to be rezoned and physically bordering the area to be rezoned as evidenced by tax records within the Luzerne County Tax Assessor's Office.
- (E) Plans, drawings and explanatory material, which describes in detail the applicant's proposed use and/or development of the property.
- (F) Specify those Sections of this Ordinance or areas upon the Zoning Map which will

be affected by the proposed amendment.

SECTION 1403 CURATIVE AMENDMENTS

1403.1 INITIATED BY LANDOWNER

A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment to cure the alleged defect, be heard and decided by the Board of Supervisors. In addition to the written request and proposed amendment, the landowner shall also submit plans, drawings and explanatory material, which describes in detail his proposed use or development. The Board of Supervisors shall commence a public hearing pursuant to public notice within sixty (60) days of the landowner's request. The sixty (60) day period shall not commence until all required information and material is submitted, along with all related fees. Failure to convene a public hearing within sixty (60) days of the landowner's request shall not result in a deemed approval.

The curative amendment and supporting information shall be referred to the Township Planning Commission and the Luzerne County Planning Commission for its review and comment not less than thirty (30) days prior to the public hearing.

The public hearing before the Board of Supervisors shall be conducted in accordance with the applicable procedures contained in Section 1506 of this Ordinance and all references therein to the Zoning Hearing Board shall, for the purposes of this Section, be references to the Board of Supervisors. Public notice of the required public hearing shall include notice of the validity of those particular provisions of this Ordinance and/or the Zoning Map which are in question, along with the place where the proposed amendment, plans, drawings, explanatory material and any other pertinent information may be examined by the public.

If the Board of Supervisors determines that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revisions, or it may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider in addition to the landowner's proposed curative amendment, plans, drawings and explanatory material the following items:

- (A) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
- (B) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance and/or Zoning Map.
- (C) The suitability of the site for the intensity of use proposed in relationship to the site's soils, slopes, woodlands, flood plains, aquifers, natural resources and other natural features.

- (D) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features, in relationship to the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
- (E) The impact of the proposal on the preservation of agriculture and any other land uses which are essential to the public health and welfare.

The proposed curative amendment shall be deemed denied in accordance with any of the following:

- (A) Failure to commence the public hearing within sixty (60) days of the landowner's request.
- (B) When the Board of Supervisors notifies the landowner that it will not adopt the curative amendment.
- (C) When the Board of Supervisors adopts another curative amendment which is unacceptable to the landowner.
- (D) When the Board of Supervisors fails to act on the request within forty-five (45) days after the close of the last public hearing on the request, unless the time is extended by mutual consent by the landowner and the Board of Supervisors

1403.2 INITIATED BY THE TOWNSHIP

If the Board of Supervisors determines this Ordinance or the Official Zoning Map, or any portion thereof, to be substantially invalid, it shall declare such by a formal action and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following said declaration, the Board of Supervisors shall by resolution make specific findings setting forth the declared invalidity which may include:

- (A) References to specific uses which are either not permitted or not permitted in sufficient quantity.
- (B) Reference to a class of use or uses which require revision.
- (C) Reference to the entire Ordinance and/or Map which requires revisions.

Within one hundred eighty (180) days from the date of the declaration and proposal as set forth in this Section, the Board of Supervisors shall enact a curative amendment to correct those portions deemed invalid or reaffirm the validity of those portions initially deemed to be invalid. Upon the initiation of procedures as set forth in this Section, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment, nor shall the Zoning Hearing Board be required to consider a substantive challenge to the validity of the Zoning Ordinance or Zoning Map, pursuant to Section 1508 (A) of this Ordinance, based upon grounds identical to or substantially similar to those specified in the Board of Supervisors resolution.

The Board of Supervisors, having utilized the procedures as set forth in this Section, may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment or reaffirmation of the validity of this Ordinance and/or Zoning Map. However, if after the date of declaration and proposal, there is a substantially new duty or obligation imposed upon Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, Township may utilize the provisions of this Section to prepare a curative amendment to fulfill said duty or obligation.

SECTION 1404 ENACTMENT OF AMENDMENTS

A proposed amendment to this Ordinance or to the Zoning Map shall be enacted in conformance with the following:

- (A) The Board of Supervisors shall conduct a public hearing pursuant to public notice and in accordance with the procedures as contained within Section 1401 of this Ordinance.
- (B) Public notice shall include the time, place and date of the meeting at which enactment will be considered and a place within Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.
- (C) Public notice shall include either the full text of the amendment or the title and a brief summary of the amendment as prepared by the municipal solicitor. If the full text is not included, then a copy of such shall be supplied to the newspaper in which the public notice is published, and an attested copy to the County Law Library.
- (D) In the event substantial changes are made to the proposed amendment, before voting upon enactment, the Board of Supervisors shall, not less than ten days prior to enactment, readvertise in one newspaper of general circulation in Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the changes.

SECTION 1405 NOTIFICATION TO COUNTY

Within thirty (30) days after the enactment of an amendment to this Ordinance or to the Zoning Map, a copy of the amendment shall be forwarded to the Luzerne County Planning Commission.

ARTICLE 15
ZONING HEARING BOARD

SECTION 1501 MEMBERSHIP OF BOARD

The membership of the Zoning Hearing Board shall consist of three (3) residents of Dennison Township appointed by the Dennison Township Board of Supervisors by resolution. The terms of office for Board members shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township, including membership upon the Planning Commission.

SECTION 1502 ALTERNATES TO ZONING HEARING BOARD

The Board of Supervisors may appoint by resolution one resident of Dennison Township to serve as an alternate member of the Board. When seated pursuant to the provisions of Section 1504 of this Ordinance, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board Members, including specifically the right to cast a vote as a voting member during proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. An alternate shall hold no other office in the Township, including membership on the Planning Commission. An alternate may participate in any proceedings or discussions of the Board, but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to Section 1504 of this Ordinance. The term of office for an alternate member of the Zoning Hearing Board shall be for two (2) years.

SECTION 1503 REMOVAL OF MEMBERS

Any Board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office or for any other just cause by the Board of Supervisors. Prior to any vote by the Board of Supervisors, the member shall receive written notice not less than fifteen (15) days in advance of the date at which it intends to take such a vote. A hearing before the Board of Supervisors shall be held in connection with the vote, if the member requests a hearing in writing.

SECTION 1504 ORGANIZATION OF BOARD

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board. The Board, however, may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 1506. If by any reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate the alternate member of the Board to be seated to establish a quorum. The alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which

the alternate was initially appointed until the Board has made a final determination of the matter or case.

The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of Dennison Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit an annual report of its activities to the Township Board of Supervisors.

SECTION 1505 EXPENDITURES FOR SERVICES

Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. In no case shall the compensation exceed the rate of compensation authorized to be paid to members of the Board of Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the Governing Body, for the performance of their duties when designated as alternate members. In no case shall such compensation exceed the rate of compensation authorized to be paid to members of the Board of Supervisors.

SECTION 1506 HEARINGS

The Zoning Hearing Board shall conduct hearings and render decisions in accordance with the following:

- A. Notice of hearings before the Board shall be by public notice; a notice published once a week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of matters to be considered at the hearing by the Board. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
- B. Written notice of all hearings before the Board shall be conspicuously posted on the affected property not less than one week prior to the hearing.

Written notice of all hearings before the Board shall be conspicuously posted on the affected property by the owner at least one week prior to the hearing. The owner shall provide the Hearing Board with a notarized affidavit of posting.

Written notice shall be given to the following parties:

1. The Zoning Officer.
2. The Dennison Township Board of Supervisors
3. The applicant.
4. The owner of record of the subject property before the Board, if different than that of the applicant.

5. Any party or person who has submitted a written request to receive notification on the subject property.
6. The owner of record of any property which has an adjoining or contiguous property boundary with the subject property before the Board and to the owner of record of any property within two hundred (200) linear feet of the subject property before the Board. An adjoining or contiguous property boundary shall be deemed to also include such properties which have any amount of opposite front, rear or side yard areas including those properties that are separated from the subject property before the Board by a public or private street, road, alley and/or similar right-of-way. In cases of a corner property subject to a hearing before the Board, in addition to the owners of record with an adjoining or contiguous property boundary, notice shall also be given to any owner of record of any property which has frontage along the intersection of the public or private streets or roads in question.

The applicant shall be responsible for providing the Zoning Hearing Board with the names and addresses of the true and correct owners of record based upon the records contained in the Luzerne County Tax Assessor's Office. While it shall be the intent of the Dennison Township Zoning Hearing Board to provide written notice to those affected property owners as set forth above, failure to do so shall not represent a basis for appeal or otherwise invalidate a decision and/or finding of the Zoning Hearing Board. The applicant shall be required to provide the names and mailing addresses of those property owners to receive written notice at the time their application for a hearing is submitted.

- C. The Township Board of Supervisors may prescribe reasonable fees with respect to hearings before the Board in accordance with a Fee Schedule as set forth in Section 1308 of this Ordinance. Fees for said hearings may include compensation for the secretary, and if applicable, members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board or expenses for engineering, architectural or other technical consultants or expert witnesses.
- D. The first hearing shall be held within sixty (60) days from the applicant's request, unless the applicant has agreed in writing to an extension of time. The sixty (60) day time period shall not commence until the applicant has submitted a properly completed application, with all required signatures, supporting information, the names and mailing addresses of parties to receive notice of the hearing, and all required fees. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be

granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of hearings. Persons opposed to the application may, upon written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- E. Hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Board, unless the appellant or applicant, as the case may be, in addition to the Township, agree to waive any decision or findings by the Board and accept the decision or findings of the hearing officer as final. If the decision or findings of the hearing officer are to be accepted as final, all parties to the hearing must agree to such stipulation at the outset of the hearing.
- F. The parties to the hearing shall be the Township Board of Supervisors, any person affected by the application who has made a timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties to the hearing enter appearances in writing on forms provided by the Board for such purpose.
- G. The presiding chairman or acting chairman of the Board or hearing officer shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties to the hearing.
- H. The parties to the hearing shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and arguments and to cross-examine adverse witnesses on all relevant issues.
- I. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- J. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer, or shall be paid by the person appealing from the decision of the Board, if such appeal is made and in the event the cost of additional copies shall be paid by the person requesting such copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- K. The Board, collectively or individually, or the hearing officer, shall not communicate directly or indirectly with any party or his representatives in connection with any issue before the Board involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from its solicitor, unless all parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

- L. The Board or the hearing officer, as the case may be, shall render a written decision or, if no decision is called for, provide written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. If the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of the Ordinance or any other ordinance, rule or regulation, shall contain a reference to the provisions relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties of record within forty-five (45) days. The parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, with the Board's decision entered no later than thirty (30) days after the report of the hearing officer. If the Board fails to commence, conduct or complete the required hearing as provided for under Section 1506 (D), the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. If a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided under Section 1506 (A) and written notice of the decision shall be mailed to those parties identified under Section 1506(B). If the Board fails to provide such notice, the applicant may do so. Nothing contained within this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- M. In any appeal of an enforcement notice under Section 1306.1 of this Ordinance to the Zoning Hearing Board shall require that the Zoning Officer and/or Township provide its evidence first to the Board regarding the basis, nature and supporting information regarding the subject enforcement notice. Upon the conclusion of the same, the appealing party shall provide the Board with his/her evidence in contesting the subject enforcement notice. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to said party, if Zoning Hearing Board or any subsequent Court rules in favor of the appealing party.

- N. The final decision or, where no decision is called for, the findings shall be rendered by the Zoning Hearing Board at a public hearing and/or public meeting. A copy of the written decision or findings shall be delivered to the applicant personally or mailed to him not later than the day following the date of the Board's decision or findings. The Zoning Hearing Board shall provide by mail or otherwise, to all persons who have filed their name and address with the Board, not later than the last day of the hearing, a statement of brief notice of the decision or findings and a statement of the place and at which a copy of the full decision or findings may be examined.

SECTION 1507 MEDIATION OPTION

1507.1

Mediation may be utilized as an aid designed to supplement, as opposed to replacing, any proceedings before and under the jurisdiction of the Zoning Hearing Board. In no case, however, shall the Board or any member of the Board, initiate the use of mediation. No member of the Board shall be allowed to participate as a mediating party or be present during any sessions of mediation. Nothing within this Section shall be interpreted as expanding or limiting municipal police powers or modifying any principles of substantive law.

1507.2

Mediation shall be voluntary among all subject parties with the appropriateness of mediation determined by the particular issues of each case and the willingness among all the subject parties to negotiate. In order to supplement proceedings before the Zoning Hearing Board, the following information shall be submitted to the Board in written form and signed by all parties to the mediation, the selected mediator, and the Zoning Hearing Board.

- A. Method and commitment of funding of mediation.
- B. The mediator shall be an attorney and/or an individual who is certified by the American Arbitration Association, who shall possess a working knowledge of municipal zoning and subdivision practices and procedures.
- C. A schedule which shall clearly prescribe the time limitations for both the start and completion of mediation. The completion date shall be adhered to even if the negotiations fail to result in a mediated agreement by said date.
- D. Suspension of the appropriate time limitations which apply to the Zoning Hearing Board in convening a hearing and/or rendering a decision, once a hearing is convened, subject to executing a document of expressed written consent by the mediating parties, and by the Zoning Hearing Board.
- E. Identification of all subject parties and affording them the opportunity to participate.
- F. A determination of whether some or all of the mediation sessions shall be opened or closed to the public, subject to governing legal constraints.
- G. An agreement among the mediating parties, that any mediated solution be in written form and subject to review and approval by the Zoning Hearing Board.
- H. Any mediation which concludes within the prescribed time limits under Item C of this Section, which does resolve in whole or in part, the issues subject to mediation, shall then proceed under the hearing process before the Zoning Hearing Board.
- I. No offer or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

SECTION 1508 JURISDICTION OF ZONING HEARING BOARD

The Zoning Hearing Board, in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except for those brought before the Township Board of Supervisors under Section 1403.1 of this Ordinance.
- B. Appeals from the determination of the zoning officer, including but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order, the revocation of a zoning permitted/or building permit or the registration or refusal to register any nonconforming use, structure or lot.
- C. Appeals from a determination by the zoning officer with reference to the administration of any flood plain provision or regulation within any land use ordinance.
- D. Applications for variances, pursuant to Section 1509 of this Ordinance.
- E. Applications for special exceptions pursuant to Section 1510 of this Ordinance.
- F. 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/or stormwater management not related to development which is classified as a subdivision, land development, or a planned residential development.
- G. Appeals from the Zoning Officer's determination in rendering a Preliminary Opinion under Section 1307 of this Ordinance.

SECTION 1509 VARIANCES

1509.1 INITIAL DETERMINATION BY ZONING OFFICER

An application for a variance shall not be submitted to or considered by the Zoning Hearing Board until the following procedure has been completed:

1. The applicant submits an application for a Zoning Permit to the Zoning Officer in accordance with Section 1302 of this Ordinance.
2. The Zoning Officer in reviewing the subject application renders a determination that the proposed development and/or use of property fails to comply with an applicable provisions and/or regulations of this Ordinance.
3. The Zoning Officer specifies the applicable Sections of this Ordinance relative to the applicant's need to secure a variance(s) from the Zoning Hearing Board.

1509.2 CRITERIA FOR GRANTING A VARIANCE

The Zoning Hearing Board shall hear requests for variances if it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

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

Unless approved as part of the variance request, an applicant for a proposed use or development shall comply with any applicable standards and/or criteria as set forth in Article 8, Supplemental Regulations. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 1510 SPECIAL EXCEPTIONS

1510.1 INITIAL DETERMINATION BY ZONING OFFICER

An application for a special exception use shall not be submitted to or considered by the Zoning Hearing Board until the following procedure has been completed:

1. The applicant submits an application for a zoning permit to the Zoning Officer in accordance with Section 1302 of this Ordinance.
2. The Zoning Officer shall also render a determination regarding whether the proposed development and/or use is required to secure any variances from the Zoning Hearing Board, in addition to securing a special exception approval.

1510.2 CRITERIA FOR GRANTING A SPECIAL EXCEPTION APPROVAL

The Zoning Hearing Board shall hear and decide requests for uses and/or development which are permitted as special exception uses. The Board shall grant approval only upon the determination that the proposed use and/or development conforms with all applicable standards and provisions within this Ordinance and the following expressed standards and criteria:

1. The proposed use shall not jeopardize Community Development Objectives as set forth in this Ordinance and the Dennison Township Comprehensive Plan, including any updates, revisions and/or amendments thereto.
2. Public services and facilities such as streets, sewers, water, police, and fire protection shall be adequate for the proposed use and/or development.
3. Existing streets and proposed access to the site shall be adequate regarding the width and pavement for emergency service vehicles.
4. The proposed use shall not adversely affect the public health, safety and welfare due to changes in traffic conditions. Existing streets and proposed access to the site shall be adequate to accommodate anticipated traffic volumes in a manner that avoids undue traffic congestion, and provides for the safety and convenience of pedestrian and vehicular traffic. The proposed use shall not result in unsafe or dangerous traffic conditions.
5. The proposed use shall be compatible with adjoining development and the character of the zoning district and neighborhood in which it is proposed to be located. The nature and intensity of the operation of the proposed use shall be considered regarding its compatibility or lack thereof.
6. The proposed use shall not adversely affect neighborhood property values and aesthetic characteristics in the neighborhood where it is proposed to be located.
7. The proposed use shall not adversely affect the public health, safety and welfare as related to drainage, air quality, noise and natural features of the land. The proposed use and/or development shall not be more objectionable in its operations in terms of noise, fumes, odors, vibration, or lights than would be the operations of any permitted use in the subject Zoning District.
8. The submission of any reports and/or studies, required by the Zoning Hearing Board within the context of the definition "Impact Analysis" as contained defined in Article 2 of this Ordinance, which conclusively demonstrates that the proposed use or development will not have a negative impact upon the particular subject or subjects as defined by the Zoning Hearing Board, in requiring such reports and/or studies.
9. The proposed use and/or development shall comply with any applicable standards and/or criteria as set forth in Article 8, Supplemental Regulations.
10. The proposed use and/or development shall not be injurious to the public interest.

In granting approval, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 1511 PARTIES APPELLANT BEFORE THE BOARD

Appeal and/or applications for hearings before the Zoning Hearing Board pursuant to those matters contained within Section 1508 of this Ordinance may be filed with the Board in writing by the affected landowner or by any aggrieved person or party. The Board shall not accept appeals or applications for hearings from any tenant or equitable owner of a property without the express written consent of the landowner. In such cases, the landowner's signature shall be required upon all applicable forms, applications or documents which are to be submitted to the Board.

SECTION 1512 TIME LIMITATIONS

1512.1

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for the development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan for a Planned Residential Development, pursuant to Section 709 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, or from an adverse decision by a zoning officer on a challenge to the validity of an ordinance or map based upon substantive grounds, pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

1512.2

Any landowner wishing to appeal a decision of the Zoning Hearing Board shall be required to file such appeal to a court of competent jurisdiction within thirty (30) days after the notice of the Board's determination is issued. Failure to do so within the prescribed thirty (30) day time period shall preclude any further appeal of the Board's decision.

SECTION 1513 STAY OF PROCEEDINGS

1513.1

Upon filing of any proceeding referred to in Section 1508 of this Ordinance, and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause

imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the zoning officer or other appropriate agency or body. When the application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post a bond as a condition to continuing the proceedings before the Board.

1513.2

After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all the evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

1513.3

The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory.

1513.4

If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.