

ORDINANCE NO. 92

ZONING ORDINANCE

**DELMAR TOWNSHIP
TIOGA COUNTY, PENNSYLVANIA**

ADOPTED DECEMBER 2, 2019



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Hanover Project DLM16-11

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ARTICLE 1

TITLE, PURPOSE, AND INTERPRETATION

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Delmar Township, Tioga County, by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code as reenacted 1988, December 21, P.L. 1329, No. 170., and any amendments and supplements thereto.

SECTION 101 TITLE

An Ordinance permitting, prohibiting, regulating, restricting, and determining the uses of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures as well as courts, yards, and other open spaces to be left unoccupied by uses and structures; the density of population and intensity of use; the location and size of signs; creating zoning districts and establishing the boundaries thereof; providing for the office of Zoning Officer, a Zoning Hearing Board and providing for the administration, amendment, and enforcement of the Ordinance, including the imposition of Enforcement Remedies.

SECTION 102 SHORT TITLE

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

SECTION 103 PURPOSE

This Zoning Ordinance has been prepared in accordance with the WCDD Multi-Municipal Comprehensive Plan with consideration for the character of Delmar Township, and the suitability of the various parts for particular uses and structures. The provisions and regulations in this Zoning Ordinance are designed to promote, protect, and facilitate the public health, safety, morals, environment, and general welfare of the inhabitants of Delmar Township by lessening congestion in travel and transportation; securing safety from fire, panic, blight, flood, and other dangers; providing adequate light and air, police protection, emergency management preparedness and operations; preventing the overcrowding of land, pollution of air, water, and the environment; avoiding undue concentration of population; providing for vehicle parking and loading space, recreational facilities, adequate water supply for domestic, commercial, agricultural, or industrial use, transportation, sewerage, schools, parks, airports, national defense facilities, and other public requirements; conserving the value of buildings; promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources; preservation of the natural, scenic,

and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains; preserve prime agriculture and farmland considering topography, soil type, classification and present use; provide for residential housing of various dwelling types encompassing all basic forms of housing in various arrangements, including mobile homes and mobile home parks; providing that this Zoning Ordinance shall not be deemed invalid for the failure to provide for any other specific dwelling type; accommodate reasonable overall community growth including population, employment, residential and nonresidential uses; and encouraging the most appropriate use of land.

SECTION 104 COMMUNITY DEVELOPMENT OBJECTIVES

Upon enactment of this Zoning Ordinance, Delmar Township shall be guided in decisions related hereto by the community development objectives as presented in the Comprehensive Plan for Delmar Township, they are as follows:

- A. To develop a wide variety of clean, safe housing for all Township residents, meeting the needs of the elderly, single adults and growing families, regardless of race, age, religion, or other individual idiosyncrasies.
- B. To attempt to maintain the rural forested atmosphere of the Township, while providing for the harmonious relationship between different land use types through proper and adequate sites for each use in a conservative and productive manner.
- C. To encourage the provision of safe transportation systems, necessary roads and streets, adequate and economical community facilities and public utilities, while maintaining the rural nature of the area.
- D. To promote an economic base by maximizing use of our agricultural resources and encouraging the operation of local business, commerce, and industry.
- E. To attempt to maximize the use of our open spaces, and to provide a variety of recreational activities centering on low to medium intensity uses.
- F. To promote attempts to combat pollution of water, air, land, environment, and to protect against hazards of life and property, in an effort to aid Township residents in obtaining their desired quality of life and health.
- G. To promote the preservation of agricultural land and the protection of natural resources, while maintaining a policy of sound conservation policies within the Township.
- H. To realize that our watersheds are a valuable resource, as well as a potential danger, and its problems must be managed on an entire watershed basis.

- I. To strive for coordination of policies, plans, and programs in the Township and region through cooperation among public officials, special interest groups and private citizens.

SECTION 105 INTERPRETATION

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

Any use permitted subject to the regulations prescribed by the provisions of this Ordinance shall conform with all regulations for the zoning district in which it is located and to all other pertinent regulations of this Ordinance. This Ordinance is not intended to interfere with, abrogate, annul, supersede, cancel any easements, covenants, restrictions, or reservations contained in deeds or other agreements, but if this Ordinance imposes more stringent restrictions upon the use of buildings, structures, and land, than are contained in the deeds or agreements, the provisions of this Ordinance shall control.

Where, due to inherent ambiguity, vagueness or lack of clarity in the language of this Ordinance, a reasonable doubt exists as to the meaning of any restriction upon the use of land, said doubt shall be resolved in favor of the property owner and against any implied extension of a restriction.

SECTION 106 SCOPE

From and after the effective date of this Ordinance, no structure or land shall hereafter be changed in use, or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located. No part of a yard, other open space, or landscaping, or off-street parking or loading space required in connection with any building or structure for the purpose of complying with this Ordinance shall be included as part of a yard, open space, landscaping, or off-street parking or loading space similarly required for any other building or structure. Except as is otherwise specifically provided herein, no yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 107 CONFLICT

Except as provided in Section 1501, it is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued there under, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, if a discrepancy exists between any regulations contained within this Ordinance, that regulation which imposes the greater restriction shall apply.

ARTICLE 2

DEFINITION OF TERMS

SECTION 201 RULES OF INTERPRETATION

For the purpose of this Ordinance, the terms and words listed in this Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary and shall be interpreted so as to give this Ordinance its most reasonable application.

For the purpose of this Ordinance, the following rules of interpretation shall apply:

- A. Words in the present tense include the future tense.
- B. Words in the singular include the plural and words in the plural include the singular.
- C. The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used or to be occupied, or offered for occupancy".
- D. The term "such as" shall be considered as introducing a typical or illustrative designation of items and shall not be interpreted as constituting a complete list.
- E. The words "person" and "owner" shall be deemed to include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
- F. The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof".
- G. The words *shall* and *must* are mandatory and not discretionary.

SECTION 202 TERMS DEFINED

Other terms or words used herein shall be interpreted or defined as follows:

ABANDONMENT: To leave something completely, the leaving of real estate, buildings, dwellings, or chattels in a state of disrepair, neglect, disuse.

ACCESS DRIVE: A paved surface, other than a street, which provides vehicular access from a street or a private road to a lot.

ACCESSORY APARTMENT FOR ADDITIONAL FAMILY MEMBERS: A secondary dwelling unit located in a separate structure and established in conjunction with and clearly subordinate to a primary dwelling unit.

ACCESSORY BUILDING: A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building, but not including utility sheds.

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.

ACT: Shall mean The Pennsylvania Municipalities Planning Code, as reenacted December 21, 1988 P.L. 1329, No.170.

ACTION: Approval, conditional approval, denial, or a request for a modification or for additional study, field inspection or documentation.

ADMINISTRATION: The person or persons delegated authority to administer and enforce the Ordinances, Resolutions, Regulations, etc., of Delmar Township.

ADOPTED: A legislative decision by Delmar Township as provided for in Act 247 (as amended), The Pennsylvania Municipalities Planning Code.

ADULT FACILITY: An establishment open to the general public or a private club open to members which is used and occupied for one or more of the following activities:

- A. **ADULT BOOK STORE:** An establishment in which twenty (20%) percent or more of the occupied sales display area offers for sale, for rent or lease, for loan, or for view -upon the premises, of pictures, photographs, drawings, prints, images, sculptures, still film, motion picture film, video tape, or similar visual representations distinguished or characterized by the emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers for sale sexual devices.
- B. **ADULT THEATRE:** A building or room within a building used for presenting motion picture film, video tape or similar visual representation or materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, no outdoor theater or other area not enclosed in a building may be used for adult viewing or listening facilities.
- C. **ADULT CABARET:** An establishment, club, tavern, restaurant, theatre, or hall which features live entertainment distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

D. ADULT MASSAGE PARLOR: An establishment whose business is the administration of massage to the anatomy of patrons regardless whether or not the same includes sexual conduct.

AESTHETIC VALUE: Relating to the beauty in and of nature.

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

AGRICULTURE: The production of plants, animals, or their products, including but not limited to: gardening, fruit production, and poultry and livestock products.

AGRITAINMENT/AGRITOURISM ENTERPRISE: An enterprise conducted upon, and accessory to, an active principal agricultural operation or agri-business use, providing a combination of agriculture, entertainment, education, recreation, or active involvement elements, characteristics, and experiences related to the agricultural operation or agri-business.

ALLEY: A minor right-of-way, privately or publicly owned, other than a side street, primarily for service access to back, sides, or adjoining properties, and not intended for general traffic circulation.

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

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

AMENDMENT: Any change or revision in the text of this Ordinance or the Zoning Map of Delmar Township.

AMUSEMENT PARK: A tract or area used primarily as a location for permanent amusement structures for rides.

ANIMAL HOSPITAL: A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, and birds or fowl. Boarding of such animals shall be for medical or surgical treatment, or quarantine needs.

ANIMAL HUSBANDRY: The raising, breeding, keeping or care of farm animals, livestock or insects for meat by-products or other utility, which is intended as a business or gainful occupation.

ANIMAL HUSBANDRY, INTENSIVE: A concentrated animal operation (CAO) which is an agricultural operation with eight (8) or more animal equivalent units (AEUs) where the animal density exceeds two (2) AEUs per acre on an annualized basis, as defined under the Pennsylvania Nutrient and Odor Management Act regulations, 25 Pa. Code §83.201, *et. seq.*, as amended.

A concentrated animal feeding operation (CAFO) which is a concentrated animal operation with greater than 30 AEUs, any agricultural operation with greater than 1,000 AEUs, or any agricultural operation defined as a large CAFO under the Clean Streams Law, 40 CFR §122.23(b)(4), as amended, and Pennsylvania Nutrient and Odor Management Act regulations, 25 Pa. Code §92a.2, *et. seq.*, as amended.

For purposes of this definition, an applicant for an intensive animal husbandry operation shall provide the Zoning Officer with written proof of the calculations used to identify the operation and the Zoning Officer shall refer to the applicable regulations for necessary calculations.

ANIMAL HUSBANDRY, NONINTENSIVE: The practice of raising, breeding or keeping livestock or fowl that involves animals or birds which obtain their principal food source by grazing or foraging from the land and receive only supplementary feed at centralized feeding stations. This shall include conventional dairying operations and similar uses satisfying the above criteria.

ANIMAL UNIT (AEU): One animal unit is equal to a total of 1000 pounds of animal(s) as further defined with standard weights of various animals in accordance with Section 83.262 of the Nutrient Management Act. Standard weights to be used in calculations are as provided in Table 1 of the latest edition of Agronomy Facts 54, as published by the Penn State College of Agricultural Sciences, Agricultural Research and Cooperative Extension.

APARTMENT/RESIDENTIAL CONVERSION: A multi-family dwelling constructed by converting an existing building into apartments for more than one family, but not more than three (3), without substantially altering the exterior of the building.

APARTMENT HOUSE: A building occupied by three (3) or more dwelling units.

APPLICANT: Any landowner, agent of a landowner, or tenant with the permission of a landowner who has submitted an application for subdivision and/or development including his heirs, successors and assigns.

APPOINTING AUTHORITY: The Board of Supervisors of Delmar Township.

AREA, BUILDING: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, patios, terraces, decks, and steps.

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

AUTOMOBILE: A self-propelled motor vehicle designed for the convenience of persons or property requiring a registration plate by the Commonwealth of Pennsylvania for operation upon public highways; including a truck, motor home, motorcycle.

AUTOMOBILE BODY SHOP: A building on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers, and/or accessories of automobiles and other vehicles for conveyance.

AUTOMOBILE GARAGE, MAJOR: A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of gasoline or oil to automobiles, trucks, and similar motor vehicles.

AUTOMOBILE GARAGE MINOR: An accessory building, attached or unattached, for the storage of one or more automobiles and/or vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation, or service is conducted for profit therein or space therein for more than one automobile is leased to a non-occupant of the premises.

AUTOMOBILE OR GASOLINE SERVICE STATION: Any premises used for supplying gasoline, oil, minor accessories and service for automobiles at retail direct to the motorist consumer, including the making of minor repairs. But not including: major repairs, such as spray painting, body, fender, clutch, transmission, differential, axle, spring and frame repairs, major overhauling of engine requiring removal there from of cylinder head or crankcase pan; repairs of radiator requiring removal thereof; complete recapping or retreading of tires.

AUTOMOBILE OR TRAILER SALES DISPLAY BUILDING: A building for the display and sale of new or used automobiles or trailers.

AUTOMOBILE AND/OR TRAILER SALES LOT: An open lot for the outdoor display of new or used automobiles or trailers when accessory to an automobile or trailer sales display building.

AUTOMOBILE WASHING (CAR WASH): A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services as set forth therein for Automobile service station.

AUTOMOBILE WRECKING: See "Junk Yard". The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AVERAGE WIDTH: Gross lot area divided by the longest side lot line.

BAND SHELL: An outdoor area designed for entertainment.

BAR: Commercial establishment for sale of alcoholic beverages to be consumed on premises or carried out.

BARN: A building for stabling livestock, storing hay, or farm machinery and equipment.

BASEMENT: A story partially underground but having one-half or more of its height above the average level of the adjoining ground. A basement shall be considered in determining the required number of stories.

BED AND BREAKFAST: A dwelling which is owner/manager-occupied, in which rooms are rented for lodging and which serves breakfast, but not other meals. A bed and breakfast is designed primarily for casual and transient guests, and no public restaurant is maintained.

BILLBOARDS AND OUTDOOR ADVERTISING DEVICES: A sign whose major purpose is for directing attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot, and it may be either freestanding or attached to a surface of a building or other structure.

BLOCK: A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, watercourses, or boundary lines of the Township.

BOARDING HOUSE: A building in which the owner or tenant rents at least one but not more than six rooms and furnishes meals only to boarders for compensation.

BUILDING: Any structure built for support, shelter or enclosure of persons, animals or chattels of any kind, whether or not affixed to the land. The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof".

BUILDING ADDITION: Any addition to an existing building or structure, which will increase square footage or height of building or structure or will cover additional yard area.

BUILDING DETACHED: A building surrounded by open space on the same lot.

BUILDING HEIGHT: The total overall height of a building measured from the grade level to the highest point of the roof.

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

BUILDING PERMIT. A written statement issued by the Zoning/Code Enforcement Officer, or other person so designated by resolution by the Delmar Township Board of Supervisors, authorizing the construction, erection or alteration of a structure or sign or part of a structure, consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provision.

BUILDING SETBACK LINE: The line within a property defining the required minimum distances between any structure and the adjacent right-of-way or property line of any lot. The set-back shall be measured from the property line side of the right-of-way boundary bordering the property.

BURNING, OUTDOOR: Any open fire not enclosed in a building.

BURNING BAN: A cease and desist order for a definite period of time on all types of outdoor burning issued by Delmar Township Board of Supervisors or Tioga County Commissioners, or the District Fire Marshall, or any agency of the Pennsylvania Department of Environmental Protection.

CABIN: See "Seasonal Dwelling"

CAMP: Any one or more of the following, other than a hospital, place of detention, school offering general instructions, or a mobile home park:

CLUB, HUNTING OR FISHING: A nonprofit association or group whose purpose is to enjoy the outdoor sport of hunting or fishing.

COMMERCIAL CAMP OR CLUB: A business offering dormitories, cottages, cabin or similar accommodations, eating facilities, sanitary

facilities and recreational and/or educational facilities to the public at large or any segment of the public on other than a transient basis. This definition does not include "trailer camp."

FRATERNAL CLUB, SOCIAL CLUB or LODGE: A nonprofit social, professional or charitable organization characterized by the payment of dues, regular meetings and bylaws; a building used for club or lodge purposes when it serves as a meeting place for such an organization and is not an adjunct to or operated or in connection with a public tavern, retail sales or other public place. The building may be used for recreational and/or dining facilities for the membership and their guests.

MEMBERSHIP CLUB AND CAMP: An association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose whose activities are confined to the members and guests, are not extended to the general public and include the establishment so operated; but does not include such clubs and camps the chief activity of which is a service customarily carried on primarily for business or gain.

NONCOMMERCIAL CAMP OR CLUB: An association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose whose activities are confined to the members and guests, are not extended to the general public and include the establishment so operated; but does not include such clubs and camps the chief activity of which is a service customarily carried on primarily for business or gain.

CAMPGROUND: Any park, tourist park, tourist court, camp, campsite, court, site, lot, parcel, or tract of land upon which one or more camps, cottages or cabins are located or where the land is maintained to accommodate tents, trailers or trailer coaches and where the land is maintained for the accommodation of transients by the day, week or month whether a charge is made or not. The campground shall include all buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the campground and its facilities or not.

CAMPER UNIT/RECREATIONAL VEHICLE: A tent or camping vehicle, which can be temporarily located by a campsite for transient dwelling purposes; a vehicle which is built on a single chassis, is 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 and is not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

CAMPSITE: The individual area of use within a campground.

CARPORT: An accessory building not totally enclosed, which is attached to the main building and primarily designed or used for parking automobiles.

CARTWAY: The graded or paved portion of a street used for vehicular travel, excluding shoulders.

CELLAR: A story fully underground and having more than one half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the required number of stories, or square footage, unless it is fully developed for residential use by humans and has been permitted by special exception/variance by the Delmar Township Zoning Hearing Board.

CERTIFICATE OF USE AND OCCUPANCY: The certificate issued by the Code Enforcement Officer which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

CHILD OR ADULT DAY CARE FACILITY. Any dwelling, building, or portion thereof, including any on-site outdoor play area, where regular child or adult day care services other than the following are provided:

1. The temporary or occasional care of any number of children or adults not related to the person giving care which takes place at the home of the person giving care.
2. The temporary or occasional care of any number of children or adults at a dwelling unit customarily and regularly occupied by the children or adults as their residence.

Child and adult day care facilities shall be further differentiated by the following two classifications:

DAY CARE HOME. Any premises or dwelling unit, other than the home of the child or adult being provided care, where the day care areas are being used as a family residence, operated for profit or not for profit, in which day care is provided at any one time to up to six (6) non-dependent children or adults per day.

DAY CARE CENTER. A facility which provides care for (1) a combined total of seven (7) or more children or adults per day, where the child or adult care areas are being used as a family residence or (2) any number of children or adults per day, where the child or adult care areas are not being used as a family residence.

CLEAR SIGHT TRIANGLE: The triangle area formed by two intersecting road centerlines and a line interconnecting points established on each centerline, one hundred (100) feet from their point of intersection. This entire area is to remain clear of obstructions to sight above the plane established three (3) feet in elevation from grade level at the intersection of the road centerline.

CLEAR SITE LINE: The clear and unobstructed area of Public highway in view when entering said highway.

COMMERCIAL: Business, enterprise, activity or other undertaking offering services of goods which have been manufactured, constructed, fabricated, compounded, packaged, assembled or otherwise processed at another location

COMMERCIAL USE: A use of land or improvements thereto for the purpose of engaging in retail, wholesale, or service activities for profit.

COMMISSION: The Delmar Township Planning Commission, unless otherwise stated within Ordinance or Resolution.

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

COMMONWEALTH: The Commonwealth of Pennsylvania.

COMMUNITY: For the purposes of applying the "contemporary community standards" a community means the Township of Delmar, Tioga County, Pennsylvania.

COMMUNITY SEWAGE SYSTEM: Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature, from two or more lots and the treatment and/or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

COMPREHENSIVE PLAN: Any development plan or policies, also called a master plan, which has been adopted by Delmar Township, including plans or policies for future land use, parks, transportation, urban development, and public facilities. Devices for the implementation of these plans, such as zoning ordinances, official maps, land division, building ordinances, and capital improvements, programs shall also be considered part of the comprehensive plan.

CONDITIONAL USE: A use which may not be appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and criteria prescribed for such uses have been

complied with. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission.

CONDOMINIUM: Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980, are designated for separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, alterations, or relocation of a building or structure, includes the placement of mobile homes.

CONTIGUOUS LANDS: Lands having a boundary or boundaries in common with the subject lands, regardless of the length of the boundary and/or any intervening streets or rights-of-way

CONTRACTOR'S OFFICE OR SHOP: Offices and shops for tradesmen, such as, but not limited to, building, cement, electrical, masonry, painting and roofing contractors.

CONTROLLED SUBSTANCE: A drug, substance, or immediate precursor as defined in schedules 1 through 5 of the Pennsylvania Controlled Substance, Drug Device and Cosmetic Act, 35 P.S. S 780.104, or any amendments thereto.

CONVENTIONAL SUBSURFACE ABSORPTION AREA: The area of an individual or community sewage system, other than an alternate system as defined in 25 PA. Code Chapters 71-73, in which, the liquid from a treatment tank seeps into the soil. It includes the following:

1. Tile Field: an area in which open-jointed or perforated piping is placed in gravel trenches and then covered with earth.
2. Seepage Bed: An area where open-jointed or perforated piping is placed in a gravel bed and then covered with earth.

COUNTY: Any county of the Second-Class A through Eighth classes. Tioga County Pennsylvania.

COUNTY PLANNING COMMISSION: The Planning Commission of the County of Tioga.

COURT: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COURT, INNER: A court, which does not extend to a street, alley, yard or other outer court.

COURT, OUTER: A court, which extends to a street, alley, yard or other outer court.

COVERAGE: The percentage of the plot or lot area covered by impervious material.

CROSSWALKWAY: A strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.

CURB LEVEL: The officially established grade of the curb in front of the midpoint of the lot.

DAIRY: A commercial establishment for the manufacture or processing of dairy products.

DANGEROUS EFFLUENT: Any emission, discharge, leakage, or drainage, from any source, which may be detrimental, toxic, or hazardous to the health, safety welfare, or environment of Delmar Township residents.

DEAD STORAGE: The storage of furniture, files, or other unused or seldom used items in a warehouse or other location for an indefinite period of time. Dead storage is the storage of goods wherein they come to rest for safekeeping.

DECIBEL (dB): A unit for measuring the intensity of a sound/noise and is equal to 10 times the logarithm to the base 10 of the ratio of the measured sound pressure squared to a reference pressure of 20 micro- pascals.

DECK: A platform generally raised above ground level and built of wood but may be at ground level and/or use other stabilizing material, attached or unattached to dwelling or structure. May have railings to thirty-six (36) inches in height, shall not have sides or roof.

DEDICATION: The deliberate appropriation of land by its owner for any general and public use

DESIGNATED FLOODPLAIN AREAS: A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation in a 100-year flood as designated in the Delmar Township Zoning Ordinance as Amended.

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

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the subdivision of land.

DEVELOPMENT PLAN: The provisions for development, including covenants relating to use, location and bulk of subdivision, all other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this act shall mean the written and graphic materials referred to in this definition.

DISPOSAL SITE: A suitable facility for the final disposition of human and animal sewage and wastes, which facility shall have, and remains approved for such purposes by the Pennsylvania Department of Environmental Protection.

DOMICILIARY CARE UNIT: An existing building or structure designed for a dwelling unit for one family which provides 24-hour supervised living arrangements by the family residing therein for not more than two (2) unrelated persons eighteen years of age and above who are disabled physically, mentally, emotionally or who are aged persons.

DRAINAGE: The removal of surface water or groundwater from land by drains, grading, or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

DRAINAGE FACILITY: Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting, or controlling surface water or groundwater.

DRAINAGE RIGHT-OF-WAY: The lands required for the installation of storm water sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DRIVEWAY: A private vehicular passageway providing access between a street or road and a private parking area or private garage.

DRIVEWAY, JOINT-USE: A driveway shared by and constructed to provide access to no more than two (2) lots

DRIVE-IN OR FAST FOOD EATING PLACE: An establishment primarily offering stand-up counter, vending machine, window or in-car service, and offering prepared or standardized food for either on or off-premises consumption.

DRUG PARAPHERNALIA: Any objects, devices, instruments, apparatus or contrivances, whose primary and traditional exclusive use is involved with the illegal use of any and all controlled substances under the laws of Pennsylvania.

DUPLEX: See "Dwelling, Two-Family Detached"

DUMP: A lot of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, automobiles, vehicles, or part thereof, or waste material of any kind.

DWELLING: A building designed, occupied or used as living quarters.

DWELLING CONVERSION UNIT: To be considered a conversion, any proposed alteration must be confined to the interior of an already existing structural shell. Any proposal to extend the sides or increase the height of an existing structure shall not be considered a conversion and shall be required to meet the appropriate provisions established for that particular use.

DWELLING, SINGLE-FAMILY DETACHED: A dwelling unit accommodating a single-family and having two (2) side yards, including a mobile home.

DWELLING, SINGLE-FAMILY SEMI-DETACHED: Two (2) dwelling units accommodating two (2) families which are attached side by side through the use of a party wall and having one (1) side yard adjacent to each dwelling unit.

DWELLING, TOWNHOUSE-ROW DWELLING: Three (3) or more dwelling units accommodating three (3) or more families which are attached side by side through the use of common party walls and which may have side yards adjacent to each end unit. Each dwelling unit may conceivably be either one (1) story or three (3) stories in height. Also, may be located one over the other. Each dwelling unit being accessible by a private entrance or a common stairwell.

DWELLING, TWO-FAMILY DETACHED: Two (2) dwelling units accommodating two (2) families which are located one over the other and having two (2) side yards. (commonly referred to as a duplex).

DWELLING, TWO-FAMILY SEMI-DETACHED: Four (4) dwelling units accommodating four families, two (2) units of which are located directly over the other two (2) units. A combination of both the single-family semi-detached and the, two-family detached structures.

DWELLING UNIT: A building or entirely self-contained portion thereof designed to be occupied for living quarters as a single housekeeping unit providing complete living, sleeping and eating facilities, including kitchen and bathroom facilities that are not in common with any other dwelling unit.

EASEMENT: A grant by a property owner for the use of land by the general public, a corporation, utility, electrical cooperative or a certain person or persons for a specific purpose or purposes.

ECHO HOUSING: An additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the occupants of the principal dwelling.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES: Electric public utilities transmission distribution facilities including substations.

ENGINEERING SPECIFICATIONS: The engineering criteria of Delmar Township regulating the installation of any improvement or facility. In the absence of such Delmar Township criteria, the applicable standards of the Delmar Township Subdivision and Land Development Ordinance shall apply.

ENVIRONMENTAL ASSESSMENT: Survey by environmental engineers to determine impact of possible hazardous materials on site.

EROSION: The removal of surface materials by the action of natural elements.

ESSENTIAL SERVICE INSTALLATIONS: The construction, alteration or maintenance by public utilities or municipals department or commissions of underground or overhead gas, cable TV, electrical, telephone transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, traffic signals, hydrants, and similar equipment and accessories in connection therewith, including substations, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

EXTERMINATION: The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized pest-eliminated method.

FAMILY: Any individual, or two (2) or more persons related by blood, marriage, legal adoption, foster placement, or a group of individuals, who need not be related by blood or marriage but are living, cooking and sharing expenses as a single housekeeping unit and provided they live together in a manner similar to a traditional nuclear family. A "family" shall not include the occupants of a boardinghouse, rooming or lodging house, club, fraternity/sorority, resort, hotel, motel or group home or care facility.

FAMILY GROUP HOME: A dwelling unit of four or fewer residents which is operated by a responsible individual or organization with a program to

provide supportive living arrangements for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition is expressly reserved for supervised care of persons subject to protection of the U.S. Fair Housing Act of 1988, as amended, and/or the Americans with Disability Act, as amended. A group home must comply with all state and/or federal laws and be licensed where required by an appropriate government agency.

FARM: Any parcel of land containing ten (10) or more acres, which is used for gain in raising products, including necessary farm structures within the prescribed limits and the storage of equipment customarily incidental to the primary. For the purpose of this Ordinance, a farm shall not include the raising of furbearing animals, riding academy, livery, boarding stables, dog kennels, or other non-agricultural uses.

FARM OCCUPATION: An accessory use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on the active farm.

FENCE: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land. Fences shall include "electric" and "barbed/razor wire fences" but not "invisible" fences.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD PLAIN: The area of inundation which functions as a storage or holding area for flood water or as defined by municipal plan policy, or as identified on the HUD FIA Flood Hazard Boundary Maps.

FLOOD PLAIN AREA: A relatively flat or low land area which is subject to partial or complete inundation during a one-hundred (100) year flood 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 sources.

FLOOD-PROOFING: Any combination of structural and non-structural 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, including mobile homes.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude.

FLOOR AREA OF BUILDING: The sum of the gross horizontal areas of the several floors of a building and its accessory building on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of

roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

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.

GAZEBO: A structure usually built in other than a quadrangular shape such as hexagonal, octagonal, and usually with a roof, floor, and railing, and usually ornamental in design.

GARAGE, YARD, PORCH, BARN, ATTIC SALE: The sale or offering for sale of new, used or secondhand items of personal property, including but not limited to goods, wares, merchandise and clothing. Such sales can occur on the lawn, yard, porch, patio or in the garage, residence or other out-building of the person or persons who obtain a permit for such sale.

GOVERNING BODY: The Board of Township Supervisors.

GROUP FACILITY - Any one of the following group living arrangements:

COMMUNITY REHABILITATION FACILITY/HALFWAY HOUSE - Group living quarters for persons who need specialized housing, treatment and/or counseling that (a) provides supervised housing as an alternative to imprisonment, including but not limited to pre-release, work-release, probationary programs, or active criminal rehabilitation, or (b) provides treatment/housing for persons convicted of driving under the influence of alcohol or drugs.

EMERGENCY SHELTER FOR HOMELESS - A structure or part thereof operated by a private corporation as a temporary or transitional shelter for persons who lack fixed, regular, and adequate nighttime residences. Rules of conduct, such as curfew, may be established by the shelter operator as a condition of residency; however, residents are in no way incarcerated. Such facility shall be designed to provide shelter for homeless adults and/or children only until permanent living arrangements can be obtained.

GROUP CARE FACILITY - An institutional care facility, licensed, registered or certified under an applicable County, Commonwealth or Federal agency, in which persons with physical or mental disabilities, including persons recovering from drug or alcohol addictions, reside while receiving therapy or counseling for their disability prior to moving into more permanent living arrangements in family dwellings, or nursing, convalescent, or similar health care facilities.

SHELTER FOR ABUSED PERSONS - A temporary group residence operated by a public agency or private corporation which provides a safe and supportive environment for persons who because of actual or threatened physical domestic violence and/or mental abuse are forced to leave their previous residence. Such facility shall be designed to provide shelter for at-risk adults and/or children only until a safe, permanent living arrangement can be obtained.

TEMPORARY SHELTER - A structure or part thereof operated on a nonprofit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment-related relocation activities, or who have bona fide emergency housing needs.

TRANSITIONAL HOUSING FACILITY - Group living quarters that provides transitional housing for groups such as, but not limited to, unwed mothers. Transitional housing facilities are not facilities that (a) provide supervised housing as an alternative to imprisonment, including but not limited to pre-release, work-release, probationary programs, or active criminal rehabilitation; (b) provide treatment/housing for persons convicted of driving under the influence of alcohol or drugs; (c) provide housing for persons with physical or mental disabilities, including persons recovering from drug or alcohol addictions, while receiving therapy or counseling for their disability prior to moving into more permanent living arrangements; or (d) shelters as defined in this Ordinance.

GUEST ROOM: "Guest Room" means a room which is intended, arranged or designed to be occupied or which is occupied by one or more guests, but in which no provision is made for cooking. Residential non-commercial guest rooms shall be within or attached to the principal residence and shall be a part of the residential utility (sewer, electric, etc.) service line.

HABITABLE FLOOR AREA: Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor", nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court, nor rooms having a height of less than six (6) feet between the floor and ceiling. Earth-sheltered dwellings, designed as such, shall include the aggregate of area used for habitation as defined above whether or not all or a portion is below ground level.

HAZARDOUS WASTE: Any material, which is detrimental to humans, animals, vegetation, water, air, or any other element of the environment.

HEAD SHOP: Any business, the operation of which involves the sale, lease, trade, gift or display for sale of any and all types of drug paraphernalia.

HEALTH AUTHORITY: The legally designated health authority of Pennsylvania, as applied to Tioga County, Delmar Township.

HOLDING TANK: A watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

HOLDING TANK CLEANER: A Municipality, County or Township Municipal Authority, person, or legal entity, including the holding tank owner, who is authorized by Delmar Township to remove the contents of a holding tank for the purpose of disposing of the sewage at another approved site.

HOME OCCUPATION: Any use of a dwelling conducted solely by a member or members or the family residing therein, which is incidental or subordinate to the main use of the dwelling; which utilizes no more than more than thirty (30) percent of the total floor area of the dwelling nor exceeding three hundred fifty (350) square feet and does not cause the dwelling living area to drop below the square footage requirements of this Ordinance, and with no evidence of visible, audible, or abnormally odoriferous activity detected from the outside of the dwelling to indicate it is being used for anything other than residential purposes, and does not permit the employment of more than two (2) persons at a time (per shift) not living on the premises. [SEE NO-IMPACT HOME-BASED BUSINESS]

HOSPITAL: A place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care including such establishments as sanitarium, sanitorium, or preventorium.

HOTEL: A building or part thereof which has a common entrance and general dining room, and which contains six or more living and sleeping rooms designed and used primarily for temporary occupancy (not more than 30 days) by transients for compensation.

IMMEDIATE PRECURSOR: A substance which, under the regulations of the Pennsylvania Department of Health is a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used, in the manufacture of controlled substances.

IMPERVIOUS SURFACE: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Areas including, but not limited to, parking areas, driveways, roads, sidewalks, patios and any similar areas of concrete, brick, bituminous products, crushed stone or gravel, shall be considered impervious surfaces for computation of lot coverage.

IMPROVED PROPERTY: Any property within Delmar Township upon which there is erected a structure intended for the continuous or periodic habitation, occupancy

or use by human beings or animals and from which structure sewage shall or may be discharged.

IMPROVEMENTS: Those physical additions, installations, and changes required to render land suitable for the use intruded, including but not limited to, grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, cross-walks, driveways, culverts, and street shade trees.

INDUSTRIAL: Business, enterprise, activity or other undertaking involving the manufacture, construction, fabrication, compounding, packaging, assembly or other processing of goods on-site.

INDUSTRIAL USE:

GENERAL INDUSTRIAL USE: Manufacturing or storage uses which, because of their shipping, storage and other requirements, should not be located in close proximity to residential areas.

LIGHT INDUSTRIAL USE: Manufacturing or storage uses which are characterized by uses of large sites, attractive buildings and inoffensive processes, and which can be compatible with neighboring residential uses.

INDUSTRIAL PARK: A tract of land laid out in accordance with an overall plan for a group of industries with separate building sites designed and arranged on streets with utility service, setbacks, side yards, landscaped yards, and covenants controlling the architecture and uses.

INFECTIOUS WASTE: All waste liable to contain or produce infection or disease from any source.

INOPERABLE MOTOR VEHICLE: A vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that shall be without a valid current registration plate or valid current certificate of inspection.

INTERIOR WALK: A right-of-way for pedestrian use extending from a street into a block or across a block to another street

JUNK: Any worn, cast off or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use. Inoperable, unlicensed, undisputed motor vehicles are junk. Any such article or material which, unaltered, not need to be disassembled or unfastened from, or unchanged and without further reconditioning

can be used for its original purpose as readily as when new shall not be considered junk.

JUNK DEALER: The licensed person who owns and/or operates a licensed junk yard and any person, corporation, etc., who buys, sells, salvages, stores or in any way deals in salvage or junk items, or owns, leases, operates, or maintains a licensed junk yard within Delmar Township.

JUNK YARD: Any lot, land, or structure, or part thereof, used primarily for the collection, storage, and/or sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and/or for the sale of parts thereof. Including scrap material from the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. A "Junk Yard" shall include an automobile or motor vehicle graveyard. The on lot, and not within a fully enclosed building or structure, storage of two (2) or more inoperable, unlicensed, undisputed, motor vehicles constitutes a Junk Yard.

JUNKED MOTOR VEHICLES: Means all types of automobiles, trucks, tractors, and self-propelled machinery of all types, except useable farm machinery, for which no motor vehicle registration plate or yearly renewable tab is displayed for the current registration year as issued by the Pennsylvania Bureau of Motor Vehicles. Junked motor vehicles shall also include any trailer, semi-trailer, or any other article, which would be, classified a motor vehicle under the Vehicle Code of Pennsylvania, which does not display and retain a current registration plate or yearly renewable tab for the current registration year. Two (2) or more inoperable, unlicensed motor vehicles shall be prohibited.

KENNEL: Facilities for housing more than three (3) dogs that are more than six (6) months old.

BOARDING KENNEL: A facility available to the general public, where more than three (3) dogs are boarded for a specified period of time or housed for training purposes. This shall also include facilities operated by a licensed veterinarian in the treatment of animals.

BREEDING KENNEL: A facility operated for the purpose of breeding, buying, selling or in any way transferring more than three (3) dogs for research or nonresearch purposes.

KNOWING: Knowing means having general knowledge of, or reason to know or a belief or ground for belief which warrants further inspection or inquiry of the character and content of any material described therein which is reasonable susceptible of examination by the defendant.

LAND DEVELOPMENT: Any of the following activities:

- A. The improvements of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. Any subdivision of land.
- C. Excepting:
 - 1. The conversion of an existing single-family detached or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
 - 2. The addition of an accessory building including farm buildings on a lot or lots subordinate to an existing building.
 - 3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this sub clause, an amusement park is defined as a tract or area used principally as a location for permanent amusement, structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

LAND OWNER: 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 persons having a proprietary interest in land.

LIVESTOCK BUILDINGS: Any building used for the housing of animals, fowl, living creatures, etc.

LOADING SPACE OR UNIT: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials and which abuts upon an alley, street or other appropriate means of access, and which

is not less than twelve (12) feet wide, sixty (60) feet in length and fourteen (14) feet in height.

LODGING OR ROOMING HOUSE: A dwelling in which the owner or tenant rents at least one but not more than six rooms but does not furnish meals.

LOGGING OPERATION: If soil or waterways are disturbed or roads are built see Soil Conservation Requirements, as stated in "Soil Erosion and Sedimentation Control Manual", Pennsylvania Department of Environmental Protection, or Soil Conservation Service in the USDA.

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

LOT CORNER: A lot which has an interior angle of less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five degrees (135°). Corner lots fronting on two streets shall have two front yards, one side, and one rear yard. Corner lots fronting on three streets shall have three front yards and one rear yard.

LOT, DOUBLE FRONTAGE: A lot fronting on two generally parallel streets or highways.

LOT, FLAG: A lot whose frontage does not satisfy the minimum width requirements for the respective zoning district but that does have sufficient lot width away from the lot's frontage, and which includes a narrow projection or "flagpole" to the public right-of-way.

FLAGPOLE: A narrow extension of property on a lot or parcel from the buildable area of a lot to the public right-of-way, and which is not part of the lot area, but serves as access to the lot or parcel.

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

LOT, REVERSE FRONTAGE: A lot extending between and having frontage on a major traffic street and a minor access street, and with vehicular access solely from the latter.

LOT, THROUGH: An interior lot having frontage on two parallel or approximately parallel streets.

LOT AREA: The area of a horizontal plane bounded by the front, rear and side lot lines.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot

LOT LINES: The lines bounding a lot, front, rear, and sides, as defined herein.

LOT LINE, FRONT: That boundary of a lot, which is along an existing or proposed centerline of a street. In the case of corner lots, all the lot boundaries along an existing or proposed centerline of a street shall be designated as "front lot lines".

LOT LINE, REAR: That boundary of a lot, which is most distant from the most nearly parallel to the front lot line.

LOT LINE, SIDE: Boundary of a lot, which is not a front or a rear lot line.

LOT OF RECORD: A lot described in a deed or shown on a plan of lots, which has been recorded in the office of the Recorder of Deeds of Tioga County, Pennsylvania.

LOT WIDTH: The average horizontal distance between the side lot lines, measured parallel to the front lot line.

MAINTENANCE GUARANTEE: Any security, other than cash, which may be accepted by Delmar Township for the maintenance of any improvements required by this Ordinance.

MASSAGE: Any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, ligament, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

MASSAGE THERAPIST: An individual licensed by the Pennsylvania State Board of Massage Therapy to practice massage therapy.

MASSAGE THERAPY: As defined in the Massage Therapy Act (63 P.S. §627.1 - §627.50), (the "Act"), as the Act may be amended from time to time, the application of a system of structured touch, pressure, movement, holding and treatment of the soft tissue manifestations of the human body in which the primary intent is to enhance the health and well-being of the client without limitation, except as provided in the Act. The term includes the external application of water, heat, cold, lubricants or other topical preparations, lymphatic techniques, myofascial release techniques and the use of electro-mechanical devices which mimic or enhance the action of the massage techniques. The term does not include the diagnosis or treatment of impairment, illness, disease or disability, a medical procedure, a chiropractic

manipulation--adjustment, physical therapy mobilization--manual therapy, therapeutic exercise, electrical stimulation, ultrasound or prescription of medicines for which a license to practice medicine, chiropractic, physical therapy, occupational therapy, podiatry or other practice of the healing arts is required. The term also shall not include barbers and beauticians who are duly licensed by the Commonwealth and massage the neck, face, scalp or hair of their patrons as an accessory service to hair cutting/styling.

MATCH LINE: Reference data facilitating the joining of two maps, graphs or sheets together, so they can be read as a single document

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.

MICROWAVE ANTENNA FOR SATELLITE COMMUNICATION: Microwave antenna for satellite communication means a parabolic ground-based reflector, together with its pedestal and any other attachments or parts thereof, commonly referred to as a dish shaped antenna, used or intended to receive or transmit radio, television, telephone, or electromagnetic waves from an overhead satellite or other sources.

MOBILE 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 connected to the required utilities and which may be temporarily or permanently affixed to real estate and constructed with the same or similar electrical, plumbing and sanitary facilities as immobile housing. The term includes park trailers, travel trailers, recreational, and other similar vehicles placed on a site for more than one-hundred-eighty (180) days.

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

MOBILE HOME PARK: A parcel (or contiguous parcels) of land which has been planned and improved for the placement of two (2) or more mobile homes, for no transient use; except where used as a home by others employed full time on a full-time farm.

MOBILE HOME SALES LOT: An open lot for the outdoor display of new or used mobile homes.

MOBILE HOME STAND: That part of an individual lot, which has been reserved for the placement of one (1) mobile home.

MODULAR OR SECTIONAL HOME: Mobile home units designed and built to be towed on their own separate chassis and permanently combined on site and set on a permanent foundation to form a single immobile dwelling unit and having a minimum of nine hundred (900) square feet of enclosed floor area, shall be regarded as a single-family detached dwelling.

MONUMENT: A concrete, stone, or other permanent object placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

MOTEL: A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units with direct outside access, designed and used primarily for temporary occupancy (not more than 30 days) by transients for compensation and not primarily established for residential use. The term "motel" includes buildings designed as tourist courts, motor lodges, auto courts and other similar appellations, but shall not be construed to include mobile homes, travel trailers or Dwelling Units used for Short Term Rentals.

MOTOR VEHICLE: All types of automobiles, trucks, trailers, semi-trailers, tractors, buses, all self-propelled machinery and equipment, etc., and/or parts thereof.

MULTI-FAMILY DWELLING: A building planned and designed for three (3) or more living units within the same building.

MUNICIPAL AUTHORITY: A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382. No.164), known as the "Municipality Authority Act of 1945."

MUNICIPALITY: Any city of the Second-Class A or Third class, Borough, incorporated Town, Township of the First or Second class, County of the Second-Class A through Eighth class, Home Rule Municipality, or any similar general-purpose unit of government which shall hereafter be created by the General Assembly.

NATURAL GAS COMPRESSOR STATION: Any facility used to compress natural gas for production (lift compressor) or transportation/transmission to market (line compressor). This ordinance makes no distinction between lift and line compression

NO-IMPACT HOME-BASED BUSINESS: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- 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 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 use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

NOISE BARRIER: Any fence, wall, obstruction, etc., placed in such a way to deaden sounds emitting from a lot, commonly a dense planting of evergreen shrubbery or trees.

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

NONCONFORMING SIGN: A sign, which does not conform to the regulations of a district in which it is located.

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

NONCONFORMING USE: A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning Ordinance or Amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such Ordinance or Amendment, or prior to the application of such Ordinance or Amendment to its location by reason of annexation.

NON-RESIDENT: Any person who does not maintain a mailing address or vote within Delmar Township.

NONRESIDENTIAL: Any use other than a dwelling. An institutional use, in which persons may reside, such as a dormitory, prison, nursing home, or hospital, shall be considered a nonresidential use.

NORMAL HIGH-WATER MARK: The highest point on the bank of a normal stage channel at which the water level has been for a sufficient period of time to leave a definite mark or where the natural vegetation changes from predominately aquatic to predominately terrestrial.

NUDITY: The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering or any portion thereof below the top of the nipple, or the depletion of covered male genitals in a discernibly turgid state.

NUISANCE: Shall mean any condition, structure, activity, procedure, or improvement natural or man-made, which constitutes a threat to the health, safety, morals environment, welfare or quality of life of the citizens of Delmar Township.

NURSERY, HORTICULTURE: Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the primary use.

NURSING OR CONVALESCENT HOME: A building designed and used for the fulltime care of human beings and which may include housing or lodging, meals, and nursing.

OBSCENE MATERIALS: Any literature, including any book, magazine, pamphlet, newspaper, story paper, comic book, or writing, and any figure, visual representation, or image including any drawing, photograph, picture or motion picture if:

- A. The average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest;
- B. The subject matter depicts or describes in a patently offensive way, sexual conduct of a type described herein;

C. The subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill structure, or matter, in, along, across, or projecting into any channel, watercourse, or flood prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

OFFICES, CONTRACTORS: "Contractors Offices" means an office or shop with an accessory storage yard, of a building, electrical, or mechanical contractor.

OFFICES, CORPORATE: "Corporate Offices" means executive and administrative offices of business firms.

OFFICES, PROFESSIONAL: "Professional Offices" means an office that includes, but is not limited to, accountants, actuaries, medical and dental offices, optician's offices, attorneys, insurance and bonding agents, realtors, photography and art studios and miscellaneous professional services.

OFFICIAL SEWAGE PLAN: The adopted wastewater facilities plan of Delmar Township required by Act 537 and filed with the Department of Environmental Protection.

OFF-LOT SEWER: Sewage disposal or treatment system, except for lines for the conveyance of the sewage to the disposal or treatment system, approved for use by the Pennsylvania Department of Environmental Protection, whether publicly or privately owned, which is located outside the boundaries of the lot which it serves.

OFF-LOT WATER: Water supply, whether publicly or privately owned, located outside the boundaries of the lot which it serves.

ON-LOT SEWER: Septic or other sewage disposal or treatment system approved for the use by the Pennsylvania Department of Environmental Protection for use within the boundaries of the lot which it serves.

ON-LOT WATER: Water supply located within the boundaries of the lot which it serves.

ONE HUNDRED YEAR FLOOD: A flood that, on the average, is likely to occur once every one hundred (100) years.

OPEN SPACE: The unoccupied space open to the sky on the same lot with the building.

OUT-HOUSE: Privy without a holding tank.

OWNER: The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person, vested with ownership, legal or equitable, sole or partial, of any property located within Delmar Township.

PARCEL: See "Lot".

PARK MANAGEMENT: The person who owns or has charge, care of, or control of a designated area such as a mobile Horne park, trailer park, or court, or campground.

PARKING LOT: An area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.

PARKING SPACE: The space, including covered or uncovered parking lot space, within a building or on a lot or parking lot, for the parking of one (1) automobile and with a minimum size of ten (10) feet by twenty (20) feet.

PATIO: A stabilized or paved area usually adjoining a dwelling generally used for barbeques, parties, etc. level with the ground with no railings, sides or roof.

PAVEMENT: Stabilized material of sufficient quantity and quality as approved by the Pennsylvania Department of Transportation to withstand continued use by motor vehicles.

PAVILION: An open sided roofed structure or canopy generally used as a picnic and gathering space. May have side railings or walls not to exceed three (3) feet in height and a fireplace.

PEDDLING OR SOLICITING: The selling, bartering, or presenting of goods or services door-to-door, or any place other than an established place of business, and the permit for these activities.

PERCOLATION TEST: Those soil absorption tests conducted in order to determine the potential effectiveness of a subsurface wastewater disposal system as defined in the Pennsylvania Sewage Facilities Act (Act 537 of 1968) and/or other applicable laws and regulations

PERFORMANCE GUARANTEE: Any security which may be in lieu of a requirement that certain improvements be made before the Delmar Township Planning commission or Delmar Township Supervisors approve a final subdivision

or land development plan, including performance bonds, escrow agreements, irrevocable letters of credit, and other similar collateral or surety agreements.

PERMANENT: Any building, structure, fixture, or equipment reasonably expected to remain in place for one (1) year or longer, such as; buildings, structures, above ground swimming pools, small buildings on skids or blocks, decks set on surface, gazebos, etc.

PERMIT: written approval, in whatever form, authorizing performance of a specified activity and issued by the appropriate governmental body for the proper permit. Such as; sewer permits, mobile Horne permits, building permits, sign permits, etc.

PERSON: Any individual, group of individuals or legal entity, including but not limited to a corporation, unincorporated association, a partnership as well as an individual.

PIPELINE: As defined by Title 49, Code of Federal Regulations, Sections 192.3 and 195.2.

GATHERING PIPELINE: Any pipeline that transports from a current production facility to a transmission pipeline.

TRANSMISSION PIPELINE: Includes, but is not limited to, pipelines designed for the transmission of a "gas", or "petroleum gas", except a "service line", as those terms are defined by Title 49, Code of Federal Regulations, Section 192.3; also includes pipelines designed for the transmission of a "hazardous liquid", as defined by Title 49, Section 195.2.

PLAN, FINAL: Complete and exact graphic description or map drawn to scale, prepared for official recording as required by the Pennsylvania Municipalities Code, to define property rights and proposed streets and other improvements.

PLAN, PRELIMINARY: A tentative graphic description or map drawn to scale, in lesser detail than a final plan, showing approximate locations of streets and lot layout as a basis for consideration prior to preparation of a final plan.

PLAN, RECORD: An exact signed copy of the approved Final Plan, as prepared for official recording to define property rights and proposed streets and other improvements.

PLAN, SKETCH: An informal graphic description or map drawn generally to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development.

PLAN, SOIL EROSION & SEDIMENTATION CONTROL: A plan for controlling erosion and sediment during construction which shall provide all steps, including

scheduling to assure erosion and sediment control during all phases of construction, including final stabilization. See "Soil Erosion and Sedimentation Control Manual" Pennsylvania Department of Environmental Protection.

PLANNING AGENCY: A planning commission, planning department, or a planning committee of the governing body.

PLAT: A map, plan or layout, whether preliminary or final, showing the subdivision of land into lots, blocks, streets or other information in compliance with the Pennsylvania Municipalities Planning Code of 1988, P.L. 1327, No. 170, Article V and these regulations

PLOT: An area of land, which is taxed as a single unit of land.

POLE BARN: A single story building constructed with poles planted in ground as main support and used for storage of farm machinery, farm produce, or other storage. May have doors and minimum windows, no heat, no stabilized floor other than gravel.

PORCH: A roofed over structure projecting from the front, side or rear wall of a dwelling or structure. Supported by columns with no enclosures whatsoever, including insect screening, jalousie window, plastic, doors, except a railing or barrier may be erected around the perimeter of the porch floor provided it does not exceed thirty-six (36) inches in height. It is part of the principal structure and is not permitted to extend into yard requirements.

PORCH, ENCLOSED: A porch with an enclosure constructed of plastic, wood, glass, screen, etc., is considered an addition to the dwelling or structure to which it is attached.

PORTABLE TOILET: A self-contained toilet and holding tank designed to be transportable for use on a temporary basis.

PREMISES: Any lot, parcel or tract of land and any building or structure constructed thereon.

PRINCIPAL USE: The main or primary use of property or structures, measured in terms of the area occupied by such use.

PRIVATE: Not publicly owned, operated, or controlled.

PRIVATE ROAD: A right-of-way, not publicly owned, operated, or controlled, which provides vehicular access to two or more lots.

PRIVATE SEWER SYSTEM: An individual on-lot sewerage system in accordance with Pennsylvania DEP regulations.

PRIVATE WATER SUPPLY: An individual on-lot water supply.

PRIVY: A watertight receptacle, whether permanent or temporary, which receives and retains sewage where water under pressure or piped wastewater is not available and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

PROFESSIONAL ENGINEER: A person registered and licensed in and by the Commonwealth pursuant to applicable statutes including, but not limited to, the Professional Engineers Registration Law. P.L. 913, No. 367, May 23, 1945, as amended in P.S. Sections 148-158.

PROFESSIONAL LAND SURVEYOR: An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of land surveying

PUBLIC: Owned, operated or controlled by a government agency (Federal, State or Local), including a corporation created by law for the performance of certain specialized governmental functions, and the Board of Public Education.

PUBLIC GROUNDS: Includes parks, playgrounds, trails, paths, and other recreational areas and other public areas. Sites for Schools, sewage treatment, refuse disposal, and other publicly owned and operated facilities, and publicly owned or operated scenic and historic sites.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with Act 247 of 1968, as amended by Act 170 of 1988.

PUBLIC IMPROVEMENT: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area lot improvement or other facility for which the local government does assume the responsibility for maintenance and operation at the time of the subdivision submission.

PUBLIC MEETING: A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No.84 as amended). Known as the Sunshine Act.

PUBLIC NOTICE: Notice published in a newspaper of general circulation, in the municipality, for hearings, meetings, and other legal notices, as required by Act 247 the Pennsylvania Municipalities Planning Code, as amended. Such notice may be required to be posted upon the property or lot to be considered.

PUBLIC RIGHT-OF-WAY: Land reserved for use as a street, road, access, alley, interior walk, or other public purposes.

PUBLIC SEWER SYSTEM: Used in terms of being available to the lots within a subdivision on a joint basis, from off-lot sources.

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

PUBLIC WATER SUPPLY: Used in terms of being available to the lots within a subdivision on a joint basis, from off-lot sources.

QUADRPLEX: A building containing four attached dwellings in one building in which each unit has two open-space exposures and shares one or two walls with an adjoining unit or units.

QUARRY, SAND PIT, GRAVEL PIT, TOP SOIL STRIPPING: A lot or part thereof used for the purpose of extracting stone, sand, clay, soil, top soil, gravel for sale, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

RECREATIONAL VEHICLE: A vehicle with or without motive power which may be towed on the public highways by a passenger vehicle or self-propelled without a special permit and which may be designed for human occupancy under transient circumstances, including but not limited to construction, industrial, recreational, camping or travel uses that either has its own mode of power is mounted or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, motor home and recreational vehicle (RV).

RECREATIONAL VEHICLE PARK: A plot of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for any purpose including but not limited to recreation or vacation purposes, man camps for any construction activity and gas well drilling (excluding well pads). The standards set forth under this section are intended for those recreational vehicle parks where lots within the park are for rental or lease and are to serve the short-term placement of recreational vehicles as outlined

REFUSE: All putrescible and nonputrescible solids, except body wastes, including garbage, rubbish, ashes and dead animals, etc.

REGULATIONS: All regulations appropriate to this Ordinance unless otherwise noted and from all governmental bodies as pertinent to each section.

REGULATORY FLOOD ELEVATION: The 100-year flood elevation plus a freeboard safety factor of one and one half (1-1/2) feet.

REPLAT: A change in the map of an approved or recorded subdivision plat if such change affects any street layout on the map or area reserved thereon for public use, any lot line or if it affects any map of plan legally recorded prior to the adoption of any regulations controlling subdivision

RESERVE STRIP: A strip of land reserved for a specified use which may include, but may not be limited to, such uses as a street, alley, interior walk or other private or public purposes.

RESIDENCE: Any house, mobile home, apartment or other dwelling unit designed for the use of one or more persons as a place of abode, excluding hotel rooms, motel units and other similar accommodations for transient persons.

RESOLUTION: A determination by the Board of Supervisors setting the parameters needed to clarify Ordinance provisions. Such as building, sign, subdivision, permit fees and other official actions.

RESORT: A business combining temporary lodging (not more than 30 days) to transients for compensation, eating and recreational facilities as a single enterprise offered to the public at large or any segment thereof.

RESTAURANT: A public eating place primarily offering sit-down counter table service and custom-prepared foods for on premises consumption. If carry-out service is available, this shall constitute less than ten (10) percent of sales volume.

RIDING ACADEMY: An establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, ranch, or similar establishment.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or another special use. If the right-of-way involves maintenance by public agency, it shall be dedicated to public use by the maker of the plat on which such right-of-way is established. The right-of-way shall be considered as land area when computing lot size.

ROAD: A public Right-Of-Way, which affords principal means of access to abutting properties, both public and private.

SALVAGE DEALER: See "Junk Dealer".

SALVAGE YARD: See "Junk Yard".

SANITARY LANDFILL: A facility licensed and approved by the Pennsylvania Department of Environmental Protection for the disposal of solid waste where there

is no reasonable probability of adverse effects on the public health or the environment from such disposal.

SAWMILLS OR PLANNING MILLS: Mills intended for the primary processing of timber or saw logs into lumber and shall exclude any secondary processing of the lumber thus produced.

SCHOOL: Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

SCHOOL, COLLEGE: Same as elementary and secondary school except general education provided above the level of the secondary school and may include junior college. College or University.

SCHOOL, ELEMENTARY: Any school having regular sessions with applied instruction which teaches those subjects that are fundamental and essential in general education for elementary school.

SCHOOL, NURSERY: Any place designed and operated to provide regular instruction and daytime care for two or more children under the age of elementary school.

SCHOOL, SECONDARY: Any school having regular sessions with applied instruction which teaches those subjects that are fundamental and essential in general education is provided for secondary grades.

SCHOOL, VOCATIONAL: Any school having regular sessions with applied instruction which teaches those subjects that are fundamental and essential in general education for a trade or vocation.

SCREEN PLANTING: A planting of evergreen shrubbery or trees of sufficient height and density to conceal from the view of property owners in adjoining residential districts, and/or from public rights-of-way the structures and uses on the premises on which the screen planting is located, at minimum three (3) feet from lot line or right-of-way line.

SEASONAL DWELLING: A dwelling designed and used for other than full time occupancy. Examples include cabins, hunting lodges, lakeside homes. Must meet minimum size requirements of Delmar Township.

SEPTIC TANK: A watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

SERVICE OR RECREATIONAL BUILDING: A structure housing operational, office, recreational, park maintenance and other facilities in conjunction with areas such as a mobile home park.

SET-BACK OR BUILDING LINE: The line within a property defining the required minimum distances between any structure and the adjacent right-of-way or property line of any lot. The set-back shall be measured from the property line side of the right-of-way boundary bordering the property.

SEWAGE: Shall mean any substance that contains any of the waste products, excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Clean Streams Law.

SEWER CONNECTION: The sewer connection consists of all pipes, fittings and appurtenances from the drain outlet of a mobile home or the foundation of a permanent dwelling, to the inlet of the corresponding sewage facility or riser pipe.

SEWER RISER PIPE: That portion of the sewer lateral, which extends vertically to the ground elevation and terminates at each dwelling or mobile home space. (commonly referred to as the cleanout or vent).

SEWER PERMIT: A form filled out by the local municipality sewer inspector, based on his or her inspection of the proposed site for installation of an on-lot sewer system.

SHOPPING MALL, SHOPPING CENTER, SHOPPING PLAZA: A group of stores planned and designed to function as a unit for the site on which it is located with off-street parking and landscaping provided as an integral part of a unit.

SHORT-TERM RENTAL: Any Residential Dwelling Unit utilized as a single-family residence rented for the purpose of overnight lodging for a period of not less than one (1) day and not more than thirty (30) days, and which meets the definition of "Hotel" for the purpose of imposing an excise tax by the County.

SHORT-TERM RENTAL LICENSE: Permission granted by the Township to utilize a Dwelling Unit for Short-Term Rental use.

SHOULDER: That portion of a roadway between the outer edge of the traveled way or pavement and that point of intersection of the slope lines at the outer edge of the roadway for the accommodation of stopped vehicles and for lateral support.

SIGHT DISTANCE: The maximum extent of unobstructed vision in a horizontal or vertical plane along a street from a vehicle located at any given point on the street.

SIGN: Any surface, fabric, device or structure (including billboards or poster panel) bearing lettered, pictorial or sculptured matter, intended designed or used for visual communication and used for the purpose of bringing the subject thereof to the attention of the public. The term "sign" does not apply to a flag, emblem or insignia of a nation, political unit, school or religious group.

SIGN, GROSS SURFACE AREA OF: The entire area with a single continuous perimeter enclosing the extreme limits of such sign. All signs shall be limited to not more than two faces. All area limitation shall be computed in square feet. Each face of a double-faced sign may equal the maximum size permitted for the particular type of sign. When individual letters are used separately on the surface of a building wall, the spaces between said letters shall be included in computing the area of the sign.

SILO: A crop and/or animal feed storage device, normally round in design, used for agricultural purposes.

SLOPE: The face of an embankment of cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one-hundred (100) feet of horizontal distance.

SOILS EVALUATION BY TEST PIT METHOD: The excavation of a hole to reveal soil and rock strata followed by evaluation and preparation of a soils log by a qualified soils scientist as designated by the supervisors for the purpose of determining suitability for on-lot sewerage disposal, soils bearing capacity and other determinations.

SOLAR FARM: An installation of a solar array, and all related structures and equipment, typically designed as the primary land use of a parcel and including multiple solar energy collectors on mounting systems, from which the energy generated is sold for use on an energy grid system rather than being consumed on site.

SPECIAL EXCEPTION: A use which the Zoning Hearing Board is permitted to authorize in specific instances listed in this Ordinance, under the terms, procedures and conditions prescribed herein.

SPECIAL PERMIT: A special approval which is required for hospitals, nursing homes, jails, a new mobile home park and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

STABLE, PRIVATE: An accessory building in which horses are kept for private use and not for hire, remuneration, exhibition, or sale.

STABLE, PUBLIC: A building in which any horses are kept for remuneration, hire, exhibition, or sale.

STORMWATER: Rain and snow melt that runs off surfaces such as construction sites, rooftops, paved street, highways and parking lots. As water runs off these surfaces, it can pick up pollution such as: oil, fertilizers, pesticides, soil, trash and animal waste. For the purpose of this ordinance, the water is concentrated flow and enters directly into a local stream or other surface waters

STORY: The portion of a building included between the surface of any floor and the surface of the floor next above it; If there is no floor above it, then the space between any floor and the ceiling immediately above it.

STREET/ROAD: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

1. **COLLECTOR STREET:** A street which, in addition to giving access to abutting properties, intercepts minor streets and provides routes carrying considerable volumes of traffic to community facilities and to major traffic streets.
2. **CUL-DE-SAC:** A minor street intersecting another street at one end and terminated at the other by a vehicular turn-around.
3. **MAJOR TRAFFIC STREET:** A street which serves large volumes of comparatively high-speed and long-distance traffic, including facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.
4. **MINOR/LOCAL STREET:** A street which primarily provides access to abutting properties.
5. **PRIVATE STREET:** A street, easement or road not publicly owned, operated or controlled.

STREET, PUBLIC: A street or road dedicated to public ownership or a street/road with an easement dedicated for public use.

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

SUBDIVIDER: See "Developer".

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 (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempt.

1. MAJOR SUBDIVISION: Any subdivision not classified as a minor subdivision.
2. MINOR SUBDIVISION: Any subdivision of five (5) lots or less, fronting on an existing public street, not involving any new street or streets or the extension of municipal facilities, including but not limited to sewers and water lines and not involving the creation of any public improvements.

SUBSTANTIALLY COMPLETED: Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of the Subdivision and Land Development Ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURFACE LAND USES AFFILIATED WITH TRANSMISSION & GATHERING PIPELINES: Above ground transmission and gathering pipeline facilities including, but not limited to, compressor stations, pumping stations, regulator stations, launcher/receiver stations and other surface pipeline appurtenances

SWALE: A low lying stretch of land which gathers or carries surface water runoff

SWIMMING POOL: Any reasonably permanent pool, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1 1/2) feet. Farm ponds and/or lakes are not included, provided that swimming was is/not the primary purpose for their construction or present use.

TELEPHONE CENTRAL OFFICE: A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone and radio messages between subscribers, and other business of a Telephone Company, provided that in a residential district a telephone central office shall not include public business facilities, storage of material, trucks or repair facilities, or housing of repair crew.

THEATER: A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

THEATER OUTDOOR DRIVE-IN: An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a commercial basis to patrons seated in automobiles.

THERAPEUTIC MASSAGE BUSINESS: Any establishment having a fixed place of business where any person, engages in, carries on or permits to be engaged in or carried on, the practice of massage as is defined in this Ordinance. This term shall exclude licensed hospitals, licensed nursing homes, medical clinics, and the offices and quarters of licensed health profession practitioners.

TINY HOUSE: A dwelling unit placed on a property for occupancy with a habitable floor area between 150 square feet and 400 square feet constructed with a foundation or on wheels.

TOP SOIL: Surface soils and subsurface soils, which normally are fertile, soils and soil material, ordinarily rich in organic matter of human debris. Topsoil is usually found in the uppermost soil layer called the A-horizon.

TOURIST HOME: A dwelling in which overnight accommodations are used by transient guests for compensation.

TOWNSHIP: The Township of Delmar, Tioga County, Pennsylvania.

TRACT: An area of land identified as a single plot having its own separate deed description on record at the County Register and Recorders Office.

TRADITIONALLY EXCLUSIVE USE: A use which is primary and inherent as opposed to secondary and incidental and is associated with certain knowledge or beliefs derived from statements of contemporary persons and handed down through a considerable period of time.

TRAILER-TRAVEL COACH: Any vehicle or structure designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons or the conduct of any business or profession, occupation, or trade (or use as a selling or advertising device) and so designated that it is, or may be mounted on wheels and used as a conveyance on highways, roads and streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

TRAILER-TRAVEL PARK: Any park, trailer park, trailer court, court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for two or more trailer coaches and upon which two or more trailer coaches are parked and shall include all buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the travel trailer park and its facilities or not. "Travel Trailer Park"

shall not include automobile or trailer sales lots on which unoccupied trailers are parked for the purpose of inspection and sale.

UNDEVELOPED LAND: Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building or other improvement.

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

USE, MIXED: The occupancy of a building or of a lot for more than one (1) use, examples include: both a business and a residential use; both an industrial and a residential use.

UTILITY CENTRAL OFFICE: A building and its equipment erected and used for the main office of a utility Company.

UTILITY SHED: A small building designed primarily for the storage of yard and garden equipment, bicycles and miscellaneous household items incidental to a dwelling and of the type customarily made of prefabricated materials, purchased, assembled and erected by the property owner, or delivered to site intact-rebuilt.

VARIANCE: The permission granted by the Zoning Hearing Board following a public hearing that has been properly advertised as required by the Pennsylvania Municipalities Planning Code, for an adjustment to some regulation which if strictly adhered to would result in an unnecessary hardship and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

WATER CONNECTION: The water connection consists of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system of the dwelling or each motor home lot.

WATERCOURSE: A channel, creek, ditch, drain, dry run, spring, stream or river, natural or man-made, existing or intended.

WATER RISER PIPE: The water riser pipe is that portion of the water service pipe, which extends vertically to the ground elevation and terminates at a designated point at each dwelling or mobile home lot.

WATER SERVICE PIPE: The water service pipe consists of all pipes, fittings, valves and appurtenances from the water main of the municipal distributing system to the water outlet of the distribution system within the dwelling or mobile home.

WATER SURVEY: An inventory of the source, quantity, yield, and use of groundwater and surface-water resources within a municipality.

WETLANDS: Areas that are inundated or saturated by surface water or groundwater at a frequency and 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. Wetlands are to be identified by applicable federal and state statutes and/or regulations at the time of submission of subdivision and/or land development. The aforesaid is intended to include the legal definition of wetlands, as same is applicable in Pennsylvania

WIND ENERGY CONVERSION SYSTEM (WECS): A device, which converts wind energy to mechanical or electrical energy.

WIND ENERGY SPECIFIC DEFINITIONS:

- A. **FACILITY OWNER:** The entity or entities having an equity interest in the wind energy facility, including their respective successors and assigns.
- B. **HUB HEIGHT:** The distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.
- C. **NON-PARTICIPATING LANDOWNER:** Any landowner except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.
- D. **OCCUPIED BUILDING:** A residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.
- E. **OPERATOR:** The entity responsible for the day-to-day operation and maintenance of the wind energy facility.
- F. **TURBINE HEIGHT:** The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.
- G. **WIND ENERGY FACILITY:** An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
- H. **WIND TURBINE:** A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower and pad transformer, if any.

WIND ROTOR: The blades, plus hub to which the blades are attached, that are used to capture wind for purposes of energy conversion. The wind rotor is used generally on a pole or tower and along with other generating and electrical storage equipment forms a wind energy conversion system.

WINDOW: An opening to the outside, other than a door, which provides all or part of required natural light, natural ventilation, or both, to an interior space.

YARD: A space open to the sky and unoccupied by any building or structure, or merchandise for display or sale, located on the same lot with a building or structure.

YARD, FRONT: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

YARD, INTERIOR: An open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not front, side, or rear yard.

YARD, REAR: A yard on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the required rear building line projected to the side lines of the lot, and the rear line of the building. A building shall not extend into the required rear yard.

YARD, SIDE: A yard on the same lot with the building situated between the required setback line and the side line of the lot and extending from the front yard to the rear yard. Any lot lines not a rear line or a front line shall be deemed a sideline. A building shall not extend into the required side yards.

ZONING HEARING BOARD: The Zoning Hearing Board of Delmar Township as duly constituted by an established pursuant to this Ordinance, Act 247 Pennsylvania Municipalities Planning Code as amended.

ZONING OFFICER: The individual authorized by the Delmar Township Supervisors to be the administrator of the daily application of the provisions contained in the Zoning Ordinance.

ZONING PERMIT: A statement signed by the Zoning Officer, or other person so designated by resolution by the Delmar Township Board of Supervisors, indicating that the application for permission to construct, alter or add is approved and in accordance with the requirements of the terms of the Zoning Ordinance.

ARTICLE 3

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

SECTION 301 LIST OF DISTRICTS

For the purpose of this Ordinance, the territory of Delmar Township is hereby divided into zoning districts which shall be designated as follows:

Base Districts

AR - Agricultural/Residential District

Overlay Districts

VC - Village Center Overlay District

DC - Development Corridor Overlay District

PCGP - Pine Creek Gorge Preservation Overlay District

FP - Floodplain Overlay District

A – Airport Hazard Overlay District

SECTION 302 OFFICIAL ZONING MAP

The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Chairman of the Township Board of Supervisors, attested by the Secretary and bearing the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in Article 3, Section 302 of Ordinance Number ____ of the Township of Delmar, Tioga County, Pennsylvania," together with the date of the adoption of this Ordinance.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind of any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article 13.

Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Township Board of Supervisors shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

A. Replacement of the Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of change and additions, the Township Board of Supervisors may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Chairman of the Township Board of Supervisors, attested by the Township Secretary and bearing the seal of the Township under the following words: " This is to certify that this is the Official Zoning Map, adopted _____ as part of Ordinance No. ____ of the Township of Delmar, Tioga County, Pennsylvania".

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

SECTION 303 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of the districts shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated, as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated, as approximately following Township limits shall be construed as following Township limits.
- D. Boundaries indicated, as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines.

- E. Boundaries indicated as parallel to or extensions of features indicated in sub-sections A. through D. above shall be so construed.
- F. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in circumstances not covered by sub-sections A. through F. above, the Zoning Hearing Board shall interpret the district boundaries.

ARTICLE 4

CONFORMANCE REQUIRED

SECTION 401 APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered:
 - 1. To exceed the height;
 - 2. To accommodate or house a greater number of families or uses;
 - 3. To occupy a greater percentage of lot area; or
 - 4. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or
 - 5. In any other manner contrary to the provisions of this Ordinance.
- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any structure or use for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other structure or use.
- D. No yard or lot existing at the time of passage of this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other structure or use. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 402

USES NOT PROVIDED FOR

If a use is neither specifically permitted nor prohibited under this Ordinance and an application is made by a landowner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The Zoning Hearing Board shall permit the use or deny the use in accordance with the standards for consideration of special exceptions contained herein. The use may be permitted if it is of the same general character as the enumerated permitted uses in the zoning district, in accordance with the intended purpose of the zoning district, compatible with the permitted uses in the zoning district, and complies with all performance standards applicable to such permitted uses. The duty to present evidence and the burden of proof shall be on the Applicant to demonstrate that the proposed use is of the same general character in accordance with the intended purpose of the zoning district, compatible with the permitted uses in the zoning district and in compliance with all performance standards applicable to such permitted uses in the zoning district.

ARTICLE 5

USE AND DISTRICT REGULATIONS

SECTION 501 GENERAL

Except as provided for by law or in this Ordinance, in each zoning district, no building, structure or land shall be used or occupied except for the purposes permitted in this Article 5 and for the zoning districts so indicated.

SECTION 502 MINIMUM LOT SIZE

- A. The minimum lot size for all districts of Delmar Township shall be one (1) acre if off lot sewer is available, regardless of water facilities, and two (2) acres if the sewer facilities are on lot, regardless of water facilities - unless otherwise specified elsewhere in this Ordinance. Rights-of-way may be included within the minimum lot size, providing the required set back areas and required yard areas for the type and size of dwelling or structure to be permitted on lot can be obtained on the lot after deletion of rights-of-way.
- B. All lots containing one (1) through nine (9) acres inclusive, shall have a minimum road frontage of two-hundred (200) feet and a minimum width of two-hundred (200) feet.
- C. All lots containing ten (10) and over acres shall have a minimum road frontage of two-hundred (200) feet and a minimum width of three-hundred-fifty (350) feet.
- D. All existing lots containing less than one (1) acre or with width or frontage of less than two-hundred (200) feet or containing buildings or structures under required size or location on lot are regulated under the nonconforming uses and structures section of this Ordinance.
- E. The maximum lot length-to-width ratio on newly created or subdivided lots shall be three (3) to one (1), and the residual lot shall not create future ratio problems.

SECTION 503 MINIMUM YARD AREA, SET-BACK AREAS

- A. All single-family dwellings on lots of two (2) acres or more shall have a minimum front yard area of fifty feet (50) from the front lot line or the right-of-way line, a minimum side yard area of thirty (30) feet from each side yard lot line, a minimum rear yard area of fifty (50) feet from the rear lot line or right-of-way line. These requirements may be adjusted by special exception, conditional use, or supplemental regulations listed throughout this Ordinance.

- B. All single-family dwellings on lots of one (1) or more but less than two (2) acres shall have a minimum front yard area of twenty-five feet (25) from the front lot line or the right-of-way line, a minimum side yard area of fifteen (15) feet from each side yard lot line, a minimum rear yard area of twenty-five (25) feet from the rear lot line or right-of-way line. These requirements may be adjusted by special exception, conditional use, or supplemental regulations listed throughout this Ordinance.
- C. All uses and/or applications for yard requirements for other than single family dwellings shall use the yard requirements for single family dwellings unless yard requirements are listed under type of dwelling, structure or use elsewhere in this Ordinance.

SECTION 504 AGRICULTURAL/RESIDENTIAL (A/R) DISTRICT

A. Purpose of Agricultural/Residential District

The purpose of the Agricultural/Residential District is to provide for development of the broadest possible range of compatible uses in an orderly manner: (1) Allowing more intensive development and higher population densities in those areas where public services are or will be most readily available; (2) Maintaining low population densities in those areas in which public services are not or will not be readily available; and (3) Restricting development in those areas which, due to natural conditions, present a direct threat to the health and safety of persons and property.

B. Permitted Uses

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes, providing all other requirements of this and other Ordinances of Delmar Township have been met.

1. Single family detached dwellings including individual mobile homes.
2. Agricultural uses including horticulture, dairying, intensive and nonintensive animal husbandry, beekeeping, pasturage, orchards, forestry, plant nurseries, and their associated support facilities.
3. Parks, playgrounds and other noncommercial recreational uses.
4. Educational and religious uses, and accessory cemeteries.
5. Municipal and civic buildings, libraries, museums, fire and police stations.
6. Home gardening.

7. Private clubs, lodges, recreational buildings or properties.
8. Mobile home parks subject to the Delmar Township Mobile Home Park Ordinance.
9. Home occupations and professional offices as a subsidiary and subordinate use to residential units provided:
 - a. Official residence shall be maintained by the occupant operator who may be an owner, a renter or a lessee;
 - b. The subsidiary use shall be located in the principal dwelling and not occupy more than thirty (30) percent of the total floor area of the principal dwelling;
 - c. There shall be a minimum of three off-street parking spaces in addition to those required under the provisions of this Ordinance;
 - d. Not more than two nonresidents shall be employed on the premises at a time, a maximum of two per shift;
 - e. An accessory building can be used for purposes related to the home occupation or professional office;
 - f. The residential character of the neighborhood shall not be altered and there shall be no exterior alterations, additions or changes to the dwelling or structure in order to accommodate or facilitate a home occupation, without a Zoning Hearing Board variance.
 - g. Only goods produced on the premises or goods normally incidental to the lawfully permitted home occupation may be sold;
 - h. There shall be no exterior display, no exterior work, no exterior storage of materials, no repetitive servicing by truck and no other exterior indication of the home occupation within; and
 - i. A demure sign advertising the occupation within may be displayed according to the sign regulations of this Ordinance and shall have a maximum height of four (4) feet, a maximum size of four (4) square feet, maximum lettering size of three (3) inches in height or less and shall not be lighted except a sign adhering to the bed and breakfast sign diagram found within this Ordinance shall be permitted.

- j. Home occupations and professional offices not meeting all the criteria as set forth above shall require approval from the Zoning Hearing Board as a Special Exception.
- 10. No-Impact Home-Based Businesses as a subsidiary and subordinate use to residential units provided:
 - 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 family members residing in the dwelling;
 - c. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature;
 - d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights;
 - e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood;
 - f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood;
 - g. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area; and
 - h. The business may not involve any illegal activity.
- 11. Accessory wind generation and solar facilities.
- 12. Public utility facilities.
- 13. Non-Commercial Keeping of Horses.
- 14. Non-Commercial Keeping of Livestock.
- 15. Short-Term Rental Units subject to the Delmar Township Short-Term Rental Ordinance.

C. Special Exception Uses

The following uses are permitted by Special Exception upon approval by the Zoning Hearing Board, subject to the regulations and procedures described elsewhere in this Ordinance.

1. Single-family semi-detached dwellings; two-family detached dwellings; two-family semi-detached dwellings.
2. Conversion of dwelling for additional family members.
3. Residential conversion units.
4. Group quarters and/or homes.
5. Accessory apartments.
6. Campgrounds and recreational vehicle parks.
7. Nursing homes, clinics, hospitals, sanitariums and funeral homes, when the Zoning Hearing Board finds after a public hearing that such uses will not create hazardous conditions and will meet the following requirements:
 - a. The lot contains a minimum frontage of two-hundred (200) feet and minimum area of two acres (87,120 square feet).
 - b. The architecture of the structure is in keeping with the general residential character of the neighborhood.
 - c. Off-lot sewer service and off-lot water service are provided, or located on lot area in addition to the two (2) acre minimum.
 - d. Off-street parking regulations of this ordinance are met.
8. The sale of baked goods and pastries, candy and confectioneries, dairy products and ice cream, groceries, meats, fruits and vegetables.
9. Restaurants.
10. Bed and breakfast country inns.
11. Service establishments including barber shops, cleaning shops, self-service laundries, shoe repair, florist shops, and dry-cleaning establishments.
12. General merchandise and retail stores, including variety stores, sporting goods and drug stores.
13. Apparel and accessories stores.

14. Furniture, home furnishings, household appliance, hardware, paint and glass stores.
15. Gift, camera, electronics, music, cosmetic, hobby, jewelry, leather, and luggage shops.
16. Home occupations and professional offices not meeting all the criteria above for a permitted use.
17. Pet shops.
18. Animal hospitals and veterinary clinics.
19. Kennels and animal boarding.
20. Riding clubs and boarding stables.
21. Fraternal clubs, lodges, and social and recreation clubs.
22. Essential service installations, including solid waste processing and/or disposal facilities, and including landfills and recycling receiving and/or processing centers.
23. Automobile, truck and bus service stations, including repairing, sales and washing uses.
24. Automobile, truck and recreational vehicle/camping trailer sales.
25. Junk yards.
26. Mobile home sales.
27. Outdoor and indoor commercial recreation and entertainment uses providing recreation and entertainment within conformity with general community standards.
28. Any production, manufacturing, assembly, processing, cleaning, or excavation of natural materials.
29. Seasonal residences.
30. Boarding houses/rooming houses.
31. Retirement communities.

32. ECHO housing.
33. Tiny houses, which must be in mobile home parks.
34. Day care centers/day care homes.
35. Wineries, microbreweries distilleries and accessory tasting rooms.
36. Natural gas compressors.
37. Commercial wind energy facilities.
38. Commercial solar facilities/solar farms.
39. Commercial communications facilities - cell and distributed antennas systems (DAS).
40. Airports and heliports.
41. Dwellings accessory to commercial or industrial uses.
42. Convenience stores.
43. Farm Occupations.
44. Temporary Farm Employee Housing.
45. Farm Implement and Heavy Equipment Sales, Service and/or Repair Facilities.
46. Agritainment/Agritourism Enterprises.
47. Petting Zoos.
48. Antiques, Flea and/or Farmers Markets.
49. Jails/Detention Facilities.
50. Therapeutic Massage Businesses.
51. Accessory uses for special exception uses.

D. Minimum lot requirements. The minimum lot area, lot width and yard regulations and maximum building height and lot coverage requirements specified in this Ordinance for a single-family detached dwelling shall be the minimum

requirements for all permitted, special exception, or conditional uses in this District, unless otherwise specified elsewhere in this Ordinance.

SECTION 505 VILLAGE CENTER (VC) OVERLAY DISTRICT

A. Purpose of the Village Center Overlay District.

The purpose of this Section is to create a zoning overlay district that provides for high density residential uses and certain non-residential uses that are more appropriately located in the portions of the Township where public sewer service is or will be available. The Village Center Overlay District shall not modify the boundaries of any underlying zoning district. Where identified, the Village Center Overlay District shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

B. Permitted Uses.

1. All uses permitted by right in the Agricultural/Residential District.

C. Special Exception Uses.

1. All uses permitted by Special Exception in the Agricultural/Residential District.
2. Townhouses.
3. Multi-family dwellings and Apartments.
4. Condominiums.
5. Motels, and hotels.
6. Financial institutions.
7. Medical and dental offices, laboratories, clinics and hospitals.
8. Retail establishments providing primarily drive-in or in-car service.

D. Minimum lot requirements. The minimum lot area, lot width and yard regulations and maximum building height and lot coverage requirements specified in this Ordinance for a single-family detached dwelling shall be the minimum requirements for all permitted, special exception, or conditional uses in this District, unless otherwise specified elsewhere in this Ordinance.

A. Purpose of the Development Corridor Overlay District.

The purpose of this Section is to create a zoning overlay district that provides for certain commercial and industrial uses that are more appropriately located in the portions of the Township where public sewer service is or will be available and where the road system can better support them. The Development Corridor Overlay District shall not modify the boundaries of any underlying zoning district. Where identified, the Development Corridor Overlay District shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

B. Permitted Uses.

1. All uses permitted by right in the Agricultural/Residential District.

C. Special Exception Uses.

1. All uses permitted by Special Exception in the Agricultural/Residential District.
2. Motels and hotels.
3. Financial institutions.
4. Medical and dental offices, laboratories, clinics and hospitals.
5. Warehouses, distribution centers, and truck and bus terminals.
6. Mini-storage/self-storage warehouses.
7. Retail establishments providing primarily drive-in or in-car service.
8. Any production, manufacturing, assembly, processing, cleaning, research and testing, repair storage or distribution of materials, goods, food stuffs and other products and wholesale distribution and storage uses subject to compliance with the following performance standards and/or a finding, based on evidence presented, by the Zoning Hearing Board that said use will comply with said standards.
 - a. All personal activities undertaken with the intent to make a profit, all business (including in-home), all commercial and industrial activities rather owned individually or by other means of ownership or affiliation, shall be such that they: emit no obnoxious, toxic or corrosive dust, dirt, fly ash, fumes, vapors or gases which can

cause any damage to human health, to animals or vegetation, to any element of the environment, or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot lines of the use creating the emission including dust from agricultural and construction activity, discharges no smoke of a consistency which will restrict the passage of sunlight; emit any odor perceptible at the lot boundaries, produce no physical vibrations perceptible at or beyond the lot boundaries; produce no electromagnetic radiation or radioactive emission injurious to human beings, animals or vegetation (electromagnetic radiation or radioactive emissions shall not be of an intensity that interferes with the use of any other property) , discharge no dangerous effluent from plant operations into local surface or subsurface drainage courses, reduce noise to sixty (60) decibels or less perceptible at or beyond lot boundaries.

- b. All outdoor facilities for fuel, raw materials and products; and all fuel, raw material and products not stored in a fully enclosed building, shall be enclosed by a six (6) feet in height safety fence and/or visual screen which will reasonably restrict unauthorized persons, and shall conform to all yard requirements imposed upon the main building. Visual screen may be evergreen shrubbery reasonably expected to attain six (6) feet in height within three (3) years.
- c. No materials shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse by either direct (surface runoff) or indirect (subsurface drainage) means, nor be located within fifty (50) feet of a wetland, water course or stream.
- d. All materials or wastes which might cause fumes or dust or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents, insects or vectors shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.
- e. All fuels, toxic and hazardous or potentially toxic and hazardous materials, shall meet or exceed all pertaining state and federal regulations, and all materials in a fluid or flowing state, or have the potential of being in a fluid or flowing state, and over two-thousand

(2000) gallons are stored in one containment area, shall have an earthen, or equivalent, secondary and precautionary containment structure equal to one and one-half (1-1/2) times the volume of the primary container.

- f. All material storage areas shall be graded for proper drainage and surfaced with material reasonably expected to prevent the stored materials migration from storage area and from entering and/or contaminating the soil and water underneath storage area.
- 9. Medical marijuana facilities.
- 10. Vehicle fuel stations.
- 11. Adult facilities, massage parlors.
- 12. Amusement/Video Arcades / Pool/Billiard Halls

D. Minimum lot requirements. The minimum lot area, lot width and yard regulations and maximum building height and lot coverage requirements specified in this Ordinance for a single-family detached dwelling shall be the minimum requirements for all permitted, special exception, or conditional uses in this District, unless otherwise specified elsewhere in this Ordinance.

SECTION 507 PINE CREEK GORGE PRESERVATION (PCGP) OVERLAY DISTRICT

A. Purpose of the Pine Creek Gorge Preservation Overlay District.

The purpose of this Section is to create a zoning overlay district that attempts to preserve the natural beauty and scenic value of the Pine Creek Gorge area also known as "Pennsylvania Grand Canyon" for future generations.

B. A special exception by the Delmar Township Zoning Hearing Board shall be required for:

- 1. All applications for buildings, structures, excavating, timbering, quarrying, road building, or other related activities within the canyon or its walls to the highest elevation, regardless of ownership; and
- 2. All applications for placement of buildings or structures or the alteration of buildings or structures or the addition of height of any proposed or existing building or structure within sight distance of six (6) feet above ground level of all areas of all Pennsylvania State Parks, recreation, or designated scenic areas.

C. No activity which the Zoning Hearing Board determines will destroy, erode, effect the aesthetic value, or change or deface the scenic and natural beauty of the Pine Creek Gorge shall be allowed to be undertaken, and no buildings or structures including overhead utility lines and wind turbines shall be allowed on the rim or horizon outline of the canyon rim under any circumstances.

SECTION 508 FLOODPLAIN (FP) DISTRICT

A. General Provisions

The Floodplain District shall encompass all lands and land developments within Delmar Township (1) which are located within the boundary of a floodplain area as shown on the Flood Insurance Rate Maps (FIRMs) which accompany the Flood Insurance Study (FIS) prepared for the Township by the Federal Emergency Management Agency (FEMA), dated July 16, 2015, (or the most recent revision thereof), which map is incorporated herein by reference and, (2) any Community Identified Flood Hazard Areas.

B. Conformance with Other Regulations

Uses permitted and procedures to follow for development in the Floodplain District are presented in Delmar Township Floodplain Management Ordinance No. 85, as amended. Said Ordinance supplements other articles of this Zoning Ordinance. To the extent that Ordinance No. 85 imposes greater requirements or more complete disclosures in any respect, or to the extent that the provisions of said Ordinance are more restrictive, it shall be deemed and interpreted to control other provisions of this Zoning Ordinance and the Delmar Township Subdivision and Land Development Ordinance.

C. Overlay Concept

The Floodplain District described above shall be an overlay to the existing underlying districts, as shown on the Official Delmar Township Zoning Map, and, as such, the provisions of Ordinance No. 85 shall serve as a supplement to the underlying district provisions.

1. In the event of any conflict between the provisions or requirements of the Floodplain District and those of any underlying zoning district, the more restrictive provisions shall apply.
2. In the event any provision concerning a Floodplain District is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.

A. Purpose

The purpose of this Section is to create a zoning overlay district that considers safety issues around the Wellsboro Johnston Airport, regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones, creates the permitting process for use within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

B. Relation to Other Zoning Districts

The Airport Overlay District shall not modify the boundaries of any underlying zoning district. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

C. Definitions

The following words and phrases when used in this Section shall have the meaning given to them in this Section unless the context clearly indicates otherwise.

1. Airport - Wellsboro Johnston Airport
2. Airport Elevation - The highest point of an airport's useable landing area measured in feet above sea level. The airport elevation of the Wellsboro Johnston Airport is 1,892 feet (576.7 meters) above mean sea level.
3. Airport Hazard - Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.
4. Airport Hazard Area - Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Section and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).
5. Approach Surface (Zone) - An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 1, is derived from the approach surface.

6. Conical Surface (Zone) - An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.
7. Department - Pennsylvania Department of Transportation.
8. FAA - Federal Aviation Administration of the United States Department of Transportation.
9. Height - For the purpose of determining the height limits in all zones set forth in this Section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
10. Horizontal Surface (Zone) - An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.
11. Larger Than Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
12. Nonconforming Use - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Section or an amendment thereto.
13. Non-Precision Instrument Runway - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
14. Obstruction - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Section.
15. Precision Instrument Runway - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
16. Primary Surface (Zone) - An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or

ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 1, is derived from the primary surface.

17. Runway - A defined area of an airport prepared for landing and takeoff of aircraft along its length.
18. Structure - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.
19. Transitional Surface (Zone) - An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 1, is derived from the transitional surface.
20. Tree - Any object of natural growth.
21. Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
22. Visual Runway - A runway intended solely for the operation of aircraft using visual approach procedures.

D. Establishment of Airport Zones

There are hereby created and established certain zones within the Airport Overlay District, defined in Section 505 C. and depicted on Figure 1 and illustrated on the Wellsboro Johnston Airport Hazard Area Map, hereby adopted as part of this Ordinance, which include:

1. Approach Surface Zone
2. Conical Surface Zone
3. Horizontal Surface Zone
4. Primary Surface Zone
5. Transitional Surface Zone

E. Permit Applications

As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new

structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PENN DOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Airport Overlay District. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Section 505 F. No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

F. Variances

Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

1. No Objection - The subject construction is determined not to exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
2. Conditional Determination - The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Section 505 I. - Obstruction Marking and Lighting.
3. Objectionable - The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Section.

G. Use Restrictions

Notwithstanding any other provisions of this Section, no use shall be made of land or water within the Airport Overlay District in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Wellsboro Johnston Airport.

H. Pre-Existing Non-Conforming Uses

The regulations prescribed by this Section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated (subject to the underlying zoning district) may only be reestablished consistent with the provisions herein.

I. Obstruction Marking and Lighting

Any permit or variance granted pursuant to the provisions of this Ordinance may be conditioned according to the process described in Section 505 F. to require the owner of the structure or object of natural growth in question to permit the Township, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

J. Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this Section and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

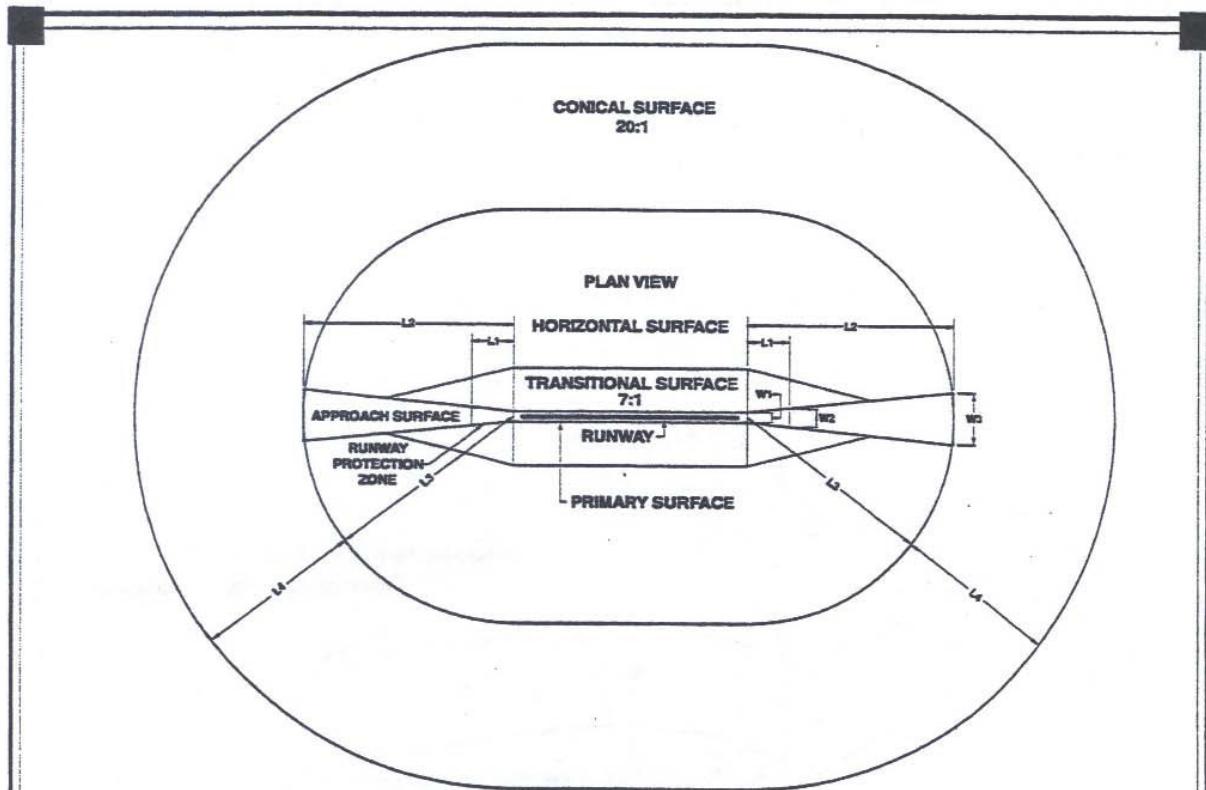
K. Violations and Penalties

Violations of the provisions of this Section and penalties imposed shall be enforced in accordance with the provisions of this Ordinance.

L. Appeals

Appeals to actions taken under this Section shall be pursued in accordance with the provisions of this Ordinance.

Figure 1: Part 77 Surface Areas



FAR PART 77 "IMAGINARY SURFACES" DIMENSION REQUIREMENTS										
Runway Type	Runway End	Conical Surface (L4)	Horizontal Surface (L3)	Approach Surface			Approach Slope	Primary Surface Width	Transitional Surface	
				Length (L2)	Inner Width (W1)	Other Width (W3)				
Small Airplanes ²	V	4,000	5,000	5,000	250	1,250	20:1	250	7:1	
	NP	4,000	5,000	5,000	500	1,250	20:1	500	7:1	
	NP 3/4	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1	
	P	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1	
	NP	V	4,000	5,000	5,000	500	20:1	500	7:1	
	NP	4,000	5,000	5,000	500	2,000	20:1	500	7:1	
	NP 3/4	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1	
	P	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1	
Large Airplanes ³	V	4,000	5,000	5,000	500	1,500	20:1	500	7:1	
	NP	4,000	10,000	5,000	500	1,500	20:1	500	7:1	
	NP 3/4	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1	
	P	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1	
	NP	V	4,000	10,000	10,000	500	34:1	500	7:1	
	NP	4,000	10,000	10,000	500	3,500	34:1	500	7:1	
	NP 3/4	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1	
	P	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1	
Large and Small Airplanes	NP 3/4	V	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
	NP	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1	
	NP 3/4	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1	
	P	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1	
	P	V	4,000	10,000	10,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
	P	NP	4,000	10,000	10,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
	P	NP 3/4	4,000	10,000	10,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
	P	P	4,000	10,000	10,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1

1 - In Feet
 2 - Less than 12,500 lbs maximum certified takeoff weight
 3 - Greater than 12,500 lbs maximum certified takeoff weight
 V = Visual approach 20:1
 NP = Nonprecision approach 34:1
 NP 3/4 = Nonprecision approach with visibility minimums as low as 3/4 statute miles 34:1
 P = Precision approach 50:1
 Note: L1 is the length of the RPZ and W2 is the outer width of the RPZ as defined by approach visibility minimums

Source: Federal Aviation Administration

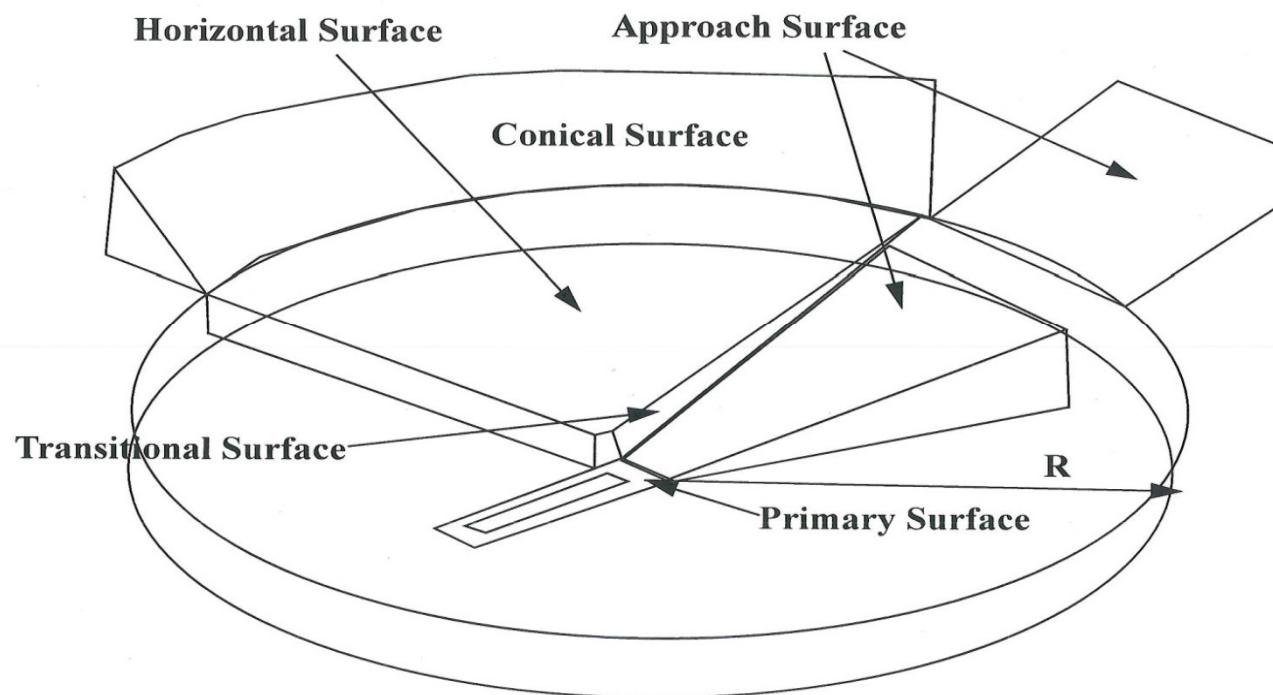


Pennsylvania Land Use
Compatibility
Guidelines

**FAR PART 77 SURFACES
AND DIMENSION REQUIREMENTS**

Exhibit
3

Graphical Depiction



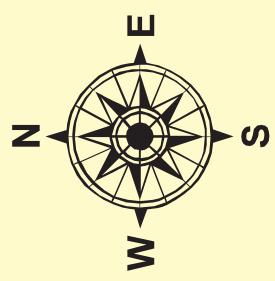
Wellsboro Johnston Airport Surface Areas

Legend

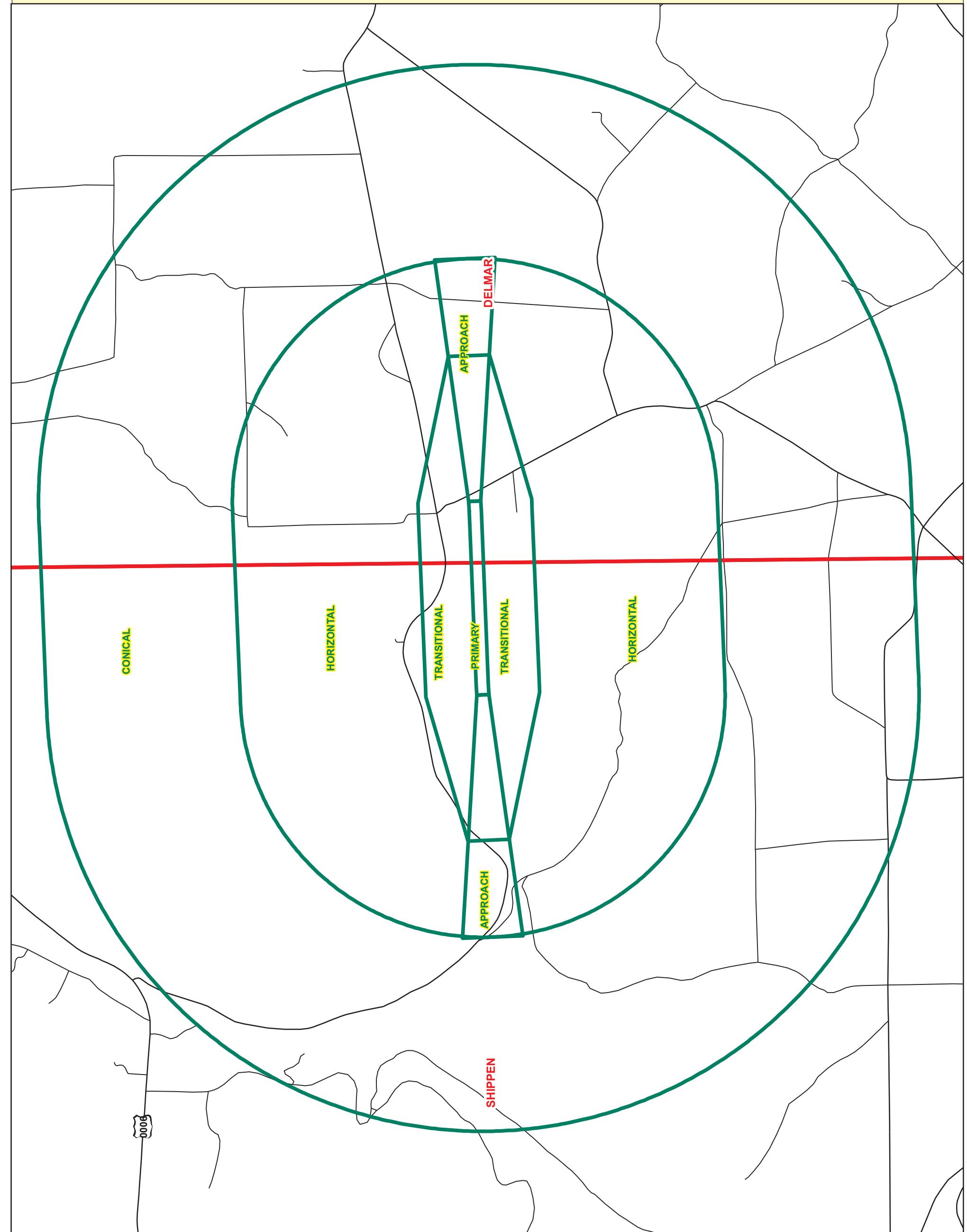
- Part 77 Surfaces
- Municipal Boundary
- County Boundary
- Road

Draft: Preliminary Use Only

0 0.5 Miles



Created by URS Corporation on behalf
of PennDOT Bureau of Aviation
March 16, 2010



ARTICLE 6

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 601 APPLICABILITY

The provisions of this Article shall apply to all uses, development, and structures in the Township, regardless of district, and shall be considered as additional conditions or restrictions to any other provisions in this Ordinance. To the extent anything contained in this Article conflicts with any other provision of this Ordinance, the most stringent and restrictive provision shall apply.

SECTION 602 HEIGHT REGULATIONS EXCEPTIONS

- A. Public, semi-public or public services building, hospitals, public institutions or schools when permitted in a district, may be erected to a height not exceeding fifty (50) feet, and churches or temples may be erected to a height not exceeding fifty (50) feet if the building is set back from each yard line at least two (2) feet for each additional, one (1) foot of building height above the height limit, otherwise provided in the district in which the building is located. Any structure designed to have a height of one hundred fifty (150) feet or more above ground level must be approved by the Federal Aviation Agency and a written statement of approval must accompany the permit application.
- B. Special industrial structures such as cooling towers, elevator bulkheads, fire towers, tanks, water towers which require a greater height than provided in the district may be erected to a greater height than permitted providing:
 1. The structure shall not occupy more than twenty-five (25) percent of the lot area; and
 2. The yard requirements of the district in which the structure is erected shall be increased by two (2) feet for each foot of height over the maximum height permitted.
- C. Barns and/or silos for agricultural use only.
- D. Residential antennas shall not exceed fifty (50) feet including the height of the building to which they are attached. If free-standing, then antennas shall have two (2) feet of open yard space for each one (1) foot of antenna height, or not to exceed fifty (50) feet including the height of the nearest building. No antenna shall exceed fifty (50) feet in height without a special exception hearing by the zoning hearing board.

- E. The height limitations of this Zoning Ordinance shall not apply to flagpoles, chimneys, spires, belfries, silos for agricultural use only, domes not used for human occupancy, utility poles or towers, ornamental or necessary mechanical appurtenances, excluding windmills.
- F. No dwelling shall be less than one (1) story in height, excluding earth-sheltered homes.
- G. Satellite Antennas support system shall be located at least ten (10) feet from any lot line or right-of-way, and shall be discouraged from location in the front yard requirement. Satellite antennas can be roof mounted provided the building plus satellite does not exceed fifty (50) feet in height.

SECTION 603 YARD REQUIREMENTS

- A. All yards required to be provided under this Zoning Ordinance shall be open to the sky and unobstructed by any building or structure except for accessory buildings, where allowed, in the rear yard and fences.
- B. The following may project into the required yards as established in this Zoning Ordinance:
 1. Steps and stoops not exceeding twenty-four (24) square feet.
 2. Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary projection of chimneys and flues into the side or rear yard not exceeding three and one-half (3½) feet in width and not placed so as to obstruct light or ventilation.
 3. Sills, eaves, belt courses, cornices and ornamental features not exceeding four (4) feet in width.
 4. Patios.
- C. Irregular lots:

Where any main wall of a structure located on an irregularly shaped lot does not parallel the lot line which the wall faces, the yard or minimum distance to the lot line at every point shall be at least equal to the minimum dimension required for the yard or distance to the lot line.

SECTION 604 SETBACK MODIFICATIONS

A. Front Setback of Buildings on Built-up Streets

Where at least two adjacent buildings within one-hundred (100) feet of a property are set back a lesser distance than required, the average of the lesser distances becomes the required minimum front setback for the property. However, in no case shall the setback line be less than fifteen (15) feet from any abutting street right-of-way line.

B. Accessory or Appurtenant Structures

The setback regulations do not apply to:

1. Bus shelters; telephone booths; and cornices, eaves, chimneys, steps, canopies, and similar extensions, but do apply to porches and patios, whether covered or not.
2. Open fire escapes.
3. Minor public utility structures, articles of ornamentation or decoration.
4. Fences and retaining walls.
5. Except as required, adjacent to farms, hedges, shrubs, and trees.

SECTION 605 LOT AREA MEASUREMENTS, DEEP LOTS

Deep lots: For purposes of measuring lot area on exceptionally deep lots, only the part of the depth which is less than three (3) times the average width of the lot may be utilized in calculations.

SECTION 606 REDUCTION IN LOT AREA

No lot area though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that the lot area per family, lot width, building area or other requirements of this Ordinance are not maintained, public utilities excepted.

SECTION 607 FENCES – WALLS – HEDGES

Except as provided for elsewhere in this Ordinance, all fences and walls shall be subject to the following requirements:

- A. No fence or freestanding wall (except livestock, required junk yard, tennis court or ground mounted satellite dish antenna fences or walls, or a retainer wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than forty-two (42) inches in a front yard and more than six (6) feet in any other yard within the Agricultural/Residential or Village Center Overlay Districts.
- B. No fence or freestanding wall (except livestock, required junk yard, tennis court or ground mounted satellite dish antenna fences or walls, or a retainer wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than forty-two (42) inches in any front yard, nor more than eight (8) feet [ten (10) feet including any barbed wire atop the fence or freestanding wall] in any yard within the Development Corridor Overlay District.
- C. Fence height exceptions. All portions of fencing shall be subject to the maximum fence height regulations specified in this Ordinance, except for fence posts and decorative finials on the fence post. The height of any such projection on the fence post shall not exceed the height of the fence by more than six (6") inches.
- D. Fences alongside or rear lot lines are not subject to yard or setback requirements. Freestanding walls shall be setback five (5) feet from side and rear lot lines. Fences or freestanding walls within the front yard shall be a minimum of two (2) feet behind the required street right-of-way line. All fences shall be located completely within lot boundaries.
- E. No solid fence or freestanding wall shall be erected within the required front yard setback, except where required to maintain the build-to line of adjacent buildings.
- F. No fence or freestanding wall shall be erected which blocks or limits visibility for driveways on adjacent properties.
- G. No fence or freestanding wall shall be located within any clear sight triangle as required by this Ordinance or the Township Subdivision and Land Development Ordinance.
- H. No fence or freestanding wall shall be erected in a public right-of-way or other rights-of-way or easements, including but not limited to public or private drainage, utility or access easements, unless otherwise required by this Ordinance or the Township Subdivision and Land Development Ordinance.
- I. Unless required for agricultural purposes, no fence shall be constructed of barbed wire, razor, or other sharp components capable of causing injury. Unless

required for security purposes for commercial, institutional or industrial use, no fence shall be constructed of barbed wire, razor, or other sharp components capable of causing injury, and only then if the portion of the fence containing barbed wire, razor, or other sharp components capable of causing injury is not lower than six (6) feet above the average surrounding ground level.

- J. The finished side of the fence shall face the adjoining property or a public right-of-way.
- K. Fences and freestanding walls shall not be constructed from scrap metal, sheet metal, junk or sheets of plywood and shall be uniform in construction materials and design.
- L. All fences and freestanding walls shall comply with the Pennsylvania Uniform Construction Code (UCC) as enforced by the Township.

SECTION 608 STRUCTURE ON SMALL LOT OF RECORD

Notwithstanding the limitations imposed by any other provisions of this Ordinance, the Board of Supervisors may permit erection of a structure on any lot of record separately owned or under contract of sale and containing, prior to September 19, 1977, an area or a width smaller than that permitted within five (5) feet of a lot line, providing it does not cause problems with rights-of-way, dwellings or land use on adjacent lots, clear sight and clear sight triangle requirements, etc.

SECTION 609 CLEAR SIGHT TRIANGLE REQUIREMENTS

On any lot, no wall, fence, or other structure shall be erected, altered, or maintained, and no hedge, tree, or other growth shall be planted or maintained which may cause danger to traffic on a street by obscuring the view. On corner lots, no such structure or growth other than an approved driveway or access drive shall be permitted within the clear sight triangle.

SECTION 610 ESSENTIAL SERVICE INSTALLATIONS

Essential service installations as defined in this Ordinance shall be permitted subject to restrictions recommended by the Planning Commission and approved by the Board of Supervisors with respect to use, design, yard area, setback and height.

SECTION 611 PUBLIC UTILITY FACILITIES

Public Utility Facilities shall be permitted in any district without regard to the use and area regulations; provided however that buildings or structures erected for these utilities shall be subject to the following regulations:

- A. Front, side and rear yards shall be provided in accordance with the regulations of this Ordinance.
- B. Height shall be as required by this Ordinance but not more than fifty (50) feet without a Special Exception hearing.
- C. Un-housed equipment shall be enclosed with a chain link or similar type fence six (6) feet in height or greater, topped with barbed wire, with a gate of the same material as the fence.
- D. The external design shall be in conformity with the buildings in the district and buildings adjacent to facility.
- E. In residential districts or within three-hundred (300) feet of a dwelling the permitted public utility facilities shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing noise, vibration, smoke, odor or hazardous effect shall be installed.

SECTION 612 GENERAL STORAGE

No inoperable or junked motor vehicle shall be parked, stored, placed, or allowed to remain on any lot within any zoning district for a period of time in excess of sixty (60) days. Storage of an inoperable or junked motor vehicle is allowed within a completely enclosed building or structure, or within a junk yard with a valid license and permit therefore. No lot or premises shall be used as a storage area for junk and/or non-operable automobiles, appliances or the storage or collection of any other miscellaneous items which are not in a readily usable form for which they were intended. Also, no lot or premises shall be used as a garbage dump or dead animal rendering plant nor may rubbish or miscellaneous refuse be stored in the open where the same may be construed as a menace to the public health, safety, welfare, or the environment.

SECTION 613 DUMPSTER SITES – WASTE COLLECTION – TRANSFER AREAS

- A. Outdoor dumpster, transfer stations, or trash/rubbish/recycling collection areas shall be located with emphasis upon shielding the site from public view with

evergreen screening and attempting to landscape the area near the site to minimize any detrimental effect upon neighboring properties.

- B. The collection/transfer site or location of dumpster shall be a minimum of ten (10) feet from any property line, and any public right-of-way, and is discouraged from being placed in the front yard.
- C. Daily inspections by the property owners, tenants, or site operator shall be conducted to collect any loose debris near the container and insure animals or rodents are not inhabiting the area.
- D. All collection containers shall be vector proofed, and shall be emptied in a routine and timely manner every two (2) weeks or less.

SECTION 614 PROHIBITED USES

The following are prohibited and shall not be permitted:

- A. Nuclear and/or radioactive material shall not be stored, dumped, incinerated, recycled, disposed of, or left setting in any transportation vehicle or device for more than eight (8) hours, within Delmar Township, nor transported on other than an interstate highway.
- B. The manufacturing of gunpowder, fireworks, rockets, projectiles, or similar explosives or explosive devices excepting the manufacturing of component parts thereof which have not been assembled shall be permitted. No quantity of explosives in excess of one-thousand (1000) pounds shall be stored or used at one (1) lot. The primary living and sleeping quarters of dwelling units shall not be permitted in cellars, except for the first two (2) years during construction of the dwelling. The two (2) years may be extended by a special exception by the zoning hearing board for a maximum of up to two (2) additional years.
- C. Injection wells of any kind.
- D. No infectious waste shall be brought into Delmar Township for any purpose. Infectious waste generated within Delmar Township may be treated on the premises of the generating facility providing all local, state, and federal laws are strictly adhered to.

SECTION 615 DRAINAGE-STREAM-WETLAND-LAKE- POND REGULATIONS

- A. No dwelling or structure for human or animal occupancy or habitation or commercial or industrial use may be erected or relocated on land; which is not adequately drained at all times and/or is subject to periodic flooding.
- B. No buildings or structures, except for boat houses and docks, shall be erected or relocated within thirty (30) feet of the natural design or constructed edge of a drainage channel or wetland, and within fifty (50) feet of the natural design or constructed edge of a stream or body of water. Provided that the Zoning Hearing Board may authorize by special exception a reduction of this dimension when the Applicant demonstrates that adequate safeguards have been provided for the natural flow of water downstream so as not to damage public or private property adjacent to said water, and the dwelling or structure shall be an adequate height to protect from the one-hundred year flood level.
- C. Nothing shall be placed or caused to be placed in a stream, open drainage way, wetland, or body of water that may obstruct, impede, retard, or change the direction of the flow of water, or that will catch or collect debris carried by water, or placed where the natural flow of the water would carry the same downstream.
- D. Any structure permitted by special exception by the Zoning Hearing Board shall be anchored to prevent the structure from floating away and thus threaten life or property downstream.
- E. Digging, filling, re-channeling, channelization, gravel and/or debris removal, or any other work on or in a stream, wetland, drainage way, or body of water may be permitted by the Board of Supervisors if and when they are satisfied that the Applicant has acquired in writing all necessary permits from all governmental agencies interested in said activity.
- F. The granting of a zoning permit in any floodway shall not constitute a representation, guarantee, or warranty of any kind or nature by Delmar Township or any official or employee thereof the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon, or a cause of action against such public body, official or employee for any damage that may result pursuant thereof.

SECTION 616 ACCESSORY BUILDINGS AND/OR STRUCTURES

Accessory buildings and/or structures may be erected in accordance with the following provisions:

- A. An accessory building or structure shall not be erected within any yard area with the exception of the rear yard in which case it shall not be less than twenty (20)

feet from the rear lot line, or right-of-way line if present. Accessory buildings located on single family dwelling lots may be located not less than twenty (20) feet from a side lot line or right-of-way line if special circumstances are present and the zoning Officer and a Supervisor agree before building permit issuance.

SECTION 617 GARAGE, YARD, PORCH, BARN, ATTIC SALES

Garage, yard, porch, barn, attic, or similar types of residential sales shall be permitted subject to the following:

- A. The period of the sale shall not exceed four (4) days.
- B. There shall be a maximum of eight (8) sale days in any month.
- C. The time of the sale shall begin not earlier than 8:00 a.m. and shall not extend later than 8:00 p.m., on each day thereof.
- D. Signs announcing sale are subject to regulations of this Ordinance.
- E. In no case shall any aspect of the sale be conducted in a street right-of-way.
- F. The conduct of sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization.

SECTION 618 LIVESTOCK, POULTRY AND ANIMALS

In districts where permitted, operations involving the use of land or buildings for farming, stock raising, dairy, poultry, and keeping of riding horses for personal use, shall be subject to the following regulations:

- A. All areas used for pasturing, grazing or exercise shall be securely fenced for the type of animals kept within.
- B. All animals, poultry and livestock shall be provided access at all times to housing within a building erected or maintained for such purpose. The building shall not be erected or maintained within one-hundred (100) feet of a lot line or right-of-way when there is an adjoining dwelling, building or structure within fifty (50) feet of that lot line or right-of-way. If the adjoining land is agricultural land then building can be up to fifty (50) feet from lot line or right-of-way subject to yard requirements of this Ordinance.
- C. All manure storage facilities shall be designed in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication No. 43, and any revisions,

supplements, and replacements thereof, published by the PA DEP, copies of which are available from the Water Quality Management in the DEP.

- D. All waste storage facilities' designs shall be reviewed by the Tioga County Conservation District. The Applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility.
- E. Construction and subsequent operation of the waste storage facility shall be in accordance with the permit and the approved design. Any design changes during construction or subsequent operation will require the obtainment of another review by the Tioga County Conservation District.

SECTION 619 RECREATION VEHICLES – ON LOT PARKING AND STORAGE

- A. Recreation vehicles, trailers, campers, boats and boat trailers, utility trailers, etc., may be parked or stored in any zoning district subject to the following regulations:
 - 1. Parking or storage is permitted at any time inside an enclosed permitted building or structure.
 - 2. Parking or storage is permitted outside in the side and rear yard requirements, and is discouraged from parking in front yard requirements. The unit shall not be located nearer than three (3) feet to any rear or side and twenty-five (25) feet from front, lot line or public right-of-way, provided the unit can be parked or stored in a safe and secure manner so as not to be a hazard to either persons or property.
- B. While parked or stored, a recreation vehicle, trailer, camper, boat and boat trailer, utility trailer, etc., shall not be:
 - 1. Used or occupied for dwelling purposes, except for sleeping by visitors of the owner or occupant of the lot for a period not exceeding fourteen (14) days in any calendar year, unless a permit for an extended time period is issued by the Township.
 - 2. Permanently or temporarily connected to sewage or water.
 - 3. Fuel and/or electrical lines, may be temporarily connected during the period of time specified in sub-paragraph 1, or while being loaded or unloaded.

4. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.

C. Notwithstanding, the previous provisions, on unoccupied unit may be parked anywhere on the lot during active loading, unloading and servicing of the unit for a period of time not in excess of thirty-six (36) hours.

D. A person who is actively constructing a permitted dwelling within Delmar Township and has installed a permitted sewage facility and a potable source of water may apply to the Delmar Township Supervisors for a special permit allowing the parking of and hooking up of water, sewage, electrical, and fuel to a travel trailer, camper or recreation vehicle on the lot and adjacent to the dwelling being constructed for temporary living quarters for a period not to exceed six (6) months while actively constructing said dwelling. Permit may be extended for one (1) period of up to six (6) months by the Board of Supervisors if applied for before the expiration of the first permit. Unit must be removed immediately on expiration of permit. The permit fee shall be set by resolution by the Board, of Supervisors and shall be required for each six (6) month period.

SECTION 620 SWIMMING POOLS, GARDEN POOLS, FISH TANKS, PONDS

A. Location and setback. Any swimming pool, garden pool, fish tank, or pond shall not be located less than ten (10) feet from the rear or side lot line or any right-of-way, and not less than twenty (20) feet from the front lot line or right-of-way provided the clear sight triangle requirements are met. The setback shall include the deck, pad, or apron around the structure.

B. Fencing/gate requirements. Every outdoor swimming pool (above ground or in ground), garden pool, fish tank, pond or other man made water receptacle containing water eighteen (18) inches or greater in depth, and/or greater than fifteen (15) feet in diameter shall be completely surrounded by a fence or wall four (4) feet in height or greater, which shall be constructed of material heavy and dense enough to prevent the passage of a small child or small domestic animal. A dwelling or accessory building may be used as part of the fence. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except the door of any dwelling which forms part of the enclosure need not be so equipped. A pond, fish tank or garden pool located two-hundred (200) feet or more from dwellings and/or accessory buildings (except an accessory building for pond, fish tank, or garden pool) need not to be fenced, unless swimming is the primary use.

C. No permanent structure shall be permitted without an operable filtration system utilizing chlorine, bromine, or some other antibacterial agent. No water from a

pool shall be discharged onto any public street or alley. These requirements shall not apply to man-made ponds, lakes, or other impoundments unless the primary purpose for their construction is swimming.

SECTION 621 UTILITY SHEDS

Utility sheds may be erected in accordance with the following provisions;

- A. Shall not be erected within front yard requirements.
- B. Shall not be erected within twenty (20) feet of a side or rear yard lot line.
- C. Shall not be erected within ten (10) feet of a public or private right-of-way.
- D. A utility shed shall not have a floor area exceeding two-hundred (200) square feet nor have a height in excess of sixteen (16) feet.

SECTION 622 TENNIS COURTS

All tennis courts shall include an open mesh permanent fence ten (10) feet in height behind each baseline. Such fence shall extend parallel to said baseline at least ten (10) feet beyond the court's playing surface unless the entire court is enclosed. Any lighting fixtures shall be arranged to prevent objectionable glare on adjoining property.

SECTION 623 CORNER LOTS

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

SECTION 624 MINIMUM HABITABLE FLOOR AREA

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

- A. Single-family, duplex, and townhouse dwelling units: 700 square feet per dwelling unit.
- B. Multi-family dwellings: 400 square feet per dwelling unit.

SECTION 625**ERCTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT**

In any district, no more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot. In addition, no shared wells or shared on-lot sewage disposal systems shall be permitted unless approved by special exception.

SECTION 626**REQUIRED STREET ACCESS**

Each principal use hereafter established which involves buildings or structures for human occupancy shall be located and maintained upon a lot which abuts a public or private street or road for a distance of not less than is required in the applicable district.

SECTION 627**SATELLITE DISH ANTENNAS**

The following types of satellite dish antennas shall be allowed in all districts and shall not require a permit for same, but shall observe setback regulations if applicable.

- A. Dishes that are one (1) meter (39.37 inches) or less in diameter for private TV reception or Internet access.
- B. Dishes used for credit card or other business transactions usually placed on rooftops.
- C. The location of all satellite dish antenna must comply with the setback restrictions for the principal use and shall not be located in front of the principal building, unless applicable provisions of the Federal Communications Commission would be violated.
- D. All ground-mounted satellite dish antennas located within the Industrial or Highway Commercial Districts that are used to transmit video format data shall be completely enclosed by an eight-foot-high non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended. Satellite dish antennas within the Industrial or Highway Commercial Districts shall comply with all principal use standards.

SECTION 628**PERSONAL HAM/AMATEUR RADIO ANTENNAS AND TOWERS**

Such devices are permitted in any zone as an accessory use to a principal residence, provided that freestanding towers are not located within the front yard and that all towers are set back a horizontal distance from each property line at least equal to 125 percent of their height. Any tower or antenna higher than fifty (50) feet requires a Special Exception from the zoning hearing board.

SECTION 629 PUBLIC UTILITY CORPORATIONS

The provisions 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 if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

SECTION 630 OPERATION AND PERFORMANCE STANDARDS

All uses proposed within Delmar Township shall operate in compliance with applicable State and Federal regulations, as they are periodically amended. The following lists known governmental regulations associated with various land use impacts. This list in no way excludes or limits Federal or State jurisdiction over uses within the Township but is merely provided for informational purposes to Applicants and landowners.

- A. Noise Pollution and Vibration: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.
- B. Air Pollution, Airborne Emissions and Odor: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.
- C. Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691.1, as amended.
- D. Mine Reclamation and Open Pit Setback: Pennsylvania Act No. 1984-219, the "Noncoal Surface Mining Conservation and Reclamation Act."
- E. Glare and Heat: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.

SECTION 631 KEEPING OF WILD OR EXOTIC ANIMALS

All such animals shall be maintained in accordance with the regulations and/or permit requirements of the Federal or State Game and Wildlife Code, the PA Game Commission, or other applicable agency.

SECTION 632 FORESTRY ACTIVITIES

In accordance with the requirements of Section 603 (f) of the MPC, as amended by Act 68 of 2000, forestry, including the harvesting of timber, is permitted as of right in all zoning districts within the Township subject to the provisions generally applicable to all uses in the district in which such land is located. If in the future the General Assembly amends the MPC to repeal Section 603(f) or to remove the requirement that forestry be permitted in all zoning districts in every municipality, this Section will be of no further force or effect.

SECTION 633 ACCESSORY ALTERNATIVE ENERGY SOURCES

A. Definitions - The following words and phrases when used in this Section shall have the meaning given to them in this Section unless the context clearly indicates otherwise.

SKYSPACE. The open space between a solar collector or wind turbine and the sun or prevailing wind which must be free of obstructions that may shade or impede the collector to the extent that it would reduce its cost-effective operation.

SMALL WIND ENERGY SYSTEM. A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

SOLAR COLLECTOR. A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.

SOLAR ENERGY SYSTEM. A complete design or assembly consisting of a solar energy collector, an energy storage system (where used), and components for the distribution of transformed energy.

TURBINE HEIGHT. The distance measured from the highest point of the wind turbine rotor plane to the ground level.

WIND CHARGER. A wind-driven direct-current generator used for charging storage batteries.

WINDMILL. A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

WIND ENERGY CONVERSION SYSTEM (WECS). A device such as a wind charger, wind turbine, or windmill and/or other electric generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat, consisting of one (1) or more wind turbine and other structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

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

WIND TURBINE TOWER. The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

B. Solar Energy Systems – General Requirements

1. The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from a certifying organization and any such design shall be certified by an Engineer registered in the Commonwealth of Pennsylvania.
2. The solar energy system shall comply with all applicable Township Ordinances and Codes so as to ensure the structural integrity of such solar energy system.
3. In order to ensure the safety of emergency responders and in accordance with Township requirements, the type of solar energy system (thermal, chemical or electrical) and the system shut-off location(s) shall be clearly identified on the equipment.
4. Before any construction can commence on any solar energy system the property owner must acknowledge that he/she is the responsible party for owning and maintaining the solar energy system. If the solar energy system is abandoned or is in a state of disrepair it shall be the responsibility of the property owner to remove or repair the solar energy system.

C. Solar Collectors – Roof Mounted

Roof mounted solar collectors shall be permitted as an accessory use to a principal use within any zoning district by right in accordance with the following standards:

1. Roof mounted solar collectors shall comply with the maximum building height requirements of the zoning district in which the installation of the solar collector is proposed.
2. On pitched roofs, roof mounted solar collectors shall be installed as close to parallel as possible to the pitch of the roof while not sacrificing the efficiency of the solar collector.
3. On flat roofs, roof mounted solar collectors may be installed at an angle to improve the efficiency of the solar collector with regard to the predominant sun angle, provided that the solar collector is placed in a manner to minimize its visibility from street level.
4. The systems installed shall provide for the ability to disconnect the system and disable the production of electricity to avoid potentially hazardous conflicts between the system and firefighters and their respective firefighting apparatuses. The manufacturer specifications and a detailed sketch showing the location of all disconnects shall be submitted to the Township with a copy to the local fire department responsible for coverage of the site as part of the application.

D. Solar Collectors– Ground Mounted

Ground mounted solar collectors shall be permitted as an accessory use to a principal use within any zoning district by right in accordance with the following standards:

1. Ground mounted solar collectors shall comply with the setback requirements of the zoning district in which the installation of the solar collector is proposed.
2. Ground mounted solar collectors shall not be permitted by right in any front yard. The Zoning Hearing Board may authorize, by special exception, the installation of a ground mounted solar collector in a front yard if the Applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar collector can perform effectively.
3. Ground mounted solar collectors shall not exceed a height of ten feet (10').
4. Glare from ground mounted solar collectors shall be directed away from adjoining properties or street rights-of-way. Fences or vegetative screens may be utilized to prevent glare from impacting adjoining properties or street rights-of-way.

E. Small Wind Energy Systems

Small wind energy systems shall be permitted as an accessory use to a principal use within any zoning district by right in accordance with the following standards:

1. The design and installation of all small wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
2. No more than one (1) small wind energy system shall be permitted per lot.
3. Small wind energy systems shall not generate noise which exceeds fifty-five (55) decibels measured at any property line.
4. Small wind energy systems shall not be artificially lighted, except to the extent required by the FAA.
5. All on-site utility and transmission lines extending to and from the small wind energy system shall be placed underground.
6. No part of any small wind energy system shall be located within or above any front yard, along any street frontage, or within any required principal building setback of any lot.
7. Structure-mounted small wind energy systems shall comply with all applicable provisions of this Section.
8. All small wind energy systems that are independent of any other structure shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line. This setback requirement shall not apply to inhabited structures when located on the same lot as the small wind energy system.
9. The maximum height of any small wind energy system shall not exceed fifty (50) feet from the finished grade elevation.
10. No portion of any small wind energy system shall extend over parking areas, access drives, driveways or sidewalks.

11. The minimum height of the lowest position of the wind turbine shall be fifteen (15) feet above the ground.
12. Small wind energy systems shall not display advertising, except for reasonable identification of the small wind energy system's manufacturer. Such sign shall have an area of less than four (4) square feet.
13. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding two hundred (200) square feet, and shall comply with the accessory building requirements specified within each zoning district. Accessory buildings shall not be located within any front yard, along any street frontage, nor within any required setback of any lot.
14. The owner shall provide a copy of the letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the application for a zoning permit. The owner shall provide a copy of the final inspection report or other final approval from the electric utility company to the Township prior to the issuance of a certificate of zoning compliance for the small wind energy system. Off-grid systems shall be exempt from this requirement.
15. The owner of the small wind energy system shall, at the owner's expense, complete decommissioning within twelve (12) months after the end of the useful life of the small wind energy system. It shall be presumed that the wind turbine is at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
16. The owner of the small wind energy system shall provide evidence that the owner's insurance policy has been endorsed to cover damage or injury that might result from the installation and operation of the small wind energy system.

F. Building Permit Required

The installation of solar energy systems, and/or wind energy facilities shall be subject to all permitting and inspections with regard to applicable provisions of the Pennsylvania Uniform Construction Code (UCC) and the National Electric Code (NEC,) in addition to any other Township ordinances and/or regulations required to demonstrate compliance with the provisions of this Ordinance.

G. Protection

Where a solar or wind energy system has been installed, it shall be the responsibility of the property owner to secure any easements or restrictive covenants necessary to protect the skyspace affecting the solar or wind system. Such an agreement shall be negotiated between owners of affected properties, but it is not a requirement for approval of a Building and Zoning Permit for the solar or wind energy system.

SECTION 634 TEMPORARY STRUCTURE OR USE

A temporary permit may be issued by the Zoning Officer for structures or uses necessary during construction or other special circumstances of a nonrecurring nature subject to the following additional provisions:

- A. The life of such permit shall not exceed one (1) year and may be renewed for an aggregate period of not more than two (2) years.
- B. Such structure or use shall be removed completely upon expiration of the permit without cost to the Township.
- C. A temporary structure for dwelling purposes shall be permitted only after approval as a special exception by the Zoning Hearing Board under the following conditions:
 - 1. Occupancy shall be limited to the resident and/or property owner.
 - 2. Occupancy shall only be permitted as a result of special circumstances that make the existing dwelling on the property uninhabitable, such as fire damage, flooding, interior construction, fumigation, etc.
 - 3. Occupancy for a non-resident shall not be permitted for any time period.
 - 4. Tents or recreational vehicles shall not be used as guest quarters for a friend or relative.
- D. All temporary structures must meet the setback requirements within the given zoning district, where feasible.

SECTION 635 PIPELINES

A. Applicability.

This section applies to all buildings or structures proposed to be constructed along existing and certain proposed pipeline corridors. It considers:

1. Pipelines in existence prior to the effective date of this ordinance; and
2. Pipelines proposed to be constructed after the effective date of this ordinance, including those processed to the point of advertisement for the Federal Energy Regulatory Commission (FERC) final public hearing.

B. Purpose.

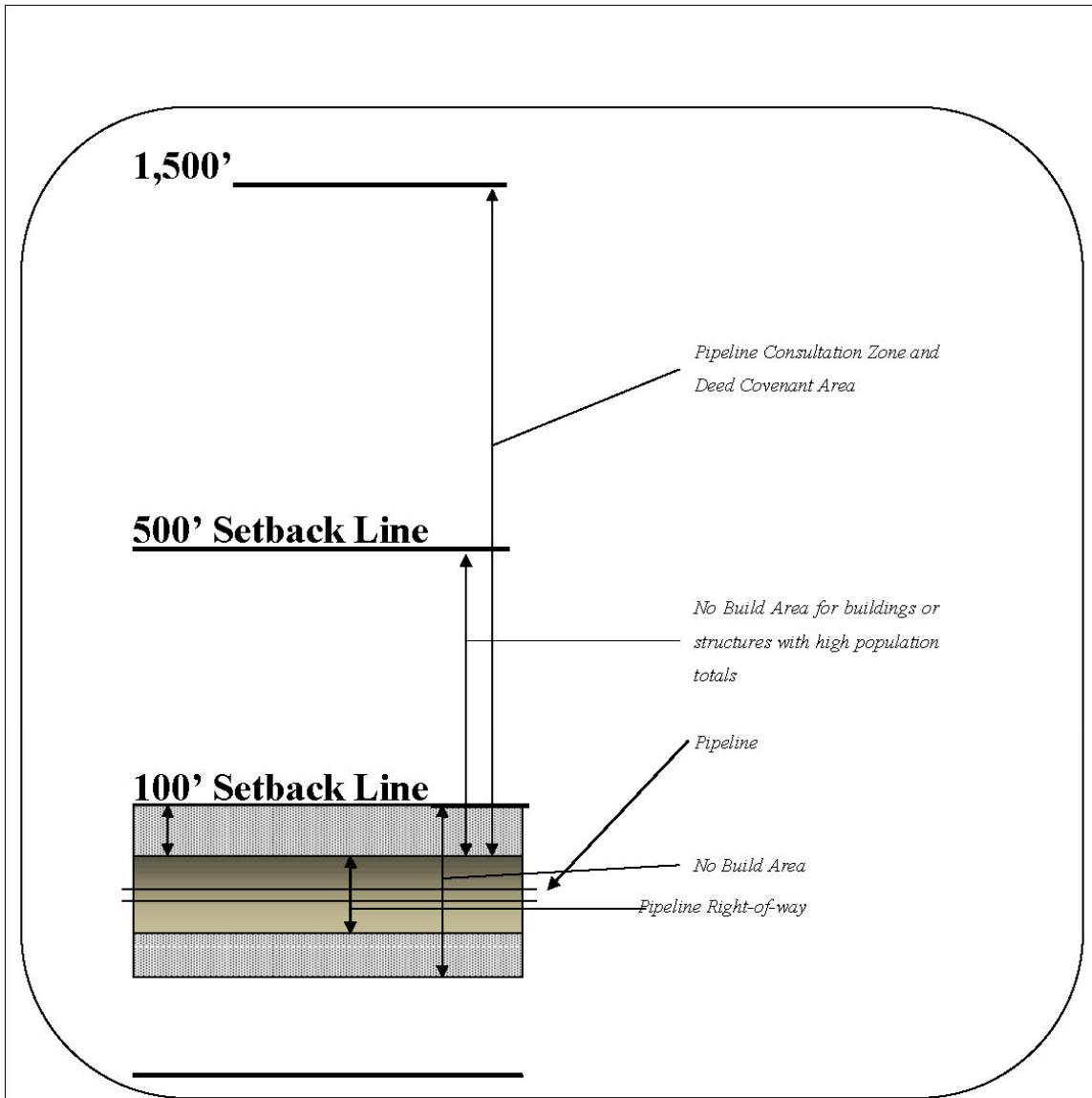
The purpose of this section is to protect the health safety and general welfare of the general public from unnecessary risk associated with gathering and transmission pipelines. While it would be overburdening and impractical to apply regulations to eliminate all losses stemming from a pipeline break or rupture, this ordinance intends to address the following:

1. Reduce the susceptibility of damage to buildings or structures with large on-site populations potentially needing evacuation consideration. These uses include but are not limited to:
 - a. Educational facilities
 - b. Hospitals
 - c. Care facilities like daycare
 - d. Nursing homes
 - e. Jails or prisons
 - f. Development which in the opinion of the Board of Supervisors may endanger human life, such as facilities needing an evacuation plan, or sites where hazardous materials might be stored
2. Minimize the likelihood of damage to the pipeline
3. Help mitigate the degree of impact from a pipeline failure

C. Regulations.

This section applies to three principal areas of proximity with respect to an existing or publicly known proposed pipeline (see Diagram). They include a no-build setback area; a setback area for larger populated buildings' and a consultation zone. Deed covenants are required to be placed on any subdivision or land development plan for all three areas advising of the dangers of construction activity in close proximity to pipelines. The following covenant is required to be placed on all subdivision and land development plans affecting property within 1,500' of a pipeline right-of-way.

1. Current and prospective landowners are advised of the dangers of improving properties in close proximity to the pipeline right-of-way. The potential exists for facilities within close proximity to the right-of-way to become compromised. Individuals are forewarned with any construction activity in these areas, there is inherent risk to both property and human health.
2. The no-build building setback distance applies to all structures, excluding accessory, and shall be a distance of 100' from the pipeline right-of-way. Accessory buildings shall adhere to a 50' setback distance from the pipeline right-of-way. This section also includes proposed rights-of-way that have proceeded to the point of advertisement for the Federal Energy Regulatory Commission (FERC) final public hearing. No hazardous or highly volatile materials are allowed to be stored within this initial setback area.
3. The no-build building setback distance requirement applies to buildings or structures with high population totals within 500' of a pipeline right-of-way, including proposed rights-of-way that have proceeded to advertisement of the FERC final public hearing.
4. Individuals intent on subdividing or developing in the area running from the pipeline right-of-way to a distance of 1,500' will be required to provide documentation confirming they have met with the applicable pipeline company staff on the structural improvements they are proposing and are aware of any risks.



¹ Federal Energy Regulatory Commission (FERC), A Citizens Guide: An Interstate Natural Gas Facility on My Land? What Do I Need to Know? July, 2010 Update, Pg. 6

² Pennsylvania Municipalities Planning Code (MPC), Act of 1968, P.L. 805, No. 247, as Reenacted and Amended, Pg. 47

ARTICLE 7

CRITERIA FOR SPECIAL EXCEPTIONS, CONDITIONAL USES AND OTHER SELECTED USES

SECTION 701 GENERAL DESCRIPTION

It is the intent of this Article to provide special controls and regulations for particular uses that may be permitted by right, or by Special Exception, or by Conditional Use within the various zoning districts established in this Ordinance. Special Exceptions and Conditional Uses are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Article, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. The Zoning Hearing Board may grant approval of a Special Exception provided that the applicant complies with the standards for Special Exceptions set forth in this Article and demonstrates that the proposed Special Exception shall not be detrimental to the health, safety, and welfare of the neighborhood. Similarly, the Board of Supervisors may grant approval of a Conditional Use under applicable regulations. The burden of proof shall rest with the applicant. In granting a Special Exception or Conditional Use, the Zoning Hearing Board or Board of Supervisors, as appropriate, may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

SECTION 702 PROCEDURE

The procedure for consideration of a Special Exception or Conditional Use shall follow the procedure for review and hearings as stated in Article 12 of this Ordinance.

SECTION 703 PLAN REQUIREMENTS

In addition to any plan informational requirements for a specific land use identified in this Article, a Special Exception or Conditional Use application shall be accompanied by a fully-dimensioned drawing of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance and shall include the following:

- A. The location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and other pertinent information.
- B. The names and addresses of adjoining property owners, including properties directly across a street right-of-way.
- C. Ground floor plans and building elevations of proposed structures.

D. A written narrative of the proposed use in sufficient detail to determine that all applicable standards are adequately addressed.

SECTION 704

GENERAL STANDARDS FOR ALL SPECIAL EXCEPTION AND
CONDITIONAL USE APPLICATIONS

To receive a Special Exception or Conditional Use approval, the applicant shall establish by credible evidence presented to the Zoning Hearing Board or Board of Supervisors, as applicable, with the application or during the hearings, that:

- A. The proposed use is consistent with the purpose and intent of this Ordinance.
- B. The proposed use does not detract from the use and enjoyment of adjoining or nearby properties.
- C. The application complies with all criteria established for the respective land use proposal addressed elsewhere in this Ordinance.
- D. The proposed use does not substantially impair the integrity of the WCDD Multi-Municipal Comprehensive Plan.
- E. The required front yard, side yards, open space areas, and height limitations for the applicable zoning district have been met.
- F. The off-street parking provisions are in conformance with those specified in Article 8 of this Ordinance.
- G. Points of vehicular access to the lot are provided at a distance from intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement of traffic.
- H. The location of the site with respect to the existing streets giving access to it is such that the safe capacity of those streets is not exceeded by the estimated traffic generated or attracted is not out of character with the normal traffic using said public street.
- I. The pedestrian access from the off-street parking facilities is separated from vehicular access and sufficient to meet the anticipated demand.
- J. The proposed use is not incompatible with the existing traffic conditions and adjacent uses and will not substantially change the character of the immediate neighborhood.
- K. Facilities are available to adequately service the proposed use (e.g. schools, fire, police, and ambulance protection, sewer, water, and other utilities, etc.).
- L. Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other.

- M. The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.
- N. Operations in connection with a Special Exception or Conditional Use will not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, or smoke than would be the operations of any permitted use.
- O. Sufficient setbacks to and/or from agricultural operations are provided, in accordance with the applicable district regulations.
- P. For development within floodplains, that the application complies with the requirements listed in Article 6 and the Federal Emergency Management Agency (FEMA).

SECTION 705 CRITERIA FOR SPECIFIC LAND USES

In addition to those items required by Sections 703 and 704 (if applicable), each of the following land uses contains criteria that shall be addressed by the applicant and reviewed by the Zoning Officer, when permitted by right, or by the Zoning Hearing Board, when permitted by Special Exception, or by the Board of Supervisors, when permitted by Conditional Use.

SECTION 706 ACCESSORY APARTMENTS FOR ADDITIONAL FAMILY MEMBERS

The Zoning Hearing Board may approve Accessory Apartments for Additional Family Members according to the procedures and requirements specified below:

- A. For purposes of this section, family members shall include and be restricted to the following: great-grandparent, grandparent, parent, children, grandchildren.
- B. Only one accessory apartment may be permitted on a single-family detached lot.
- C. The habitable floor area of the accessory apartment shall not exceed seven-hundred twenty (720) square feet.
- D. An accessory apartment may only be permitted and may only continue in use as long as the principal dwelling is occupied by the owner of said dwelling.
- E. The additional unit shall be occupied by a family member and under no circumstances shall more than two (2) individuals occupy this unit.
- F. The applicant shall submit a plan and supporting documentation to establish architectural compatibility of the accessory apartment with the principal dwelling structure.

- G. The detached structure for the accessory apartment shall not be subdivided from the lot on which it was initially established.
- H. Prior to the issuance of a Zoning Permit, a certificate in the form of a notarized affidavit to verify that the owner is in residence and that one of the occupants of a particular dwelling unit is a family member shall be presented to the Board of Supervisors. Thereafter, the Applicant shall submit such notarized affidavit to the Zoning Officer by January 1st of each year as a requirement for the continuance of the special permit with an annual fee to be established by resolution by the Board of Supervisors.
- I. One additional off-street parking space shall be provided.

SECTION 707 ACCESSORY USES FOR SPECIAL EXCEPTIONS

- A. Approval for Accessory uses shall be a part of the Special Exception approval by the Zoning Hearing Board. Any further changes from the principal use -shall require additional approval from the zoning Hearing Board.

SECTION 708 ADULT-RELATED FACILITIES

Where permitted, adult-related facilities are subject to the following criteria:

- A. An adult-related facility shall not be permitted to be located within one thousand (1,000) feet of any other adult-related facility.
- B. No adult-related facility shall be located within six hundred (600) feet of any residentially-zoned land.
- C. No establishment shall be located within six hundred (600) feet of any parcel of land, which contains any one or more of the following specified land uses:
 1. Amusement park.
 2. Camp (for minor's activity).
 3. Child care facility.
 4. Church or other similar religious facility.
 5. Community center.
 6. Museum.
 7. Park.
 8. Playground.

9. School.
10. Other lands where minors congregate.

- D. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult entertainment establishment and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult entertainment establishment to the closest point on the property line of said land use.
- E. No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure.
- F. Any building or structure used and occupied as an adult-related facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure.
- G. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
- H. Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
- I. No adult-related facility may change to another adult-related facility, except upon approval of an additional special exception.
- J. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- K. No unlawful sexual activity or conduct shall be permitted.
- L. No more than one adult-related facility may be located within one building or shopping center.

SECTION 709 AGRITAINMENT/AGRITOURISM ENTERPRISES

- A. Purpose - Successful tourism depends upon the quality of the natural and built environments. Tioga County's distinct character and quality resource provides the foundation for developing appropriate types of authentic tourism products that would ensure that the county remains a unique and competitive destination in the

future. Therefore, any tourism venture or experience that would be permitted in the agricultural areas of the Township must be directly related to supporting the primary use of the farm by interpreting the agricultural heritage of the county and providing a distinctly Tioga County experience.

Therefore, certain types of uses are more appropriate than others in certain zoning districts because of the direct nexus to experiencing Tioga County's agricultural heritage. Other uses that are determined by the Zoning Hearing Board that do not meet this basic threshold and are not incidental to the primary agricultural use are not permitted.

B. Uses Permitted by Right

1. Roadside stands.
2. Farm markets.
3. U-pick operations.
4. Christmas tree farm/cut your own.
5. Local farm products retail operations (including crafts made on the farm; food products, garden and nursery products grown on the farm; and clothing products made from the wool of animals raised on the farm, etc.).
6. Corn mazes.
7. Hay rides.
8. Farm-related interpretive facilities and exhibits.
9. Agriculturally related educational and learning experiences.
10. On-farm tours with demonstrations of agricultural practices, techniques and methods.
11. Walking and bicycling tours and trails.
12. Farm stays.
13. Recreation related operations (outfitters, cross country skiing, fishing and hunting facilities, bird watching).
14. Horseback/pony rides.

C. Uses Permitted by Special Exception

1. Retail sale of food products not produced on the farm.

2. Dairy, ice cream and bakery retail facilities.
3. Weddings.
4. Concerts.
5. Banquets.
6. Agriculturally related special events / fairs / festivals.
7. Other similar non-agricultural entertainment-oriented gatherings, events, fairs, festivals and related activities that may be determined on a case by case basis if the use meets the purpose and intent of the regulations, as long as they are directly related to, remain secondary and clearly incidental to, and compatible with, the active agricultural operation or agri-business.
8. Other similar agricultural related activities, that may be determined on a case by case basis if the use meets the purpose and intent of the regulations, as long as they are directly related to, remain secondary and clearly incidental to, and compatible with, the active agricultural operation or agri-business.

D. Agritainment/agritourism enterprises are only permitted on farms. Farms must be existing and in operation.

E. Agritainment/agritourism use(s) shall be owned or operated by the landowner, landowner's immediate family member, the operator or employee of the active agricultural operation or agri-business, or a resident of the lot upon which the active agricultural operation or agri-business occurs.

F. The sales of goods or merchandise may occur on the premises, limited to those goods or merchandise that are produced on the premises, or are customarily incidental to the agritainment/agritourism use(s) and directly related thereto.

G. Applicants must submit a layout plan identifying the location of the agritainment/agritourism enterprise, all farm buildings, dwellings, existing and proposed driveways, access drives, parking areas, vehicle turn around areas, location of sanitary facilities (if required), and screening and landscaping.

H. Parking must be in compliance with Article 8. Parking is not permitted in the street right-of-way.

I. All driveway locations must be permitted under applicable state or local regulations.

- J. Sanitary facilities shall be provided in accordance with PADEP requirements.
- K. All prepared food available for sale must be prepared in accordance with applicable federal, state, or local regulations. Produce grown on the farm is permitted.
- L. All buildings within which the agritainment/agritourism use(s) are conducted shall be designed and constructed in compliance with the most recent version of the IBC as referenced in the PA UCC adopted by the Township.
- M. To the maximum extent feasible, the agritainment/agritourism use(s) shall be conducted within an existing agriculture building or other accessory building. All portable structures and signs used as part of the agritainment/agritourism use(s) shall be removed or shall be stored in an enclosed structure at the end of the harvesting season.
 - 1. However, any new building constructed for use by the agritainment/agritourism use(s) shall be located no less than fifty (50) feet from any lot line.
 - 2. Any new building constructed for use by the agritainment/agritourism use(s) shall be of a design so that it is compatible with the surrounding buildings and can be readily converted to another permitted use, or removed, if the agritainment/agritourism use(s) is discontinued.
- N. The maximum permitted size for signs used for the agritainment/agritourism enterprise shall be in compliance with Article 9.
- O. The Applicant shall submit evidence that all state and federal requirements have been met prior to the issuance of a final Certificate of Zoning Compliance. Applicants must consult with the Township's building code officer to determine if a building permit is required for any building proposed as part of the agritainment/agritourism enterprise.
- P. The Applicant shall submit proof of adequate liability insurance.
- Q. Special events, fairs and festivals shall comply with the following regulations:
 - 1. Tents or other temporary structures shall comply with all setback regulations for principal buildings in this Ordinance.
 - 2. All waste, trash and rubbish, tents and temporary structures, and any other displays or exhibits that resulted from the special event shall be removed from the property within 24 hours after the special event has ended.

3. Overflow parking areas may be on grass surface areas of the lot. The grass surface area which is to be used for overflow parking shall be kept in suitable grass cover and shall not be allowed to degrade to an erodible condition. In the event any portion of the overflow parking area is disturbed, the areas shall be reseeded or planted with sod to ensure the area remains grass surface. Such planting shall occur within one week after the special event has ended. Overflow parking areas shall be enclosed by a temporary barrier fence to prevent the flow of traffic across property lines, all such fences shall be removed within one week of a special event ending. Overflow parking areas shall be set back at least 25 feet from side and rear property lines.
4. All driveway locations must be permitted under applicable state or local regulations.

R. No part of an agritainment/agritourism use shall be located within fifty (50) feet of any lot line.

S. It shall be the responsibility of the Applicant and/or landowner to prove compliance with these regulations at the time of application for a zoning permit.

SECTION 710 AIRPORTS / HELIPORTS

Where permitted, airports/heliports are subject to the following criteria:

- A. Minimum lot area – Thirty (30) acres;
- B. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;
- C. The Applicant shall furnish evidence of the issuance of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the special exception application; and,
- D. No part of the take-off/landing strip and/or pad shall be located closer than three hundred (300) feet from any property line.

SECTION 711 AMUSEMENT/VIDEO ARCADES / POOL/BILLIARD HALLS

Amusement/video arcades / pool/billiard halls are subject to the following criteria:

- A. All activities shall take place within a wholly enclosed building.
- B. The applicant must furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the arcade.
- C. A minimum of one parking space for each eighty (80) square feet of gross leasable floor area shall be provided. In addition, any accessory uses (e.g. snack bar) shall also require parking to be provided in accordance with the schedule listed in Article 8 of this Ordinance.
- D. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

SECTION 712 ANIMAL HOSPITALS AND VETERINARY CLINICS

Where permitted, animal hospital and veterinary clinics are subject to the following criteria:

- A. All animal hospital and veterinary clinics shall be in fully enclosed buildings.
- B. The Applicant shall furnish current copies of applicable State and/or Federal licenses, and all renewals.
- C. Dog boarding shall be in accordance with Section 734 (Kennels).
- D. The Applicant shall provide plans, if applicable, for:
 - 1. Housing or boarding of larger animals if essential to the facility.
 - 2. Storage of drugs and medical supplies for the treatment of animals.
 - 3. Lighting, off-street parking, and the control of noise.
 - 4. Disposal of manure, hazardous waste and dead animals.
- E. A minimum lot size of at least twenty thousand (20,000) square feet shall be required for those animal hospitals treating small animals (such as cats, birds, exotic animals). A minimum lot size of at least forty thousand (40,000) square feet shall be required for those animal hospitals treating large animals (such as cattle, horses, etc.).

- F. All buildings in which animals are housed or provided care shall be located at least twenty (20) feet from all lot lines. Buildings should be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
- G. Outdoor animal runs may be provided for small animals so long as a visual barrier at least four (4) feet in height is provided between the runs and a double evergreen screen at least six (6) feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 8:00 P.M. to 8:00 A.M.
- H. All facilities shall comply with the provisions of all other applicable Township Ordinances.

SECTION 713 ANTIQUES, FLEA AND/OR FARMERS MARKETS

Where permitted, antiques, flea and/or farmers markets are subject to the following criteria:

- A. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales shall include all indoor and outdoor areas as listed above.
- B. The retail sales area shall be set back at least fifty feet (50') from all property lines and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment.
- C. Off-street parking shall be provided at the rate of one (1) space per each four hundred (400) square feet of retail sales area.
- D. Off-street loading shall be calculated upon the retail sales area described above and according to the schedule listed in Article 8 of this Ordinance.
- E. All outdoor display and sales of merchandise shall begin not earlier than one (1) hour before official sunrise and shall cease no later than one (1) hour after official sunset.
- F. Any exterior lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.
- G. Any exterior amplified public-address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties.

H. Exterior trash and recycling receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

SECTION 714

AUTOMOBILE, GARAGE, BODY SHOP, REPAIR SERVICE, FUEL SERVICE STATION, OR MINI-MART WITH FUEL SERVICE, REGULATIONS

In addition to all other requirements of this Ordinance:

- A. All driveways and service areas shall be surfaced with a dust free material as approved by the Delmar Township Board of Supervisors.
- B. Fuel pumps and all service equipment shall be set back a minimum of thirty (30) feet from any lot line or public right-of-way and so located that vehicles stopped for service will not extend over the lot line or right-of-way.
- C. Outdoor display of all merchandise shall be within a building, excepting vending machines, oil racks, single tire displays, and seasonal produce under a temporary roof.
- D. If towing service is provided or wrecked and partially dismantled vehicles are temporarily stored at the site, a six (6) foot high opaque fence, or evergreen screening of shrubbery or trees, completely enclosing these vehicles shall be erected. This compound shall not be in the front yard requirements of the principal buildings and must observe all yard setback requirements. All inoperable vehicles damaged by collision, fire, etc., or in need of mechanical or body work shall be stored within this compound and not located elsewhere on the property. The maximum limit for storage of any inoperable vehicle shall not exceed sixty (60) days. All exceptions shall be made by the Board of Supervisors.

SECTION 715

BED AND BREAKFAST INNS

Where permitted, Bed and Breakfast Inns as defined herein are subject to the following criteria:

- A. The Bed and Breakfast Inn shall be located on a minimum lot size of two (2) acres, one (1) acre if served by public sewer and shall not be a nonconforming building or lot.
- B. All Bed and Breakfast Inns shall be conducted in single-family detached dwellings.

- C. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted.
- D. Short term overnight lodging to be provided; monthly rentals are inappropriate and the maximum guest stays shall be limited to twenty-one (21) days.
- E. A maximum of four (4) guest rooms with a maximum of sixteen (16) guests per night.
- F. Breakfast served only to overnight lodgers and shall be the only meal provided.
- G. The owner and/or operator of the Bed and Breakfast Inn shall be a resident of the dwelling.
- H. The remainder of the dwelling in which a Bed and Breakfast Inn is located shall be used solely by the owner and/or operator in permanent residence. Bed and Breakfast Inn operations shall be operated so as to be clearly incidental and accessory to the primary use of the site as a Single-Family Dwelling, and the guest rooms used shall be in addition to the living area square footage required by this Ordinance for a single-family dwelling.
- I. All floors above-grade shall have direct means of escape to ground level.
- J. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit. No additional front yard areas shall be utilized as parking area.
- K. The Bed and Breakfast Inn must comply with all regulations and obtain all applicable permits, including but not limited to fire, health, building codes, sewage, business permits, tax permits etc.
- L. Within the AR District, all parking areas shall be set back a minimum of twenty-five (25) feet from all property lines. Within the VC and DC Districts, all parking shall be located in the side and/or rear yard, shall be set back at least five (5) feet from adjoining lots, and shall be screened from adjoining lots and streets.
- M. Within the AR District, a Bed and Breakfast Inn may erect one sign no larger than twelve (12) square feet in size, which must be set back ten (10) feet from all lot lines. Within the VC and DC Districts, one sign not exceeding six (6) square feet shall be located no less than five (5) feet from all lot lines.
- N. All sewage and water facilities shall be reviewed and inspected by the Township Sewage Enforcement Officer and shall comply with all applicable Pennsylvania Department of Environmental Protection regulations.

- O. The Applicant shall furnish proof or approval from the PA Department of Labor and Industry.
- P. The Township may require an annual review of these conditions to ensure compliance.

SECTION 716 BEEKEEPING

Where permitted, beekeeping is subject to the following criteria:

- A. It shall be the duty of the Applicant to maintain each colony so as to not create a public nuisance.
- B. Colonies shall be maintained in movable frame hives.
- C. Hives shall be located only within the rear yard and shall be situated to maximize sunshine exposure and/or natural wind protection.
- D. Hives shall be located no closer than one hundred (100) feet from any property line unless a six-foot-high fence or hedge is located along any adjoining property lines for a distance at least one-hundred (100) feet from the hive(s). In no case shall hives be located within fifty (50) feet of any property line.
- E. All hives shall have access to an on-site water supply. Unless a natural water supply exists on the subject property, the Applicant shall furnish a water-filled tank with a board or crushed rock for the bees to land on.
- F. Hives shall not be oriented to children's play areas, or neighboring properties.
- G. Adequate techniques in handling bees, such as requeening and adequate hive space, shall be maintained to prevent unprovoked stinging seventy-five (75) feet or more from the hive.

SECTION 717 CAMPGROUNDS

Where permitted, campgrounds are subject to the following criteria:

- A. The minimum lot size shall be ten (10) acres.
- B. No camping site may be occupied on a permanent basis.
- C. The area improved for camping sites shall not exceed fifty (50%) percent of the total gross area of the tract being developed as a Campground.

- D. Setbacks – All campsites shall be located at least fifty (50) feet from any side or rear property line and at least one-hundred (100) feet from any public street line. The land between the campsites and the exterior property line of the campground shall have sufficient existing or planted trees and/or shrubbery to screen the campground from the adjacent lands and to serve as a buffer.
- E. All campsites designed for recreational vehicles shall have off-street parking spaces for the recreational vehicle and for one passenger vehicle. The parking spaces shall be level in a longitudinal direction and shall be uniformly crowned in a transverse direction and shall be well drained. The parking spaces need not be paved but shall have a minimum depth of six (6") inches of compacted crushed stone, bank run gravel, or shale.
- F. All campsites designed for tenting may be provided with on-site parking spaces in accordance with the Subdivision and Land Development Ordinance or may have a common parking area not over three hundred (300') feet from the most distant camp site. Common parking areas shall provide at least 1.5 spaces per campsites. The minimum area of each parking space shall be at least 200 square feet, exclusive of any aisle.
- G. Each campsite for the transient use by travel trailers, recreation vehicles, campers, etc., shall be at least two-thousand (2000) square feet in size or three (3) times the size of the unit parked there whichever is greater, and in addition shall provide an on-site parking space for one (1) automobile.
- H. Each campsite for the transient use of tent or backpack camping shall be at least one-thousand (1000) square feet in size and in addition provide for the on-site parking of one (1) automobile or equivalent parking may be provided in a common parking area.
- I. An internal road system shall be provided. The pavement width of one-way access drives shall be at least fourteen (14) feet and the pavement width of two-way access drives shall be at least twenty-four (24) feet. On-drive parallel parking shall not be permitted.
- J. All outdoor play areas shall be set back one-hundred (100) feet from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.
- K. All campgrounds shall furnish centralized solid waste and garbage collection facilities that shall be set back a minimum of one-hundred (100) feet from any property line. Such facilities shall be screened from adjoining residentially-zoned properties.

- L. Any accessory retail or service commercial uses shall be set back a minimum of one-hundred (100) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially-zoned parcels.
- M. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to a major traffic street or collector street as identified in this Ordinance.
- N. A campground may construct one freestanding or building attached sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least ten (10) feet from the street right-of-way line, at least one hundred (100) feet from any residential district, and, at least twenty-five (25) feet from adjoining lot lines.
- O. A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreation area shall be with the landowner.
- P. During operation every campground shall have an office in which shall be located the person responsible for operation of the campground.
- Q. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the PA DEP.
- R. Electric service shall be provided to at least seventy-five percent (75%) of the recreational vehicle campsites. Such electric service shall be installed underground.
- S. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

SECTION 718 CHILD OR ADULT DAY CARE FACILITIES

- A. Recognizing the growing need for child and adult day care facilities, it is the intent of the Township to encourage the establishment of such facilities in a manner which will preserve the character of residential neighborhoods while meeting the operational and physical standards of the Pennsylvania Department of Public Welfare (DPW). Child and adult day care facilities, operated within a residence, are

not subject to the requirements for home occupations or home businesses contained elsewhere in this Ordinance.

- B. The provisions of this Section shall apply to child or adult day care facilities providing service for all or part of a 24-hour day. Day care facilities shall include day care homes and day care centers as defined by this Ordinance, many of which are subject to Chapter II, Sections 8A, 8B, and 8C of DPW Social Services Manual Regulations, as amended. This Section does not apply to activities excluded by the definition of "child or adult day care" in this Ordinance or child day care service furnished in places of worship during religious services.
- C. The following general provisions apply to all child or adult day care facilities.
 - 1. The operator of a day care facility will allow appropriate representatives of the municipality to enter the property to inspect such use for compliance with the requirements of this Ordinance.
 - 2. Adequate water supply and sewage disposal service shall be provided to the site.
 - 3. Drop-off areas shall be designed to eliminate the need for pedestrians to cross traffic lanes within or adjacent to the site.
 - 4. Fencing shall be provided to restrict occupants from hazardous areas, such as open drainage ditches, wells, holes, and major traffic streets and collector roads. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict occupants from these areas.
 - 5. The expansion of a day care home to a day care center shall require a special exception.
 - 6. Adult and child day care facilities shall not provide medical or personal care services which extend beyond simple first aid and assistance with dressing, bathing, diet, and medication prescribed for self-administration unless licensed by the DPW to provide such services.
 - 7. When applying for a special exception, the applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, driveways, adjacent streets, adjacent hazardous land uses, on-site hazardous areas (as previously defined), merchandise delivery areas, parking spaces, and the child or adult drop-off circulation pattern.
- D. In addition to the provisions of C. above, all child day care facilities shall comply with the following:

1. All child day care facilities shall comply with all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local building and fire safety codes.
2. Hours of outside play shall be limited to the hours of 8:00 a.m. until sunset, as defined by the National Weather Service.
3. An outdoor play area, as required by DPW regulations, shall be provided for child day care facilities and shall not be located in the front yard.

E. Day Care Homes: In addition to the provisions of C. and D. above, day care homes shall comply with the following:

1. If care is provided to more than six (6) adults and/or children at any one time, the facility must have an approved and currently valid DPW registration certificate. Proof of DPW registration renewal must be supplied to the Township every year.
2. Any external evidence of such use shall be limited to one (1) non-illuminated sign subject to the sign regulations in this Ordinance.
3. Day care homes shall only be permitted in single-family dwellings and shall not be permitted in accessory buildings.
4. The person primarily responsible for the day care home shall be a full-time resident.
5. A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children or adults.

F. Day Care Centers: In addition to the provisions of C. and D. above, day care centers shall comply with the following:

1. The facility must have an approved and currently valid DPW license. Proof of DPW annual license renewal must be supplied to the Township every year.
2. A fence with a minimum height of six (6) feet shall physically contain the children or adults within the outdoor play/recreation area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children or adults.

3. If the facility has access to streets of different classifications, access shall be provided using the street of lesser functional classification.
4. Play equipment shall be located at least ten (10) feet from an abutting property line and shall not be located within a front yard.
5. All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entranceways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, merchandise delivery areas, and all parking lots. Such lighting shall not produce objectionable glare on adjacent properties.
6. Day care centers may be permitted as an accessory use to churches, schools, community centers, recreation centers, and similar uses by special exception. Accessory day care centers must comply with all other requirements for day care centers. In addition, evidence must be submitted to document that indoor space, outdoor play space, and safe vehicular access are provided in accordance with DPW requirements.

G. The applicant shall demonstrate compliance, with the requirements of this Ordinance and, where required, shall request a special exception from the Zoning Hearing Board. If the day care facility will be subject to DPW requirements, evidence of the ability to comply with said requirements must be provided prior to the issuance of a Certificate of Zoning Compliance by the Zoning/Code Enforcement Officer.

SECTION 719 COMMERCIAL WIND ENERGY FACILITIES

The purpose of these criteria is to provide for the construction and operation of commercial wind energy facilities in Delmar Township, subject to reasonable conditions that will protect the public health, safety and welfare.

A. Applicability

1. This Section applies to all Wind Energy Facilities proposed to be constructed after the effective date of this Ordinance, except that this section is not intended to apply to stand-alone wind turbines constructed primarily for residential or farm use.
2. Wind Energy Facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this section provided that any physical modification to an existing wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require approval under this amendment.

B. Supplemental Definitions

1. Facility Owner – means the entity or entities having an equity interest in the wind energy facility, including their respective successors and assigns.
2. Operator – the entity responsible for the day-to-day operation and maintenance of the wind energy facility.
3. Hub Height – the distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.
4. Occupied Building – a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.
5. Turbine Height – the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.
6. Wind Turbine – a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower and pad transformer, if any.
7. Wind Energy Facility – an electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities
8. Non-Participating Landowner – any landowner except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

C. Permitted Use – Zoning

A wind energy facility shall meet the required zoning approvals in this Ordinance prior to submission for land development under the Delmar Township Subdivision and Land Development Ordinance.

D. Approval Requirements

1. No wind energy facility, or addition of a wind turbine to an existing wind energy facility, shall be constructed or located within Delmar Township unless approval has been granted to the facility owner or operator approving construction of the facility under this Ordinance.

2. The application or amended application shall be accompanied with the appropriate fees (see Fee Schedule in application).
3. Any physical modification to an existing and permitted wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require a Plan modification and approval under this Ordinance. Like-kind replacements shall not require a Plan modification

E. Project Application

1. The application shall demonstrate that the proposed wind energy facility will comply with this Ordinance. Among other things, the application shall contain the following:
 - a. A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the approximate generating capacity of the wind energy facility; the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
 - b. An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the wind energy facility.
 - c. Identification of the properties on which the proposed wind energy facility will be located, and the properties adjacent to where the wind energy facility will be located.
 - d. A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback
 - e. Documents related to decommissioning.
 - f. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this Ordinance.

2. Within 30 days after receipt of a permit application, the Township will determine whether the application is complete and advise the Applicant accordingly.
3. Within 60 days of a completeness determination, the Township will schedule a public hearing. The Applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.
4. Within 120 days of a completeness determination, or within 45 days after the close of any hearing, whichever is later, the Township will make a decision whether to issue or deny the application.
5. Throughout the application and review process, the Applicant shall promptly notify the Township of any changes to the information contained in the land development application.
6. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

F. Design and Installation

1. Design Safety Certification

The design of the wind energy facility 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 manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

2. Uniform Construction Code

To the extent applicable, the wind energy facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §403.1 – 403.142.

3. Controls and Brakes

All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic over-speed 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. Electrical Components

All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

5. Visual Appearance: Power Lines

- a. Wind turbines shall be a non-obtrusive color such as white, off-white or gray.
- b. Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- c. Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator.
- d. On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.

6. Warnings

- a. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- b. Visible, reflective, colored 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 ten feet from the ground.

7. Climb Prevention/Locks

- a. Wind turbines shall not be climbable up to 15 feet above ground surface.
- b. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

G. Setbacks

1. Occupied Buildings
 - a. Wind turbines shall be set back from the nearest occupied building a distance not less than the normal setback requirements for that zoning classification or 1.5 times the turbine height, whichever is greater. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
 - b. Wind turbines shall be set back from the nearest occupied building located on a non-participating landowner's property a distance of not less than 5 times the hub height, as measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
2. Property lines: All wind turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or 1.5 times the turbine height, whichever is greater. The setback distance shall be measured to the center of the wind turbine base.
3. Public Roads: All wind turbines shall be set back from the nearest public road a distance of not less than 1.5 times the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.

H. Waiver of Setbacks

1. Adjacent property owners may waive the setback requirements in G.1.a (Occupied buildings on non-participating landowner's property) and G.2. (Property Lines) by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.
2. The written waiver shall notify the property owner(s) of the setback required by this Ordinance, describe how the proposed wind energy facility is not in compliance, and state that consent is granted for the wind energy facility to not be setback as required by this Ordinance.
3. Any such waiver shall be recorded in the Recorder of Deeds Office of Tioga County. The waiver shall describe the properties benefitted and burdened and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.

4. Upon application, the Township may waive the setback requirement for public roads for good cause.

I. Use of Public Roads

1. The Applicant shall identify all state and local public roads to be used within the municipality to transport equipment and parts for construction, operation or maintenance of the wind energy facility.
2. The Township engineer or a qualified third-party engineer hired by the county and municipality and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again 30 days after construction is complete or as weather permits.
3. The Township may bond the road in compliance with state regulations.
4. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant's expense. At a minimum, the Applicant shall enter into an agreement with the Township that requires the Applicant to maintain the roads they intend to use to at least the existing condition for the duration of the project.
5. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

J. Local Emergency Services

1. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer fire department(s).
2. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facility.

K. Noise and Shadow Flicker

1. Audible sound from a wind energy facility shall not exceed 55 dBA, as measured at the exterior of any occupied building on a non-participating landowner's property. 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*

2. The cost of measuring and reporting audible sound from a wind energy facility shall be borne by the developer or owner/operator of the facility. In addition, if a complaint is filed with the Township by a landowner over sounds issues, a deposit of \$500 will be required by the Township to initiate a sound study. If the findings are in favor of the landowner, the fee will be refunded.
3. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building.

L. Waiver of Noise and Shadow Flicker Provisions

1. Adjacent property owners may waive the noise and shadow flicker provisions of this Ordinance by signing a waiver of their rights.
2. The written waiver shall notify the property owner(s) of the sound or flicker limits in this Ordinance, describe the impact on the property owner(s), and state that the consent is granted for the wind energy facility to not comply with the sound or flicker limit in this Ordinance.
3. Any such waiver shall be recorded in the Recorder of Deeds Office of Tioga County. The waiver shall describe the properties benefited and burdened and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.

M. Signal Interference

The Applicant shall make reasonable efforts to avoid any disruption of loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the wind energy facility.

N. Liability Insurance

There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to the municipality upon request.

O. Decommissioning

1. The facility owner and operator shall, at its expense, complete decommissioning of the wind energy facility, or individual wind turbines, within 12 months after the end of the useful life of the facility or individual wind turbines. The wind energy facility or individual wind turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.
2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
4. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the municipality after the first year of operation and every fifth year thereafter.
5. The facility owner or operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs provided that at no point shall decommissioning funds be less than 25% of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or federal or commonwealth-chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the commonwealth and is approved by the Township.
6. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assistance as may be acceptable to the Township.
7. If neither the facility owner or operator complete decommissioning within the periods prescribed by Section O., then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

8. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated, and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

P. Public Inquiries and Complaints

1. The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
2. The facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

Q. Remedies

1. It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of the ordinance, or any permit issued under the ordinance, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of the ordinance or any permit issued under the ordinance.
2. If the Township determines that a violation of the Ordinance or the permit has occurred, the Township shall provide written notice to any person, firm, or corporation alleged to be in violation of this Ordinance or permit. If the alleged violation does not pose an immediate threat to public health or safety, the Township and the parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within 30 days of the notice of violation.
3. If after 30 days from the date of the notice of violation, the Township determines, at its discretion, that the parties have not resolved the alleged violation, the Township may institute civil enforcement proceedings or any other remedy at law to ensure compliance with the Ordinance or permit.

R. Public Hearings

The Applicant or the Township may require a public hearing relating to these exceptional subdivisions and land developments as they are brought before the Township. The public hearing must be within 30 days of the request by either party. Public notice, subject to the provisions set forth in Article 1, Section 107 of Act 170, shall be given. Schedules, deadlines, and other procedural requirements in this Ordinance shall be postponed by no more than 45 days as a result.

S. Mediation

The Township may offer a mediation option as an aid in completing proceedings authorized in this section and as authorized by Article V, Section 508 of Act 170: "Approval of Plats." In exercising this option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX, Section 908.1 of Act 170.

SECTION 720 CONDOMINIUMS

- B. The number of dwelling units, parking spaces, signs and other related items shall be provided as required by this Ordinance.
- C. Development and/or conversion approval shall follow all requirements of all Delmar Township Ordinances and Resolutions.
- D. All streets including internal drives shall be constructed to Delmar Township and Pennsylvania Department of Transportation standards.
- E. All facilities which are to be jointly owned and maintained by any type of homeowners' association shall submit a copy of such maintenance agreement to the Zoning Hearing Board for review.
- F. A minimum of twenty-five-hundred (2500) square feet shall be devoted to recreation facilities for each fifty (50) dwelling units or part thereof. An additional twenty-five-hundred (2500) square feet shall be provided for each additional fifty (50) dwelling units or part thereof. When development is proposed to occur in phases which may span several years, the overall recreation plan shall be presented. The recreation facilities may be permitted to occur in phases at the direction of the Board of Supervisors, and in addition the Board of Supervisors may waive the requirements for recreation facilities when less than five (5) units are proposed. The required facilities are those which include a combination of uses for all age groups living within the condominium. These facilities may include, but are not limited to, tot lots, basketball and tennis courts, swimming pools and athletic fields. Permanent indoor recreation facilities may be included with the required area for recreation facilities.
- G. If a condominium form of ownership or similar arrangement under the State Planned Communities Act is used, the applicant shall prove to the Township that the buildings will be laid out in such a manner that each dimensional requirement would have been met if each building had been placed on its own fee simple lot.

SECTION 721 CONVERSION APARTMENTS

Where permitted, conversion apartments shall be subject to the following:

- A. Minimum lot area – 10,000 square feet.
- B. Only one apartment may be added within a single-family detached dwelling.
- C. The application shall furnish evidence that an approved system of water supply and sewage disposal will be used.
- D. No modifications to the external appearance of the building (except fire escapes), which would alter its residential character, shall be permitted.
- E. The site shall contain no less than two (2) off-street parking spaces per dwelling unit.
- F. If the conversion apartment is located on a second or third story, it shall have its own exterior means of escape to ground level.
- G. The Applicant shall obtain all required land development approvals.

SECTION 722 CONVERSION OF DWELLING FOR ADDITIONAL FAMILY MEMBERS

Criteria for Special Exception Use

- A. An existing single-family dwelling unit may be converted by allowing a second kitchen for the incorporation of one (1) additional dwelling unit for a family member in any residence district. For the purposes of this section the term incorporation shall mean either completely within an existing principal dwelling or added to an existing principal dwelling, provided that both dwellings units shall be attached by a preexisting common wall, floor, or ceiling and not simply by an attached breezeway or porch; and shall be contained within one (1) building. For purposes of this section, family members shall include and be restricted to the following: great-grandparent, grandparent, parent, children, grandchildren.
- B. The dwelling in question shall be owner-occupied during the duration of the special permit which shall be renewed on an annual basis.
- C. The additional unit shall be occupied by a family member and under no circumstances shall more than two (2) individuals occupy this unit.
- D. The additional dwelling unit shall not exceed four-hundred-fifty (450) square feet of floor area, unless such parts of an existing dwelling are otherwise arranged or designed to be reasonably, conveniently and safely transformed into a slightly

larger one-bedroom unit. The minimum habitable floor area shall not be less than thirty (30) percent of the total habitable floor area of the dwelling and shall be in addition to the minimum square footage for a single-family dwelling as required by this Ordinance.

- I. Prior to the issuance of a Zoning Permit, a certificate in the form of a notarized affidavit to verify that the owner is in residence and that one of the occupants of a particular dwelling unit is a family member shall be presented to the Board of Supervisors. Thereafter, the Applicant shall submit such notarized affidavit to the Zoning Officer by January 1st of each year as a requirement for the continuance of the special permit with an annual fee to be established by resolution by the Board of Supervisors.
- F. Any additions, alterations, etc., to the dwelling must comply with all Ordinances and Resolutions of Delmar Township.

SECTION 723 DRIVE-THRU SERVICE FACILITIES

Where permitted, drive-thru service facilities, including but not limited to facilities located accessory to banks, restaurants, beverage sales, etc., shall be subject to the following criteria, where applicable:

- A. The subject property shall front on a major traffic street or collector road.
- B. Exterior trash receptacles shall be provided and routinely emptied to prevent the scattering of litter. All applications shall include a description of working plan for the cleanup of litter.
- C. All drive-thru window-lanes shall provide sufficient space to stack vehicles waiting to transact business and shall be separated from the parking lot's interior driveways using curbs, painted lines, and/or planting islands.
- D. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.
- E. All exterior seating/play areas shall be completely enclosed by a three-foot-high fence.

SECTION 724**DWELLING UNITS IN AREAS DESIGNATED AS COMMERCIAL OR INDUSTRIAL BY SPECIAL EXCEPTION**

Criteria for Special Exception Use.

- A. The dwelling unit shall be accessory to the permitted principal commercial or industrial use within the zone in which it is located and reasonably necessary for the operation or protection of the principal use.
- B. Only one (1) dwelling unit shall be permitted on each lot or tract of land regardless of the number of commercial or industrial uses conducted thereon. Where a number of lots or tracts of land are combined either in a single or multiple ownership to form a shopping center, complex or mall, or an industrial park, only one (1) dwelling unit shall be permitted for the combined shopping center, complex or mall, or industrial park.
- C. The dwelling shall meet all requirements for a single-family dwelling in Delmar Township.
- D. The dwelling shall be occupied only by the owner or operator of the commercial or industrial use, or by a full-time employee of the owner or operator.
- E. In the event the commercial or industrial use to which the dwelling unit is accessory to is discontinued, the dwelling unit shall be vacated within six (6) months following the date of such discontinuance.

SECTION 725**ECHO HOUSING**

Where permitted, ECHO housing is subject to the following criteria:

- A. The ECHO housing unit shall be of portable construction and may not exceed nine hundred (900) square feet of floor area.
- B. The total building coverage for the principal dwelling, any existing accessory structures and the ECHO housing unit together shall not exceed the maximum lot coverage requirement for the respective district.
- C. The ECHO housing unit shall only be occupied by at least one person who is at least fifty (50) years old or disabled and is related to the occupants of the principal dwelling by blood, marriage, or adoption.
- D. The ECHO housing unit shall be occupied by a maximum of two (2) people.

E. Utilities

1. For on-site sewage disposal, water supply, and all other utilities, the ECHO housing unit shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. Properties served by public sewer will be required to have a separate connection to the sewer system. All connections shall meet the applicable utility company standards.
2. If on-site sewer or water systems are to be used, the Applicant shall submit evidence to the Zoning Officer (or to the Zoning Hearing Board in the case of a special exception) showing that the total number of occupants in both the principal dwelling and the ECHO housing unit will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer.

F. A minimum of one (1) all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the ECHO housing unit, in addition to that required for the principal dwelling.

G. The ECHO housing unit shall be installed and located only in the side or rear yard and shall adhere to all side and rear yard setback requirements for principal uses.

H. The ECHO housing unit shall be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use.

I. Upon the proper installation of the ECHO housing unit, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the ECHO housing unit is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each issuance and renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

J. The Applicant shall obtain any required land development approvals.

SECTION 726 FAMILY GROUP HOMES

A. Where permitted, family group homes are subject to the following criteria:

B. Not more than seven (7) mentally and/or physically disabled persons may reside at the home. Full-time on-site supervision shall be provided at all times.

- C. The family group home shall be licensed by the appropriate Federal or State agencies, if required. Copies of any notice of revocation of license sent by the licensing authority to the entity responsible for administration of the family group home shall be forwarded to the Township Zoning Officer for review.
- D. The entity responsible for administration of any family group home shall comply with all requirements or standards of the Township pertaining to dimensions, buildings, housing, health, fire safety, and major vehicle parking space that generally apply to single-family residences in residential districts.
- E. The Township shall be permitted to conduct periodic inspections of the center to ensure compliance with all applicable regulations.
- F. Not more than one (1) person per five hundred (500) square feet of floor area shall occupy the premises.

SECTION 727 FARM IMPLEMENT AND HEAVY EQUIPMENT SALES, SERVICE AND/OR REPAIR FACILITIES

Where permitted, farm implement and heavy equipment sales, service and/or repair service facilities are subject to the following criteria:

- A. All service and/or repair activities shall be conducted within a wholly-enclosed building.
- B. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.
- C. All exterior storage and/or display areas shall be screened from adjoining residentially-zoned properties. All exterior storage/display areas shall be set back at least fifty (50) feet from adjoining street lines and shall be covered in an all-weather, dust-free surface.
- D. The storage of junked vehicles, machinery, trucks, trailers, and heavy equipment vehicles on the property is prohibited.
- E. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining residentially-zoned property.
- F. All vehicles shall be repaired and removed promptly from the premises.

SECTION 728 FARM OCCUPATIONS

Farm occupations provide at-home employment opportunities that are intended to supplement family income, especially during non-growing seasons. The farm occupation opportunity is a method which can enhance and preserve the agricultural viability of the farm, shall be a secondary use of part of the farm on which it is located/established, and shall not become the primary use on the parcel. Farm occupations may be permitted by special exception if the proposed use is accessory to the principal agricultural use of the property, and subject to the following standards:

- A. For the purposes of this Section, farm occupations may involve any one of a wide range of uses, so long as it remains secondary to and compatible with the active farm use; examples of farm occupations include, but are not limited to, the following uses:
 - 1. Facilities for the service and repair of motor vehicles, farm machinery and equipment, and small engines.
 - 2. Arts and crafts manufacturing, with no retail sales display area.
 - 3. Blacksmith and tool sharpening shops.
 - 4. Carpenters.
 - 5. Woodworking, furniture, and cabinet making shops.
 - 6. Metalworking shops.
 - 7. Butcher shops.
 - 8. Tailor and shoe shops.
 - 9. Grain mills.
 - 10. Processing of locally produced agricultural products.
 - 11. Veterinary offices which primarily treat farm animals.
 - 12. Feed supply, feed and fertilizer distribution.
- B. The primary economic activity of the subject tract shall be agricultural and shall be at least ten (10) acres in area. For purposes of this section, a farm shall be defined as an area of land employed by the farmer as a single economic enterprise, regardless of the contiguity or number of parcels, plots, or tracts comprising such enterprise.

- C. The farm occupation shall be conducted and owned by the farmer in residence on the property.
- D. No more than two (2) nonresidents shall be employed by the farm occupation without Zoning Hearing Board approval, and at least one owner of the farm occupation must reside on the site.
- E. The land area of the proposed farm occupation shall not utilize more than one (1) acre of land area inclusive of buildings and parking facilities.
- F. Where practicable the farm occupation shall be conducted within an existing farm building. However, any new building constructed for use by the farm occupation shall be located behind the farm's principal buildings or must be no less than one hundred (100) feet from any adjoining roads or properties.
- G. In the case where the proposed farm occupation requires the construction of new buildings or additions to existing buildings, the Applicant shall provide information justifying that the location of the proposed construction does not unnecessarily utilize existing agricultural lands and/or does not have an adverse effect upon the existing agricultural uses of the farm.
- H. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued.
- I. No part of a farm occupation shall be located within one hundred (100) feet of any side or rear lot line, nor within three hundred (300) feet of any land within a residential district. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line. This setback distance may be varied by the Zoning Hearing Board if natural features, terrain, or other buildings of the owners accomplish the desired purpose of the setback distance, or if existing structures are utilized by the Applicant.
- J. Any sign used for a farm occupation shall not exceed six (6) square feet in size.
- K. The Zoning Hearing Board shall determine if the proposed farm occupation and land use are not detrimental to the agricultural uses of the Agricultural or Conservation District and do not interfere or conflict with the continuation and perpetuation of agricultural activities and the health, safety, and welfare of the community. Additionally, the Zoning Hearing Board may require that impact studies be furnished which evaluate the effect of the proposed farm occupation and land use upon the subject tract of land, the abutting properties and the community in general.

- L. The Applicant shall acknowledge as part of the special exception application that additional Township, County, Commonwealth, and Federal requirements may exist, and that it is his responsibility to comply with any additional requirements, including but not limited to, the industrial performance standards of this Ordinance (if applicable).
- M. The Applicant shall demonstrate that the proposed farm occupation and land use provide for the safe and efficient movement of traffic by addressing anticipated changes in vehicular movements. No public roadways shall be used for loading/unloading. The length of access drive(s) shall be of sufficient length to accommodate stacking of delivery and customer vehicles.
- N. The owner and/or occupant of the farm occupation shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. Additionally, the farm occupation shall be conducted in a manner that does not allow the accumulation of trash and debris.

SECTION 729 GROUP FACILITIES

Where permitted, group facilities are subject to the following criteria:

- A. Group facilities include Community Rehabilitation Facility/Halfway Houses, Emergency Shelters for Homeless, Group Care Facilities, Shelters for Abused Persons, Temporary Shelters and Transitional Housing Facilities.
- B. The maximum number of residents shall be indicated at the time of application, and that number, not including employees, shall not exceed the minimum space requirements contained in the Pennsylvania Uniform Construction Codes, as amended, as adopted by the Township.
- C. The Applicant shall provide letters from appropriate Township officials, including, at a minimum, the Zoning Officer and the Fire Chief, that the structure has been inspected within the past two months and that it meets minimum code requirements for the intended use.
- D. Additional Requirements for Community Rehabilitation Facility/Halfway Houses:
 - 1. The Applicant shall indicate the nature of the clients to be served and the type of treatment/care to be provided, including whether or not any counseling or other services will be provided for nonresidents.
 - 2. The Applicant shall provide evidence that the facility is sponsored and operated by an agency licensed, registered or certified by an applicable county, state or federal program. The facility shall notify the Township in writing within 14 days if there is a change in the type of clients, the

sponsoring agency or maximum number of residents or if the license/registration/certification expires or is suspended or withdrawn.

3. The facility shall have twenty-four-hour on-site supervision by professionals trained to supervise the types of clients to be served by the facility.
4. If a facility will house persons presenting a potential physical threat to the safety of nonresidents, the facility operator shall provide evidence that sufficient staffing and other security measures will be provided.
5. The facility shall not be permitted to be located within five hundred (500) feet of any of the following:
 - a. Any building or other structure used for residential purposes.
 - b. The geographical boundary line of the zoning district in which the use is located.
 - c. The geographical boundary line of the Township.
6. The facility shall not be permitted to be located within one thousand (1,000) feet of any of the following:
 - a. Any other such facility.
 - b. Any public or private school, public park or playground, or any church or other house of worship.

E. Additional Requirements for Group Care Facilities

1. The Applicant shall indicate the nature of the residents to be served and the type of treatment/care to be provided, including whether or not any counseling or other services will be provided for nonresidents.
2. The Applicant shall provide evidence that the group care facility is sponsored and operated by an agency licensed, registered or certified by an applicable county, state or federal program. The group care facility shall notify the Township in writing within 14 days if there is a change in the type of residents, the sponsoring agency or maximum number of residents or if the license/registration/certification expires or is suspended or withdrawn.

F. Additional Requirements for Shelter Facilities

1. The shelter shall be sponsored and supervised by a government agency or an officially recognized nonprofit organization.
2. Applicants for approval of a shelter for abused persons shall prove to the satisfaction of the Township that there will be sufficient security measures to provide adequate protection to the residents.
3. A temporary shelter shall be approved for a maximum time period of two years and shall require another special exception approval every two years. Upon applying for renewal, the Applicant shall provide evidence of need for the continuation of the use.
4. Upon approval of the use, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the use is removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each issuance and renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

G. Additional Requirements for Transitional Housing Facilities

1. The facility shall be sponsored and supervised by a government agency or an officially recognized nonprofit organization.
2. The Applicant shall indicate the nature of the residents to be served and the type of treatment/care to be provided.
3. The operators of the facility shall notify the Township in writing within 14 days if there is a change in the type of residents, the sponsoring agency or maximum number of residents or if the license, registration or certification (if applicable) expires or is suspended or withdrawn.

SECTION 730

HOME OCCUPATIONS - CRITERIA FOR SPECIAL EXCEPTION USE

Criteria for Special Exception Use.

Home occupations not meeting all the criteria as set forth in Section 504 B.4. shall require approval from the Zoning Hearing Board as a Special Exception

SECTION 731 HOTELS AND MOTELS

Where permitted, hotels, motels, and related dining facilities are subject to the following criteria:

- A. Public sewer shall be utilized.
- B. The following accessory uses may be approved as part of the application:
 - 1. Tavern or night club.
 - 2. Gift shop.
 - 3. Meeting/banquet facilities.
 - 4. Recreational uses and swimming pools.
 - 5. Restaurants.
 - 6. Sauna, spa or steam room.
 - 7. Other similar retail sales and personal services.
- C. The above accessory uses (aside from outdoor recreational uses) shall be physically attached to the main hotel building, except as provided in subsection 4).
- D. One freestanding restaurant, tavern or nightclub shall be permitted on the same lot as a principal hotel subject to the following:
 - 1. The proposed restaurant, tavern, or nightclub shall offer the preparation and serving food and drink to be consumed on the premises; no drive-thru or take out services shall be permitted.
 - 2. No additional freestanding signs other than those permitted for the principal hotel use shall be permitted.
 - 3. If a nightclub is proposed, the Applicant shall furnish evidence as to what means will be utilized to assure that the proposed nightclub will not constitute a nuisance to adjoining uses (including the hotel) by way of noise, litter, loitering, and hours of operation.
 - 4. Sufficient off-street parking spaces have been provided and located to conveniently serve the freestanding restaurant, tavern and/or nightclub, without interfering with required off-street parking associated with the hotel use.

SECTION 732 JAILS/DETENTION FACILITIES

Where permitted, in addition to all other applicable standards, jails/detention facilities shall be in strict conformity with the following specific requirements and regulations:

- A. Parcel Size - In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of fifty (50) acres.
- B. Site Design Standards - The site shall be improved in accordance with the following minimum requirements:
 - 1. The building and all secure areas shall not be less than two hundred (200) feet from any property line and the right-of-way line of any abutting public road, and not less than five hundred (500) feet from any:
 - a. Residence.
 - b. Group care facility.
 - c. Commercial enterprises catering primarily to persons less than eighteen (18) years of age.
 - d. Public or semi-public building.
 - e. Public park or public recreation facility.
 - f. Health facility.
 - g. Church or synagogue.
 - h. Public or private school.
 - 2. A perimeter security fence, of a height and type determined by the Township may be required.
- C. Security - All applications for institutions shall include a plan addressing security needs to protect the health and safety of the public as well as residents of the proposed facility. Such plan shall include a description of the specific services to be offered, types of residents to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required with special care given to the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof. The plan shall also address measures to ensure that

lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

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

SECTION 733 JUNK YARDS

All junk yards existing on January 1, 1992, and all new junk yards, where permitted as Special Exceptions, shall be required to comply with the following provisions and obtain a yearly license. However, an extension of the time allotted for complying with the provisions may be granted to existing junk yards at the discretion of the Zoning Hearing Board. Such extension shall be for good reason and shall not be for more than one (1) period of one (1) year or less.

A. Any person desiring to be licensed as a junk dealer in Delmar township shall first make written application to the Board of Supervisors and shall set for the following: Applicants name and address, address of proposed junk yard, an accurate description of the premises on which the junk yard is to be located including Tioga County tax map parcel number, and such other information as the Delmar Township Board of Supervisors may require. The application fee shall be set by resolution of the Board of Supervisors of Delmar Township and is not returnable should the license be denied.

B. An application for a junk dealer license under this Ordinance shall be examined by the Board of Supervisors and such license shall be issued, referred to Zoning Hearing Board for a Special Exception, or refused within thirty (30) days of receipt by Delmar Township. When the application is found to be in compliance with the provisions of this Ordinance, the Board of Supervisors shall issue a license to the junk dealer Applicant for operation of the junk yard as described in the application. Such license shall be for the specified junk yard only and shall at all times be conspicuously displayed upon the junk yard premises. The license shall be nontransferable both as to the junk yard premises and junk dealer.

C. The annual fee for a junk dealer license shall be set by resolution by the Delmar Township Board of Supervisors and shall be effective for one (1) calendar year only. Each license terminating on December 31 for the year in which it is issued shall be subject to renewal upon reapplication on or before January One (1) of the year in which it is desired to continue operations, such application for renewal must be in writing and accompanies by the license fee. Renewal applications are subject to complete re-examination and consideration by the Board of Supervisors for continued compliance with the terms of this Ordinance. No application fee is

required for the issuance of a renewal license. First time license fees may be prorated, when issued, for the balance of the first calendar year. All fees are due, payable to, and for the use of Delmar Township, at the time of application.

- D. No junk material, appurtenant structure, storage tanks or facilities for fuels, coolants, etc., removed from motor vehicles, or other enclosure shall be stored or placed within fifty (50) feet of any adjoining property line, stream, watercourse, body of water, flood plain, wetland or public right-of-way and such setback area shall be kept free of weeds and scrub-growth unless the adjoining property is wooded.
- E. Every junk yard shall be completely fenced with a solid covered fence, of material such as masonry, corrugated metal, or wood, to a height of at least eight (8) feet. A six (6) foot high maintenance free chain link type shadow fencing may be substituted. An evergreen or evergreen type hedge or a tree-row may be used which shall be at least four (4) feet in height or more at time of planting and shall attain a height of eight (8) feet within three (3) years thereafter and be maintained in a sound and attractive manner. All fences must be of a closeness and density to keep out unauthorized persons and large animals. A junk yard located completely within a natural wooded lot may maintain a fifty (50) foot wide wooded perimeter, clear of all junk, and if woods are deciduous shall plant evergreens to maintain a screening effect in winter months, in lieu of fencing. All junk yards shall have a gate at all entrances at least five (5) feet in height and closed and locked when closed for business. The fence and gates shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any form placed on the fence or gates. The gates may display the name of the business and hours open in letters not to exceed three (3) inches in height.
- F. All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent accumulation of stagnant water. Junked automobiles shall be spaced in rows at least fifteen (15) feet in width.
- G. No oil, grease, tires, gasoline, batteries, anti-freeze or coolant, automobile dismantling fluff, upholstery, wiring, vinyl, rubber or plastic parts, or other similar materials shall be burned at any time, and all other burning shall be as permitted by the Regulations of Pennsylvania Department of Protection and this Ordinance and attended and controlled at all times.
- H. All Fuel, grease, oil, batteries, broken glass, anti-freeze, coolant, refrigerant, or other materials considered toxic or hazardous to flora, fauna, or the environment drained or removed from any junked motor vehicles or other junk, shall be removed from incoming junk with two (2) business days and stored in one (1) area of the licensed premises in containers sited and approved by Pennsylvania Department of Protection and such stored material shall be removed and disposed of in a timely manner in accordance with regulations of the same agency.

- I. No junk yard shall operate between the hours of 10:00 pm and 6:00 a.m. except to remove wrecked motor vehicles from the public right-of-way. When open during business hours an adult attendant shall remain on junk yard premises at all times.
- J. All grass and/or weeds on any junk yard shall be kept mowed.
- K. No garbage or organic waste shall be permitted to be stored in any junk yard. Paper, rags, plastic materials and other recoverable or recyclable material shall not be stored outside and shall not be accumulated or remain in any junk yard premises for more than sixty (60) days.
- L. All junk yards shall at all times be maintained in such a manner so as not to cause public or private nuisance, nor to cause any menace to the health, safety, welfare or environment of any persons off the premises, nor cause any excessive, offensive or noxious sounds, smoke, or odors, nor to cause the breeding, harboring or infesting of rats, insects, vermin or vectors, nor cause a violation of any health or sanitary law, ordinance or regulation of any governmental body.
- M. Any member of the Board of Supervisors or a duly authorized agent thereof, may at any time enter upon and inspect any premises for which there is a pending application for a junk yard license or which holds a current junk yard license.
- N. No person shall be a junk dealer or own, lease, operate or maintain a junk yard, as herein defined, within Delmar Township, without first obtaining a Township license to operate a junk yard as a junk dealer, as well as a State Salvage License.
- O. Applicant shall provide a survey specifically locating the lot area requested for use as a junkyard showing all drainage on lot and contours including percentage of slope, together with a plan clearly setting forth the location of the junk and proposed junk limits both horizontally and vertically, the location and proposed location of natural screening, buildings, vegetation, earthen features, proposed screening techniques, materials, names, sizes, and any other features as required by the Zoning Hearing Board. Applicant shall submit a duplicate copy of the screening plan furnished to the District engineer of the Pennsylvania Department of Transportation along with said survey.
- P. The entire lot area used for the storage or processing of junk shall be graded in such a manner that no water lays in areas to form pools or permanent wet spots, and the lot area shall not have a slope in excess of ten (10) percent.

SECTION 734 KENNELS

Where permitted, kennels are subject to the following criteria:

- A. Breeding kennels shall not be permitted on tracts of less than ten (10) acres. Boarding kennels may be located on tracts of two (2) acres or greater provided that such facilities are limited to not more than twenty-five (25) adult dogs. The minimum lot size for boarding kennels housing more than twenty-five (25) adult dogs must be increased by one (1) additional acre for every twenty-five (25) adult dogs or portion thereof.
- B. All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls, or runways shall be a minimum of one hundred (100) feet from all property lines.
- C. All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls, or runways shall be located within the rear yard.
- D. The Applicant shall furnish evidence of an effective means of disposal of animal wastes which shall be continuously implemented. No waste shall be stored within one hundred (100) feet of a property line.
- E. All floor surfaces of outdoor pens, stalls, or runways shall be constructed of an impervious material and shall be located within the rear yard areas of the property.
- F. All dogs shall be located indoors at night (sunset to sunrise).
- G. Off-street parking shall be provided pursuant to Article 8.
- H. The Applicant shall furnish copies of applicable State and /or Federal licenses, including renewals, to the Township.
- I. All facilities, including buildings, floors, cages, exercise runs, and all operations of the kennel, shall be in accordance with applicable State and Federal regulations, including but not limited to the Pennsylvania Dog Law, Act 225 of 1982, as amended.
- J. The Applicant shall furnish plans of the facilities to the Township, which demonstrate compliance with the above regulations.
- K. The Applicant shall allow the Township Zoning Officer and/or other authorized Township representative to inspect the kennel(s) during normal business hours on at least an annual basis. Inspections of the interior of the kennel(s) shall not occur without the authorization of the kennel owner/operator.

- L. The Applicant shall allow the Township Zoning Officer and/or other authorized Township representative access to examine any and all records pertaining to the kennel operation.
- M. Where permitted only by special exception, the Zoning Hearing Board may attach other conditions it feels are necessary to protect the inhabitants of the surrounding neighborhood.
- N. The Applicant shall meet provisions of all other applicable Township Ordinances.

SECTION 735 MEDICAL MARIJUANA FACILITIES

Where permitted, adult-related facilities are subject to the following criteria:

A. Definitions

The following words and phrases when used in this Section shall have the meaning given to them in this Section unless the context clearly indicates otherwise.

- 1. Academic Clinical Research Center – An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth pursuant to the Act.
- 2. Caregiver – The individual designated by a patient to deliver Medical Marijuana.
- 3. Certified Medical Use – The acquisition, possession, use or transportation of Medical Marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of Medical Marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the Commonwealth pursuant to the Act.
- 4. Clinical Registrant – An entity that:
 - a. Holds a permit both as a Grower/Processor and a Dispensary pursuant to the Act; and
 - b. Has a contractual relationship with an Academic Clinical Research Center under which the Academic Clinical Research Center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.
- 5. Commonwealth – Shall mean the Commonwealth of Pennsylvania.

6. Dispensary – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a current and valid permit issued by the Department of Health (“DOH”) of the Commonwealth to dispense Medical Marijuana pursuant to the provisions of the Act.
7. Dispensary Facility – Any building or structure used to dispense Medical Marijuana by a licensed Dispensary.
8. Form of Medical Marijuana – The characteristics of the Medical Marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variant and quantity or percentage of Medical Marijuana or particular active ingredient.
9. Grower/Processor – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a current and valid permit from the DOH to grow and process Medical Marijuana in the Commonwealth, pursuant to the provisions of the Act.
10. Grower/Processor Facility – Any building or structure used to grow Medical Marijuana by a licensed Grower/Processor that has a current and valid license from the DOH pursuant to the Act.
11. Medical Marijuana – Marijuana for certified medical use as legally permitted by the Commonwealth and the provisions of the Act.
12. Medical Marijuana Facility – A Dispensary Facility or a Grower/Processor Facility.
13. Medical Marijuana Delivery Vehicle Office - Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more Grower/Processor Facilities and/or Dispensary Facilities.
14. Pennsylvania “Medical Marijuana Act” - PA Act 16, 2016; the “Act”.
15. Registry – The registry established by the DOH for all Medical Marijuana organizations and practitioners in the Commonwealth pursuant to the provisions of the Act.”

B. Permitted Uses

1. Academic Clinical Research Center
2. Grower/Processor Facility

3. Medical Marijuana Delivery Vehicle Office
4. Dispensary Facility

C. Criteria

1. Academic Clinical Research Center
 - a. Parking requirements will follow the parking regulations found in Article 8 of this Ordinance. Off-Street Parking Regulations shall utilize those listed for colleges, universities, technical or fine arts schools, and post- secondary schools as appropriate.
 - b. An Academic Clinical Research Center may only grow Medical Marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The portions of the Academic Clinical Research Center where the Medical Marijuana is grown shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
 - c. All external lighting serving an Academic Clinical Research Center must be shielded in such a manner not to allow light to be emitted skyward or onto adjoining properties.
 - d. A buffer planting is required where an Academic Clinical Research Center adjoins a residential use or district, pursuant to Article 6 of this Ordinance.
 - e. Any and all other provisions contained in the Act affecting the construction, use and operation of an Academic Clinical Research Center.
 - f. The Academic Clinical Research Center shall require a Site Plan review and approval if it is utilizing an existing facility and Land Development review and approval if a new facility is being built and utilized.
2. Grower/Processor Facility
 - a. A Grower/Processor Facility which grows Medical Marijuana must be owned and operated by a Grower/Processor legally registered with the Commonwealth and possess a current and valid Medical Marijuana Permit from DOH pursuant to the Act.

- b. A Grower/Processor Facility which grows Medical Marijuana can only do so in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The Grower/Processor Facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- c. The maximum floor area of Grower/Processor Facility shall be limited to 20,000 square feet, of which sufficient space must be set aside for secure storage of marijuana seeds, related finished product, and marijuana related materials used in production or for required laboratory testing.
- d. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any Grower/Processor Facility where Medical Marijuana growing, processing or testing occurs.
- e. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH policy or policies and shall not be placed within any unsecure exterior refuse containers.
- f. The Grower/Processor Facility shall provide only wholesale products to other Medical Marijuana Facilities. Retail sales and dispensing of Medical Marijuana and related products is specifically prohibited at the Grower/Processor Facility.
- g. A Grower/Processor Facility may not be located within 1,000 feet of the property line of a public, private, or parochial school or day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located.
- h. All external lighting serving a Grower/Processor Facility must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- i. Parking requirements will follow the parking regulations found in Article 8 of this Zoning Ordinance.
- j. A buffer planting is required where Grower/Processor Facility adjoins a residential use or district in accordance with Article 6 of this Ordinance.

- k. Entrances and driveways to a Grower/Processor Facility must be designed to accommodate the anticipated vehicles used to service the facility.
- l. The Grower/Processor Facility shall require a Site Plan review and approval if it is utilizing an existing facility and Land Development review and approval if a new facility is being built and utilized pursuant to the provisions of the Township of Hanover Ordinances.
- m. Any and all other provisions contained in the Act affecting the construction, use and operation of a Grower/Processor Facility.
- n. Any Medical Marijuana Facility lawfully operating pursuant to the Act shall not be considered in violation of these provisions by the subsequent location of a public, private or parochial school or day care center.

3. Medical Marijuana Delivery Vehicle Office

- a. A traffic impact study is required where the office is to be located and operated.
- b. Parking requirements will follow the parking schedule found in Article 8 of this Ordinance.
- c. All external lighting serving a Medical Marijuana Delivery Vehicle Office must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- d. A buffer planting is required where Medical Marijuana Delivery Vehicle Office adjoins a residential use.
- e. Entrances and driveways to a Medical Marijuana Delivery Vehicle Office must be designed to accommodate the anticipated vehicles used to enter and exit the premises.
- f. The Medical Marijuana Delivery Vehicle Office shall require a Site Plan review and approval if it is utilizing an existing facility and Land Development review and approval if a new facility is being built and utilized pursuant to the Township of Hanover Ordinances.
- g. If for some reason a Medical Marijuana product is to be temporarily stored at a Medical Marijuana Delivery Vehicle Office, the office must be secured to the same level as a Grower/Producer Facility and Dispensary Facility.

- h. Any and all other provisions contained in the Act affecting the construction, use and operation of a Medical Marijuana Delivery Vehicle Office.

4. Dispensary Facility

- a. A Dispensary Facility must be owned and operated by a legally registered Dispensary in the Commonwealth and possess a current and valid Medical Marijuana permit from the DOH pursuant to the Act.
- b. A Dispensary Facility may only dispense Medical Marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- c. A Dispensary Facility may not operate on the same site that a Grower/Processor Facility is located.
- d. A Dispensary Facility shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of Medical Marijuana and unauthorized entrance into areas containing Medical Marijuana, all of which shall be in accordance with the Act.
- e. Permitted hours of operation of a Dispensary Facility shall be 8 AM to 8 PM [of the same calendar day].
- f. A Dispensary Facility shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of Medical Marijuana and shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area of the Dispensary Facility.
- g. A Dispensary Facility shall:
 - (1) Not have a drive-through service;
 - (2) Not have outdoor seating areas;
 - (3) Not have outdoor vending machines;
 - (4) Prohibit the administering of, or the consumption of Medical Marijuana on the premises; and
 - (5) Not offer direct or home delivery service.

- h. A Dispensary Facility may dispense only Medical Marijuana to certified patients and caregivers as set forth in the Act and shall comply with all lawful, applicable health regulations, including those of DOH.
- i. A Dispensary Facility may not be located within 1,000 feet of a property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
- j. A Dispensary Facility shall be a minimum distance of 1,000 feet from the next nearest Medical Marijuana Facility. This does not include complimenting or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation distance does not apply to the distance between the Grower/Processor Facility or Academic Clinical Research Centers and the specific Dispensary Facility they serve, or with which they partner.
- k. Any Medical Marijuana Facility lawfully operating pursuant to the Act shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or day-care center.
- l. All external lighting serving Dispensary Facility must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- m. Parking requirements will follow the parking schedule found in Article 8 of this Ordinance. Off-Street Parking Regulations shall utilize those listed for medical and dental offices including outpatient clinics.
- n. A buffer planting is required where a Dispensary Facility adjoins a residential use or district pursuant to Article 6 of this Ordinance
- o. Entrances and driveways to a Dispensary Facility must be designed to accommodate the anticipated vehicles used to service the facility.

- p. The Dispensary Facility shall require a Site Plan review and approval if it is utilizing an existing facility and a Land Development review and approval if a new facility is being built and utilized pursuant to the Township of Hanover Ordinances.
- q. Any and all other provisions contained in the Act affecting the construction, use and operation of a Dispensary Facility.

SECTION 736 MINI-WAREHOUSES

Where permitted, mini-warehouses are subject to the following criteria:

- A. Off-street parking spaces shall be provided according to the schedule listed in Article 8 of this Ordinance.
- B. Parking shall be provided by parking/driving lanes adjacent to the buildings. The lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only, and at least thirty (30) feet wide when cubicles open onto both sides of the lane.
- C. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage areas may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage areas are located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.
- D. All dead storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive, or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above.
- E. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture on the site is prohibited.
- F. No door openings for any mini-warehouse storage unit shall be constructed facing any residentially-zoned property.
- G. Mini-warehouses shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site:
 1. Commercial wholesale or retail sales, or garage sales.
 2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.

3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
4. The establishment of a transfer and storage business.
5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

The Applicant shall adequately demonstrate that all mini-warehouses rental and/or use contracts shall specifically prohibit these uses.

SECTION 737 MULTI-FAMILY DWELLINGS

All types of multi-family dwellings shall require the approval of the Planning Commission and a Special Exception Hearing by the Zoning Hearing Board

- A. Courts for multi-family dwellings; An open space in the form of an inner court or outer court shall be provided in connection with any building in any residential or Agricultural/residential district wherever any room therein which a person or persons live, sleep, or congregate, cannot be adequately lighted or ventilated. Such court shall be adjacent to such room, the windows of which shall open in such court. 1. an outer court shall have a minimum width of fifteen (15) feet and minimum depth of twelve (12) feet, excluding balconies, if present. 2. As inner court shall have a minimum width of twenty (20) feet and a minimum depth of twenty (20) feet, excluding balconies if present. An open and unobstructed passageway shall be provided for each inner court. Such passage way shall be of sufficient size for firefighting equipment and shall have access to a street.
- B. The minimum beginning lot size and minimum beginning yard size for all multi-family dwellings shall be the same as for single family dwellings, exclusive of sewage and water facilities which shall be in addition to. No accessory buildings, structures, or parking areas may be placed within the minimum yard area, and these minimum yard areas shall be maintained regardless of eventual dwelling size.
- C. Multi-family dwellings shall not exceed thirty-five (35) feet in height unless minimum yard area is increased two (2) feet for each one (1) foot in additional height and then is limited to a maximum of fifty (50) feet in height.
- D. After the beginning minimum lot size, multi-family dwellings may use additional acreage on a basis of fifty (50) percent maximum coverage. Coverage shall include all buildings, structures, parking areas, and all areas covered by impervious materials.
- E. All multi-family dwellings shall provide a minimum of six hundred (600) square feet of living space for each unit to be used by more than two (2) persons.

- F. A one (1) bedroom unit for use by one (1) or two (2) persons only shall provide a minimum of five-hundred (500) square feet of living space for each such unit.
- G. A unit designed without a bedroom and for the use of only one (1) person shall provide a minimum of four-hundred (400) square feet of living space for each such unit.
- H. All multi-family dwellings shall provide the following:
 - 1. A kitchen area and a bathroom with bathtub and/or shower stall, within each dwelling unit.
 - 2. Parking area at front, side or rear of building, and not in required yard space, containing two (2) parking spaces for each dwelling unit within building plus one (1) parking space for each employee on the largest shift, plus two (2) parking spaces for every ten (10) units or part thereof for visitors.
 - 3. A minimum clear yard buffer zone of fifty (50) feet between all dwellings located on the same lot shall be maintained. The buffer zone between adjacent dwellings on the same lot may be used for recreation or play areas for residents of the dwellings.
 - 4. All accessory buildings or structures proposed to be placed on lot after initial building permit has been issued shall require a special exception hearing by the Zoning Hearing Board.

SECTION 738 NATURAL GAS COMPRESSORS

The intent of this section is in no way to be misconstrued to regulate the oil & gas industry. Delmar Township, in adopting this section, is primarily protecting adjoining landowners and the community from the noise, light and industrial activity in rural areas. Our intent is to minimize the impacts of Natural Gas Compressor Stations on the county's physical and social environments and to promote the development of the county in conformity with officially adopted regional, county and local municipal plans and policies.

- A. General Standards – Site plans for all Natural Gas Compressor Stations shall be submitted as a Land Development plan and shall comply with the following standards as well as all other applicable provisions of this Ordinance and state regulations.
- B. Location Requirements – The facilities shall comply with the following location requirements:

1. Building – All compressors and equipment, other than condensation tanks, dehydrators and other non-rotating mechanical support equipment, shall be located within a fully enclosed building with soundproofing and blow down silencers and mufflers at a minimum. Cooler fans may be exposed to the outside if noise requirements can be met otherwise.
2. Compressor Station – (this work shall be done by a registered professional engineer). Audible sound from a Natural Gas Compressor Station shall not exceed a noise standard of 60dbA at the nearest property line or the applicable standard imposed by Federal law, whichever is less, as measured at the exterior of any occupied building on a non-participating landowner's property

The Applicant and/or operator shall be responsible for establishing and certifying to the Planning Commission the required decibel level prior to approval of the land development.

3. Setbacks – All compressor station equipment shall maintain the following setback distances:
 - a. Property lines, Road Rights-of-Way – 200 feet from adjoining properties and public road rights-of-way
 - b. Residential Structures or Other Occupied Buildings – 750 feet from any existing residential structure not located on the project parcel or any school, church, hospital or other occupied building.
 - c. Water Bodies – 200 feet to any body of water, perennial or intermittent stream or wetland.
4. Buffer
 - a. An area of not less than 50 feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer. The buffer shall not be used for parking, storage or any other purpose except landscaping, crossing of access roads or required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Planning Commission shall take into consideration the design of the project structure(s) and site topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
 - b. Any required landscaping buffer may be installed in the setback area and shall consist of trees, shrubbery and other vegetation in and shall be a minimum of 25 feet in width.

- c. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land development in this Ordinance.
- 5. Fencing – The Compressor Station site shall be enclosed by a minimum 8-foot-high security fence.
- C. Local, State and Federal Regulations – all operators shall comply with all local, state and federal laws and rules and regulations.

SECTION 739 NONCOMMERCIAL KEEPING OF HORSES

The following standards shall apply for the keeping of horses and related equine animals, where permitted. However, these standards shall not be interpreted as applying to animal hospitals, veterinary clinics, kennels, riding clubs or stables, or normal farming operations.

- A. The minimum lot area required for the keeping of one (1) horse shall be five (5) acres. This minimum lot area shall be increased by one (1) additional acre for each additional horse kept.
- B. Maintaining horses shall be on a non-commercial basis and be strictly as an incidental or accessory use.
- C. The area within which horses are kept shall be enclosed by a fence designed for containment.
- D. No building, corral, or stable shall be closer than one hundred (100) feet to the nearest dwelling other than that of the owner, nor within fifty (50) feet of any property line. Any pasture fence shall be located a minimum distance of ten (10) feet from the property line of an adjacent parcel in residential use.
- E. The owner of the horse(s) shall provide suitable shelter for the animal(s), shall exercise suitable control over the animal(s), and shall not allow a nuisance condition to be created in terms of excessive noise, odor or soil erosion.
- F. The minimum lot area requirements of Section 739 A. may be modified only by a special exception granted by the Zoning Hearing Board.

SECTION 740 NONCOMMERCIAL KEEPING OF LIVESTOCK

Where permitted, noncommercial keeping of livestock is subject to the following criteria:

- A. Minimum lot area – Two (2) acres.

- B. The following lists minimum setbacks imposed upon the placement of any structure used to house noncommercial livestock:
 - 1. Fifty (50) feet from all property lines.
 - 2. One hundred (100) feet from the nearest dwelling other than that of the owner or occupant of the property on which the livestock is kept.
- C. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.
- D. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals; such fencing must be set back at least ten (10) feet from the property line of an adjacent parcel in residential use.
- E. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

SECTION 741 PET SHOPS

- A. Pet Shops shall exist only as Special Exceptions.
- B. Shall not be located upon a nonconforming lot nor within a nonconforming building and shall meet all yard requirements.
- C. The primary use shall be the sale of small animals, fish, foul, etc., considered as pets, and the related accessories thereof.
- D. All facilities shall be within a completely enclosed building or structure and a minimum of one hundred (100) feet from any dwelling.
- E. The accumulation and storage of manure and any other odor producing substances shall not be permitted except on a daily removal basis.
- F. Adequate off-street parking shall be provided with one (1) space for each employee and one (1) space for each one-hundred (100) square feet of sales space, but no less than four (4) parking spaces.
- G. No "pets" weighing over two-hundred (200) pounds, or which are venomous or poisonous shall be kept on premises.
- H. All other business regulations of this Ordinance shall be met.

SECTION 742 PETTING ZOOS

Where permitted, petting zoos are subject to the following criteria:

- A. A minimum parcel size of 5 acres shall be required.
- B. All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
- C. The permit holder shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented, or in any manner made to suffer by any means.
- D. Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.
- E. The permit holder shall maintain the premises so as to eliminate offensive odors or excessive noise.
- F. The permit holder shall not permit any condition causing disturbance of the peace and quiet of his neighbors.
- G. Animals must be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from the premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.
- H. The operation shall conform to all applicable local, state and federal laws and regulations.
- I. Any building, corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or animal waste storage shall not be located within 125 feet of any adjoining property line and 100 feet from any public or private road right-of-way.
- J. The Applicant shall provide for adequate disposal of any waste materials generated on the premises and a detailed plan for the same shall be included with the zoning application.

Where permitted, the extraction, processing, and shipping of raw materials shall be in accordance with the following conditions.

- A. No extraction or processing shall be permitted within two hundred (200) feet of any lot line or five hundred (500) feet of any residential district.
- B. The Applicant must demonstrate compliance, and continue to comply, with all applicable State and Federal standards and regulations.
- C. A traffic impact study shall be prepared in accordance with the requirements of the Subdivision and Land Development Ordinance.
- D. All driveways onto the site must be paved for a distance of at least one hundred (100) feet from the street right-of-way line. In addition, a fifty (50) foot-long gravel section of driveway shall be placed just beyond the preceding one-hundred-foot paved section to dislodge any mud that may have become attached to a vehicle's wheel.
- E. All activities, including blasting, grading, excavation, loading, processing and transfer operations shall be continuously supervised by a qualified facility operator.
- F. Access to the site shall be controlled to prevent unauthorized activities.
- G. The Applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the Applicant shall submit documentation that the public authority will supply the water needed.
- H. Feasibility studies shall be conducted to evaluate the adequacy of the water supply to meet the needs of the proposed use.
- I. A minimum one hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site shall not be located within this landscape strip.
- J. Any processing or solid waste (including but not limited to incinerations, composting, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly-enclosed building.
- K. No material shall be deposited or stored, and no building or structure shall be located within two hundred feet (200) of any property line, and five hundred (500) feet of any land within a residential zone.

- L. The Applicant shall submit a plan demonstrating safe access to the site, control of odors, and control of blowing litter.
- M. The Applicant shall submit a plan for closing the site upon the conclusion of the operation.

SECTION 744 RETIREMENT COMMUNITIES

Where permitted, retirement facilities are subject to the following criteria:

- A. The community shall primarily serve the needs of retirement-aged persons. At least one (1) resident of each household shall be at least fifty (50) years old or possess some handicap that can be treated within a setting like the retirement community.
- B. Uses. A retirement community may include some or all of the following uses:
 1. Residential dwelling units, including:
 - a. Multiple family dwellings, including apartments.
 - b. Single family attached dwellings.
 - c. Two-family dwellings, including single-family semi-detached dwellings and two family detached dwellings.
 - d. Quadruplexes.
 2. Nursing or convalescent homes or personal care facilities.
 3. Congregate facilities where the Applicant can demonstrate to the satisfaction of the Board of Supervisors that such facilities are clearly intended for use principally by residents, staff and visitors to the retirement community, including:
 - a. Dining facilities.
 - b. Medical practices serving the general public.
 - c. Retail and services facilities.
 - d. Recreational facilities.
 - e. Worship facilities.

- f. Maintenance shops, emergency power generation facilities, and laundry and kitchen facilities solely for the use of the retirement community.
- 4. Accessory uses customarily incidental to a retirement community, provided the accessory uses are restricted to a maximum of five percent (5%) of the total gross floor area of the entire retirement community facilities, units and related building amenities.

C. Design Requirements. All retirement communities shall meet the following minimum requirements:

- 1. The minimum lot size for development as a retirement community shall be ten (10) contiguous acres.
- 2. The site shall front on and have access to a major traffic street or collector road.
- 3. The maximum permitted building height is sixty (60) feet, provided that an additional two (2) feet of required building setback shall be provided for that portion of building height exceeding thirty-five (35) feet.
- 4. Not less than thirty (30%) percent of a retirement community shall be designated as common open space. All common open space shall be designed, and arrangements made for permanent maintenance.
- 5. Not more than sixty (60%) percent of the retirement community tract shall be covered by impervious surfaces.
- 6. All buildings or structures containing nonresidential use(s), off-street parking lots and loading areas shall be set back at least seventy-five (75) feet from all adjoining residentially-zoned land, and fifty (50) feet from all lot lines of the retirement community property, whichever distance is greater.
- 7. Uses within a retirement community may be, but are not required to be, located on individual lots.
- 8. Accessory buildings shall be located in accordance with the requirements for the principal use to which they are accessory. No accessory building shall exceed fifteen (15) feet in height.
- 9. Solid waste collection stations and parking areas (excepting driveways) shall not be located within any minimum yard area.

10. All uses within the retirement community shall be provided with public water and public sewer service.
11. Sufficient exterior illumination of the parking area and drop-off sites for guests or visitors shall be provided for convenience and safety. All such illumination shall be shielded to eliminate glare on adjoining properties.
12. Off-street parking areas for residents, visitors and guests shall be located conveniently throughout the retirement community. Each off-street parking lot shall provide at least twenty percent (20%) of the total parking spaces as those designed for the physically handicapped.

D. Standards for residential units. All residential units within a retirement community shall meet the following requirements:

1. The maximum number of dwelling units within the retirement community shall not exceed ten (10) dwelling units per acre. Personal care rooms or nursing beds in a nursing or convalescent home shall not be included within the calculation of the number of dwelling units.
2. All individual structures containing residential units shall meet the following setbacks from internal access drives and individual lot lines. The setback from an access drive shall be measured from the edge of the cartway. Where residential structures do not occupy separate lots, yard areas shall be measured such that no area meeting the yard requirements for one structure shall be counted toward the yard requirement for another structure.
 - a. Front yard: Twenty (20) feet.
 - b. Side yard: Ten (10) feet.
 - c. Rear yard: Thirty (30) feet.
3. The overall length of any single facade of any structure containing a residential dwelling shall not exceed one hundred fifty (150) feet. A facade extending in a single direction shall continue to be considered a single facade where not articulated or broken by a change in facade direction extending at least then (10) feet perpendicularly. For purposes of facade measurement, unenclosed porches, patios, balconies, or similar protrusions shall not be considered part of the facade.
4. The maximum building height for any structure containing residential dwelling units shall not exceed forty-five (45) feet or four (4) habitable stories. Structures containing more than two habitable stories shall not be located less than one hundred (100) feet from any tract boundary.

SECTION 745 RIDING SCHOOLS AND/OR HORSE BOARDING STABLES

Where permitted, riding schools and/or horse boarding stables are subject to the following criteria:

- A. Minimum lot area – Ten (10) acres.
- B. Any structure used for the boarding of horses shall be set back at least two hundred (200) feet from any property line.
- C. All stables shall be maintained so to minimize odors perceptible at the property line.
- D. All outdoor training, show, riding, boarding, or stable areas shall be enclosed by a minimum four (4) foot-high fence, which is located no closer than one hundred (100) feet to the nearest dwelling other than that of the owner, nor within fifty (50) feet of any property line.
- E. Any pasture fence shall be located a minimum distance of ten (10) feet from the property line of an adjacent parcel in residential use.
- F. All parking compounds and unimproved overflow parking areas shall be set back at least ten (10) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties.

SECTION 746 SEASONAL RESIDENCES

Where permitted, seasonal residences are subject to the following criteria:

- A. For the purposes of this Section, seasonal residences shall be construed to mean permanent structures used only periodically during the year. Such use may include shelter during hunting and fishing seasons, private vacation and/or weekend or holiday uses, or other similar periodic visits at any time of the year.
- B. Every lot to be utilized for such use shall meet the minimum area and yard requirements set forth in Article 5.
- C. Every seasonal residence shall be provided with adequate sewage disposal and water supply systems subject to the applicable rules and regulations of the Pennsylvania Department of Environmental Protection. Satisfactory evidence that all necessary permits of this type have been obtained shall be submitted as a part of an application for such a use.

- D. A seasonal residence shall not be converted to a permanent, full-time dwelling unit unless the same shall conform to all applicable Township codes and ordinances. Where seasonal residences are proposed for conversion to full-time occupancy, all foundation and gross floor area requirements contained in this Ordinance must be met and adequate sewage and water supply systems must be provided.
- E. Where such uses are proposed to be in a Floodplain District, all requirements of the Delmar Township Floodplain Management Ordinance No. 85 shall be met.
- F. No more than one seasonal residence shall be erected on an individual lot.
- G. No buses, trucks, or recreational vehicles are permitted as seasonal residences.

SECTION 747 SOLAR FARMS

Where permitted, solar farms are subject to the following criteria:

- A. General Requirements
 - 1. The minimum net lot area required to install a solar farm shall be five (5) acres.
 - 2. Solar farms shall be enclosed by perimeter fencing at a height of eight (8.0) feet to restrict unauthorized access.
 - 3. Any on-site electric lines shall, to the maximum extent practicable, be placed underground.
 - 4. The solar farm shall be screened from the view of persons on any adjacent land which is currently used for residential purposes.
 - 5. Solar farms shall adhere to all yard dimension, impervious coverage, and building coverage and height requirements of the district in which they are located. All individual solar energy collectors and connecting equipment in a solar array shall be subject to the setback requirements for a principal structure in that district and shall have a maximum height of fifteen (15) feet. Any buildings on the property shall be treated as accessory structures.
 - 6. Solar farms may be proposed as the principal use of a property, or in addition to an existing use already on a property, but the requirements herein shall apply in full to the portion of the property dedicated to use as a solar farm.

7. It shall be the responsibility of the property owner or facility owner or operator to secure any easements or restrictive covenants necessary to protect the skyspace affecting the solar farm. Such an agreement shall be negotiated between owners of affected properties but is not a requirement for any Township permits or approvals for the solar farm.
8. Solar farms and all equipment and facilities thereon shall be maintained in a safe manner. Broken glass or other potentially hazardous conditions shall be promptly repaired.
9. Warning signs shall be placed at the base of any pad-mounted transformers or electrical conducting apparatus on the site.

B. Plan Requirements

A land development plan shall be required to be submitted and reviewed by the Township in accordance with the Township Subdivision and Land Development Ordinance. In addition to the requirements of the Subdivision and Land Development Ordinance, the land development application shall include the following:

1. A narrative description of the project.
2. A descriptive plot plan including setbacks, property lines, road rights-of-way, dimensions and structural details for all solar arrays, and locations of buildings, access roads, solar arrays, and all electrical lines and off-site connection points.
3. An operations agreement which shall set forth operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures, and general safety documentation.
4. Evidence of approval by the electric company or other entity receiving the energy collected from the solar farm that it will accept connection from the solar farm and that it approves of the design plans for the project.
5. An affidavit or evidence of agreement between lot owner and the facility owner or operator, if not the same person or entity, confirming that the facility owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar farm.
6. Evidence of any required permits or licenses from state or federal agencies.
7. A decommissioning plan including provisions for the removal of all structures and foundations and the restoration of soil and vegetation.

8. Any other relevant studies, report, certificates and approvals as may be reasonably requested by Richmond Township based on the unique character of the development.

C. Discontinued Use/Decommissioning

The facility owner or operator shall, at its expense, complete decommissioning of the solar farm within six (6) months after the end of the useful life of the facility. The solar farm 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. Decommissioning shall include removal of solar arrays, support equipment, buildings, electrical components and lines, roads, foundations to a depth of 36 inches, and any other associated facilities. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing and the supervisors approve that the access roads or other land surface areas not be restored.

An estimate for the total cost of decommissioning (Decommissioning Costs) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (Net Decommissioning Costs) shall be submitted to the Township for review and approval after the first year of operation and every fifth year thereafter. The facility owner or operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than twenty-five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township. If the facility owner or operator fails to complete decommissioning within the required period, then the landowner shall within six (6) months complete decommissioning.

If neither the facility owner or operator, nor the landowner complete decommissioning within the required periods, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan. To the extent the Township incurs costs to rightfully perform any act in furtherance of decommissioning, it shall submit documentation of such costs to the escrow agent, and the escrow agent shall release sufficient escrow funds to the Township to cover such costs. The escrow agent shall release any remaining Decommissioning Funds to the facility

owner or operator when the facility owner or operator has demonstrated, and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

SECTION 748 SOLID WASTE PROCESSING AND/OR DISPOSAL FACILITIES

Facilities for the disposal of municipal, residual, utility, or any and all other solid waste, as permitted by Special Exception shall in addition to all of the requirements of this Ordinance, be subject to the following:

- A. Such municipal, residual, utility, or any and all other solid waste disposal facility, whether a landfill, incinerator, resource recovery, ash disposal, or any other systems, shall be owned and operated only in accordance with the requirements of the Pennsylvania Solid Waste Management Act, as amended, supplemented or revised.
- B. Such facility shall provide for the disposal only as defined in the Pennsylvania Solid Waste Management Act, as amended, supplemented or revised, and this Ordinance whichever is the more restrictive.
- C. No material shall be placed above the natural ground level and the entire site shall be graded so as to provide for gradient flow of water to the water treatment facility and in such a way as to provide for eventual encapsulation with material of up to fifteen (15) feet in depth over entire site area used for burial and maintain gradient flow of water from encapsulated site to water treatment facility. No incinerator, resource recovery, storage, solid waste facility or appurtenant structure or the solid waste itself, shall be located, either temporarily or permanently, within one-thousand (1000) feet of the property line of any adjoining property or the right-of-way line of any public highway, road or street, and fifteen-hundred (1500) feet from any dwelling, church, school, or any other building used for human occupancy, at any time or from time to time, except that one (1) dwelling for an on-site full time operator or watchman may be located closer to dump site subject to normal dwelling requirements of this ordinance.
- D. The perimeter of a solid waste disposal site, incinerator, resource recovery site or other waste disposal facility, shall be enclosed with a six (6) foot in height or greater chain link fence or other similar structure adequate to contain wind-blown material of the type being processed on the lot, and to secure the site against intrusion by unauthorized persons. The fence shall be completed before any excavation of the site shall begin. The entire fence perimeter shall be screen planted with evergreen shrubbery or trees, four (4) feet or greater in height which will attain a height of eight (8) feet within three (3) years.

- E. A five (5) foot in height or greater gate of the same design as the fence shall be maintained at all access points and shall be closed and locked when facility is not open for business.
- F. Direct access to the site shall be available from Routes 6 or 287. An irrevocable performance guarantee of one-hundred and ten (110) percent of the bid amount shall be required from the owner/operator by Delmar Township for all access roads to the site from the two above named highways. If site uses an established public right-of-way then the access road shall be upgraded to the standards of routes 6 or 287 whichever access is from. If a new right-of-way is built, then it shall be built to the necessary standards to handle the type and volume of estimated traffic plus twenty-five (25) percent, and shall meet all Delmar Township, Tioga County, and State of Pennsylvania road standards. One-hundred (100) percent of performance guarantee shall be returned to owner/operator upon satisfactory completion of road by owner/operator and ten (10) percent shall be retained for eighteen (18) months to assure durability of work. If the road from Routes 6 or 287 to the site is not surfaced with a dust proof stabilizing material, provisions shall be made for dust control, at the expense of the operator, throughout the life of the facility located on the site.
- G. If an incinerator, resource recovery, or other waste disposal or processing facility requiring temporary storage, all storage shall be within a fully enclosed building and no outside storage shall be permitted at any time.
- H. Delmar Township reserves the right to hire, at the expense of the site owner, a qualified engineer, geologist/hydrologist, or other qualified specialists to assure the entire site and access road, is being constructed, operated and/or closed in such a manner to protect Delmar Township from present or future expense and/or liability and that the health, safety, welfare, water, air, and the environment of her residents are being protected for the present and the future.
- I. Delmar Township shall require, in advance of site construction approval, an irrevocable bonding arrangement for a water treatment facility with capacity to handle total-site runoff at the one hundred (100) year flood rate, plus any and all leachate from the material buried on site. Bond shall cover one hundred (100) percent of total construction and total estimated operating expense for the operating life of facility and shall be separate from bond required for facility upon and after closing and shall include a reasonable inflation and natural disaster contingency cost factor.
- J. In an effort to preserve the water table, underground aquifers, environment, quality of life, and the Pine Creek Watershed, Delmar Township shall require, in advance of site construction approval, an irrevocable bonding arrangement for the eventual closing and encapsulation of the site and the treatment of liquid, airborne, radiated, or underground discharge from the site for the estimated toxic, hazardous, radiating, or polluting life of the material deposited at the site. The bonded amount

shall be for one hundred (100) percent of total estimated cost plus a reasonably calculated inflation factor plus a contingency cost factor for any disruption of the site by surface subsidence, natural forces or disasters.

- K. The development plan for the site shall address and comply with all requirements of the Delmar Township Zoning Ordinance and the Subdivision and Land Development Ordinance and all other applicable Ordinances and Resolutions to the extent that the same shall not have been individually legally pre-empted at time of and by each individual application by regulation of the solid waste management act of the Pennsylvania Department of Protection.
- L. The entire site area shall be core drilled to solid rock plus the first twenty (20) feet of the rock shall be core drilled and lab tested for porosity and percolation rate, also each test hole shall be drilled an additional one-hundred (100) feet to verify density and consistency of solid rock and to check for natural or manmade cavities. The drilling grid shall be laid out so everyone-thousand (1000) square feet or less has a drilled test hole. The core sample and the additional one-hundred (100) feed shall be systematically logged every six (6) inches for the core drilling and every two (2) feet for the balance of test hole. These test hole logs shall be made available to Delmar Township at the same time they are available to permit Applicant. A system of wells around the site perimeter shall be drilled to ground water level but not less than two-hundred (200) feet or when a water flow rate of ten (10) gallons per minute is reached whichever comes first. Wells shall be located as close together as is deemed necessary at the time and site location but shall not be less than one-thousand (1000) feet apart. Two (2) wells shall be located at the lowest elevation of the site and as far below the waste water treatment plant as possible on the site. All water used on the site shall come from these two wells. All wells shall have a sample taken from them every thirty (30) days or less and tested at an independent off-site lab and a copy of the results shall be made available to Delmar township at the same time results are available to the tested facility. Testing shall begin immediately following insertion of a six (6) inch or larger casing and shall continue through the operating period of the site and through the entire active period of the material buried there to establish a historical record of before, during and after. A procedural program to assure the continued testing of these wells following closing and encapsulation of the facility and throughout the active life of the material buried there along with irrevocable funding assurances shall be put in place before the initial building permit to begin construction of the site shall be granted. Test holes not cased and used as ongoing test wells shall be pressure filled from bottom to top with good quality cement of a type normally used to plug wells.
- M. No use or occupancy permit shall be issued for a solid waste, incinerator, resource recovery, or other related waste disposal or processing facility until the operator shall have submitted to the Board of Supervisors proof in writing that the facility complies with all-regulations of the Pennsylvania Department of Protection and has been permitted in writing by said agency, and that all gas, electric, product

transmission lines, and all other utilities or rights-of-way have been removed from the entire site, except those necessary to operate the facility.

- N. Operating hours of the permitted and open site shall be no earlier than 6:00 a.m., and no later than 9:00 p.m., daily, and closed from 9:00 p.m., Saturday night until 6:00 a.m., Monday morning. There shall be no exceptions allowed.
- O. From the time the site is opened for business until the time it is closed and encapsulated the operator and/or owner shall provide for daily clean-up from the route 6 or 287 access point to the site, and surrounding the site, of any material which has fallen from trucks or other transporting devices, and all wind-blown material along roads, on the site, or which has escaped over the fence surrounding the site. The site itself shall be kept in a clean and debris free state at all times.
- P. The entire burial area plus an extending perimeter of fifteen (15) feet shall be lined with a liner with the best material in use for that purpose at time of application. The entire area under the liner shall be underlaid with a drainage system connected by gradient to the water treatment facility. Said liner and drainage system shall carry a separate irrevocable guarantee of total financial and environmental responsibility, individually, by the manufacturer, installing contractor, and facility operator/owner for the operating life of the site and for the projected active life of the material dumped and encapsulated on the guaranteed liner.
- Q. In addition to the above, the Delmar Township Board of Supervisors reserve the right to place additional restrictions as time, place, and circumstances warrant and the discretion to ask for a voter referendum on each application.

SECTION 749 TEMPORARY FARM EMPLOYEE HOUSING

Where permitted, temporary farm employee housing shall be subject to the following standards:

- A. For each farm, one (1) mobile home is permitted for the use of farm workers (and their families) who are employed by the owner of the farm, for such time as the employee works the land of the owner. The maximum occupancy of such temporary farm employee housing shall be eight (8) persons.
- B. All such units shall be located within the rear yard of the farm dwelling and shall further comply with all setback requirements imposed upon single-family detached dwellings.
- C. Such mobile homes shall be securely anchored to a mobile home stand. Each mobile home stand shall include properly-designed utility connections.

- D. The mobile home shall be occupied at least one hundred twenty (120) days a year by at least one person who is employed on the farm where the mobile home is located. If this condition is not satisfied, the mobile home shall be removed within one hundred twenty (120) days.
- E. The Applicant shall obtain any required land development approvals.

SECTION 750 TINY HOMES

- A. For the purposes of this Ordinance, a Tiny Home, as defined, shall only be permitted in a mobile home park.
- B. All Tiny Homes shall be subject to the same requirements as Mobile Homes, as regulated in the Delmar Township Mobile Home Park Ordinance.

SECTION 751 WIRELESS COMMUNICATIONS FACILITIES (WCF)

- A. Purpose. The purpose of this section is to establish uniform standards for the siting, design, permitting, maintenance, and use of Wireless Communications Facilities (WCF) in Delmar Township (referred to herein as the "Township"). While the Township recognizes the importance of Wireless Communications Facilities in providing high quality communications service to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions. By enacting these provisions, the Township intends to:
 1. Accommodate the need for Wireless Communications Facilities while regulating their location and number to ensure the provision of necessary services;
 2. Provide for the managed development of Wireless Communications Facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;
 3. Establish procedures for the design, siting, construction, installation, maintenance and removal of both Tower-Based and Non-Tower based Wireless Communications Facilities in the Township, including facilities both inside and outside the public rights-of-way;

4. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, and other Wireless Communications Facilities;
5. Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish, and by requiring that competing providers of wireless communications services co-locate their Non-Tower WCF and related facilities on existing towers;
6. Promote the health, safety and welfare of the Township's residents.

B. General and Specific Requirements for Non-Tower Wireless Communications Facilities

1. The following regulations shall apply to all Non-Tower WCF:
 - a. Non-Tower WCF shall be located on municipally owned poles, traffic lights, buildings and other structures. If such placement is not possible, Non-Tower WCF are subject to the restrictions and conditions prescribed below and subject to applicable permitting by the Township.
 - b. Non-conforming Wireless Support Structures. Non-Tower WCF shall be permitted to co-locate upon non-conforming Tower-Based WCF and other non-conforming structures. Co-location of WCF upon existing Tower-Based WCF is encouraged even if the Tower-Based WCF is non-conforming as to use within a zoning district.
 - c. Standard of care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Standard, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
 - d. Wind. All Non-Tower WCF structures shall be designed to withstand the effects of wind gusts of at least 100 miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments

of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended) and ASCE-7, latest edition.

- e. Aviation safety. Non-Tower WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- f. Public safety communications. Non-Tower WCF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- g. Radio frequency emissions. A Non-Tower WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- h. Removal. If use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
 - (1) All abandoned or unused Non-Tower WCFs and accessory facilities shall be removed within sixty (60) calendar days of the cessation of operations at the site unless a time extension is approved by the Township.
 - (2) If the Non-Tower WCF or accessory facility is not removed within sixty (60) calendar days of the cessation of operations at a site, or within any longer period approved by the Township, the Non-Tower WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the Non-Tower WCF.
- i. Insurance. Each Person that owns or operates a Non-Tower WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Non-Tower WCF.

- j. Indemnification. Each person that owns or operates a Non-Tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Non-Tower WCF. Each person that owns or operates a Non-Tower WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Non-Tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
- k. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
 - (1) The Non-Tower WCF shall be fully automated and unattended daily and shall be visited only for maintenance or emergency repair.
 - (2) Such maintenance shall be performed to ensure the upkeep of the facility to promote the safety and security of the Township's residents.
 - (3) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

2. The following regulations shall apply to all co-located Non-Tower WCF that do not Substantially Change the Physical Dimensions of the Wireless Support Structure to which they are attached, or otherwise fall under the Pennsylvania Wireless Broadband Collocation Act:

- a. Permit required. WCF Applicants proposing the modification of an existing Tower-Based WCF shall obtain a zoning permit from the Township. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Township in accordance with applicable permit policies and procedures.

- b. Timing of approval for applications that fall under the WBCA. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the WCF Applicant in writing of such decision. The Township shall notify the WCF Applicant as to completeness of the WCF Application within thirty (30) calendar days of receipt. The timing requirements in this section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act.
- c. Related Equipment. Ground-mounted Related Equipment greater than three (3) cubic feet shall not be located within fifty (50) feet of a lot in residential use or zoned residential.
- d. Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Non-Tower WCF or \$1,000, whichever is less.

3. The following regulations shall apply to all Non-Tower WCF that do Substantially Change the Wireless Support Structure to which they are attached, or that otherwise do not fall under the Pennsylvania Wireless Broadband Collocation Act:

- a. Prohibited on Certain Structures. No Non-Tower WCF shall be located on single-family detached residences, single-family attached residences, or any residential accessory structure.
- b. Special Exception Required. Any WCF Applicant proposing the construction of a new Non-Tower WCF, or the modification of an existing Non-Tower WCF, shall first obtain a special exception from the Township. New constructions, modifications, and replacements that fall under the WBCA shall not be subject to the special exception process. The special exception application shall demonstrate that the proposed facility complies with all applicable provisions in the Delmar Township Zoning Ordinance.
- c. Historic Buildings. No Non-Tower WCF may be located upon any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or is listed on the official historic structures and/or historic districts list

maintained by the Township or has been designated by the Township to be of historical significance.

- d. **Retention of Experts.** The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these WCF provisions. The WCF Applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- e. **Permit Fees.** The Township may, from time to time, establish by resolution appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring and related costs.
- f. **Development Regulations.** Non-Tower WCF shall be co-located on existing Wireless Support Structures, such as existing buildings or Tower-Based WCF, subject to the following conditions:
 - (1) The total height of any Wireless Support Structure and mounted WCF shall not exceed twenty (20) feet above the maximum height permitted in the underlying zoning district, unless the WCF Applicant applies for, and subsequently obtains, a variance.
 - (2) In accordance with industry standards, all Non-Tower WCF Applicants must submit documentation to the Township justifying the total height of the Non-Tower WCF. Such documentation shall be analyzed in the context of such justification on an individual basis.
 - (3) If the WCF Applicant proposes to locate the Related Equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district, and landscaping shall be required to screen as much of the equipment building as possible. An evergreen screen shall surround the site. The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.
- g. A security fence with a minimum height of six (6) feet and a maximum height of eight (8) feet, with openings no greater than

nine (9) inches, shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

h. Non-commercial usage exemption. Township residents utilizing satellite dishes and antennae for maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this section but shall be subject to Section 627 of this Ordinance.

i. Design Regulations.

- (1) Non-Tower WCF shall employ Stealth Technology and be treated to match the Wireless Support Structure to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.
- (2) Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter.
- (3) Directional or panel communications antennas shall not exceed eight (8) feet in height or three (3) feet in width.
- (4) Cylinder-type antennas shall not exceed ten (10) feet in length and not exceed twelve (12) inches in diameter and shall be of a color that is identical or similar to the color of the supporting structure to make the antenna and any related accessory equipment visually unobtrusive.
- (5) Satellite and microwave dishes shall not exceed ten (10) feet in diameter. Dish antennas greater than three (3) feet in diameter shall be screened with an appropriate architectural treatment that is compatible with or integral to the architecture or building to which they are attached. This screening requirement shall not apply to dishes located upon towers.

j. Removal, Replacement and Modification.

- (1) The removal and replacement of Non-Tower WCF and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or

upgrade does not Substantially Change the overall size of the WCF or the number of antennae.

(2) Any material modification to a WCF shall require notice to be provided to the Township, and possible supplemental permit approval to the original permit or authorization.

k. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

4. Regulations Applicable to all Non-Tower WCF located in the Public Rights-of-Way. In addition to the Non-Tower WCF provisions listed in Section 751 B.1. through 3., the following regulations shall apply to Non-Tower WCF located in the public rights-of-way:

a. Co-location. Non-Tower WCF in the ROW shall be co-located on existing poles, such as existing utility poles or light poles. If co-location is not technologically feasible, the WCF Applicant, with the Township's approval, shall locate its Non-Tower WCF on existing poles or freestanding structures that do not already act as Wireless Support Structures.

b. Design Requirements:

(1) WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

(2) Antenna and Related Equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

c. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or

removal of all Non-Tower WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

- d. Equipment Location. Non-Tower WCFs and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
 - (1) In no case shall ground-mounted Related Equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or within an easement extending onto a privately-owned lot;
 - (2) Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - (3) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - (4) Any graffiti on any Wireless Support Structures or any Related Equipment shall be removed at the sole expense of the owner.
 - (5) Any proposed underground vault related to Non-Tower WCF shall be reviewed and approved by the Township.
- e. Relocation or Removal of Facilities. Within sixty (60) calendar days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- (1) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
- (2) The operations of the Township or other governmental entity in the Right-of-Way;
- (3) Vacation of a street or road or the release of a utility easement; or
- (4) An Emergency as determined by the Township.

C. General and Specific Requirements for All Tower-Based Wireless Communications Facilities.

1. The following regulations shall apply to all Tower-Based Wireless Communications Facilities, excluding any Tower-Based WCF that is less than seventy (70) feet in height and owned and operated by a federally licensed amateur radio status operator.
 - a. Standard of Care. Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Standard, National Electrical Safety Code, National Electrical Code, ASCE-7, latest edition, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
 - b. Notice. Upon submission of an application for the construction or installation of a Tower-Based WCF and the scheduling of the public hearing upon the application, the WCF Applicant shall mail notice to all owners of every property within one thousand five hundred (1,500) feet of the proposed facility. The WCF Applicant shall provide proof of the notification to the Township.
 - c. Special Exception Authorization Required. Tower-Based WCF are permitted by special exception and at a height necessary to satisfy their function in the WCF Applicant's wireless communications system. No WCF Applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such

height. The WCF Applicant shall demonstrate that the antenna/tower/pole for the Tower-Based WCF is the minimum height necessary for the service area.

- (1) Prior to Zoning Hearing Board's approval of a special exception authorizing the construction and installation of Tower-Based WCF, it shall be incumbent upon the WCF Applicant for such special exception approval to prove to the reasonable satisfaction of the Zoning Hearing Board that the WCF Applicant cannot adequately extend or infill its communications system by the use of equipment such as redoers, repeaters, antenna(s) and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The WCF Applicant shall further demonstrate that the proposed Tower-Based WCF must be located where it is proposed in order to serve the WCF Applicant's service area and that no other viable alternative location exists.
- (2) The special exception application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF Applicant transmits, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.
- (3) The special exception application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all state and federal laws and regulations concerning aviation safety.
- (4) Where the Tower-Based WCF is located on a property with another principal use, the WCF Applicant shall present documentation to the Zoning Hearing Board that the owner of the property has granted an easement for the proposed WCF and that vehicular access will be provided to the facility.
- (5) The special exception application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all applicable provisions in this section.

- d. Engineer Inspection. Prior to the Township's issuance of a permit authorizing construction and erection of a Tower-Based WCF, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the special exception hearings, or at a minimum, be made as a condition attached to any approval given such that the certification be provided prior to issuance of any zoning permits.
- e. Visual Appearance and Land Use Compatibility. Tower-Based WCF shall employ Stealth Technology which may include the tower portion to be painted silver or another color approved by the Zoning Hearing Board or shall have a galvanized finish. All Tower-Based WCF and Related Equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. The Zoning Hearing Board shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.
- f. Co-location and siting. An application for a new Tower-Based WCF shall demonstrate that the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building or sited on land owned and maintained by Delmar Township. The Zoning Hearing Board may deny an application to construct a new Tower-Based WCF if the WCF Applicant has not made a good faith effort to mount the commercial communications antenna(s) on an existing structure. The WCF Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one-half (1/2) mile radius of the site proposed, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:

- (1) The proposed antenna and Related Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
- (2) The proposed antenna and Related Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
- (3) Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
- (4) A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.

g. Permit Required for Modifications. To the extent permissible under applicable state and federal law, any WCF Applicant proposing the modification of an existing Tower-Based WCF, which increases the overall height of such WCF, shall first obtain a zoning permit from the Township. Non-routine modifications shall be prohibited without such permit.

h. Gap in Coverage. A WCF Applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage or capacity exists in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of Tower-Based WCF.

i. Additional Antennae. As a condition of approval for all Tower-Based WCF, the WCF Applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennae on Tower-Based WCF where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional antennae without obtaining the prior written approval of the Township.

j. Wind. Any Tower-Based WCF structures shall be designed to withstand the effects of wind gusts of at least 100 miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments

of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222), as amended and ASCE-7, latest edition.

- k. Height. Any Tower-Based WCF shall be designed at the minimum functional height. In all Zoning Districts the maximum height of any new Tower-Based WCF shall be two hundred (200) feet. An existing tower may be modified or extended to a height not to exceed a total height of two hundred fifteen (215) feet, to accommodate the collocation of additional communications antennas.
- l. Related Equipment. Either one single-story wireless communications equipment building not exceeding 500 square feet in area or up to five metal boxes placed on a concrete pad not exceeding 10 feet by 20 feet in area housing the receiving and transmitting equipment may be located on the site for each unrelated company sharing commercial communications antenna(e) space on the Tower-Based Wireless Communications Facility.
- m. Public Safety Communications. No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- n. Maintenance. The following maintenance requirements shall apply:
 - (1) Any Tower-Based WCF shall be fully automated and unattended daily and shall be visited only for maintenance or emergency repair.
 - (2) Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the Township's residents and utilize the best available technology for preventing failures and accidents.
- o. Radio Frequency Emissions. A Tower-Based WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

- p. Historic Buildings or Districts. A Tower-Based WCF shall not be located upon a property, and/or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures and/or historic districts list maintained by the Township.
- q. Signs. All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
- r. Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township Secretary.
- s. Noise. Tower-Based WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and any applicable Township regulations, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- t. Aviation Safety. Tower-Based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- u. Retention of Experts. The Township may hire any consultant and/or expert necessary to assist the Township in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The WCF Applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- v. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such

application. All applications for Tower-Based WCFs shall be acted upon within one hundred fifty (150) calendar days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Township shall advise the WCF Applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the one hundred fifty (150) calendar day review period.

- w. Non-Conforming Uses. Non-conforming Tower-Based WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this section.
- x. Removal. If use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
 - (1) All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within one hundred eighty (180) calendar days of the cessation of operations at the site unless a time extension is approved by the Township.
 - (2) If the WCF and/or accessory facility is not removed within one hundred eighty (180) calendar days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
 - (3) Any unused portions of Tower-Based WCF, including antennae, shall be removed within one hundred eighty (180) calendar days of the time of cessation of operations. The Township must approve all replacements of portions of a Tower-Based WCF previously removed.
- y. Permit Fees. The Township may, from time to time, by resolution establish appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring, and related costs.

- z. FCC License. Each person that owns or operates a Tower-Based WCF over forty (40) feet in height shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
- aa. Insurance. Each person that owns or operates a Tower-Based WCF greater than forty (40) feet in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF forty (40) feet or less in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each Tower-Based WCF.
- bb. Indemnification. Each person that owns or operates a Tower-Based WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Tower-Based WCF. Each person that owns or operates a Tower-Based WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of Tower-Based WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
- cc. Engineer signature. All plans and drawings for a Tower-Based WCF shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
- dd. Financial security. Prior to receipt of a zoning permit for the construction or placement of a Tower-Based WCF, the WCF Applicant shall provide to the Township financial security sufficient

to guarantee the removal of the Tower-Based WCF. Said financial security shall remain in place until the Tower-Based WCF is removed.

2. The following regulations shall apply to Tower-Based Wireless Communications Facilities located outside the Public Rights-of-Way:

- a. Development Regulations.

- (1) Tower-Based WCF shall not be located in, or within seventy-five (75) feet of, an area in which utilities are primarily located underground.
 - (2) Tower-Based WCF are permitted by special exception, outside the public Rights-of-Way, subject to the prohibition in Section 751 C.2.a.(1), as well as the provisions of in Section 751 C.1.c.
 - (3) Sole use on a lot. A Tower-Based WCF shall be permitted as a sole use on a lot, provided that the underlying lot meets the minimum size specifications set forth in this Ordinance. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall equal 100% of the proposed WCF structure height.
 - (4) Combined with another use. A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
 - (a) The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the WCF.
 - (b) Minimum lot area. The minimum lot area shall comply with the requirements for the applicable district and shall be the area needed to accommodate the Tower- Based WCF and guy wires, the equipment building, security fence, and buffer planting if the proposed WCF is greater than forty (40) feet in height, as well as the area required for the other use.
 - (c) Minimum setbacks. The minimum distance between the base of a Tower-Based WCF and any

adjoining property line or street right-of-way line shall be equal to 100% of the height of the Tower-Based WCF or the minimum front yard setback of the underlying zoning district, whichever is greatest. Where the site on which a Tower-Based WCF is proposed to be located is contiguous to an educational use, child day-care facility, or agriculture or residential use, the minimum distance between the base of a Tower-Based WCF and any such adjoining uses shall equal two hundred fifty (250) feet, regardless of the height of the Tower-Based WCF, unless it is demonstrated to the reasonable satisfaction of the Zoning Hearing Board that in the event of failure the WCF is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.

b. Design Regulations.

- (1) The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.
- (2) To the extent permissible by law, any height extensions to an existing Tower-Based WCF shall require prior approval by the Township.
- (3) Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennae and comparable antennae for future users.
- (4) Any Tower-Based WCF over forty (40) feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.

c. Surrounding Environs.

- (1) The WCF Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.

(2) The WCF Applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

d. Fence/Screen.

(1) A security fence with a minimum height of six (6) feet and a maximum height of eight (8) feet, with openings no greater than nine (9) inches, shall completely surround any Tower-Based WCF greater than forty (40) feet in height, as well as guy wires, or any building housing WCF equipment.

(2) Landscaping shall be required to screen as much of a newly constructed Tower-Based WCF as possible. The Zoning Hearing Board may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of the Zoning Hearing Board, they achieve the same degree of screening. Existing vegetation shall be preserved to the maximum extent possible.

(3) An evergreen screen shall be required to surround the site. The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.

e. Accessory Equipment.

(1) Ground-mounted Related Equipment associated to, or connected with, a Tower-Based WCF shall be placed underground or screened from public view using Stealth Technologies, as described above.

(2) All Related Equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

f. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF. The access road shall be a dust-

free all-weather surface for its entire length. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.

- g. Parking. For each Tower-Based WCF greater than forty (40) feet in height, there shall be two off-street parking spaces.
- h. Inspection. Beginning on June 1 of 2020 and by June 1 of each odd numbered year thereafter, the antenna support structure shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of antenna support structures. At a minimum, this inspection shall be conducted in accordance with the tower inspection class checklist provided in the Electronics Industries Association (EIA) Standard 222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures". A copy of said inspection report shall be provided to the Township. At the time said report is provided to the Township, the Applicant shall pay a fee in the amount of \$25.00 or such other amount as the Board of Supervisors shall from time to time set forth by resolution with respect to this section.

The Township reserves the right to inspect any Tower-Based WCF to ensure compliance with this Ordinance and any other provisions found within any other Township ordinance or regulation, or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

3. The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the Public Rights-of-Way:
 - a. Location and development standards.
 - (1) Tower-Based WCF in the ROW shall not exceed forty (40) feet in height.
 - (2) Tower-Based WCF are prohibited in areas in which utilities are located underground and shall not be located in the front façade area of any structure.

- (3) Tower-Based WCF are permitted by special exception inside the public Rights-of-Way, subject to the restrictions in Section 751.C.3.a.(2).
- (4) Tower-Based WCF shall be permitted along certain collector roads and major traffic streets throughout the Township, regardless of the underlying zoning district, provided that they are not situated within fifty (50) feet of an area in which utilities are underground. A map of such permitted roads is kept on file at the Township Zoning Office and is adopted via resolution of the Board of Supervisors.

b. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

c. Equipment Location. Tower-Based WCF and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

- (1) In no case shall ground-mounted Related Equipment, walls, or landscaping be located within 18 inches of the face of the curb.
- (2) Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
- (3) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
- (4) Any graffiti on the tower or on any Related Equipment shall be removed at the sole expense of the owner
- (5) Any underground vaults related to Tower-Based WCFs shall be reviewed and approved by the Township.

d. Design regulations.

- (1) The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.
- (2) Tower-Based WCF in the public ROW shall not exceed forty (40) feet in height.
- (3) To the extent permissible under state and federal law, any height extensions to an existing Tower-Based WCF shall require prior approval of the Township and shall not increase the overall height of the Tower-Based WCF to more than forty (40) feet.
- (4) Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennae and comparable antennae for future users.

e. Relocation or Removal of Facilities. Within sixty (60) calendar days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- (1) The construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;
- (2) The operations of the Township or other governmental entity in the right-of-way;
- (3) Vacation of a street or road or the release of a utility easement; or
- (4) An emergency as determined by the Township.

f. Reimbursement for ROW Use. In addition to permit fees as described in this section, every Tower-Based WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Tower- Based WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above.

SECTION 752 AGRICULTURE (GENERAL) STANDARDS

- A. Animal Equivalent Units that are less than the amounts specified under the definition of Concentrated Animal Operations and Concentrated Animal Feeding Operations, shall be considered as General Agriculture.
- B. All areas outside of an enclosed building used for feeding or grazing of animals shall be completely fenced so that animals cannot leave the lot.
- C. All buildings and structures for the housing of livestock or poultry for general agriculture, located in all zones, shall be located not less than fifty feet (50') from the adjoining lot line. Any exhaust shall be directed away from the closest adjoining residences or commercial buildings.

SECTION 753 AGRICULTURE (INTENSIVE) STANDARDS

- A. Animal Equivalent Units that are equal to or exceed the amounts specified under definitions for Concentrated Animal Operations and Concentrated Animal Feeding Operations shall be considered as Intensive Agriculture.
- B. All buildings and structures for the housing of livestock or poultry for intensive agricultural operations in all zones, shall be located the greater of (a) the distance required by an approved odor management plan from an adjoining lot line or residence or building within which people are employed on an adjoining lot or (b) seventy-five feet (75') from all lot lines or (c) one hundred feet (100') of an adjoining residence or commercial building in which people are employed or work on an adjoining lot. Any exhaust shall be directed away from the closest adjoining residences or commercial buildings. Notwithstanding the foregoing, a setback requirement for a manure storage facility, shall be the setback imposed by the State Conservation Commission or the Tioga County Conservation District.

- C. No Intensive Agriculture building shall be built in the one hundred (100) year floodplain.
- D. Intensive Agriculture activities shall be conducted in a manner consistent with accepted agriculture best management practices, and best available technologies, as issued by the Pennsylvania Department of Agriculture, the State Conservation District, the Pennsylvania Department of Environmental Protection, Pennsylvania State University – College of Agriculture, or similar recognized entities and shall be subject to all Local, State and Federal Regulations.
- E. A Nutrient Management Plan as approved by the State Conservation Commission or a delegated Conservation District under the guidelines of the Pennsylvania Code for applicable Intensive Agriculture operations, shall be provided to the Township. If the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or other State of Federal Agency revises the requirements regarding nutrient plans, then this section shall be interpreted in accordance with the revised regulations of the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or such other agency.
- F. An Odor Management Plan developed by a Certified Odor Management Specialist, as approved by the State Conservation Commission or a delegated Conservation District under the guidelines of the Pennsylvania Code for applicable Intensive Agriculture operations, shall be provided to the Township. If the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or other State of Federal Agency revises the requirements regarding odor plans, then this section shall be interpreted in accordance with the revised regulations of the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or such other agency.
- G. The Township shall be provided with a copy of any required National Pollutant Discharge Elimination System (NPDES) Permit application submitted to the Pennsylvania Department of Environmental Protection and a copy of the NPDES Permit approved by the Pennsylvania Department of Environmental Protection.
- H. A Stormwater Management Plan shall be prepared for all proposed Intensive Agriculture uses and submitted to the Township Engineer for approval.
- I. A driveway occupancy permit shall be secured from the Township or from the Pennsylvania Department of Transportation, with a copy to the Township, to establish that access onto the Township or State roads is suitable to

accommodate the amounts and sizes of truck traffic that will be generated by the Intensive Agriculture operation.

- J. The Township Zoning Officer shall be provided with a copy of the Nutrient Management Plan Summary Information required to be submitted to the State Conservation Commission pursuant to 25 Pa. Code Section 83.281.
- K. Intensive Agriculture activities require the issuance of a Zoning Permit by the Township Zoning Officer, which shall be issued upon demonstration of compliance by the Applicant with the Intensive Agriculture Standards of this Section.

ARTICLE 8

OFF-STREET PARKING, LOADING AND ACCESS REQUIREMENTS

SECTION 801 GENERAL INTENT AND APPLICATION

It is the intent of these requirements that adequate parking and loading facilities be provided off the public roads of Delmar Township for each use of land within Delmar Township. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

SECTION 802 GENERAL REGULATIONS APPLYING TO REQUIRED OFF-STREET PARKING FACILITIES

A. Existing Parking

Structures and uses in existence at the date of adoption of this Ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structure or uses shall not in the future be reduced below such requirements.

B. Change in Requirements

Whenever there is an alteration of a structure or a change or extension of a use, which increases the parking requirements according to the standards of Section 803, the total additional parking required for the alteration, change or extension should be provided in accordance with the requirements of that section.

C. Conflict with Other Uses

No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.

D. Continuing Character of Obligation

All required facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision, except upon approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor areas, seating area, the number of employees, or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Article. Reasonable precautions shall be taken by the owner or sponsor of uses to assure the availability of required facilities to the employees or other persons whom the facilities are designed to

serve. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard, or an unreasonable impediment to traffic.

E. Parking Area Reservation

All off-street parking areas shall be reserved for automobiles and light truck parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind on residential dwelling lots. Commercial lots may park vehicles used in business on required parking spaces during non-business hours only.

F. Prohibited Uses of a Parking Lot

Parking lots shall not be used for the following:

1. The sale, display, or storage of automobiles or other merchandise, unless part of an approved vehicle sales/rental use.
2. Performing services (including services to vehicles).
3. Required off-street parking space shall not be used for loading and unloading purposes except during hours when business operations are suspended.

G. Joint Use

Two (2) or more uses may provide for the required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total by Special Exception if it can be demonstrated to the Zoning Hearing Board that the hours of days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.

H. Location of Parking Spaces

1. Required off-street parking spaces shall be on the same lot or premises with the principal use served and shall be located out of the street right-of-way.
2. Where this requirement cannot be met, parking spaces may be located on another lot within six hundred (600) feet of the lot, if the use is not residential, with the approval of the Zoning Hearing Board subject to the following:

- a. A legal document (agreement) between the landowners of the two (2) lots shall be provided to ensure the use and access for the parking lot.
 - b. A walkway (sidewalk) shall be provided between the parking lot and the building entrance of the principal use.
3. A garage or carport may be located wholly or partly inside the walls of the principal building or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located. An attached or unattached garage or carport on the premises, or that portion of the driveway not included in the public right-of-way, may be considered as parking space.

I. Parking for Single Family Dwellings

Every single-family dwelling shall be required to provide at least two (2) off-street parking spaces. Such spaces must be provided behind the street right-of-way line and may take the form of garages, carports or driveways. Additional remaining regulations contained in this section do not apply to off-street parking facilities serving one single family dwelling.

J. Maintenance of Parking Areas

For parking areas of three (3) or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, paved, and drained to the satisfaction of the Board of Supervisors to the extent necessary to prevent dust, erosion, or excessive water flow across street or adjoin property. All off-street parking spaces shall be marked to indicate their location. Failure to keep parking areas in satisfactory condition, i.e., free from holes, shall be considered a violation of this Ordinance.

SECTION 803 GENERAL PARKING REQUIREMENTS

A. Overall Requirements

Any structure or building hereafter erected, converted, altered, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with not less than the minimum spaces, as set forth below, such spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number. Whenever the existing use of a building, structure or land shall hereafter be changed to a new use, parking, access, and loading facilities shall be provided as required for such

new use. In cases of any building, structure, or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the Zoning Hearing Board, shall apply.

1. Size. All parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall be not less than ten (10) feet wide and twenty (20) feet long, a minimum of two-hundred (200) square feet per parking space. All required parking spaces shall be located within six-hundred (600) feet of the principal building. Such outdoor parking spaces shall not be deemed to be part of the open space requirements of the lot on which it is located.
2. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Section 803 B. and the regulations of this Article.
3. Uses Not Listed. Uses not specifically listed in Section 803 B. shall comply with the requirements for the most similar use listed in Section 803 B., unless the Applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
4. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the total number of required parking or unloading spaces shall be the sum of the required spaces for the various uses computed separately.
5. Wherever the off-street parking requirements refer to "employee on the largest shift", this shall be interpreted to mean the total number of employees on location at any one time.

B. Off-Street Parking Requirements

1. Residential Parking:
 - a. All residential units shall be provided with two (2) off-street parking spaces per dwelling unit.
 - b. Residential conversion units shall be provided with a minimum of one (1) parking space per dwelling unit. The required parking shall not be located between the street right-of-way line and the front building line.
 - c. Boarding or rooming houses, hotels, motels, and tourist houses. At least one (1) parking space for each guest room. If a restaurant is in connection with the above is open to the public, the off-street parking

facilities shall not be less than those required for restaurants, in addition to those required for guest rooms.

2. Commercial and Institutional Parking: Shall have a minimum of three (3) parking spaces unless otherwise stated.

- a. Theaters, auditoriums, churches, schools, stadiums, or any other place of public or private assembly. At least one (1) parking space for each three (3) seats provided for public or private assembly.
- b. Retail stores and other places for trade or business. One (1) vehicle space for each two hundred (200) square feet of floor area for public use; a minimum of three (3).
- c. Food markets and grocery stores. One (1) vehicle parking space for each one hundred (100) square feet of floor area for public use; a minimum of five (5).
- d. Restaurants, tearooms, and cafeterias including taprooms, taverns and night clubs. One (1) parking space for each fifty (50) square feet of floor area for public use.
- e. Bowling alley. Five (5) vehicle spaces for each alley.
- f. Office building. One (1) parking space for each two hundred (200) square feet of floor area, or fraction thereof; a minimum of three (3).
- g. Public garages, automobile and gasoline service stations. At least one (1) parking space for each two hundred (200) square feet of floor area, or fraction thereof, devoted to repair or service facilities, and one (1) space for each employee on the largest shift. This shall be in addition to the space allocated for the normal storage of motor vehicles. No parking shall be permitted on the public rights-of-way.
- h. Hospitals and sanitariums. At least one (1) parking space for each three (3) beds. Such spaces shall be in addition to those necessary for doctors, administrative personnel and other regular employees. One (1) parking space shall be provided for each employee on the largest shift.
- i. Other commercial buildings. At least one (1) parking space for each four hundred (400) square feet of floor area, or fraction thereof, except when otherwise authorized as a special exception consistent with the principals set forth herein for comparable buildings.

- j. Drive-in dairy and restaurants. Provisions for parking for drive-in facilities must meet with the approval of the planning commission and no parking on the public rights-of-way shall be permitted.
- k. Dance halls, roller rinks, clubs, lodges and other similar places. At least one (1) parking space for each two hundred (200) square feet of floor space.
- l. Swimming pool. At least one (1) parking space for each three (3) persons for whom facilities for dressing are provided; or at least one (1) parking space for every twelve (12) square feet of water surface, including areas for swimming, wading and diving, whichever requirement is the greater.
- m. Open areas used for commercial purposes:
 - (1) Golf driving ranges. At least one (1) parking space for each tee provided.
 - (2) Miniature golf. At least one (1) parking space for each hole provided.
 - (3) Other open areas. At least one (1) parking space for each two thousand five hundred (2,500) square feet of area or fraction thereof.
- n. Mortuaries, funeral homes and undertaking establishments. At least one (1) parking space for each one hundred (100) square feet of floor area for public use. Such space shall be in addition to: (a) employee parking needs; and (b) a service area for mobile equipment, such as hearses and ambulances.
- o. Home occupation. At least two (2) parking spaces for the resident, one (1) for each nonresident employee and two (2) for patron use.

3. Industrial parking: These regulations shall apply to industrial expansion and industrial installations erected after the effective date of this Ordinance. Off-street parking shall be provided on the premises in accordance with the following schedule:

- a. Industrial and manufacturing establishments. One (1) vehicle parking space for each two (2) employees on the combined major and next largest shift.

- b. Truck terminals and wholesale warehouses. One (1) parking space for each two (2) employees on the combined major and next largest shift.
- c. Visitors and salesmen. Space shall be provided in addition to the above parking requirements according to specific needs.

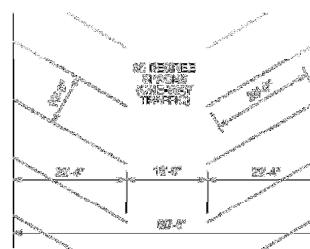
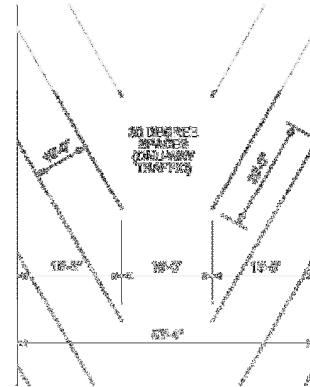
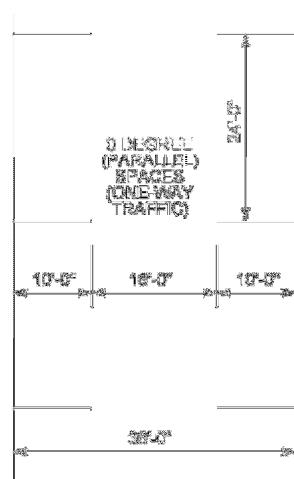
SECTION 804

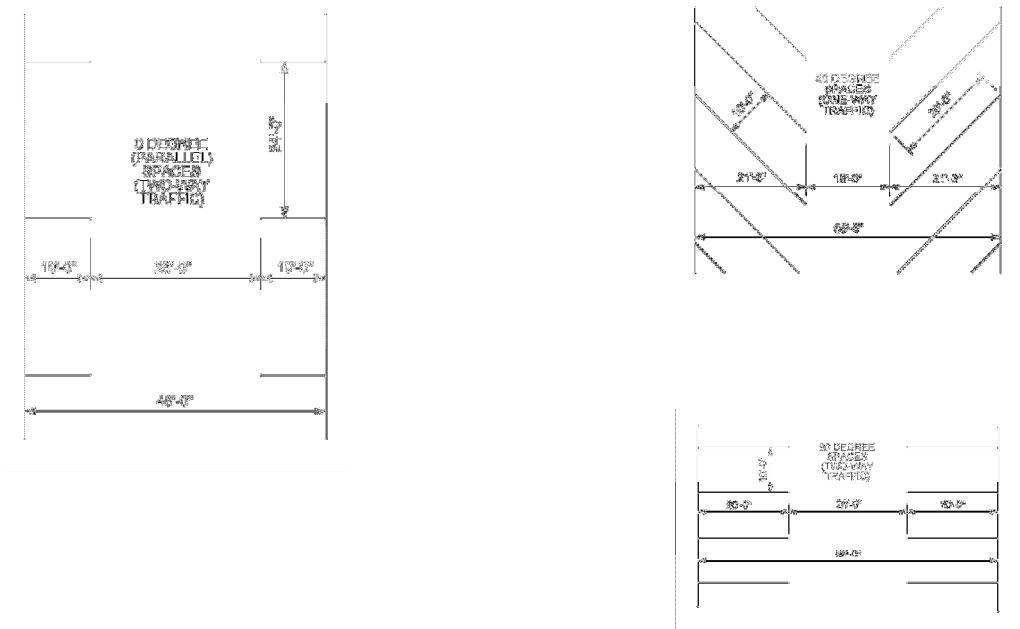
DESIGN AND LAYOUT OF OFF-STREET PARKING FACILITIES

The design standards specified below shall be required for all off-street parking facilities built after the effective date of this Ordinance.

A. Parking Space Requirements.

- 1. Parking space widths shall be at least ten (10) feet.
- 2. Parking space depths shall be at least twenty (20) feet; except for zero (0) degree (parallel) spaces where the depth shall be at least twenty-four (24) feet.
- 3. Angled parking spaces may be allowed with one-way traffic only according to the following details:





4. In no case shall parking spaces be designed to require or encourage vehicles to back onto a street to leave the space.
5. All parking spaces shall be located at least ten (10) feet from any side or rear property line, and street right-of-way line.
6. Handicapped Parking.

Handicapped accessible parking shall be provided in accordance with the requirements of the Americans with Disabilities Act, as may be amended from time to time.

Handicapped parking shall be located as near as practical to the primary entrance of the building and shall be so located that a handicapped individual is not compelled to wheel or walk behind parked cars other than those in handicapped spaces; and further provided that in all cases, said spaces shall comply with all applicable laws and/or administrative regulations of the State of Pennsylvania.

B. Aisles.

All aisles shall provide for two-way traffic to access parking spaces and shall have a width of twenty-six (26) feet. Exception: Where controlled ingress/egress, with clearly defined traffic patterns and sufficient and appropriate signage is proposed, one-way traffic is permitted with an aisle width of sixteen (16) feet. In this situation, angle/parallel parking is permitted (see detail above in Section 804 A.3.)

C. Marking of Parking Spaces and Interior Drives.

All parking lots shall be adequately marked and maintained for defining parking spaces and interior drives. As a minimum, the lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four (4) inches in width. Painted lines, arrows, and dividers shall be provided and maintained to control parking, when necessary to direct vehicular circulation. Parking areas for over thirty (30) vehicles shall be divided by permanent raised curbing that clearly defines parking spaces from designated access lanes.

1. Not less than a four (4) foot radius of curvature shall be permitted for horizontal curves in parking areas.
2. All dead-end parking lots shall be designed to provide sufficient back-up area for all end spaces.

D. Access.

There shall be adequate provision for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Where a parking or loading area does not abut on a public right-of-way, or private alley or easement of access, there shall be provided an access drive per lane of traffic not less than twelve (12) feet in width suitably graded and surfaced and not less than eighteen (18) feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder. All traffic aisle-ways separating parking spaces shall be a minimum of twenty (20) feet in width. Access to and from all off-street parking, loading, and vehicle service areas along public rights-of-way, other than residential, shall consist of well-defined separate or common entrances and exits.

1. Access to and from off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:
2. Access drives shall not open onto any public right-of-way, within eighty (80) feet of the nearest right-of-way line or any intersecting public street or highway.
3. Parking and loading area setbacks: All nonresidential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property line by a planting strip at least twenty (20) feet in depth, unless adjoining owners mutually agree to common facilities subject to greater setbacks as may be required by the Delmar Township Zoning Hearing Board.

4. Except in the case of single and two-family dwellings, the general layout shall be such that there will be no need for motorists to back over public right-of-way. Access drives or driveways in any residential area shall be a minimum of eight (8) feet and not exceed eighteen (18) feet in width at the street right-of-way line. A setback of twelve (12) feet shall exist between the parking area and the right-of-way line. The parking area and access drive shall be a minimum of three (3) feet from the adjoining property line.
5. Access drives shall not cross the street right-of-way line:
 - a. Within forty (40) feet of the street right-of-way line on an intersecting street and in no case less than then (10) feet from the point of tangency when the intersecting street lines are joined by a curve. The forty (40) feet requirement shall be a minimum and may be increased by the Zoning Hearing Board for access drives to shopping centers, other commercial, industrial, public or institutional uses. Such access drives shall be located on major streets where practical in a manner to permit safe ingress and egress.
 - b. Within five (5) feet of a fire hydrant or drain outlet.
 - c. Within forty (40) feet of an access drive on the same lot excepting in the case of where dual access drives are deemed necessary to permit safe ingress and egress. Within three (3) feet of a residential property line and within twenty (20) feet of all other property lines, unless the adjoining property owners mutually agree in a legally recorded instrument to a common access drive.
6. Access drives shall not open upon any public right-of-way where the sight distance in either direction along the public thoroughfare would be less than five-hundred (500) feet when the posted speed exceeds thirty-five (35) miles per hour; however, when the posted speed limit is thirty-five (35) miles per hour or less, the sight-distance requirement may be reduced to two-hundred-fifty (250) feet.

E. Fire Lanes and Access Roads.

1. If fire lanes are proposed, their width may not be included within the required access drive.
2. Any fire apparatus access road shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities. Fire apparatus access roads shall follow the requirements of the International Fire Code, current edition.

- F. Surfacing. All off-street parking areas shall be graded for proper drainage and shall be surfaced to provide a durable and dustless surface, such as gravel, concrete or bituminous concrete surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles.
- G. Parking area screening. All off-street parking areas which (6) feet high, and/or the provision and maintenance of contiguous evergreen shrubs, which shall be at least four (4) feet in height at the time of planting and set back at least three (3) feet from any property line.
- H. Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light and glare, away from adjoining premises and public rights-of-way. Light standards of a low silhouette type are suggested and may be erected within five (5) feet of the street right-of-way and shall not exceed ten (10) feet in height. All other light standards and fixtures shall not exceed thirty (30) feet in height and shall observe required yard setbacks as stated in this Ordinance.

SECTION 805 OFF-STREET LOADING FACILITIES

- A. Loading and unloading space.
 - 1. In addition to the off-street parking space required above, any building erected, converted or enlarged for commercial, office building, manufacturing, wholesale, hospital or similar uses, shall provide adequate off-street areas for loading and unloading of vehicles. The minimum size loading space shall be sixty (60) feet in depth, twelve (12) feet in width, with an overhead clearance of fourteen (14) feet.
 - 2. All commercial and industrial establishments shall provide loading and unloading and commercial vehicle storage space adequate for their needs. This required space will be provided in addition to established requirements for patron and employee parking.
 - 3. In no case where a building is erected, converted, or enlarged for commercial, manufacturing or business purposes shall the public rights-of-way be used for loading or unloading of materials.

- B. Surfacing.

All off-street loading facilities, including access drives, shall be constructed and maintained with a durable and dustless surface, such as gravel, concrete or bituminous concrete surface.

C. Location.

Except as provided elsewhere, a ground-level loading area may be located in any side or rear yard. No exterior portion of an off-street loading facility (including access drives) shall be located within fifty (50) feet of any land within a residential district. Where possible, off-street loading facilities shall be located on the face of a building not facing any adjoining land in a residential district.

D. Connection to Street.

Every loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four (24) feet wide for two-way travel, or eighteen (18) feet wide for one-way travel, exclusive of any parts of the curb and gutters.

E. Separation from Streets, Sidewalks, and Parking Lots.

Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots.

F. Drainage.

Off-street loading facilities (including access drives) shall be drained to prevent damage to other properties or public streets. Furthermore, all off-street loading facilities shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to access drives.

I. Lighting.

The lighting requirements of Section 804 H. shall be met when applicable.

J. Landscaping and Screening Requirements.

Unless otherwise indicated, all off-street loading facilities shall be surrounded by a fifteen (15) foot-wide landscape strip. All off-street loading facilities shall also be screened from adjoining residentially-zoned properties and/or adjoining public streets.

K. Schedule of Off-Street Loading Spaces Required.

Type of Use	Number Spaces Per	Gross Floor Area/Dwelling Units
Hospital or other institution	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Hotel, motel and similar lodging facilities	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Industry or manufacturing	None	First 2,000 square feet
	1.0	2,000 to 25,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)
Multi-family dwelling	None	Less than 100 dwelling units
	1.0	100 to 300 dwelling units
	+1.0	Each additional 200 dwelling units (or fraction)
Office building, including banks	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Retail sales and services, per store	None	First 2,000 square feet
	1.0	2,000 to 10,000 square feet
	2.0	10,000 to 40,000 square feet
	1.0	Each additional 100,000 square feet (or fraction)
Shopping Centers (integrated shopping centers, malls, and plazas) having at least 25,000 square feet.	1.0	25,000 square feet up to 100,000 square feet
	+1.0	Each additional 100,000 square feet
Theater, auditorium, bowling alley, or other recreational establishment	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Undertaking establishment or funeral parlor	None	First 3,000 square feet
	+1.0	Each additional 10,000 square feet (or fraction)
	1.0	3,000 to 5,000 square feet
Wholesale or warehousing, (except mini-warehousing)	None	First 1,500 square feet
	1.0	1,500 to 10,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)

ARTICLE 9

SIGN REGULATIONS

SECTION 901 APPLICABILITY

Signs may be erected or altered only in conformance with the standards, procedures, exemptions and other requirements of this Article and any and all other ordinances and regulations relating to signs and similar devices. Sign permits will be required for the erection or alteration of all signs unless otherwise indicated in this Article.

SECTION 902 PERMITTED SIGNS

Signs as hereafter provided are permitted:

- A. Government, memorial or historical markers or tablets.
- B. Permanent announcement signs designating professional offices and home occupations such as, but not limited to, those of a beautician, attorney, engineer, architect and seamstress - provided such signs do not exceed nine (9) square feet and are attractive and in general keeping with the general appearance of the neighborhood.
- C. Permanently illuminated signs designating the name of the occupant, the street name and house number may be attached to the surface of the structure if the letters and numbers are not more than three (3) inches in height.
- D. Permanent identification signs for public and semi-public facilities such as churches, schools, hospitals, libraries, clubs, public utilities, and other institutions - provided that the area of the sign does not exceed thirty-two (32) square feet.
- E. Permanent signs for commercial and industrial uses - provided that the area of the sign does not exceed sixty-four (64) square feet; except if allowed by Special Exception granted by the Zoning Hearing Board within one-hundred (100) feet of a right-of-way then shall not exceed thirty-two (32) square feet.
- F. Permanent street or road signs are permitted at a height of not less than seven (7) feet above the top level of the curb; they may have a reflective surface.
- G. Permanent signs indicating the private nature of a road, driveway or other premises, and signs controlling the use of private property, such as the prohibition of hunting or fishing, no trespassing, etc., not to exceed two (2) square feet.
- H. Permanent attached business signs, not exceeding thirty-two (32) square feet.

- I. Permanent billboards and outdoor advertising not to exceed two-hundred (200) square feet. These signs are only permitted by Special Exception granted by the Zoning Hearing Board. See Section 908 of this Ordinance for additional requirements.
- J. Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers. These signs are only permitted by Special Exception granted by the Zoning Hearing Board. See Section 909 of this Ordinance for additional requirements.
- K. Temporary signs advertising the sale, rental, lease, or development of real estate or property; signs indicating the location and direction of premises; provided the area of the sign does not exceed twelve (12) square feet and the sign is removed within thirty (30) days after the sign no longer serves the purpose for which it was erected.
- L. Temporary signs announcing sales, special events, products for sale, new ownership or change of use, identifying work in progress such as, financier, architect, contractors, etc., providing the area of the sign does not exceed thirty-two (32) square feet and the sign is removed within thirty (30) days past the event.
- M. Yard, garage, porch, etc., sale signs shall only be erected two (2) days prior to and during the days of the sale, shall not exceed six (6) square feet, and shall be removed within three (3) days after the last day of the sale.

SECTION 903 PROHIBITED SIGNS

The following signs are prohibited:

- A. Portable and wheeled signs.
- B. Moving and flashing signs.
- C. Neon or other gas tube illuminated signs, except when such signs are located entirely within the interior of a building.
- D. Parked vehicle signs.
- E. Roof signs.
- F. Signs that emit audible sound, odor or matter.
- G. Signs that imitate, resemble, interfere with, obstruct the view of, or can be confused with governmental signs.

- H. Signs that are placed on or attached to trees, rocks or other natural features.

SECTION 904 PERFORMANCE AND LOCATION STANDARDS FOR SIGNS

- A. Permanent signs shall be regarded as structures within the meaning of this Ordinance.
- B. Permanent signs shall be located at a minimum distance of ten (10) feet from the street or road right-of-way if no sidewalk exists and four (4) feet from the inside edge of the sidewalk, if such a sidewalk exists. These signs may have a reflective surface and may be illuminated but must be permanently shielded so there is no direct light or glare transmitted to other properties or public-rights-of-way.
- C. The bottommost part of any sign shall not exceed the height of two (2) feet above ground grade if not attached to a structure. No sign, permanent or temporary, shall be installed in the clear sight line or the clear sight triangle if it conflicts with the clear sight line and clear sight triangle requirements.
- D. In addition to the other requirements of this Section, every sign referred to herein must be constructed of durable materials; kept in repair and not allowed to become dilapidated.
- E. No signs are allowed to be located, colored, or designed so they interfere with, compete for attention with, or may be mistaken for a traffic signal.
- F. No sign shall extend into a public-right-of-way, or onto any sidewalk or other access means, unless operated by, or permitted in writing by, a duly constituted government.
- G. Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as an advertising sign and the regulations pertaining thereto shall apply.
- H. Each sign shall be removed when the circumstances leading to its erection no longer apply.
- I. Lighted signs shall be lighted with non-glaring lights, or shielded lights so there is no direct light or glare transmitted to other properties or public rights-of-way.
- J. No sign shall be of the intermittent flashing or rotating type, unless permitted as an approved Electrically Activated Changeable Sign or Electronic Reader Board/Message Center.
- K. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters.

- L. No sign shall be located so as to interfere with visibility for motorists.
- M. No sign shall be placed in such a position that it will obscure light or air from a building or which would create a traffic danger.
- N. No sign shall be erected or located as to prevent free ingress or egress from any window, door, or fire escape.
- O. No sign shall be permitted which is permanently attached to public utility poles or trees, which are within the right-of-way of the street.
- P. Nothing in these regulations shall be construed as prohibiting signs intended for viewing principally from within a building, or signs temporarily attached to the inside face of a display window, announcing sale or similar features, provided that the latter shall not occupy more than seventy-five (75) percent of the total display window area.
- Q. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments but not including any supporting frame work or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall, or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape, which encompasses all of the letters and symbols. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign; provided, however, for a double face sign if the interior angle formed by the two faces of the double face sign is less than forty-five degrees (45°) and the two faces are at no point more than three (3) feet from one another, the area of only the larger face shall be included.
- R. All permanent structure signs, such as billboards, shall comply with all state and federal regulations, and shall not be located less than five-hundred (500) feet from dwellings or each other, and shall not be located within three-hundred (300) feet of the intersection of rights-of-way.
- S. No sign shall exceed the height of thirty-five (35) feet.
- T. All permanent signs built on their own structure shall be located on a lot of adequate size to establish and maintain a front, two-sides, and a rear yard of not less than twenty (20) feet or the sign height plus five (5) feet whichever is greater. All such yards shall be covered with vegetative material, or a stabilized surface and properly maintained.
- U. All exceptions to these sign regulations shall require a Zoning Hearing Board Special Exception Hearing.

SECTION 905 SIGN REQUIRING PENNDOT PERMITS

PennDOT is required to administer the program to meet Federal Highway Administration (FHWA) regulations related to the Control of Outdoor Advertising section of the Highway Beautification Act. The regulation is governed by The Outdoor Advertising Control Act of 1971, Act No. 160 (Act 160) and Title 67, Pa. Code, Chapter 445 (Chapter 445). PennDOT is required to control outdoor advertising signs adjacent to interstate and primary highways in order to receive its full share of federal highway funds.

- A. Private Signs placed within PennDOT Right-Of-Way. Only official traffic signs can be put in the right-of-way areas. This includes signs placed on utility poles, small temporary or portable signs, and political election signs.
- B. PennDOT Sign Permits Required
 - 1. Whether a PennDOT sign permit is needed depends on whether the sign is an on-premise or off-premise sign along a primary highway or interstate.
 - 2. On-premise signs, which advertise products or services available on the property where the sign will be located, have few restrictions. They generally do not require an application or PennDOT sign permit; however, if such a sign will be located further than 50 feet from the building or parking lot or the property is along an interstate highway, other factors may need to be considered.
 - 3. Off-premise signs are those which advertise something not sold on the property where the sign will be located. These signs DO require PennDOT sign permits, and must meet size, lighting, and spacing requirements. An annual permit fee is also required.
- C. All proposed Signs in any zoning district along a state or interstate or highway shall obtain PennDOT approval and a permit, where applicable.
- D. The Applicant shall provide the Township Permit Officer a copy of PennDOT's approval of the sign placement prior to sign construction, where applicable.
- E. Related Definitions
 - 1. Interstate System - That portion of the National system of interstate and defense highways located within this Commonwealth, as officially designated, or as may hereafter be so designated, by the Secretary and approved by the United States Secretary of Transportation, under 23 U.S.C.A. § 103 (relating to highways).
 - 2. Limited Access Highway - A public highway to which owners or occupants of abutting property or the traveling public have no right of ingress or

egress to, from or across the highway, except as may be provided by the authorities responsible therefore.

3. **Primary System** - That portion of connected main highways located within this Commonwealth which now or hereafter may be designated officially by the Secretary and approved by the Secretary of Transportation of the United States under 23 U.S.C.A.
4. **Sign** - An outdoor sign, display, light, figure, painting, drawings, message, plaque, poster, billboard or other thing which is designed, intended or used to advertise or inform. The word, ""sign,"" as used in this chapter is synonymous with the phrase, ""outdoor advertising device,"" as defined in the act.

SECTION 906 SIGN PERMITS

All permanent signs of over eight (8) square feet shall require a sign permit from the Township.

A. Requirements for Signs

The following signs shall be permitted without requirement of permit for erection when erected and maintained in conformity hereto:

1. Official traffic signs.
2. Residential accessory use or name signs.
3. Temporary signs of contractors, architects, mechanics, and artisans.
4. Real estate sale-sold-rent-development signs.
5. Functional signs.
6. Signs within buildings, not visible from outdoors.

B. All other signs shall require the issuance of a permit prior to the erection, alteration or installation of the sign. All applications for sign permits shall be accompanied by scaled plans or diagrams showing the following:

1. Exact dimensions of the lot including any right-of-way lines and building upon which the sign is proposed to be erected.

2. Exact size, dimensions, and location of the said sign on the lot or building together with its type, construction, materials to be used, and the manner of installation.
3. Any other lawful information, which may be required of the Applicant by the Permit Officer.
4. Application for permit shall be made in writing to the Permit Officer and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations to an existing sign, conform to all the requirements of this Ordinance.
5. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.

SECTION 907 NONCONFORMING SIGNS

Legal Nonconforming Signs - Any sign lawfully existing or under construction on the effective date of this Ordinance, which does not conform to one or more of the provisions of this Ordinance, may be continued in operation and maintained indefinitely as a legal nonconforming sign subject to compliance with the requirements of the following two (2) sections:

- A. Maintenance and Repair of Legal Nonconforming Signs - Normal maintenance of legal nonconforming signs, including changing of copy, necessary repairs, and incidental alteration which do not extend or intensify the nonconforming features of the sign, shall be permitted. However, no alteration, enlargement or extension shall be made to a legal nonconforming sign unless the alteration, enlargement or extension will result in the elimination of the nonconforming features of the sign. If a legal nonconforming sign is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replacement value at the time, or fifty (50) percent or more of its area, the sign may not be rebuilt except in accordance with the provisions of this Article.
- B. Discontinuance of Use which Legal Nonconforming Sign Relates To - A legal nonconforming sign which advertises goods, products, services or facilities which are no longer available to the public or which directs persons to a former location where such goods, products, services, or facilities are no longer available shall lose its legal nonconforming status thirty (30) days after such goods, products, services or facilities become unavailable and shall thereafter be brought into compliance with the provisions of this Article.

SECTION 908 BILLBOARDS

Where permitted, billboards are subject to the following criteria:

- A. No billboard shall be located within one thousand (1,000) feet of another billboard.
- B. All billboards shall be a minimum of fifty (50) feet from all side and rear property lines.
- C. All billboards shall be set back at least thirty-five (35) feet from any street right-of-way lines.
- D. No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification.
- E. No billboard shall exceed an overall size of two hundred (200) square feet, nor exceed twenty-five (25) feet in height.
- F. No electronic billboard shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.
- G. Except as noted below, electronic billboards may not contain any flashing, pulsing, scrolling or moving lights, text or graphics, or any full-motion video.
- H. When approved as a Special Exception granted by the Zoning Hearing Board, electronic billboards may also contain electrically activated, patterned illusionary movement (animation) as defined in this Ordinance. As part of its approval, the Zoning Hearing Board may attach whatever conditions it deems necessary (a) to maintain the character of the neighborhood in which the sign is located and (b) to mitigate any negative impacts on neighboring properties and/or uses.
- I. Change Interval - Electronic billboards must provide a minimum change interval of at least five (5) seconds. A "change interval" is defined as the time period in which the display of an electronic billboard must remain static and during which the display may not transition to display another advertisement.
- J. Transition Interval - Electronic billboards must provide a maximum transition interval of one (1) second. The "transition interval" is defined as the time period in which the display of an electronic billboard transitions to another display.
- K. Streaming video is prohibited.

SECTION 909 ELECTRICALLY ACTIVATED CHANGEABLE SIGNS AND ELECTRONIC READER BOARDS/MESSAGE CENTERS

Where permitted, Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers are subject to the following criteria:

- A. No Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.
- B. Except as noted below, Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers may not contain any flashing, pulsing, scrolling or moving lights, text or graphics, or any full-motion video.
- C. When approved as a Special Exception granted by the Zoning Hearing Board, Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers, may also contain electrically activated, patterned illusionary movement (animation) as defined in this Ordinance. As part of its approval, the Zoning Hearing Board may attach whatever conditions it deems necessary (a) to maintain the character of the neighborhood in which the sign is located and (b) to mitigate any negative impacts on neighboring properties and/or uses.
- D. Change Interval. Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers must provide a minimum change interval of at least five (5) seconds. A “change interval” is defined as the time period in which the display of an electronic sign must remain static and during which the display may not transition to display another advertisement.
- E. Transition Interval. Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers must provide a maximum transition interval of one (1) second. The “transition interval” is defined as the time period in which the display of an electronic sign transitions to another display.
- F. On-premises Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers shall not be illuminated more than one-half hour before the time at which the premises is open to the public or more than one-half hour after the time at which the premises is closed to the public, or 11:00 p.m., whichever is earlier, unless a Special Exception to allow longer hours is granted by the Zoning Hearing Board.
- G. The changeable portion of an Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall not exceed an area of thirty-two (32) square feet, unless a Special Exception to allow a larger area is granted by the Zoning Hearing Board.

- H. The display may only be used to advertise goods and services sold on-premises, time and temperature, and public service announcements.
- I. No Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall be permitted on any residential land use.
- J. Any premises with an Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall not be permitted to have any other freestanding sign on the property.
- K. Streaming video is prohibited.

SECTION 910 DEFINITIONS

The following words and phrases when used in this Section shall have the meaning given to them in this Section unless the context clearly indicates otherwise:

ANIMATED SIGN - A sign employing actual motion or the illusion of motion.

BILLBOARD - A sign upon which advertising matter of any character is printed, posted, or lettered, whether freestanding or attached to a surface of a building or other structure. A billboard is used to advertise products, services, or businesses at a location other than the premises on which the sign is placed.

ELECTRONIC BILLBOARD – A billboard whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or it may be from an external light source designed to reflect off the changeable component display.

CHANGEABLE SIGN - A sign with the capability of content change by means of manual or remote input.

ELECTRICALLY ACTIVATED ANIMATED SIGN - An animated sign producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

- A. **Flashing** - Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle of intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also, any mode of lighting which resembles zooming, twinkling, or sparkling. For the purposes of this Ordinance, flashing will not be defined as occurring if

the cyclical period between on-off phases of illumination exceeds five (5) seconds.

B. Patterned illusionary movement - Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

ELECTRICALLY ACTIVATED CHANGEABLE SIGN - A changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. (See also "Electronic Message Sign or Center")

ELECTRONIC READER BOARD/MESSAGE CENTER - An electrically activated changeable sign whose variable message capability can be electronically programmed. A sign that contains a changing message within the copy area that remains on for a specified minimum period of time and blacks out for a specified period of time between messages. Messages contained on the sign do not travel or appear to travel in any direction.

ARTICLE 10

NONCONFORMITIES – LOTS, USES AND STRUCTURES

SECTION 1001 PURPOSE

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

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

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

SECTION 1002 APPLICABILITY

The provisions and protections of this Article 10 shall apply only to those nonconforming lots, structures and uses which legally pre-existed the applicable provisions of this Ordinance, as amended, or which are recognized by Section 1004 or Section 1013 of this Article 10. Any lot, structure or use created, constructed or established after the effective date of the original Zoning Ordinance, as amended, reenacted and replaced, which does not conform to the applicable requirements shall be considered an illegal lot, structure or use subject to the penalties prescribed by this Ordinance, and the said lot, structure or use shall not be entitled to any of the protections afforded to legal, pre-existing nonconforming lots, structures or uses.

SECTION 1003 NONCONFORMITIES BY VARIANCE

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

SECTION 1004 PERMITTED CONTINUATION

A lawful nonconforming lot, structure or use as defined by this Ordinance may be continued and may be sold and be continued by new owners, subject to the other provisions of this Ordinance. Any expansion, alteration, extension or change in a nonconformity shall only proceed in compliance with this Article.

SECTION 1005 NORMAL MAINTENANCE AND REPAIR ACTIVITIES

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

SECTION 1006 ALTERATIONS

The alteration or expansion of nonconforming structures shall be permitted only in accord with this Section 1006 and other applicable standards in this Ordinance.

- A. A nonconforming building or structure may be altered or improved within the confines of the existing buildings.
- B. A nonconforming building or structure may be altered, improved or reconstructed in excess of fifty (50) percent of the fair market value of the building or structure, but not exceeding one hundred (100) percent of the fair market value as determined by the Tioga County Assessor if approved as a Special Exception by the Zoning Hearing Board.
- C. A nonconforming building or structure may be altered to the extent necessary if such alteration is intended and will result in the building or structures conversion to a conforming use.
- D. Existing nonconforming uses and/or structures located in a floodplain or wetland shall not be expanded or enlarged.

- E. An alteration of a nonconforming structure shall require the applicable Zoning Permit.
- F. An alteration of a nonconforming structure shall comply with all setback, height, lot coverage, parking and other standards of this Ordinance and shall not result in any increased nonconformity except for an enlargement of a nonconforming use in compliance with Section 1007.
- G. A structure, which is nonconforming as to a setback requirement, shall not be permitted to be extended along the nonconforming setback line unless the Zoning Hearing Board grants a variance.
- H. In the case where a proposed alteration or expansion of a nonconforming structure will result in an increased nonconformity of setback, height, lot coverage or other area or bulk standard, a variance shall be required from the Zoning Hearing Board.

SECTION 1007 EXTENSION OR EXPANSION

A nonconforming use may be extended upon approval as a Special Exception by the Zoning Hearing Board subject to and provided the following:

- A. The extension does not encroach upon the front, side and rear yard requirements and the maximum building height requirements of this Ordinance.
- B. The extension is for the purpose of expanding the nonconforming use in existence, prior to September 19, 1977, and unchanged at the time of the adoption of this Zoning Ordinance.
- C. Such extension does not result in an increase in total floor area, or lot use area of more than twenty-five (25) percent of the original floor area or lot area.
- D. Adequate parking can be provided in conformance with this Ordinance to serve both the original plus expanded use.
- E. Such expansion does not present a threat to the health, safety, welfare, or environment of the community or its residents.
- F. All extensions of nonconforming uses into more area of a structure or onto more area of the property shall require the applicable Zoning Permit.
- G. Extensions of a nonconforming use shall be limited to the same parcel of property on which the nonconforming use is situated as said parcel existed on the effective date of this Ordinance, as amended. For any nonconforming uses not involving a structure, no new structures shall be permitted as part of an extension.

SECTION 1008 CHANGES

No nonconforming building, structure or use shall be changed to another type of nonconforming use, except as a Special Exception by the Zoning Hearing Board under the provisions of this Ordinance.

- A. Change to Conforming Use - A nonconforming use may be changed to a conforming use. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use and the new use shall not thereafter revert to a nonconforming use.
- B. Change to Another Nonconforming Use - As determined by a Special Exception by the Zoning Hearing Board and subject to the issuance of a change of use permit, a nonconforming use may be changed to another nonconforming use which is substantially of the same character, in more or equal conformity with the District, and not subject to more restrictive standards than the existing nonconforming use. Any such change shall be considered an abandonment of the prior nonconforming use and the new use shall not thereafter revert to the prior use.

SECTION 1009 RECONSTRUCTION

Any lawful nonconforming building, structure or use which has been damaged or destroyed by fire, explosion, windstorm or other natural or accidental cause may be reconstructed in the same location, provided that:

- A. A building which is damaged by fire, explosion, flood or other casualty to the extent of seventy-five (75) percent or more of its value (exclusive of walls below grade) at the date of the damage as determined by fair market value of the building, and which does not comply with the use, area or height regulations of this Ordinance, shall not be restored except in conformity with the regulations of this Ordinance.
- B. A lawful nonconforming building destroyed to the extent of less than seventy-five (75) percent by fire, explosion, flood or other casualty or legally condemned, may be reconstructed and used for the same nonconforming use, provided that (a) the reconstructed building shall not exceed in height, area or volume, the building destroyed or condemned and (b) building reconstruction shall be commenced within one (1) year from the date the building was destroyed or condemned and shall be carried on without interruption.
- C. The application for a Zoning Permit is submitted within one (1) year of the date of the casualty.

- D. The nonconformity is not increased and no new nonconformity is created except for an enlargement of a nonconforming use in compliance with Section 1007.
- E. It was not voluntarily demolished. (See Section 1009 I.)
- F. All applicable permits for the reconstruction of a nonconforming structure or use shall be required.
- G. The Zoning Officer may for good cause grant a one-time extension of not more than one (1) year for the reconstruction of the nonconforming use. Said extension shall only be considered upon written application for same submitted by the property owner.
- H. Reconstruction regulations shall not apply to active nonconforming agricultural buildings and active farms which may be restored by right.
- I. If a nonconforming structure or use is voluntarily demolished to an extent which exceeds fifty (50) percent of the cost to replace the entire structure or use in accord with the most current construction standards, the reconstruction shall comply with current setback, lot coverage, height and other requirements of this Ordinance.

SECTION 1010 ABANDONMENT

- A. The nonconforming use of a building or land which has been abandoned shall not thereafter be returned to such nonconforming use, unless approved as a special exception under the provisions of this Ordinance. A nonconforming use shall be considered abandoned when one (1) of the following conditions exists:
 - 1. When the intent of the owner to discontinue the use is apparent.
 - 2. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within six (6) months unless other facts show intention to resume the nonconforming use.
 - 3. When a nonconforming use has been discontinued for a period of one (1) year.
 - 4. When it has been replaced by a conforming use.
 - 5. When it has been changed to a use permitted as a Special Exception by the zoning Hearing Board.

- B. Any nonconforming use of a sign or billboard which is discontinued or not used for six (6) months Shall not be resumed; and if any sign or billboard is removed, it shall not be reconstructed.
- C. Abandonment regulations shall not apply to agricultural uses.

SECTION 1011 NONCONFORMING LOTS OF RECORD

- A. A single-family house and customary accessory buildings may be erected on any lot of record in existence on or before September 19, 1977. This provision shall apply even though such lot fails to meet the applicable requirements of side, front or rear yards or the minimum lot area requirements, providing a written and current Pennsylvania Department of Environmental Resources permit for sewage disposal and a written statement that potable water is available to said lot, obtained by the Applicant shall accompany the application for a building permit.
- B. In all other instances, a lawful nonconforming lot of record may be used for any use classified as a principal permitted use in the district of location provided:
 1. Standards - All applicable standards in this Ordinance are satisfied unless the Zoning Hearing Board grants a variance; and
 2. Lot Size Requirement - This Ordinance does not require a lot size for the specific use, which is greater than the basic lot size for the District.
- C. If a use is proposed on adjoining nonconforming lots in single ownership, the lots shall be combined into a single parcel in accord with the requirements of the Township Subdivision and Land Development Ordinance.

SECTION 1012 UNSAFE STRUCTURE

Nothing in this Ordinance shall prevent the timely issuance of a Building Permit for the strengthening or restoring to a safe condition of any portion of a building declared unsafe by a proper authority.

SECTION 1013 CONSTRUCTION APPROVED PRIOR TO LEGAL ENACTMENT OF ORDINANCE

Nothing herein contained shall require any changes in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have diligently proceeded within six (6) months of the date of such permit.

SECTION 1014 REGISTRATION

The Zoning Officer may prepare a list registering all nonconforming uses existing at the time of the legal enactment of this Ordinance. Said list shall include a general description of the nature and extent of the nonconformity together with the reasons why the Zoning Officer identified them as nonconformities, and may include photographs as documentation. Further, said list shall be maintained for public use and information.

It shall be the responsibility of the party asserting nonconformity to provide the evidence, including photographs, that the nonconformity is legal. A property owner may request a written Certificate of Nonconformity from the Zoning Officer after providing sufficient evidence.

ARTICLE 11

ADMINISTRATION AND ENFORCEMENT ZONING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

SECTION 1101 ZONING OFFICER

A. Appointment:

1. For the Purpose of the administration of this Ordinance; the Board of Supervisors shall, from time to time, appoint a Zoning Officer who shall hold no elective office in the Township of Delmar. In the event of a vacancy in the position of Zoning Officer, the Township Solicitor shall be authorized to take any required action to enforce this Ordinance.
2. The Zoning Officer shall not hold any other elected office within Delmar Township and shall meet qualifications established by the Board of Supervisors and shall be able to demonstrate a working knowledge of municipal zoning as applied to Delmar Township and this Ordinance. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the requirements of this Ordinance. The Zoning Officer may be authorized by the Board of Supervisors on a case by case basis to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his/her employment. Within this power, the Zoning Officer shall have duties as follows:

B. Duties: The Zoning Officer shall have duties as follows:

1. The Zoning Officer shall receive applications for, and issue zoning and sign permits, certificates of zoning compliance and stop work orders in accordance with the provisions of this Ordinance.
2. The Zoning Officer shall make all the required on-site inspections or he may, on a case by case basis and subject to the approval of the Board of Supervisors, engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise.
3. At least annually, the Zoning Officer shall submit to the Board of Supervisors a written statement of all zoning and sign permits, certificates of zoning compliance issued, and notices and orders issued.
4. An official record shall be kept of all business and activities of the office of the Zoning Officer specified by provisions of this Zoning Ordinance and all

such records shall be open to public inspection at all appropriate times.

5. The Zoning Officer shall register non-conforming structures, uses and lots in accordance with Article X of this Ordinance.

* "The grant of a zoning permit or approval of a subdivision plan within Delmar Township, under this Ordinance shall not constitute a representation, guarantee, or warranty of any kind by the Township, its Officials, Agents, or Employees, that such use or plan is safe, practical, and/or feasible, and such grant of approval shall create no liability upon Delmar Township, its Officials, Agents, or Employees."

SECTION 1102 ZONING PERMITS REQUIRED

- A. A zoning permit shall be required prior to the erection, construction, reconstruction, conversion, alteration or replacement of structural bearing, relocation, change in height, square footage, roof line, basic structure, lot coverage, dimensions, repair, maintenance, addition, alteration, enlargement, razing or removal of any building or portion thereof; prior to the use or change in use of a building or land; and prior to the changes or extension of a nonconforming use. It shall be unlawful for any person to commence excavating or work on any building or structure or for a change in land use, until a permit has been duly issued therefore.
- B. Negligence or failure to apply for a necessary or required permit or license is punishable by a fine as prescribed by this Ordinance. Payment of said fine does not grant approval to proceed or continue with activity for which permit or license is required.

SECTION 1103 APPLICATION FOR A ZONING PERMIT

- A. The applicant for a Zoning Permit shall submit an application on forms provided by the Township. All requests for Zoning Permits shall be made in writing. The application may be made by the owner or lessee of the property or the agent of either, provided, however, that if the application is made by a person other than the owner or lessee, the application shall be accompanied by a written authorization from the owner or lessee designating the agent and authorizing the work.
- B. All applications shall include (a) a statement of the use as intended of the building; (b) shall be accompanied by two (2) copies of a layout or plat plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location of the lot of the building and accessory buildings to be erected; (c) the application fee; and (d) such other information as may be

necessary for the Zoning Officer to determine compliance with this Ordinance and other applicable Township, County, state and federal ordinances, statutes and regulations, and to determine and provide for the enforcement of this Zoning Ordinance. The application shall not be considered complete without the fee established by the Board of Supervisors by ordinance or resolution. The applicant shall also submit all necessary information to demonstrate:

1. Approval and recording of any necessary subdivision and/or land development plan, if applicable.
2. Submission to and approval by the Tioga County Conservation District of a Sedimentation and Erosion Control Plan where earth disturbance activities are proposed.
3. Issuance of a permit to install or modify an on-lot sewage disposal system or issuance of a permit by the provider of public sewer service, as applicable.
4. Issuance of a permit to connect to public water supply and/or public sewage disposal, if applicable.
5. Issuance of any permits required for the relocation or alteration of any existing public utility line or other facility.

C. When complete and accurate information is not readily available from existing records, the Zoning Officer may require an Applicant to furnish a survey of the lot by a Pennsylvania certified and licensed engineer or surveyor. One (1) copy of such layout or plat plan shall be returned when approved by the Zoning Officer together with the permit to the Applicant upon payment of a fee as predetermined from a fee schedule adopted by resolution by the Board of Supervisors.

D. None of the items listed in Section 1102 A. above shall be undertaken until a Zoning Permit therefore has been issued by the Zoning Officer. All applications for Zoning Permits shall be in accordance with the requirements of this Zoning Ordinance, and unless upon written order of the Zoning Hearing Board, no such zoning permit shall be issued for any building where said construction, addition or alteration for use thereof would be in violation of any of the provisions of this Ordinance.

E. No zoning permit shall be required in cases of normal maintenance activities, minor repairs and alterations to existing buildings or structures, provided that no structural changes or modifications are involved, remodeling or improvement of existing buildings which does not alter the basic structure, height, square footage, roof-line, create additional lot area coverage or need for additional parking, or change the use of the parcel or building is exempt from this specific requirement

provided the estimated cost of such activities does not exceed fifty (50) percent of the fair market value.

- F. Approval or Disapproval of Application. Upon receipt of the application, the Zoning Officer shall examine the application and supporting information to determine compliance with this Ordinance and other applicable Township and County ordinances, statutes and regulations. The Zoning Officer shall determine if subdivision and/or land development approval has been obtained, if state sanitation inspection requirements have been met, and the required permits have been issued and/or received. If the application is approved, the Zoning Officer shall forward the approved application to the Township Code Official. The Zoning Officer shall disapprove a permit application which does not comply with all applicable statutes, regulations, and County and Township ordinances. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reason for such disapproval and informing the applicant of his right to appeal to the Zoning Hearing Board, and return it to the applicant.
- G. Issuance and Posting of Permits. Upon approval of the application by the Zoning Officer, the Zoning Officer shall issue a Zoning Permit place card which shall be visibly posted on the site of operations during the entire time of construction. The Zoning Permit shall expire one (1) year from the date of issuance, provided that it may be extended at the discretion of the Zoning Officer for an additional period not to exceed an additional one (1) year.
- H. Rights of Permit Holders. The Zoning Permit shall authorize the applicant to proceed with work described on the approved application. A Zoning Permit shall not be deemed to supersede or annul any restrictions on the use or development of the property imposed by deed restrictions, restrictive covenants, or other private agreements. Permit holders shall proceed with work at their own risk and subject to the rights of aggrieved parties to appeal the issuance of the Zoning Permit as authorized by the Municipalities Planning Code or to take action to enforce deed restrictions, restrictive covenants, or private agreements as authorized by law.
- I. Revocation of Zoning Permit. The Zoning Officer shall revoke a Zoning Permit or approval issued under the provisions of this Ordinance in the case of any false statement or misrepresentation of fact in the application on which the permit or approval was based, or if the permit or approval was issued in error, or if the work is not undertaken in accordance with terms of the permit or approval, or for any other proper cause.

SECTION 1104 CERTIFICATES OF ZONING COMPLIANCE FOR NEW, ALTERED, OR NONCONFORMING USES

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, if erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance has been issued by the Zoning Officer stating that the proposed use of the building or land conforms to this Ordinance.
- B. No nonconforming structure or use shall be maintained, renewed, changed, or extended until a Certificate of Zoning Compliance shall have been issued by the Zoning Officer. The Certificate of Zoning Compliance shall state specifically wherein the nonconforming use differs from the provisions of this Ordinance. Upon enactment or amendment of this Ordinance, owners or occupants of nonconforming uses or structures shall apply for Certificates of Zoning Compliance. Such Certificate shall be authorized by the Zoning Officer and shall certify to the owner his right to continue such nonconforming use or structure. Nothing in this section is intended to prevent the Zoning Officer from issuing Certificates of Zoning Compliance for nonconforming uses based on common knowledge or other history or proof of such nonconformity.
- C. No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Certificate of Zoning Compliance, and the Certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.
- D. The Zoning Officer may, and if requested by the permit holder, shall make at least one (1) inspection during the progress of the work and before issuance of the Certificate of Use and Occupancy to assure that all provisions of this Ordinance and all other ordinances of Delmar Township have been complied with.
- E. The Zoning Officer shall maintain a record of all Certificates of Zoning Compliance and a copy shall be furnished upon request of any person. Failure to obtain a Certificate of Zoning Compliance shall be in violation of this Ordinance and punishable under Article 13 of this Ordinance.

SECTION 1105 SIGN PERMITS

- A. No permanent sign, of more than eight (8) square feet in size including frame, as described in this Ordinance shall be erected until a permit therefore has been issued by the Zoning Officer.
- B. Application to the Zoning Officer shall be processed within one (1) week upon receipt of the written request to erect a sign and payment of a fee as

predetermined from a fee schedule adopted by resolution by the Board of Supervisors, provided the size and nature of the sign is in conformity with the provisions of this Ordinance, and all other effective and applicable ordinances, and does not require a hearing by the Zoning Hearing Board. Refusal for a sign permit shall include a written statement to the Applicant containing the reasons for denial.

SECTION 1106 TEMPORARY USE PERMITS

- A. It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of petition for approval, they will:
 - 1. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zoning district, or
 - 2. Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved.
- B. Then the Board of Supervisors may direct the Zoning Officer to issue a permit for a period of time, as designated by the Board of Supervisors. In no case shall the temporary use be permitted to continue beyond the minimum time necessary to alleviate the applicant's hardship.
- C. Temporary Permits:
 - 1. Temporary permits are required for and in accordance with specific events or needs as outlined throughout this Ordinance
 - 2. No temporary permit shall be issued for any temporary use where said use would violate any of the provisions of this Zoning Ordinance except upon approval of the Board of Supervisors.
 - 3. A written request to the Delmar Township Office for a temporary permit shall be processed within one (1) week upon receipt of the request and payment of a fee as predetermined from a fee schedule adopted by resolution by the Board of Supervisors provided the use does not violate any provisions of this Zoning Ordinance.

SECTION 1107 INSPECTIONS

It shall be the duty of the Zoning Officer, or his fully appointed representative, to make the following minimum number of inspections on property for which a permit has been issued.

- A. At the Beginning of Construction: A record shall be made indicating the time and date of the inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the permit.
 1. If the actual construction does not conform to the application, a written notice of a violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.
- B. At the Completion of Construction, a record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance to this Ordinance; and the opinion of the Zoning Officer in regard to the issuance of a Certificate of Zoning Compliance.
- C. The enforcement notice for a violation shall include:
 1. The name of the owner of record and any other person against whom action is intended;
 2. Location of the property in violation;
 3. The specific violation, a description of the requirements which have not been met, and citation of applicable provisions of the Ordinance;
 4. The specific time for compliance;
 5. Notice of the recipient's right to appeal to the Zoning Hearing Board and the time period for appeal;
 6. Notice that failure to comply or failure to appeal will result in clearly described sanctions.
- D. When violations of this Ordinance occur, other owners or tenants may institute action in court upon proof of being substantially affected by stated land use violations. If such actions are initiated by anyone other than Delmar Township Officials or Employees then Delmar Township shall be given thirty (30) days prior notice to any action taken.

SECTION 1108

CONSTRUCTION AND USE TO BE PROVIDED IN
APPLICATION, PLANS, PERMITS, AND CERTIFICATES OF
ZONING COMPLIANCE

Zoning Permits or Certificates of Zoning Compliance issued on the basis of plans and applications approved by the Zoning Officer authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Article 13 hereof.

ARTICLE 12

ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEDURES

SECTION 1201 ZONING HEARING BOARD CREATION AND APPOINTMENTS

- A. Terms of Office - Pursuant to Article IX of the Pennsylvania Municipalities Planning Code, as amended, the Board of Supervisors does hereby create a Zoning Hearing Board. The membership of said Board shall consist of five (5) residents of Delmar Township appointed by resolution by the Delmar Township Board of Supervisors. The terms of office of a five (5) member board shall be five (5) years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Vacancies shall be filled by resolution of the Board of Supervisors and shall be only for the unexpired term of the member affected. Members of the Zoning Hearing Board shall hold no other office in the Township.
- B. Alternate Members - The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of Delmar Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated in accordance with Section 1202 pursuant to the provisions 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 Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and otherwise provided by law. Alternates shall hold no other office in Delmar Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 1203 unless designated as a voting alternate member of the Zoning Hearing Board pursuant to Section 1202 of this Ordinance.
- C. Removal of Members - Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

SECTION 1202 ORGANIZATION OF THE ZONING HEARING BOARD

- A. 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 member of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct a hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in Section 908 of the "Pennsylvania Municipalities Planning Code", Act 247, as amended.
- B. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
- C. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with Ordinances of Delmar Township and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep minutes of its business and shall submit a report of its activities to the Board of Supervisors once a year. The Board may make such expenditures as permitted and set forth by the Delmar Township Board of Supervisors.

SECTION 1203 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 and clerical services.

SECTION 1204 HEARINGS OF THE ZONING HEARING BOARD

- A. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the provisions of the Municipalities Planning Code.
- B. Applications before the Zoning Hearing Board shall be referred to the Township Planning Commission at least thirty (30) days prior to the hearing on such Application to provide the Planning Commission an opportunity to submit recommendations.

SECTION 1205 JURISDICTION

- A. Zoning Hearing Board's Jurisdiction - The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications as delineated in the MPC.
- B. Board of Supervisors' Jurisdiction - The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications as delineated in the MPC.
- C. The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a Special Exception, to an engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to the adequacy of the site for the proposed use, upon notification on a case-by-case basis to the Board that such referral is being considered.

SECTION 1206 ZONING HEARING BOARD'S FUNCTIONS – VARIANCES

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

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

In granting any Variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance and the Municipalities Planning Code.

SECTION 1207 ZONING HEARING BOARD'S FUNCTIONS - SPECIAL EXCEPTIONS

The Zoning Hearing Board shall hear and decide requests for Special Exceptions in accordance with the standards and criteria set forth in this Ordinance. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and of the Pa. Municipalities Planning Code. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.

- A. Special Exception Application - A Special Exception application must include all the plan requirements listed in Sections 703 and 704 of this Ordinance.
- B. In acting on applications for Special Exceptions, the Zoning Hearing Board shall consider all relevant factors and procedures specified in Sections 703 and 704 and in other sections of this Ordinance.

SECTION 1208 BOARD OF SUPERVISORS' FUNCTIONS - CONDITIONAL USES

The Board of Supervisors shall hear and decide petitions for Conditional Uses specifically authorized in this Ordinance. Decisions to grant or deny the petition shall be subject to the following:

- A. General Criteria
 - 1. The proposed use shall be consistent with the purpose and intent of the Ordinance and shall be a use specifically permitted as a Conditional Use.
 - 2. The proposed use shall comply with those criteria specifically listed in Article 7 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of the Ordinance.
- B. Conditional Use Application - A Conditional Use application must include all the plan requirements listed in Section 703 and 704 of this Ordinance.
- C. Conditions - The Board of Supervisors in approving Conditional Use applications may attach reasonable conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more

restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.

D. Hearing Procedures

Hearings shall be conducted in accordance with the requirements of the Municipalities Planning Code.

E. Referral to Township Planning Commission

Applications for Conditional Use approval shall be referred to the Township Planning Commission at least thirty (30) days prior to the hearing on such Application to provide the Planning Commission an opportunity to submit comments. The Planning Commission shall provide written justification on all comments.

SECTION 1209 EXPIRATION OR REVOCATION OF A ZONING HEARING BOARD OR BOARD OF SUPERVISORS' DECISION

The granting or approval of a Special Exception or Variance by the Zoning Hearing Board, or a Conditional Use by the Board of Supervisors shall be valid only for the petitioner and the property specified in the petition. Alterations or changes to the use or building authorized by the Zoning Hearing Board, or the Board of Supervisors in the case of a Conditional Use, shall require reapplication to the Board (or to the Board of Supervisors in the case of a Conditional Use.). If a Special Exception, Variance or Conditional Use is granted, the necessary permit shall become null and void should the Applicant fail to secure a permit for such activity within a period of one (1) year from the date of the decision. This may be extended by up to one (1) additional year upon written request by the applicant based upon just cause by the Board of Supervisors.

A. The Zoning Hearing Board may revoke approval of a Variance or Special Exception, and the Board of Supervisors may revoke approval of a Conditional Use where:

1. The petitioner repeatedly violates conditions or safeguards specified in the Zoning Hearing Board's (Board of Supervisors') decision, or
2. The petitioner initiates use or construction contrary to the Zoning Hearing Board's (Board of Supervisors') decision, or
3. The petitioner is found to have misrepresented or falsified information pertinent to the Zoning Hearing Board's (Board of Supervisors') decision, or

4. The Zoning Hearing Board's (Board of Supervisors') decision was in error and the revocation is instituted within thirty (30) days of the original decision or prior to substantial reliance thereon by the petitioner.

Notice of any revocation shall be served upon the petitioner by Certified Mail. The Petitioner may appeal the revocation to the Board of Supervisors by filing a written notice of appeal with the Township within thirty (30) days of the date of the certified mailing. Upon appeal, the Board of Supervisors shall conduct a hearing and enter a final decision within forty-five (45) days of the date of appeal. The decision of the Board of Supervisors may be appealed by petitioner to the Court of Common Pleas within thirty (30) days of the date of decision.

- B. Violation of the conditions or safeguards or use or construction contrary to that specified by the Zoning Hearing Board's (Board of Supervisors') decision shall be deemed a Violation of this Ordinance, punishable under Article 13 of this Ordinance. Revocation of the Zoning Hearing Board's (Board of Supervisors') approval shall not preclude the Zoning Officer from instituting civil enforcement procedures or the Township from proceeding in a court of law or equity to prevent or remedy violations of this Ordinance.

**SECTION 1210 PARTIES APPELLANT BEFORE ZONING HEARING BOARD OR
BOARD OF SUPERVISORS**

Appeals may be filed in accordance with the procedures defined in the Municipalities Planning Code.

ARTICLE 13

VIOLATIONS AND REMEDIES

SECTION 1301 ENFORCEMENT NOTICE

If it appears to the Zoning Officer or other authorized Township representative that there has been a violation of any provision of this Ordinance, or of any regulation adopted pursuant there to, the Zoning Officer or in the absence of a Zoning Officer the Township Solicitor, shall initiate enforcement proceedings in accordance with the procedures defined in the Municipalities Planning Code.

SECTION 1302 RIGHT OF ENTRY

The Zoning Officer or other authorized Township representative is authorized to enter any structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Zoning Officer or other authorized Township representative is authorized to pursue recourse as provided by law.

SECTION 1303 FINES AND PENALTIES

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under Act 247 as amended, the "Pennsylvania Municipalities Planning Code", shall, upon being found liable therefor in a civil enforcement proceeding before a Magisterial District Judge commenced by Delmar Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by Delmar Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, Delmar Township may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge 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 the Board of Supervisors and deposited in the General Fund.

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

ARTICLE 14

AMENDMENTS

SECTION 1401 AMENDMENTS TO THIS ORDINANCE

Within the requirements of the Pennsylvania Municipalities Code, the Board of Supervisors may amend, or repeal any or all portions of this Ordinance on (1) its own motion or (2) after agreeing to hear a written request of any person, entity, landowner, or the Planning Commission.

SECTION 1402 CURATIVE AMENDMENTS

The applicable provisions of the Pennsylvania Municipalities Code shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 609.1, 609.2, and 916.1 of such Act).

ARTICLE 15

LEGAL PROVISIONS

SECTION 1501 REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed; this includes the Delmar Township Zoning Ordinance of 1991, as amended.

SECTION 1502 VALIDITY AND SEVERANCE

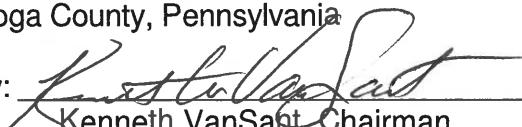
If any article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in the Zoning Ordinance is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance. The Board of Supervisors hereby declares that they would have adopted the Zoning Ordinance and each article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the articles, sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional or invalid.

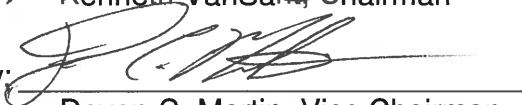
SECTION 1503 EFFECTIVE DATE

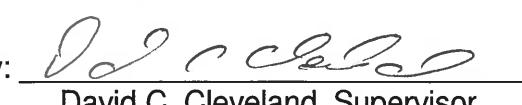
This Ordinance shall become effective upon enactment.

Ordained and enacted into law this 2nd day of December, 2019.

BOARD OF SUPERVISORS OF
THE TOWNSHIP OF DELMAR,
Tioga County, Pennsylvania

By: 
Kenneth Van Sant, Chairman

By: 
Deven C. Martin, Vice Chairman

By: 
David C. Cleveland, Supervisor

Attest: 
Julie Sticklin, Secretary

