

**ARTICLE V  
SUPPLEMENTARY REGULATIONS**

**Section 501. Permitted Variations from Required Areas.**

The minimum lot, yard and height requirements of Article IV shall prevail in all cases, except as follows:

**Section 502. Nonconforming Lots of Record.**

A. Single lots. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot that is duly recorded at the effective date of adoption or amendment of this Ordinance, provided there is compliance with all water and sewage requirements and other limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements, other than those applying to area or width or both, shall conform to the regulations for the district in which such lot is located.

B. Developments and Subdivisions. Existing developments and/or subdivisions with lots failing to meet the requirements for area or width or both, that are generally applicable to the district in which they are located, are permitted, if at the effective date of adoption of this Ordinance there is a record plan approved and recorded as by law provided. Any buildings erected on approved lots shall conform to the remaining provisions of this Ordinance.

C. Existing Single or Subdivision Lots containing 3/4 acre or less in R-1, R-2 and RD Zones. Notwithstanding the provisions of Section B. hereinabove, for any existing development and/or subdivision with lots containing 3/4 acre or less, the setbacks applicable thereto shall be as follows:

1. Front yard: 40 feet.
2. Side yards: 15 feet.
3. Rear yard: 25 feet.
4. Well: 15 feet.
5. Septic system: 10 feet.

D. Merger of Nonconforming Lots. If a lot owner owns two or more contiguous nonconforming lots and wishes to construct an improvement encompassing more than one of the nonconforming lots, the nonconforming lots must be merged by recorded deed, a copy of which must be supplied to the Township.

**Section 503. Visibility at Intersections in All Districts.**

On a corner lot in all districts nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of 2 1/2 feet and 10 feet above the center-line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of intersection.

**Section 504. Exceptions to Height Regulations.**

A. The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators or chimneys usually required to be placed above the roof level and not intended for human occupancy.

B. Permitted industrial, general commercial and manufacturing uses, both principal and accessory, may exceed the maximum building height limitations of this Ordinance, provided that:

1. The subject property is located along a railroad and will utilize an existing or proposed railroad siding as part of the subject use;

2. The maximum structure height, including both principal and accessory structures, shall not exceed 160 feet;

3. The portion of the structure that exceeds the maximum building height requirements of the district which would otherwise be applicable but for this Section shall be designed to house railroad loading, unloading, receiving, shipping and storage facilities, processes that require unusual heights, including but not limited to grain storage elevators, product load out and distribution towers and grain processing and milling facilities, as well as processes that require unusual heights to accommodate craneways and special machinery and equipment; and

4. The portion of the principal structure that exceeds the height requirements of the district which would otherwise be applicable but for this Section shall be of Type 1B construction

as defined by the BOCA Basic Building Code or Type 1 F.R. as defined by the ICBO Uniform Building Code and shall be served with an approved sprinkler system as may be required.

**Section 505. Structures to Have Access.**

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with legal access to a private street.

**Section 506. Corner Lot Restriction.**

On every corner lot there shall be provided on the side street a side yard equal in depth to the required front yard depth on said street by the prevailing zoning district.

**Section 507. Area and Width for Lots Not Served with Public Water and/or Sanitary Sewers.**

Where a lot is not served by a public water supply and/or sanitary sewerage system and the township subdivision regulations or other state or local ordinance in force require a higher standard for lot area or lot width than this Ordinance, the more restrictive regulations of such other ordinance or regulation shall apply.

**Section 508. Projections into Yards.**

The following projections shall be permitted into required yards:

A. Terraces, patios or other ground-level structures, provided that such structures are not roofed or otherwise enclosed.

B. Open balconies or fire escapes, provided that such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any yard.

**Section 509. Accessory Uses or Structures.**

A. All accessory buildings shall be required to adhere to the minimum yard dimensions established for the district in which the building is located.

B. Every pool must have means of providing a safe, secure, non-entry means of safeguard usually comprised of locked gates and fencing. All pools shall be entirely enclosed with a permanent,

continuous fence not less than four feet in height unless the pool is an aboveground pool, all sides of which are at least four feet above the lowest ground level. All pools shall be required to adhere to the minimum yard dimensions established for the district in which the pool is located.

C. Private tennis courts must adhere to the minimum yard dimensions established for the district in which the courts are located.

#### **Section 510. Non-Conforming Uses.**

A. A non-conforming use is any use, whether of a building or lot or both, legally existing on the effective date of this Ordinance, or any amendments hereinafter enacted, which does not conform to the use regulations of the District in which it is located.

B. The following provisions shall apply to all uses legally existing on the effective date of this Ordinance which do not conform to the requirements set forth in this Ordinance and to all legally existing uses that become non-conforming by reason of any subsequent amendment to this Ordinance.

C. Any non-conforming use may be continued indefinitely, provided that any such use:

1. Shall not be enlarged, altered, extended, reestablished, restored, or placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this Ordinance, without a Special Exception from the Zoning Hearing Board.

a. Any modification of the non-conforming use shall take place only on the same lot as that existing at the time the use became non-conforming.

b. Any modification of the non-conforming use shall conform with the area, building height, parking, sign and other requirements of the district in which said modification is located.

c. The proposed alteration shall not exceed 50 percent of the floor area and/or ground area devoted to the nonconforming use at the time of the enactment of this Ordinance.

d. The proposed alteration will not cause an increased detrimental effect on the surrounding neighborhood.

2. Shall not be moved to another location where such use would be non-conforming.

3. Shall not be changed to another non-conforming use without approval by the Zoning Hearing Board and then only to a use which, in the opinion of the Zoning Hearing Board, is of the same or of a more restricted nature.

4. Shall not be re-established if such use has been abandoned for any reason. A non-conforming use shall be deemed as abandoned when there occurs a cessation or discontinuance of any such use or activity by an apparent act or failure to act on the part of the tenant or owner and a failure to reinstate such use within a period of one (1) year from the date of cessation or discontinuance. Vacation of land or structures or the non-operative status of the use normally carried on shall be evidence of discontinuance. No abandoned use may be re-established.

5. No non-conforming use shall, if once changed into a conforming use, be changed back again into a non-conforming use.

6. A building or structure with respect to which a non-conforming use is being made or conducted shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage; if the restoration of such building or structure is not completed within the said one year period, the non-conforming use of such building or structure shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged portion of such building or structure.

**Section 511. Non-Conforming Structures and Dimensions.**

A. A non-conforming structure, legally existing on the effective date of this Ordinance, or any amendments hereinafter enacted, is any structure that does not conform to the District regulations for: maximum height, building or impervious coverage, minimum livable floor area per dwelling unit, or maximum size.

B. Nothing in this Article shall be deemed to prevent normal maintenance and repair, structural alteration in, moving, reconstruction, or enlargement of a non-conforming structure provided that such action does not increase the degree of or create any new non-conformity with regards to the regulations pertaining to such structures or dimensions applicable to the same on the lot on which they are located.

C. A non-conforming structure that has been destroyed by reason of fire, explosion, windstorm, or other active causes deemed to be no fault of the owner may be reconstructed provided that the reconstructed structure does not exceed the height, area or volume of the destroyed structure. An application for a zoning permit must be submitted within one (1) year from the date of destruction or the non-conforming structure shall not be restored except in conformity with this Ordinance.

D. The Board of Supervisors may require the removal of any abandoned nonconforming use or structure upon written notice to the owner of the property on which an abandoned nonconforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine (9) months, the Board of Supervisors shall have the authority to itself cause the removal to be accomplished, the costs of such removal to be paid by the property owner.

E. Non-conforming dimensions shall not be enlarged or extended so as to increase the degree of, or create any new, nonconformity.

**Section 512. Parking and Truck Loading Requirements.**

A. Minimum Parking Requirements. Any building or other structure erected, enlarged, altered or used and any lot used or occupied for any of the following purposes shall be provided with the minimum off-street parking spaces as set forth herewith.

**Residential**

Single-family detached	2 for each dwelling unit
Two-family and multifamily	2.25 for each dwelling unit
Rooming homes	2, plus 1 for each guest room

Group Residences	1 for each occupant, plus 1 for each 500 square feet of habitable floor space
Mobile home parks	2.25 for each rental space
Home occupations	2 for each dwelling unit, plus 1 for each non-resident employee, plus two (2) customer spaces for those home occupations involving customer visits
<b>Commercial and Services</b>	
Banks and credit unions	1 for each 100 square feet of customer area, plus 1 for each employee
Beauty shops/parlors and barbershops	3 for each chair to be utilized in the business, plus 1 for each employee on the peak shift
Bed and breakfast establishments and boarding houses	1 for each room available for rent, in addition to the required spaces for the existing dwelling.
Flea markets	3 for each vendor, plus 1 for each employee (a vendor is considered an employee).
Funeral homes	1 for the greater of each 4 patron seats or 50 square feet of gross floor area, plus 1 for each nonresident employee
Furniture or appliance sales	1 for each 300 square feet of gross floor area, plus 1 for each employee on the peak shift

Medical/dental offices and clinics	4 for each practitioner, plus 1 for each employee on the peak shift (each practitioner is considered an employee).
Motels and hotels (restaurants and other accessory uses viewed separately)	1 for each rental unit, plus 1 for each employee on the peak shift
Professional offices other than Medical/Dental Offices and clinics	1 for each 200 square feet of total floor area, plus 1 for each employee on the peak shift
Restaurants and taverns	1 for each 2 customer seats, plus 1 for each employee on the peak shift
Retail stores and personal services business not otherwise provided for	1 for each 150 square of gross floor area, plus 1 for each employee on the peak shift
Self-serve laundromats	1 for each 1.5 washing machines plus 1 for each employee on the peak shift
Vehicle servicing and repair (including body shops)	3 for each bay, plus 1 for each employee on the peak shift
Wholesale store	1 for each 200 square feet of office and customer area, plus 1 for each employee on the peak shift

**Government, Institutional and Educational**

Churches or other places of worship	1 for each 4 seats, plus 1 for each 100 square feet of gross floor area, plus 1 for each employee
Conservation (Offices & Educational)	1 for each 100 square feet of gross floor area, plus 1 for each employee

Day-care homes or nursery schools	1 for each 8 students, 1 for for each office and 1 for each employee
Educational institutions (kindergarten through high school)	1 for each employee, plus 1 for each 8 students 16 years of age or older
Educational institutions (colleges, universities, technical schools and trade schools)	1 for each employee, plus 1 for every four (4) seats provided
Fraternal or civic meeting Halls	1 for each 100 square feet of gross floor area, plus 1 for each employee
Hospitals	1 for each 2 beds, plus 1 for each employee and visiting doctor on the peak shift
Life care facilities	1 visitor parking space for each 3 beds for patients, plus 1 for each employee on largest shift. In addition, at least 1 parking space for each 2 beds or 1 apartment unit in congregate residences shall be provided.
Nursing or convalescent homes	1 for each 3 beds, plus 1 for each employee and visiting doctor on the peak shift
<b>Industrial and Manufacturing</b>	
Manufacturing and industrial	1 for each employee on the peak shift, plus 1 for each company based vehicle
Warehousing (non-retail)	1 for each 1,000 square feet of gross floor area, plus 1 for each employee on the peak shift

## Recreational

Amusement arcades	1 for each employee plus 1 for each 80 square feet of gross floor area
Bowling alleys (restaurants and other accessory uses shall be viewed separately)	4 for each lane, plus 1 for each employee
Commercial swimming pools	4 for each 100 square feet of swimming area, plus 1 for each employee
Driving Ranges	1 per golf tee, plus 1 for each employee
Gaming and off-track betting establishments	1 for each 10 square feet of floor area open to public access or use, including related dining, restaurant, bar and snack bar areas, plus 1 for each employee on the largest shift.
Golf courses	6 for each golf tee, plus 1 for each employee
Horse Riding School or Horse Boarding Stable	1 for each 2 horses plus 1 for each employee
Miniature Golf	2 per golf hole, plus 1 for each employee
Private Clubs	1 for each 2 customer seats, plus 1 for each employee on the peak shift
Theaters, auditoriums, libraries, skating rinks, stadiums	1 for each 3 seats (bench capacity computed at 20 inches = 1 seat), plus 1 for each employee

B. Handicapped Parking

Handicapped accessible parking shall be provided in accordance with the Americans with Disabilities Act, as it may be amended from time to time.

C. Surface.

1. All parking areas and all access drives for commercial or industrial uses shall have an all-weather surface constructed as specified in The Pocono Township Subdivision and Land Development Ordinance.

2. Should pavement work be desired, it shall conform to the latest edition of the PA Department of Transportation, Form 408, Specifications and as per The Pocono Township Subdivision and Land Development Ordinance.

3. Parking uses requiring a greater pavement capacity shall be constructed as specified in The Pocono Township Subdivision and Land Development Ordinance.

Note: All specifications for proposed road uses shall be subject to approval by the Township Engineer at the developer's expense in accordance with The Pocono Township Subdivision and Land Development Ordinance.

D. Off-street truck loading.

1. Required loading spaces. Every building or structure, lot or land hereafter put to a commercial or industrial use or an existing building or structure enlarged shall provide one off-street truck loading and unloading space for the first 5,000 square feet or less of gross floor area, plus a minimum of one additional off-street truck loading area for each additional 10,000 square feet of gross floor area.

2. Size of truck loading spaces. An off-street truck loading space shall be a minimum of 12 feet in width and a minimum of 35 feet in length.

**Section 513. Storage of Explosives.**

The manufacture, sale or storage of explosives shall only be permitted in the Industrial District provided it is in compliance with all State and Federal standards. This shall not prohibit the storage of gunpowder and primers to be used for reloading of ammunition for personal use.

**Section 514. Roadway Classifications.**

For the purposes of this Ordinance, the Township's roads shall be classified according to the Official Roadway Classification List available at the Township Building.

**Section 515. Special Exceptions.**

A. Approval procedure.

1. The granting of a special exception shall be subject to the following conditions and guiding principles:

a. Such use shall be one, which is specifically authorized as a special exception use in said district.

b. Such use shall only be authorized subject to any applicable conditions and safeguards as required by this Ordinance.

c. Such use may be authorized subject to additional reasonable conditions and safeguards as may be deemed necessary by the Board to implement the purpose of this Ordinance.

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

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

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

g. The application complies with all criteria established for the respective land use proposal addressed elsewhere in this Ordinance.

h. The proposed use does not substantially impair the integrity of the Township's Comprehensive Plan.

i. All required front yard, side yards, open space areas, and height limitations for the applicable zoning district have been met.

j. The off-street parking and truck loading provisions are in conformance with those specified in Section 512 of this Ordinance.

k. 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. All Traffic studies and analyses shall be in accordance with current Institute of Transportation Engineers (ITE) guidelines.

l. The location of the site with respect to the existing roads giving access to it is such that the safe capacity of those roads is not exceeded by the estimated traffic generated or attracted and is not out of character with the normal traffic using said public road.

m. The pedestrian access from the off-street parking facilities is separated from vehicular access and sufficient to meet the anticipated demand.

n. 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.

o. Facilities are available to adequately service the proposed use (e.g. fire, police, and ambulance protection, sewer, water, and other utilities, etc.).

p. Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other.

q. The use of the site complies with the requirements of all other public agencies having jurisdiction over the proposed use.

r. Operations in connection with a special exception 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.

2. All applications for special exceptions and any exhibits that are submitted with the application shall be submitted to the Planning Commission for its review and recommendations.

3. In addition to any plan informational requirements for a specific land use identified in this Ordinance, the special exception application shall be accompanied by a scaled 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 516. Conditional Uses.**

A. Uses listed as conditional uses in each zoning district and Use Schedule shall require individual consideration in each case because of their unique characteristics. Such conditional uses shall be referred to the Planning Commission by the Township Supervisors for review and recommendation and may be permitted only after a hearing and determination by the Supervisors that such uses meet the standards in this Ordinance.

B. Applicants for conditional uses shall submit plot plans in sufficient detail to provide the Supervisors and the Planning Commission with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance and shall include the following:

1. The location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and other pertinent information.

2. The names and addresses of adjoining property owners, including properties directly across a street right-of-way.

3. Ground floor plans and building elevations of proposed structures.

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

C. Such conditional uses which are authorized by the Supervisors may be subject to any additional conditions and safeguards established by the Supervisors in each case which may be warranted by the character of the areas in which such uses are proposed or by other special factors and which are necessary to implement the purposes of this Ordinance.

1. The granting of a conditional use shall be subject to the following conditions and guiding principles:

a. A conditional use shall not cause substantial injury to the value of other property where it is to be located; shall conform with regulations applicable to the district where located; shall be compatible with adjoining development; shall provide adequate landscaping and screening to protect adjoining areas; shall provide off-street parking and loading in keeping with Section 512 of this Ordinance so as to minimize interference with traffic on the local streets and shall not jeopardize the public health, safety, welfare and convenience.

b. Such use shall be one that is specifically authorized as a conditional use in said district.

c. Such use shall only be authorized subject to any applicable conditions and safeguards as required by this Ordinance.

d. Such use may be allowed subject to such reasonable conditions and safeguards (other than those related to off-site transportation or off-site road improvements) in addition to those expressed in this Ordinance, as may be deemed necessary by the Board of Supervisors to implement the purposes of this Ordinance and the MPC.

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

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

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

h. Such use shall not conflict with the direction of building development in accordance with any Comprehensive Plan or portion thereof which has been adopted by the township.

i. The application complies with all criteria established for the respective land use proposal addressed elsewhere in this Ordinance.

j. The proposed use does not substantially impair the integrity of the Township's Comprehensive Plan.

k. All required front yard, side yards, open space areas, and height limitations for the applicable zoning district have been met.

l. The off-street parking and truck loading provisions are in conformance with those specified in Section 512 of this Ordinance.

m. 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 traffic. All traffic studies and analyses shall be in accordance with current Institute of Transportation Engineers (ITE) guidelines.

n. The location of the site with respect to the existing roads giving access to it is such that the safe capacity of those roads is not exceeded by the estimated traffic generated or attracted and is not out of character with the normal traffic using said public road.

o. The pedestrian access from the off-street parking facilities is separated from vehicular access and sufficient to meet the anticipated demand.

p. 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.

q. Facilities are available to adequately service the proposed use (e.g. fire, police, and ambulance protection, sewer, water, and other utilities, etc.).

r. Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other.

s. The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.

t. Operations in connection with a 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.

D. Hearing Procedures. The Board of Supervisors shall conduct hearings in accordance with the requirements of the MPC.

#### **Section 517. Criteria for Specific Land Uses.**

The following land use criteria which 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 (in addition to those items required by Sections 515 and 516). Where the regulations contained within the following land use criteria differ from those regulations contained within the District Regulations in Article IV, the regulations contained herein shall apply.

**Section 518. Adult Uses.** (This is limited to the following: Adult Bookstore, Adult Theater, Massage Parlor or Adult Live Entertainment Facility).

A. Purposes. The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.

1. To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the municipality. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable disease, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.

2. To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.

3. To not attempt to suppress any activities protected by the "free speech" protections of the U.S. Constitution, but instead to control secondary effects.

B. No Adult Use nor its parking area shall be located within: 1) 500 lineal feet of the lot line of any residential zoning district or existing dwelling or, b) 1,000 lineal feet of the lot line of any primary or secondary school, place of worship, library, public park, day care center or child nursery.

C. No Adult Use shall be located within 1,000 lineal feet of any existing "adult use".

D. A 50 foot buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines, with plantings of an initial minimum height of 5 feet that create a visual barrier from the adjoining properties.

E. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.

F. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.

G. The Adult Use shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.

H. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.

I. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor between employees or entertainers and customers. At an Adult Live Entertainment Use, employees or entertainers shall maintain a minimum distance of 3 feet from customers.

J. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment facility".

K. Any application for such use shall state the names and home addresses of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation or other entity owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.

L. The use shall not operate between the hours of 2 a.m. and 7 a.m.

M. As a specific condition of approval under this Ordinance, the applicant shall prove compliance with the following State laws, as amended (if applicable): the Pennsylvania Liquor Code, Act 219 of 1990; Act 207 of 1990 (which pertains to obscenity); and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).

**Section 519. Agricultural Operations (Farms).**

It is the intent of these requirements that new or existing farms be regulated for the purpose of protecting the public health, safety, and welfare. The following restrictions shall apply on all lots of ten (10) or more acres in the R-1, R-2, RD, C District.

A. No structure other than a dwelling or residential accessory use shall be constructed closer than Fifty (50) feet to any property line.

B. Except as provided for below, no new building in which livestock are housed shall be located closer than two hundred (200) feet from any adjoining lot line, except that the distance shall be four hundred (400) feet from any adjoining residence or commercial building in which people are employed or work and all building exhaust fans shall be directed away from the closest residences or said commercial buildings. The location of manure storage and processing facilities shall conform to the requirements of the Pennsylvania Nutrient Management Act.

C. The spreading of manure is permitted, provided that when such procedure is employed within two hundred (200) feet of a property line of any adjoining residence or commercial building in which people are employed or work, the manure shall be incorporated with the soil within forty-eight (48) hours of spreading, weather permitting, and within a reasonable time after spreading in all other areas.

D. All grazing or pasture areas utilized for this purpose shall be fenced.

E. No manure storage shall be established closer than one hundred (100) feet to any property line.

F. Notwithstanding anything contained in this Ordinance to the contrary, all manure shall be managed in a manner to comply with the Clean Streams Law and the practices prescribed by the Manure Management Manual.

To the extent that any of these provisions are in conflict with the Nutrient Management Act, Agricultural Area Security Law or the Act Protecting Agricultural Operations From Nuisance Suits And Ordinances Under Certain Circumstances, the provisions of those acts shall control.

**Section 520. Amusement Arcades.**

A. The subject tract shall front on and gain access from an arterial, connector, or collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial, connector or collector street design and improvement requirements.

B. All activities shall be located within wholly enclosed buildings.

C. The applicant shall produce evidence that the proposed land use will not create a nuisance due to noise or loitering on the premises.

D. The site shall be kept free of litter at all times in accordance with a plan for the clean up of litter to be provided by the applicant.

**Section 521. Animal Hospitals and Veterinary Clinics.**

A. The subject tract shall front on and gain access from either an arterial, connector or collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial, connector or collector street design and improvement requirements.

B. Boarding areas shall be within wholly-enclosed buildings, and any outdoor animal pens, stalls, or runways also shall comply in all respects with the yard requirements of this Ordinance for the principal building, except that they shall be located no closer to the front lot line than the rear wall of the principal building, and they may be located in the rear yard if located at least ten (10) feet from any lot line.

C. All pasture and outdoor recreation areas shall be fenced to prevent the escape of animals, with such fencing having a setback of at least twenty-five (25) feet from all property lines.

D. Suitable control shall be exercised over the animals so that a nuisance condition is not created in terms of excessive noise, dirt, or odor.

**Section 522. Antennas and Communication Equipment Buildings.**

A. Building-mounted antennas shall not be located on any single-family dwelling or two-family dwelling.

B. Building-mounted antennas shall be permitted to exceed the height limitations of the applicable zoning district by no more than 20 feet.

C. Omni-directional or whip communications antennas shall not exceed 20 feet in height and seven (7) inches in diameter.

D. Directional or panel antennas shall not exceed five (5) feet in height and three (3) feet in width.

E. Any applicant proposing an antenna to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

F. Any applicant proposing an antenna to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antenna will be mounted on the structure for review by the Township Engineer.

G. Any applicant proposing an antenna to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antenna is to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

H. Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

I. Antennas shall not cause radio frequency interference with other communications facilities located in Pocono Township.

J. A communications equipment building shall comply with the height and setback requirements of the applicable zoning district for an accessory structure. Said equipment building shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted

equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects the architectural character of the neighborhood.

K. The owner or operator of an antenna shall be licensed by the Federal Communications Commission to operate such antenna.

**Section 523. Attached and Semi-Detached Buildings in Industrial or Commercial Districts.**

The Zoning Hearing Board may allow the elimination of adjacent side or rear yards on two (2) or more adjacent lots provided the following conditions and standards are adhered to:

A. The owners of the adjacent lots jointly request the elimination.

B. The buildings to be constructed will be built at the same time and will be physically connected to each other and have uniform facades and rooflines.

**Section 524. Bed and Breakfast Establishments.**

A. No external modifications that would alter the residential character of the dwelling, with the exception of fire escapes, are permitted.

B. All floors above ground level shall have an emergency escape access to ground level.

C. Breakfast, if offered, shall be available only for registered overnight guests.

D. The structure shall contain a minimum of 2,000 square feet of gross floor area.

E. There shall be no more than one Bed and Breakfast unit per 400 square feet of gross floor area in the principal structure.

F. All Bed and Breakfast units shall be contained within the principal structure.

G. The applicant shall furnish proof of approval from the PA Department of Labor and Industry.

**Section 525. Boarding Houses.**

A. The subject tract shall front on and gain access from either an arterial or collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

B. The minimum lot area shall be two (2) acres in all districts.

C. The applicant shall furnish evidence that systems for sanitary sewage disposal and water supply have been approved by the appropriate agencies.

D. No external modifications that would alter the residential character of the dwelling, with the exception of fire escapes, are permitted.

E. All floors above ground level shall have a direct means of emergency escape to ground level.

F. All parking areas shall be at least ten (10) feet from all property lines.

G. Meals shall be offered only to registered tenants.

**Section 526. Campgrounds.**

A. The minimum lot area for a campground shall be twenty (20) acres.

B. No individual campsite may be located closer than one hundred (100') feet to any exterior property line of the Campground. The land between the campsites and 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.

C. The maximum number of campsites within each campground shall not exceed ten (10) per acre.

D. 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.

E. All campsites designed for tenting may be provided with on-site parking spaces in accordance with Article VI of The Pocono Township 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 campsite. The minimum area of each parking space shall be at least 200 square feet, exclusive of any aisle.

F. Streets within the Campground shall conform to the following:

1. All Campground Streets shall conform to the requirements for Private Access Streets as set forth in the Pocono Township Subdivision and Land Development Ordinance, including double surface treatment.

2. One-way Streets shall have a minimum right-of-way width of twenty (20') feet and shall be improved with a travelway not less than fifteen (15') feet in width.

3. Two- way Streets shall have a minimum right-of-way width of thirty (30') feet and shall be improved with a travelway not less than twenty (20') feet in width.

4. The minimum centerline radius of any interior Campground Street shall not be less than fifty (50') feet.

5. The maximum grade of any Campground Street shall not exceed twelve (12%) percent.

6. Drainage facilities shall be designed and constructed in accordance with the requirements of the Pocono Township Storm Water Management and Earth Disturbance Ordinance.

7. No Campground Street may be offered for dedication to Pocono Township. Construction and maintenance of Campground Streets shall be the sole responsibility of the Developer or operator of the Campground.

G. All playground and recreation areas shall be at least one hundred (100) feet from adjoining residential properties with

the usage of these areas being limited to registered campers and their guests.

H. All campgrounds shall furnish centralized sanitary and garbage collection systems that shall be located at least one hundred (100) feet from adjoining residential properties and be appropriately screened. Camp sites that are provided with a connection to a centralized sewage system shall be located within seven hundred fifty (750') feet of the sanitary facilities serviced by the same. There shall be at least one showerhead for each sex for each twenty (20) campsites.

I. Any accessory commercial and/or service facilities shall be located at least one hundred (100) feet from adjoining residential properties and shall be limited to serve only the needs of the registered campers and their guests. Direct access to these facilities from the public street is prohibited. Appropriate screening shall be provided for these facilities when they adjoin adjacent residential properties.

J. Campground identification signs shall be as per Article VII of this Ordinance.

K. Active or passive recreation areas shall comprise at least twenty (20) percent of the gross area of the campground.

L. All sanitary sewer and water supply facilities shall be subject to the approval of the appropriate authorities.

M. All exterior lighting shall be designed and located in accordance with current Illumination Engineering Society of North America (IESNA) foot-candle lighting standards so as to not produce a glare or direct illumination onto abutting properties and streets.

N. General Standards and Requirements

1. All Campgrounds shall be located on well-drained land; the average natural slope of the area to be improved for campsites shall not exceed ten (10%) percent.

2. The location and layout of the proposed Campground shall be consistent with the Township Comprehensive Plan.

3. No permanent Campground structures or buildings or sewage collection or disposal facilities shall be located within any defined 100-year flood plain area.

4. The proposed Campground shall gain access from an arterial, connector or collector street, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial, connector or collector street design and improvement requirements. Any public Street which provides direct access to the proposed Campground shall be free of traffic hazards and shall meet the geometric, grade and sight requirements for Arterial, Connector or Collector Streets as set forth in The Pocono Township Subdivision and Land Development Ordinance.

5. 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.

6. No camping site may be occupied on a permanent basis.

O. Each camping site shall have a minimum area of twenty-five hundred (2,500') square feet exclusive of Street rights-of-way and walkways.

P. Electric service shall be provided to at least seventy-five percent (75%) of the campsites. Such electric service shall be installed underground.

#### **Section 527. Cemeteries.**

A. A minimum lot area of one (1) acre shall be provided for a cemetery.

B. All burial plots and facilities shall be in accordance with the appropriate setbacks of the governing zoning district.

C. In no case shall any use relating to a cemetery be located within the one hundred- (100) year floodplain of an adjacent watercourse.

## **Section 528. Churches and Related Uses.**

### **A. Churches and Related Uses Standards**

1. The subject tract shall front on and gain access from either an arterial, collector road, or a street that conforms to the prevailing arterial or collector street design and improvement requirements.

2. The minimum lot area shall be two (2) acres, and the minimum lot width shall be two hundred (200) feet.

3. The impervious coverage, yard area, and building height requirements of the applicable zoning district shall be maintained.

4. Church-Related Residences shall be accessory to, and located upon the same parcel as, the church and subject to all of the underlying zoning district's standards.

### **B. Church-Related Educational or Day Care Standards**

1. All church-related educational or day-care facilities shall be accessory to, and located upon, the same parcel as a house of worship.

2. If the church-related educational or day-care facility is offered below the college level, an outdoor play area shall be provided. Such facility shall include appropriate screening and buffering from adjacent land uses.

3. Outdoor play areas shall not be located within the front yard and must be set back a minimum of fifty (50) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from adjoining property. Outdoor play areas shall only be used during normal hours of operation and not utilized between 10:00 PM and 8:00 AM.; and all lighting of such areas shall not be used after 10:15 PM.

4. Student and child "drop-off areas" shall be provided and designed to eliminate the need to cross traffic lanes on or adjacent to the site. Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the church-related educational or day-care facility, one (1) off-street parking space shall be provided for each employee, plus one (1) for each eight (8) students sixteen

(16) years of age or older, plus one (1) for each classroom, plus one (1) for each office. Enrollment shall be defined as the largest number of students and/or children (or adults) under day-care supervised at any one time during a seven-day period.

C. Church-Related Recreation Standards

1. All church-related recreational facilities shall be accessory to, and be located upon, the same parcel as a house of worship.

2. Church-related recreational facilities shall be set back fifty (50) feet from all property lines and street rights-of-way.

3. Outdoor play areas for individuals shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining property. Outdoor play areas shall only be used during normal hours of operation and not utilized between 10:00 PM and 8:00 AM.

4. All lighting of outdoor facilities shall be designed and located in accordance with current Illumination Engineering Society of North America (IESNA) foot-candle lighting standards so as to not produce a glare or direct illumination onto abutting properties and streets. Such lighting shall not be used after 10:15 PM.

5. Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the church-related recreational facility, one (1) off-street parking space shall be provided for every three (3) estimated users of the facility.

**Section 529. Commercial Mulching, Stump Grinding and/or Composting.**

A. General Requirements.

1. Material to be shredded may only be obtained from logging mills or trees and may not be generated from scrap lumber. Tree stumps shall be processed immediately if brought on site. The storing of tree stumps is prohibited.

2. One identification sign may be erected. The sign must comply with the requirements of Article VII.

3. All of the product must be sold at wholesale.

B. Site Design Requirements.

1. All processing operations, which term includes processing facilities, storage facilities and combined processing and storage facilities, including any buildings related thereto, shall be setback a minimum of one hundred (100) feet from any property line or street right of way line.

2. All processing operations must be setback at least one hundred (100) feet from any well.

3. All processing operations must be setback at least seven hundred (700) feet from any residential district.

4. All processing operations must be setback at least two hundred fifty (250) feet from any residential dwelling.

5. Stockpiled materials storage sites shall be limited to 20 feet in height with a maximum perimeter of 250 feet long and 50 feet wide. The edges of any stockpile shall be at least 60 feet from the perimeter fence, and that area shall be clear of debris or vegetation. All interior fire breaks shall be at least 65 feet wide.

6. Tree debris may not be stored on wetlands, flood plains, ravines, canyons or on steeply graded surfaces.

C. Processing Operations Site Safety Requirements.

1. No open-air burning shall occur within 500 feet of any processing operations site.

2. Smoking and the lighting of flames in or around the piles shall be prohibited at the processing operations site. Lightning rods conforming to State and local codes shall be placed on the site, but away from the piles.

3. The owner of a processing operations site shall coordinate with local fire and police departments so they can respond quickly to an emergency.

4. If there is a stream, lake or other body of water located in the vicinity of the site, fire department drafting

connection shall be provided in accordance with the fire department's response plan.

5. All water supply systems shall be approved by the responsible local authority.

6. Each fuel-fired vehicle operating at the processing operations site shall be equipped with at least one 2A, 10B c-rated or higher portable fire extinguisher.

7. Storm water collection basins shall be installed at appropriate locations on the processing operations site in accordance with the Township's Storm Water Management Ordinance and applicable State and Federal laws and regulations, recognizing that individual sites shall require special considerations.

D. Site Security and Fire Department Access.

1. The perimeter of a processing facility shall have a chain-link fence at least ten feet high.

2. Each processing facility shall be provided with emergency vehicle access routes, such that no portion of any material stockpile is more than 450 feet from an access road or fire break. Access routes, or fire breaks, through the piles shall have a clear width of at least 65 feet.

3. There shall be gates protecting each access point that can be locked when a processing facility is closed. All gates shall have a 20-foot open width and remain unobstructed at all times. The gates shall have rapid entry design compatible with fire department requirements. Electric gates shall have default capabilities to the unlocked position.

4. All roads and accesses shall be designed to support loads imposed by firefighting equipment. All bridges and structures, including drainage structures on access roads, shall be capable of carrying a minimum design load of HS-20 consistent with AASHTO to "Standard Specifications for Highway Bridges." Access routes shall be surfaced with material designed to permit accessibility under all climatic conditions.

5. All emergency vehicle accesses shall have unobstructed vertical clearance of 14 feet or as needed for passage of large fire fighting apparatus. A minimum turning radius of 45 feet shall be provided for emergency vehicles

access. All dead-end access in excess of 150 feet long shall be provided with a turn-around area.

6. Accesses shall be well-maintained and remain accessible to the fire department at all times.

E. Written Management Plan. A processing facility that accepts tree stumps and tree debris shall prepare and implement a written plan to the Township that addresses the management of tree stumps and tree debris. The plan shall, at a minimum, consist of the following:

1. A description of the manner in which the processing facility owner will meet the provisions of this Section.

2. The projected size of any materials storage site shall be described in the number or projected piles based on the design requirements for piles as stated in this Section.

#### **Section 530. Communication Towers.**

A. In addition to the information required elsewhere in this Ordinance and The Pocono Township Subdivision and Land Development Ordinance, applications for communication towers shall include the following information and documentation:

1. A report from a qualified and licensed professional engineer which:

a. Describes the communication tower height and design, including a cross section and elevation.

b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

c. Describes the communication tower's capacity, including the number and type of antennas that it can accommodate;

d. Documents what steps the applicant will take to avoid interference with established public safety telecommunications; and

e. Includes an engineer's license/registration number and seal.

2. A letter of intent committing the communication tower owner and his, her or its successors to allow the shared use of the communication tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

3. Before the issuance of a zoning/building permit, the following supplemental information shall be submitted:

a. A copy of the FAA's response to the submitted Notice of Proposed Construction or Alteration (FAA Form 7460-1) shall be submitted to the Pocono Township Zoning Officer; and

b. Proof of compliance with applicable Federal Communications Commission regulations.

4. One copy of typical specifications for the proposed structures and antenna, including description of design characteristics and material.

5. A site plan drawn to scale showing property boundaries, power location, communication tower height, guy wires and anchors, existing structures, elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan and existing land uses on adjacent property.

6. Name and address of the owners of all antenna and equipment to be located at the site as of the date of the application.

7. Written authorization from the site owner for the application, as well as a copy of any written agreement or other documentation pursuant to which the applicant has obtained the right to use the proposed site.

8. Copy of valid FCC license for the proposed activity or proof that the applicant is the winning bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.

9. A written agreement to remove the communication tower within 180 days of cessation of use. The applicant, prior to the issuance of a zoning permit, shall provide a financial security bond with the Township as payee in an amount approved by the Board of Supervisors, but not less than \$50,000, from a company and in a form and content acceptable to the Board of

Supervisors, to insure the removal of the proposed communications tower and related cabinets, facilities and improvements within 180 days of the expiration of the license or lease and/or cessation of use. The bond shall remain in place for as long as the communications facilities exist at the site.

10. Applicant must establish that the proposed antenna and equipment could not be placed on a preexisting facility under the control of the applicant and function under applicable regulatory and design requirements without unreasonable modification.

11. A letter of intent committing the communication tower owner and the common carrier(s) utilizing the communication tower and their respective heirs, personal representatives, successors and assigns to allow Pocono Township and any other governmental agency to utilize the communication tower in the case of an emergency, upon reasonable terms and conditions.

B. Co-location requirements. All communication towers erected, constructed or located within Pocono Township shall comply with the following requirements:

1. A proposal for a new communication tower shall not be approved unless the Board of Supervisors finds that the communications equipment planned for the proposed communication tower cannot be accommodated on an existing or approved communication tower or building within Pocono Township and within a one-mile search radius of the proposed tower if such one-mile search radius would include other municipalities, due to one or more of the following reasons:

a. The planned equipment would exceed the structural capacity of the existing or approved communication tower or building, as documented by a qualified and licensed professional engineer and the existing or approved communication tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.

b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the communication tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

c. Existing or approved communication towers and buildings within Pocono Township (or within the one-mile search radius if applicable) cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

d. Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing or approved communication tower or building.

2. Any proposed communication tower shall be designed, structurally, electrically and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the communication tower is over 100 feet in height or for at least one additional user if the communication tower is over 60 feet in height. Communication towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

C. Design requirements.

1. Communication towers and antennas shall be designed to blend in to the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

2. Communication towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower.

3. All utility buildings and structures accessory to a communication tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects the architectural character of the neighborhood.

4. The use of any portion of a communication tower for signs other than warning or equipment signs is prohibited.

D. Interference with public safety telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new antennas and/or communication towers shall be accompanied by a study, performed and certified to by a radio frequency engineer or other qualified individual, which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify Pocono Township at least 10 calendar days in advance of such changes and allow Pocono Township to monitor interference levels during the testing process.

E. Abandoned or unused communication towers or portions of communication towers. Abandoned or unused communication towers or portions of communication towers shall be removed as follows:

1. All abandoned or unused communication towers and associated facilities shall be removed within 180 days of the cessation of operations. A copy of the relevant portions of any signed lease, license or other agreement which requires the applicant to remove the communication tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a communication tower is not removed within 180 days of the cessation of operations at a site, the communication tower and associated facilities may be removed by Pocono Township and the cost of removal assessed against both the applicant and the owner of the property on which the communication tower and associated facilities exist.

2. Unused portions of communication towers above the manufactured connection shall be removed within 180 days of the time of antenna relocations. The replacement of portions of a communication tower previously removed requires the issuance of a new zoning permit.

F. Setbacks. The setback of the base of a communication tower from all adjacent properties and/or lot lines shall be a distance equal to 100% of the antenna height or the building setback requirements for the underlying zoning district, whichever is greater.

G. Lot Size. The minimum lot area requirement for a communication tower use shall be in accordance with this Ordinance or the minimum area necessary to comply with the

setback requirements of Subsection F above, whichever is greater.

H. Antenna height. The maximum antenna height shall not exceed 150 feet in any zoning district.

I. Fencing. A security fence and gate, of approved design, of not less than eight (8) feet in height, shall completely enclose the Communications Tower and anchor locations of guy wire (if used). This fencing shall be designed to be compatible with surrounding land uses.

**Section 531. Customary Accessory Uses.**

Includes uses customarily accessory to the principal use of a lot permitted in the district and essential services provided by public utilities. Accessory uses which are customarily subordinate to the principal use of a lot or a building located on the same lot and which serve a purpose customarily incidental to the use of the principal dwelling or lot shall be permitted in each district. Such uses include home gardening, but not the keeping of livestock, poultry or fowl unless the livestock, poultry or fowl are accessory uses to a permitted or nonconforming agricultural use, private garages or parking areas, signs, off-street parking and loading, temporary tract offices, unoccupied travel trailers and buildings and other uses customarily appurtenant to other permitted, special exception or conditional uses. Domestic animals kept as pets shall be permitted when such animals are owned by the occupants of the property in which they are kept and the animals are kept in accordance with public health, safety, welfare and nuisance regulations based upon the types of animals and the manner in which they are kept.

**Section 532. Day Care Facilities.**

A. Except for a sign and the play area referenced in "D" and "E" below, there shall be no external evidence of any general activity.

B. Any such use shall have sufficient parking to serve the anticipated numbers of users and employees as specified in Section 512 and shall have suitable street access without causing excessive traffic on local residential streets.

C. All such buildings shall have a minimum lot size, minimum yards, maximum building heights and maximum impervious coverage regulations for the district in which they are located.

D. If the day-care facility is offered for children below the high school level, an outdoor play area shall be provided. Such facility shall include appropriate screening and buffering from adjacent land uses.

E. Outdoor play areas shall not be located within the front yard and must be set back a minimum of fifty (50) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from adjoining property. Outdoor play areas shall only be used during normal hours of operation and not utilized between 10:00 PM and 8:00 AM.; and all lighting of such areas shall not be used after 10:15 PM.

F. "Drop-off areas" shall be provided and designed to eliminate the need to cross traffic lanes on or adjacent to the site.

**Section 533. Dormitories.**

A. Except for a sign, there shall be no external evidence of any general activity.

B. Any such use shall have sufficient parking to serve the anticipated numbers of users and employees as specified in Section 512 and shall have suitable street access without causing excessive traffic on local residential streets.

C. All such buildings shall have a minimum lot size, minimum yards, maximum building heights and maximum impervious coverage regulations specified in Use Schedule for the district in which they are located.

**Section 534. Drive-In Businesses (Excluding Vehicle Washes).**

A. The subject tract shall front on and gain access from an Arterial, Connector, or Collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial and collector street design and improvement requirements.

B. Drive-through lanes shall be designed for stacking of a minimum of six (6) vehicles and shall be separated from the internal circulation system for the parking facilities.

C. The applicant shall demonstrate that any external-internal microphone system shall not operate in a manner that produces sound at a level in excess of 55 db at any abutting property line.

D. Exterior seating and/or play areas shall be completely enclosed by a four (4) foot high fence.

E. No part of any structure on the subject property shall be located within two hundred (200) feet of an existing residential structure within residential zone.

F. All lighting of outdoor facilities shall be designed and located in accordance with current Illumination Engineering Society of North America (IESNA) foot-candle lighting standards so as to not produce a glare or direct illumination onto abutting properties and streets.

G. The site shall be kept free of litter at all times in accordance with a plan for the clean up of litter to be provided by the applicant.

#### **Section 535. Essential Services.**

Essential services buildings and structures shall be permitted by right in all zoning districts, except that major facility essential services shall not be permitted in the Conservation District (CD). Such buildings and structures shall be permitted without regard to the use, lot area, setbacks and impervious area regulations; provided, however, that buildings erected for these services shall be subject to the following regulations:

A. Front, side and rear yards shall be provided in accordance with the regulations of the district in which the building is located.

B. Height of building or structure shall be as required by the district regulations.

C. Housed Equipment - When the equipment is totally enclosed within a building or cabinet, no fence or screen planting shall be required and the yard shall be maintained in conformity with the district in which the facility is located.

D. Un-housed equipment shall be enclosed with a chain link fence six (6) feet in height.

E. Screen Planting - The required equipment shall be screened in accordance with the requirements of this Ordinance and of The Pocono Township Subdivision and Land Development Ordinance.

F. The external design of the building shall be in conformity with the buildings in the district.

G. Storage of Vehicles - In residential districts, newly permitted essential services facilities shall not include the exterior storage of vehicles or equipment used in the maintenance of any utility.

H. No equipment causing excess noise, vibration, smoke, odor, or hazardous effect shall be installed.

### **Section 536. Forestry.**

For all timber harvesting within Pocono Township when the total harvesting area is two (2) acres or more in the aggregate the following shall apply:

A. Forestry operations shall be accomplished in such a way as to (1) promote good forest stewardship; (2) protect the rights of adjoining property owners; (3) minimize the potential for adverse environmental impacts, and (4) avoid unreasonable and unnecessary restrictions on the right to practice forestry.

B. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or Penn DOT, whichever is responsible for maintenance of the thoroughfare.

C. No tops or slash shall be left within twenty-five (25) feet of any public thoroughfare, property line or private roadway providing access to adjoining residential property.

D. All tops and slash between twenty-five (25) and fifty (50) feet from a public roadway or private roadway providing access to adjoining residential property or within fifty (50) feet of adjoining residential property shall be lopped to a maximum height of four (4) feet above the surface of the ground.

E. Logging may occur between 7:00 A.M. and 7:00 P.M. prevailing time, but not on Sundays and legal holidays.

F. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

G. Because streams are an important natural resource which need special protection, logging within seventy-five (75') feet of each side of all streams is prohibited unless all of the following conditions are met:

1. The basal area of trees in that area within the seventy-five (75) foot zone shall not be reduced below fifty (50%) percent of the basal area present before cutting.

2. Trees to be cut within the seventy-five (75) foot zone described shall be marked above and below stump height with tree marking paint prior to the start of logging.

3. A wetland study has been performed by an individual qualified to do so.

Requirements of all applicable State and Federal Laws and regulations shall be addressed prior to any timber harvesting. All permits required for timber harvesting shall be obtained as described in Article IX of this Ordinance.

These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.

#### **Section 537. Gaming and Off-Track Betting Establishments.**

A. The lot or property line of any Gaming or Off-Track Betting Establishments shall not be located within five hundred (500') feet of any residential district; and no Gaming or Off-Track Betting Establishment shall be located within five hundred (500') feet of any building the use of which is principally residential.

B. No Gaming or Off-Track Betting Establishment shall be located within five hundred (500') feet of any building which contains, is used for or is associated with, any one or more of the following specified land uses:

- Adult entertainment facilities.
- Amusement Park.
- Camp (for minor's activity).
- Childcare facility.

Church, synagogue, mosque or other similar religious facility.  
Community center.  
Library.  
Museum.  
Park.  
Playground  
School or educational facility.  
Other lands where minors congregate.

C. The lot or property line of any Gaming or Off-Track Betting Establishment shall not be located within five thousand (5,000') feet of the lot or property line of another Gaming or Off-Track Betting Establishment.

D. The distance between any two Gaming or Off-Track Betting 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 Gaming or Off-Track Betting Establishments and any building which contains, is used for or is associated with any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior of the building of such establishment to the closest point on the exterior of the building which contains, is used for or is associated with any said land uses.

E. The proposed use shall not be detrimental to the use and enjoyment of adjoining properties due to hours of operation, light, traffic, noise and/or litter, and the Applicant shall furnish expert evidence to establish this.

F. The Gaming or Off-Track Betting Establishment will be controlled so as not to constitute a nuisance due to noise or loitering outside the building, the Applicant shall furnish expert evidence as to how this will be accomplished. In no event shall loitering be permitted outside any such establishment.

G. A litter control plan shall be established, maintained and paid for by the Applicant and/or property owner to ensure that neither the property where the use is being conducted, nor adjoining properties, will be littered. The proposed plan shall be furnished as part of the application.

H. No more than one (1) Gaming or Off-Track Betting Establishment may be located within one (1) building or shopping center.

I. The Applicant shall submit a Land Development application and plan in accordance with the requirements of The Pocono Township Subdivision and Land Development Ordinance.

J. The Gaming or Off-Track Betting Establishment shall not create an atmosphere of enticement for minors.

K. All Off-Track Betting Establishments shall comply with the rules and regulations of the Pennsylvania Horse and/or Harness Racing Commission pertaining to non-primary locations, as defined therein; and all Gaming and Off-Track Betting Establishments shall comply with all laws, rules and regulations of the United States of America, the Commonwealth of Pennsylvania, and the Township of Pocono.

L. All Gaming and Off-Track Betting Establishments shall comply with the minimum lot area, height, impervious coverage and yard requirements, for uses in the C-Zoning District.

#### **Section 538. Governmental and Educational Uses.**

Governmental and educational uses include federal, state, county and municipal buildings and uses, schools, colleges and other educational institutions.

A. Governmental and Educational Uses are subject to the requirements of the district in which they are located. Consideration shall be given to parking and traffic problems. (See definition of and regulations for Regional Impact Developments). If the nature of the building or use is such that it will generate a high volume of traffic, then the subject tract shall front on and gain access from an arterial, connector, or collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial, connector or collector street design and improvement requirements.

B. The following items shall apply to Public and Private Schools specifically.

1. All height, area, setback, and coverage standards within the applicable zoning district shall apply.

2. All off-street parking facilities shall be setback at least twenty-five (25) feet and screened from adjoining properties by means of fences and/or plantings.

3. All structures shall be setback at least one hundred (100) feet from any adjoining land within a residential zone.

4. Any outdoor recreation areas shall be screened from adjoining residentially used or residentially zoned properties by means of fences or plantings.

5. Passenger drop-off and pick-up areas shall be provided and designed so that there is no cross-traffic pedestrian circulation.

### **Section 539. Group Care Facilities.**

Group care facilities include (1) emergency shelters for the homeless, (2) shelters for abused persons and (3) treatment centers.

#### **A. Emergency Shelter for Homeless**

1. The Emergency Shelter for Homeless shall be sponsored and supervised by a government agency or a nonprofit organization;

2. The applicant shall provide a letter from the Township code enforcement officer stating that the structure has been inspected within the past two months and that it meets minimum code requirements for the intended use;

3. The maximum number of residents shall be indicated at the time of application, and that number, not including employees, shall not exceed any applicable minimum space requirements.

#### **B. Shelter For Abused Persons**

1. The Shelter for Abused Persons shall be sponsored and supervised by a government agency or a state-registered or certified organization;

2. The applicant shall provide a letter from the Township code enforcement officer stating that the structure has been inspected within the past two months and that it meets minimum code requirements for the intended use;

3. The maximum number of residents shall be indicated at the time of application, and that number, not including employees, shall not exceed any applicable minimum space requirements;

4. The applicant shall provide sufficient evidence to the Zoning Hearing Board that the security measures to be provided will provide adequate protection to the residents of the facility.

C. Treatment Center:

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 Treatment Center is sponsored and operated by an agency licensed, registered or certified by an applicable County, State, or Federal program. 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/certification expires, is suspended or withdrawn;

3. If the facility is a temporary residence for the clients, the maximum number of clients shall be indicated at the time application, and that number, not including employees, shall not exceed any applicable minimum space requirements;

4. The facility shall have 24-hour on-site supervision by professionals trained to supervise the types of clients to be served by the facility;

5. 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;

6. The facility shall be located a minimum of 1,000 linear feet from any other such existing/approved facility.

**Section 540. Helipads.**

A. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.

B. The applicant shall furnish evidence of obtaining a license from the Pennsylvania Department of Transportation Bureau of Aviation prior to the issuance of a zoning permit.

C. Additionally, no pad for any helipad shall be within three hundred (300) feet of any property line.

**Section 541. Home Occupations.**

A. A use conducted for gain within a dwelling by the residents thereof, which use is clearly incidental and secondary to the use for dwelling purposes, does not change its character and which complies with the following:

1. The use shall not exceed 25% of the combined gross floor area of the dwelling and permitted accessory structures or 500 square feet, whichever is less.

2. The person conducting the home occupation must be a resident of the dwelling.

3. Home occupations shall only be permitted in single-family dwellings and permitted accessory structures.

4. No more than one home occupation is permitted per resident per dwelling, provided that all home occupations conducted on the premises, in the aggregate, shall not exceed the area limitations set forth in Subsection A (1) above.

5. No more than two nonresident employees in the aggregate for all home occupations conducted at the premises shall be permitted.

6. The home occupation shall not require the delivery of goods or materials by trucks larger than a single unit truck (SU) design vehicle as defined in A Policy on Geometric Design of Highways and Streets, latest revision, American Association of State of Highway and Transportation Officials (AASHTO).

7. The home occupation shall not require or involve regular visitation from customers, clients, salespersons, vendors, subcontractors, etc. For purposes of this provision, visitation by more than three customers, clients, salespersons, vendors, subcontractors, etc., per hour or more than 15 customers, clients, salespersons, vendors, subcontractors, etc., in the aggregate per twenty-four-hour period shall constitute regular visitation.

8. No equipment, materials or appurtenances related to the home occupation shall be stored or displayed outdoors. Storage area shall constitute a part of and be included in the calculation of the permitted home occupation aggregate area.

9. No materials or merchandise shall be visible at or beyond the property lines. No equipment associated with the home occupation shall be visible from the exterior of the dwelling.

10. No indication of the home occupation shall be visible other than one two-sided sign no larger than two square feet. The sign must conform to the requirements of this Ordinance.

11. The exterior appearance of the premises shall be constructed and maintained as a residential dwelling.

12. No discharge is permitted into a reservoir, sewer, storm drainage system, stream, open body of water or ground of any materials in such a way or of such a nature or temperature that could contaminate any water supply or damage or be detrimental to any sewer system, septic system or sewage treatment facility or otherwise cause the emission of dangerous elements.

13. No equipment or process shall be used in such home occupation that creates vibration, glare, fumes, odors or electrical interference detectable off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver or cause fluctuations in line voltage off the lot.

14. A Pocono Township zoning permit is required for all home occupations. Applications for a zoning permit shall be made to the Pocono Township Zoning Officer pursuant to Section 902 of Article IX of this Ordinance, on forms provided by Pocono

Township. If application is approved and a zoning permit issued, the applicant agrees to allow inspections, as required by the Zoning Officer, to verify that the home occupation use is in compliance with this Ordinance and the zoning permit issued.

**Section 542. Hospitals.**

A. Minimum Lot Area - Five (5) acres.

B. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized.

C. The subject tract shall front on and gain access from an , connector, or collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial, connector or collector street design and improvement requirements.

D. All buildings and structures shall be set back at least fifty feet (50') from all side and rear property lines.

E. Emergency entrances shall be located on a building wall facing away from adjoining residentially-zoned properties or residential uses.

F. The applicant shall demonstrate proof of an approved means of disposal of all solid, medical and hazardous wastes.

**Section 543. Keeping of Equine Animals.**

The keeping of equine animals shall meet the following conditions:

A. The minimum lot area required for the keeping of one equine animal shall be three (3) acres. This minimum lot area shall be increased by one and one-half (1 1/2) additional acres for each additional equine animal kept.

B. Maintaining equine animals shall be on a non-commercial basis and be strictly as an incidental use.

C. The area within which equine animals are kept shall be enclosed by a fence designed for containment.

D. No building, corral, fence, 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.

E. The owner of the equine animal(s) shall exercise such control as is necessary to prevent the equine animal(s) from leaving the property when not being ridden or transported. The owner shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

#### **Section 544. Keeping of Wild or Exotic Animals.**

Wild or exotic animals held in captivity shall be limited to lots located in the Commercial district, with a minimum lot area of three (3) acres or greater, and shall be subject to the following additional requirements:

A. The number of such animals shall not exceed the equivalent of one (1) animal unit per acre.

B. Said animals shall be maintained only within the rear yard area.

C. The building or area within which such animals are kept shall be enclosed by a fence or other form of enclosure designed for containment.

D. Such fence or other form of enclosure shall be at least fifty (50) feet from any lot line and not closer than one hundred (100) feet to the nearest dwelling other than that of the owner.

E. The owner of such animals shall exercise control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

F. All such animals shall be maintained in accordance with the regulations and/or permit requirements of the Pennsylvania Game Commission and other applicable agencies.

#### **Section 545. Kennels (Including Non-Profit Kennels).**

A. The minimum lot area requirement shall be two (2) acres.

B. Animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls, or runways also shall comply in all respects with the yard requirements of this Ordinance for the principal building, except that they shall be located no closer to the front lot line than the rear wall of the principal

building, and they may be located in the rear yard if located at least ten (10) feet from any lot line.

C. 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.

D. Outdoor running areas shall be fenced in a manner that restricts access and provides for a full enclosure. All enclosures shall be a minimum of fifty (50) feet from all property lines.

E. All animal wastes shall be regularly removed and disposed from the premises.

F. The owner/operator of the kennel shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

#### **Section 546. Life Care Facilities.**

A. General.

1. The life care facility and accessory facilities shall be designed and used to serve its residents and their guests only.

2. The life care facility shall be planned, developed, and operated according to a unified plan under the direction of a single owner or agent for the owner.

3. The life care facility may include a community center in which an auditorium, activity rooms, craft rooms, library, lounges, or similar recreational facilities for members of the life care facility may be included. Additional facilities provided as part of the life care facility may include:

a. Dining facilities;

b. Medical facilities, including treatment, nursing and convalescent facilities;

c. Office and retail service facilities designed and adequate to serve only the members of the life care facility, including but not necessarily limited to doctor's offices, pharmacy, gift shop, coffee shop, bank, barber or beauty shop;

d. Congregate residences.

B. Area and Bulk Regulations.

The following area and bulk regulations shall apply:

1. The minimum lot area shall be two (2) acres plus
  - a. 800 sq. ft. per patient bed; and
  - b. 5,000 sq. ft. per individual room or apartment unit in congregate residences; and
  - c. three (3) times the gross floor area of permitted and housed accessory uses, such as the community center and personal service shops, but not including the recreational common open areas.
2. The minimum front, side, and rear yards shall conform to the requirements of the zoning district in which they are located. In addition, the maximum building height shall conform to the requirements of the zoning district in which they are located.
3. The maximum impervious area shall be sixty-five (65) percent.
4. A minimum of thirty percent (30%) of the total tract area shall be designated as and used exclusively for common open space. Design and layout of common open space shall be in accordance with the requirements of Subsection F below.

C. Density.

The maximum gross density within a life care facility shall not exceed eight (8) dwelling units per acre. For the purposes of this section, four (4) beds for patient, resident and/or staff person use provided within a medical facility within the life care facility shall be deemed the equivalent of one (1) dwelling unit. Two (2) apartment units in a congregate residence shall also be deemed the equivalent of one (1) dwelling unit.

D. Site Design Requirements.

1. Residential Uses.

a. Structures shall be located and arranged so as to promote privacy for residents within the life care facility and maintain privacy for residents adjacent to the life care facility. Structures shall be located within the development so that there will be no adverse impact such as excluding natural light or invading the privacy of adjacent structures.

b. Structures shall be located and sited so as to promote pedestrian and visual access to common open space wherever possible. Routes for vehicular and pedestrian access and parking areas shall be convenient without creating nuisances or detracting from the privacy of residents.

c. Structures located along the perimeter of the tract shall be designed so as to be harmonious with adjacent areas.

## 2. Non-residential Uses.

a. All non-residential uses shall be located in a single area of the life care facility site.

b. All non-residential uses shall be located with direct access to either a collector or arterial street.

c. Signs for non-residential uses are permitted, subject to the signage requirements of this Ordinance.

d. All non-residential uses shall have architectural compatibility with residential structures.

e. Parking facilities for non-residential uses shall be designed solely for the intended use and shall be physically separated from other parking areas in the development.

### E. The following additional requirements shall apply:

1. No parking area shall be located within the yard requirements.

2. No structure shall be within twenty-five (25) feet of the parking areas.

3. No structure shall be located within thirty (30) feet of any other structure.

4. Sufficient exterior nighttime illumination of the parking area shall be required to provide convenience and safety. All such illumination shall be shielded from view of all surrounding streets and lots.

5. All buildings shall be of fire-resistant construction and shall have a fire sprinkler or other fire suppression system.

6. All permitted uses shall be served by public water and public sewer systems, if available.

F. Common Open Space

1. The location, shape, size and character of the common open space should take into consideration the natural features and physical characteristics of the site.

2. Whenever possible, common open space shall be designed as a contiguous area between residential areas, with pedestrian and visual access available to all residents of the life care facility.

3. Significant natural features such as woodland areas, steep slopes, floodplain areas, large trees, natural water courses and bodies of water, rock outcroppings, and scenic views shall be incorporated into the common open space whenever possible, provided, however, that not less than twenty-five percent (25%) of the total common open space shall be suitable and designed for use as an active recreation area.

4. Areas designated for common open space shall contain no structures other than those directly related to outdoor recreational uses and structures associated with utilities.

5. The common open space shall be owned and maintained under the direction of a single owner or agent for the owner.

G. Streets, Sewer and Water Utilities, Storm Drainage and Soil Erosion Control, Curbs and Gutters and Sidewalks

Streets, sewer and water utilities, storm drainage and soil erosion control, curbs and gutters and sidewalks shall be designed and improved in accordance with the requirements and standards set forth in The Pocono Township Subdivision and Land Development Ordinance. Performance and maintenance guarantees and subsequent release of guarantees for all required improvements

shall be in accordance with the requirements and procedures of The Pocono Township Subdivision and Land Development Ordinance.

#### H. Other Utilities

1. All streets, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted. All such lighting shall be designed and located so as to direct light away from adjacent residences.

2. Telephone, electric, and cable television utilities shall be installed underground.

#### **Section 547. Light Manufacturing.**

All the activity shall be carried on in an enclosed building, except for off-street parking and loading facilities and incidental storage. Light manufacturing uses include the manufacture of food products, grain processing and milling, the fabrication, processing, assembling, repairing, testing, packing and/or storing of any type of product made from previously prepared materials such as cloth, plastic, food, paper, glass, leather, metals, stones, electronic components and other materials; provided, however, that except for the storing, milling and processing of grain, the processing of raw materials is not permitted nor is the storage of junk or the production of fish or meat products, sauerkraut, vinegar or the like or the rendering of fats and oils.

#### **Section 548. Mineral Recovery.**

Except to the extent that they have been superceded and pre-empted by the following Pennsylvania Laws: (1) the Surface Mining Conservation and Reclamation Act, (2) the Noncoal Surface Mining Conservation and Reclamation Act, (3) the Oil and Gas Act, and/or (4) the Bituminous Mine Subsidence and Land Conservation Act, mineral recovery operations shall comply with the following terms and conditions,

A. Extraction of minerals shall be undertaken only from minerals occurring naturally on the property. Spoil piles, slag, solid waste, or other materials shall not be brought to the property for the extraction of minerals, except for asphalt if an asphalt manufacturing plant is to be operated as an accessory use, or materials necessary for the manufacture of ready mix concrete if a ready mix concrete manufacturing plant is approved as a special exception.

B. No quarry or surface mine shall generate or emit air pollutants or noise in excess of standards established by the Commonwealth of Pennsylvania.

C. All quarries or surface mines, or other areas where minerals are extracted by the surface mining method shall comply with the requirements of the Surface Mining Conservation and Reclamation Act and its Rules and Regulations and/or any other applicable state law, rules and regulations, as presently existing or as may be hereafter enacted or promulgated, which Rules and Regulations are incorporated herein by reference. Any violation of any such statute, rule or regulation shall constitute a violation of this Ordinance.

D. All quarries or surface mines, or other areas where minerals are extracted by the surface mining method, excluding extraction of minerals by a landowner for his own non-commercial purposes from land owned or leased by him, but including all other extraction shall be licensed under the Surface Mining Conservation and Reclamation Act and/or any other applicable state law.

E. Gates, which shall be locked except during business hours, shall be located at all entrances.

F. All explosives shall be stored in a permanent building adequately locked in accordance with the state law, rules and regulations.

G. All blasting operations shall conform to the latest regulations of the Pennsylvania Department of Mines and Mineral Industries and also with all applicable federal laws, rules and regulations. Blasting shall not be permitted between 5 P.M. and 7 A.M. the following day.

H. Minimum lot size for any quarry or mining operation shall be five (5) acres, except for the expansion of an existing quarry or mining operation in an adjoining municipality to an area within Pocono Township.

I. All applicable rules and regulations promulgated by the Pennsylvania Department of Environmental Protection, 25 Pa. Code Chapter 77 and Pa. Code Chapter 123, are incorporated herein by reference as though more fully set forth herein. Any violation of any such regulation shall constitute a violation of this Ordinance, and shall be subject to enforcement and penalties as set forth in Article IX of this Ordinance.

J. The applicant shall file with the Township duplicate sets of applications and supporting data submitted to the Department of Environmental Protection as part of any mining application. A copy of each permit or violation issued to the applicant by the Department of Environmental Protection shall be filed with the Township within two (2) weeks of receipt by the operator.

K. Waste product containers shall be screened and set back at least one hundred (100) feet from any adjoining public road or property boundary.

**Section 549. Mobile Home Parks.**

Mobile home parks are subject to the requirements of the Pocono Township Subdivision and Land Development Ordinance.

**Section 550. Nursing Homes.**

A. Minimum Lot Area - Two (2) acres or 800 square feet per patient bed, whichever is greater.

B. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized.

C. Off-street parking lots and loading areas shall be screened from adjoining residentially-zoned lands.

D. At least five percent (5%) of required parking spaces shall be designed for handicapped persons as prescribed in Section 512 of this Ordinance.

**Section 551. Private Clubs and Clubhouses.**

A. Off-street parking shall be provided at least twenty-five (25) feet from all street rights-of-way, and parking compounds shall be at least thirty (30) feet from any adjoining residential property.

B. Any outdoor recreational facilities shall be located at least fifty (50) feet from any property line.

C. Screening shall be provided adjacent to any residential land use.

**Section 552. Professional Offices, Medical/Dental Clinics, Banks and Similar Financial Institutions, and Retail Sales.**

A. The subject tract shall front on and gain access from either an Arterial, Connector, Collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.

B. The applicant shall demonstrate that access to and the design of the parking facilities shall not create vehicle back-ups onto existing abutting streets.

C. The maximum building coverage shall be no greater than forty (40) percent.

D. The maximum impervious coverage shall be no greater than seventy (70) percent.

E. The minimum landscaped area shall be no less than thirty (30) percent.

F. Off-street parking shall not be permitted within ten (10) feet of any property line and/or right-of-way.

**Section 553. Recreation Facilities.**

A. All tracts with commercial recreation facilities shall front on and gain access from an Arterial, Connector, or Collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial and collector street design and improvement requirements.

B. Uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures in accordance with The Pocono Township Subdivision and Land Development Ordinance to prevent any reasonable harm on adjoining properties.

C. Required parking shall be provided based on the type or types of use proposed on the premises, in accordance with the requirements of Section 512. Where multiple uses are proposed, the applicant shall demonstrate that the parking that has been proposed is adequate to accommodate the proposed uses.

D. All entrances to the commercial recreation facility shall be designed so that vehicle back up on abutting roads does not occur.

E. Amusement parks, as well as any other recreational use that meets the definition of a Regional Impact Development, shall also comply with the requirements of Section 554 of this Ordinance.

**Section 554. Regional Impact Developments.**

A. The regional impact development and the individual uses within the development shall comply with the following height, bulk, coverage and area regulations:

1. The minimum lot area of the regional impact development, excluding existing street rights of way, shall be five (5) contiguous acres.

2. The minimum lot width of the regional impact development shall be three hundred (300) feet measured at both the street right of way line and the building setback line.

3. The minimum lot depth of the regional impact development shall be five hundred (500) feet measured at the narrowest part of the development between any existing street right of way and the opposite rear property line, or in the case of a corner lot, from the opposite side property line.

4. Yards within regional impact developments. Part of the required yard area may be used for the purpose of meeting off-street parking requirements subject to, however, the requirements of Section 512. Yards of the following minimum size shall be provided:

a. Front Yard Minimum Depth. The minimum building line from all streets shall be twice the requirement of the underlying zoning district.

b. Side Yard. The minimum side yard shall be fifty (50) feet. In the case of a shopping center, there will be no side yard requirement between buildings which form a continuous structure when located within the shopping center; provided however, that no building shall be located closer than fifty (50) feet from any side property line.

c. Rear Yard. The minimum rear yard shall be fifty (50) feet. In the case of a shopping center, there will be no rear yard requirement between buildings which form a continuous structure when located within the shopping center; provided

however, that no building shall be located closer than fifty (50) feet from the rear property line.

5. Maximum Impervious Coverage. Not more than seventy (70%) percent of the area of the lot shall be covered with impervious surface. However, this maximum impervious coverage shall be increased to seventy-five (75%) percent of the area of the lot where more than one-half (1/2) of all parking spaces within the lot are located behind the front building line.

6. Maximum Building Coverage - Not more than sixty (60%) percent of the area of the lot shall be covered by buildings.

7. Minimum Landscape Area - Not less than thirty (30%) percent of the area of the lot shall be covered by vegetation materials. However, this minimum landscape area shall be reduced to twenty-five (25%) percent of the area of the lot where more than one-half (1/2) of all parking spaces within the lot are located behind the front building line.

B. The regional impact development shall front and have all of its primary points of access onto an Arterial, Connector or Collector streets as identified in the Official Roadway Classification List available at the Township Building. Internal vehicular circulation shall be designed in accordance with any requirements of The Pocono Township Subdivision and Land Development Ordinance. Ingress and egress to the development shall be provided through two (2) or more controlled access points that are designed to handle the traffic generated by the site in a safe and efficient manner.

C. The applicant shall provide a traffic evaluation study, prepared in accordance with any requirements of The Pocono Township Subdivision and Land Development Ordinance, indicating that adverse traffic conditions are minimized.

D. Sufficient off-street parking shall be provided for each use; however, where it can be shown to the satisfaction of the Township Board of Supervisors that various uses within a regional impact development will be generating parking needs at different times of the day or week, or that various uses when combined in a regional impact development will generate reduced parking needs than if the uses were not combined, the amount of parking may be reduced accordingly. Parking compounds and internal vehicular circulation patterns shall be designed to prevent traffic that is utilizing any facility within the development from backing onto public streets.

E. Where a regional mass transit system provides service along a street adjacent to the development or where such a system is proposed as part of an adopted municipal or regional transportation plan to serve the area of the development, appropriate drop-off and shelter facilities shall be located along such street, or within such development, or at some alternate location, as may be required by the Board of Supervisors, mass transit company, or other applicable municipal agency.

F. Clearly defined internal pedestrian circulation patterns shall be provided within the regional impact development. Pedestrian crossing of vehicular traffic areas should be eliminated wherever possible. Sidewalks shall be provided in accordance with any requirements of The Pocono Township Subdivision and Land Development Ordinance. The internal pedestrian circulation system shall be coordinated with the pedestrian circulation system along the existing streets and on abutting properties.

G. Exterior lighting shall be required, in accordance with The Pocono Township Subdivision and Land Development Ordinance, to provide convenience and safety for people utilizing the facilities within the development; however, all such lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

H. No use shall emit any obnoxious noise, glare, dust, odor, vibration, electrical disturbance, smoke, toxic gas, radiation, heat or any other objectionable impact beyond the lot line of the facility.

I. All outdoor storage, parking, loading/unloading areas, refuse areas, sewage treatment facilities, water treatment facilities, above ground fuel storage facilities (propane tanks, etc.) shall be screened from adjoining properties that are within a residential zoning district. Said screening shall be provided in accordance with any design requirements of The Pocono Township Subdivision and Land Development Ordinance.

J. In addition to the screening requirements of this Ordinance and The Pocono Township Subdivision and Land Development Ordinance, the developer shall be responsible for providing landscaping throughout the entire regional impact development in accordance with a landscape plan designed by a registered landscape architect. Said plan shall provide a uniform, cohesive and visually attractive landscape for the development that also

de-emphasizes that size and bulk of the development so that it is visually compatible with the surrounding neighborhood.

K. As part of any application for a conditional use the applicant shall also be required to show that any individual use within a regional impact development also complies with all other regulations specifically set forth in Article V of this Ordinance for that individual use.

L. Where a proposed development is (1) an extension, expansion or revision of a development existing prior to the adoption of this Ordinance, and (2) where the combination of the existing use(s) and the proposed extension(s), expansion(s) or revision(s) would qualify as a regional impact development, the requirements of this Section shall be considered only if the proposed extension(s), expansion(s) or revision(s) exceed 10% of the existing use(s) or 10,000 square feet, whichever is greater.

M. Where a multi-phase regional impact development is proposed, the application for a conditional use shall include the entire development; however, the applicant may provide a phasing schedule, subject to the approval of the Board of Supervisors, for all site improvements and for all transportation and traffic improvements which shall coincide with the phasing of the development.

#### **Section 555. Restaurants, Taverns, and Nightclubs.**

A. The subject tract shall front on and gain access from an arterial, connector, or collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial, connector or collector street design and improvement requirements.

B. No part of the subject property shall be located within two hundred (200) feet of any residential district.

C. All lighting of outdoor facilities shall be designed and located in accordance with current Illumination Engineering Society of North America (IESNA) foot-candle lighting standards so as to not produce a glare or direct illumination onto abutting properties and streets.

D. The applicant shall furnish evidence identifying how the use will be controlled and will not constitute a nuisance due to noise, light, or loitering outside the building.

E. A working plan for the clean up of litter shall be furnished and implemented by the applicant.

**Section 556. Retail Sales of Nursery and Garden Materials.**

A. All driveways, parking areas, and loading zones shall be surfaced and maintained in a manner prescribed as per Section 512 of this Ordinance. Adequate parking and loading areas shall be provided and shall not be permitted on or along any public road.

B. The display, sale, or repair of motorized nursery or garden equipment shall not be permitted.

C. All outdoor display areas shall be setback at least twenty-five (25) feet from the street right-of-way line.

D. All structures and parking and loading facilities shall be screened from residentially zoned properties.

E. Storage and application of pesticides and fertilizers shall be in accordance with applicable state and federal Laws.

F. All lighting of outdoor facilities shall be designed and located in accordance with current Illumination Engineering Society of North America (IESNA) foot-candle lighting standards so as to not produce a glare or direct illumination onto abutting properties and streets.

**Section 557. Riding Club or Riding Stable.**

A. Minimum Lot Area - Ten (10) acres; The number of horses permitted shall be based on a minimum of one (1) acre per (i) one and one-half (1 1/2) animals maintained or (ii) each stall provided, whichever is greater.

B. All animals except while exercising or pasturing shall be kept within a completely enclosed building which was erected or maintained for that purpose.

C. All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four (4) foot-high fence, which is located at least twenty-five feet (25') from all property lines.

D. Any structure used for the boarding of horses shall be set back at least two hundred feet (200') from any property line.

E. All stables shall be maintained so to minimize odors perceptible at the property line.

F. All parking compounds and unimproved overflow parking areas shall be set back at least twenty feet (20') 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.

G. No manure storage facility or area shall be established closer than one hundred fifty (150) feet to any property line.

**Section 558. Salvage Yards.**

A. The minimum lot area requirement shall be five (5) acres.

B. The outdoor junk storage area shall be completely enclosed by a minimum eight (8) foot high sight-prohibitive fence which shall be setback not less than (50) feet from all property lines.

C. All buildings used to store junk shall be wholly enclosed and setback at least fifty (50) feet from all property lines.

D. No salvage material shall be stored so as to be visible over the sight prohibitive fence from the property line and/or right-of-way line.

E. Screening shall be required when the proposed use is located adjacent to a non-industrial use or non-industrial district.

F. All additional Federal and State laws shall be complied with.

G. The setback area between the fence and property line shall be kept free of refuse and debris.

H. All junk shall be stored or arranged to permit reasonable access by fire fighting equipment and to prevent the accumulation of water. Storm water shall be drained in a manner that does not result in chemical residues being discharged from the site.

I. No material shall be burned at any time.

J. No junkyard shall be located on lands with an average slope of greater than five (5) percent.

K. A Certificate of Use shall be issued for a period of one (1) year, and shall be subject to annual renewal.

**Section 559. Self-Service Storage Facilities.**

The following shall specifically apply to self- service storage facilities:

A. The subject tract shall front on and gain access from an arterial, collector, or connector road as identified in the Official Roadway Classification List available at the Township Building.

B. Off-street parking shall be provided in accordance with the requirements of this Ordinance for warehousing (Non-Retail).

C. Parking shall be provided by parking/driving lanes adjacent to the buildings. These 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 where cubicles open onto both sides of the lane.

D. Required parking may not be rented as, or used for, vehicular storage. However, additional external storage may be provided for the storage of operable and properly licensed/registered privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially-zoned land and adjoining roads, and is 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.

E. All storage other than that provided for under Section D. shall be kept within an enclosed building, except that storage of flammable, highly combustible, explosive or hazardous chemicals or materials 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.

F. Because of the danger from fire or explosion caused by the accumulation of vapors from flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.

G. No door openings for any self-service storage unit shall be constructed facing any adjacent residentially-zoned property.

H. Self-service storage facilities shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited on the site:

1. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.

2. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.

3. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

The applicant shall adequately demonstrate that all self-service storage facilities' rental and/or use contracts shall specially prohibit these uses.

**Section 560. Shopping Centers.**

A. The subject tract shall front on and gain access from either an arterial, connector or collector road as identified in the Official Roadway Classification List available at the Township Building.

B. The following types of commercial and commercial-related establishments shall be permitted:

1. Grocery store.

2. Banks and similar financial institutions.

3. Drugstore.

4. Retail sale of goods, provided the total floor area is less than one hundred thousand (100,000) square feet.

5. Retail services, including barber/beauty salons, music, dance, art, or photographic studios, repair of small appliances, and laundromat and dry cleaning collection stations.

6. Professional offices.

7. Restaurants and taverns.

8. Any other establishment that in the opinion of the Board is of the same general character as any of the above-identified uses.

C. The minimum lot area shall be three (3) acres.

D. The minimum lot width shall be three hundred (300) feet.

E. The applicant shall demonstrate that access to and the design of the parking facilities shall not create vehicle back-ups onto existing abutting streets.

F. The maximum building coverage shall be no greater than twenty-five (25) percent.

G. The maximum impervious coverage shall be no greater than seventy (70) percent.

H. The minimum landscaped area shall be no less than thirty (30) percent.

I. No building shall be placed closer than thirty (30) feet to any property line. Where there exists a more stringent requirement, such requirement shall apply. Off-street parking shall not be permitted within side and rear yard setback areas.

J. Fire Lanes will be required in accordance with Township Ordinances.

#### **Section 561. Truck or Motor Freight Terminal.**

The subject tract shall front on and gain access from either an arterial, collector or connector road as identified in the Official Roadway Classification List available at the Township Building. The requirements for Regional Impact Developments in Section 554 of this Ordinance shall also apply to truck or motor freight terminals.

#### **Section 562. Vehicle Fueling Stations.**

A. The subject tract shall front on and gain access from either an arterial, connector or collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial, connector or collector street design and improvement requirements.

B. The subject property shall have a minimum lot width of one hundred and twenty-five (125) feet.

C. The subject property shall be at least three hundred (300) feet from the property line of any parcel containing a school, day care facility, playground, library, or nursing, rest, or retirement home.

D. Any vehicle not receiving repair work within the preceding seven (7) days shall be removed.

E. Gasoline pump islands shall be at least thirty (30) feet from the street right-of-way line.

F. Entrances and exits shall be a minimum of thirty (30) feet in width.

G. All ventilation equipment associated with fuel storage tanks shall be at least one hundred (100) feet from any adjoining residential property or residentially zoned property.

H. All uses involving drive-through service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.

I. In the event of discontinuance or abandonment of the use of the property as a vehicle fueling station, all underground fuel storage tanks must be removed in accordance with all applicable regulations within six (6) months.

### **Section 563. Vehicle Service and Repair Facilities.**

A. The subject tract shall front on and gain access from either an arterial, connector or collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial, connector or collector street design and improvement requirements.

B. All service and/or repair activities shall be conducted within a single, wholly enclosed building.

C. All uses involving drive-through service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.

D. No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded, as part of the service operation shall be permitted. Materials discarded as part of the service operation shall be contained within wholly enclosed dumpster equipment.

E. All exterior vehicle storage areas shall be screened from view from adjoining residential and residentially zoned property.

F. The storage of unlicensed vehicles on the property is prohibited.

G. All ventilation equipment associated with fuel storage tanks shall be at least one hundred (100) feet and oriented away from any adjoining residential property or residentially-zoned property.

H. All vehicles shall be repaired and removed from the premises as promptly as possible. Any vehicle not receiving repair work within the preceding thirty (30) days shall be removed.

I. The demolition or storage of junked or abandoned vehicles or parts thereof is prohibited.

**Section 564. Vehicle Washes.**

A. The subject tract shall front on and gain access from either an arterial, connector or collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial, connector or collector street design and improvement requirements.

B. On-lot wash water recycling systems are required.

C. Each Vehicle wash bay in an automatic/conveyorized facility shall allow for a stacking of at least five (5) vehicles. Each Vehicle wash bay in a self-serve facility shall allow for a stacking of at least three (3) vehicles.

D. All structures shall have a minimum setback of one hundred (100) feet from any street right-of-way line, fifty (50) feet from any rear property line, and twenty-five (25) feet from any side lot line.

E. The site shall be kept debris and trash free with the owner or manager of the Vehicle wash responsible for site maintenance.

F. All entrances to the Vehicle Wash facility shall be designed so that vehicle back up on abutting roads does not occur.

G. All lighting of outdoor facilities shall be designed and located in accordance with current Illumination Engineering Society of North America (IESNA) foot-candle lighting standards so as to not produce a glare or direct illumination onto abutting properties and streets.

**Section 565. Wholesale Distribution of Industrial Products, Lumber and Coal Yards, Building Material Storage Yards, Contractors' Equipment and Storage Yards, Commercial Warehouses.**

The subject tract shall front on and gain access from an arterial, collector, or connector road as identified in the Official Roadway Classification List available at the Township Building.

