

CASS TOWNSHIP
ZONING ORDINANCE



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Prepared by:



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Chapter 1. Title, Interpretation and Application

Section 101. Title.

This Ordinance shall be known as and may be cited as "The Cass Township Zoning Ordinance".

Section 102. Purpose.

This Ordinance is enacted to implement the Cass Township Comprehensive Plan and to promote the public health and safety and the general welfare of the residents and occupants of the Township by encouraging the most appropriate use of land and buildings; preventing the overcrowding of land; avoiding undue congestion of population, providing for adequate light and air; conserving the value of land and buildings; securing safety from fire, panic, flood and other dangers; facilitating the adequate provision of transportation, water, sewerage, school and other public facilities; encouraging the harmonious and orderly development of land; lessening congestion of the roads and highways; and providing minimum standards applicable thereto which may from time to time be supplemented and/or amended as provided by law.

This Ordinance is enacted in accordance with the Planning Policy Elements as set forth in the Comprehensive Plan for Cass Township, dated October 1995. Those Objectives are incorporated herein by reference.

Section 103. Interpretation.

Section 103.1. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents and occupants of the Township. Where the provisions of this Ordinance impose greater restrictions than those of any other Township statute, ordinance or regulation, the provisions of this Ordinance shall govern. Where the provisions of any other Township statute, ordinance or regulations impose greater restrictions than this Ordinance, the provisions of such other Township statute, ordinance or regulation shall govern unless otherwise stated in this Ordinance.

Section 103.2. Uses Not Specifically Regulated. If a use clearly is not permitted by right, by condition or by special exception by this Zoning Ordinance within any Zoning District, the use is prohibited, except as may be permitted as a "similar use" under a specific provision of this Zoning Ordinance.

Section 103.3. Interpretation of Zoning Ordinance Text and Boundaries. The Zoning Officer shall apply the wording of this Zoning Ordinance and the location of all District boundaries to particular applications. The Zoning Officer may request an advisory opinion from the Township Solicitor or the Zoning Hearing Board Solicitor.

Section 103.4. Definitions. If a word is not defined, the word shall be considered to have its plain and ordinary meaning within the context of the provision. A standard reference dictionary should be consulted.

Section 104. Application.

Except as hereinafter provided, no building, structure, land or parts thereof in Cass Township shall be used or occupied, erected, constructed, assembled, moved, enlarged, removed, reconstructed or structurally altered unless in conformity with the regulations of this Ordinance.

Chapter 2. Definitions

Section 201. General.

For the purpose of this Ordinance, certain terms and words are defined below. Words used in the present tense shall include the future tense. Words in the singular shall include the plural and words in the plural shall include the singular. Words in the masculine include the feminine and the neuter. The word "shall" is mandatory. The word "may" is permissive. The word "person" includes "individual", "company", "unincorporated association" or other similar entities. The words "used for" include "designed for", "arranged for", "intended for", "maintained for" or "occupied for". The word "building" shall be construed as if followed by the phrase "or part thereof".

Section 202. Specific Terms.

ACRE – 43,560 square feet.

ABUT OR ABUTTING – areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See definition of "adjacent."

ACCESSORY BUILDING - a building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building (see Sections 603 and 604).

ACCESSORY USE - a subordinate use of a portion of a lot, or of a building thereon, which is customarily incidental to the main or principal use of the land or of a building on a lot.

ADAPTIVE REUSE – the process of adapting existing structures for new purposes, including preserving buildings of historical significance while retaining the architectural details and features that make them unique.

ADJACENT – two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

ADMISSION – a monetary exchange or charge of any character whatsoever, including donations, contributions, dues, and membership fees (periodical or otherwise) charged, paid, or in any other manner received by a landowner or producer and obtained from the general public, or a limited or selected number thereof, directly or indirectly or indirectly, for the privilege of attending or engaging in any form of amusement, entertainment, or recreation. Provided, however, that any form of amusement, entertainment, or recreation. Provided, however, that any form of amusement, entertainment, or recreation, the proceeds of which after payment of reasonable expenses, inure exclusively to the benefit of religious, educational, or charitable,

institutions, societies, or organizations, veterans' organizations or police or firemen's organizations, or which is conducted by or on behalf of a government body, shall not be considered a commercial form of amusement, entertainment, or recreation within the meaning of this Ordinance.

ADULT BOOKSTORE - a commercial establishment having as a substantial or significant portion of its stock in trade, books, magazines, photographs or other materials which are distinguished or characterized by their emphasis on matters depicting, describing or related to "Specified Sexual Activities", or "Specified Anatomical Areas".

ADULT BUSINESS - any commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any form of sexually explicit material (i.e. books, magazines, periodicals or other printed matter, or photographs or film, motion picture, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of sexual activities or display of human genital and/or other anatomical areas and/or instruments, devices, or paraphernalia which are designed for use in connection with sexual activities). And/or which offers to provide, for entertainment purposes, persons who appear in a state of nudity or semi-nudity (i.e. go-go dancers, erotic and/or exotic dancers, erotic and/or exotic entertainers, etc). This definition is a broad overall definition which includes, but is not limited to the following:

- a. Adult arcade.
- b. Adult bookstore, adult novelty store, or adult video store.
- c. Adult cabaret, adult dance hall, adult theatre, adult club, adult bar, adult tavern, adult night club, adult restaurant or any other similar type of adult establishment.
- d. Adult drive-in theatre.
- e. Adult mini motion picture theatre.
- f. Adult motel.
- g. Adult motion picture, theatre.
- h. Adult peep shows.
- i. Any type of sexual encounter center.
- j. Massage parlor.
- k. Nude model studio.

ADULT DAY-CARE FACILITY – any premises operated for either, profit or, not for profit in which older adult daily living services, as defined herein, are simultaneously provided for four (4) or more adults who are not relatives of the operator of said facility. The following types of adult day-care facilities are regulated through this definition and Ordinance.

- (1) Adult Day-Care Home – any adult day-care facility in which services are provided to between four (4) and eight (8) adults and where the day-care areas are being primarily used as a family residence.

- (2) **Adult Day-Care Center** – any adult day-care facility in which services are provided to eight (8) or more adults and where the day-care areas are not being primarily used as a family residence.

ADULT MOTION PICTURE THEATER - a building or establishment used in whole or in part for presenting motion pictures, distinguished or characterized by an emphasis on matters depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” for observation by patrons, i.e. paying customers, therein.

ADVERTISING SIGN - a sign, which directs attention to a business, commodity, service or entertainment, conducted, sold, or offered elsewhere than upon the premises where the sign is displayed.

AGRICULTURE - (a) the cultivation of the soil and the raising and harvesting of the products of the soil, including nursery and horticulture but excluding forestry; (b) animal husbandry, poultry farming and dairy farming, excluding kennels.

AGRICULTURE (INTENSIVE) – specialized agricultural activities, including but not limited to mushroom production, certain concentrated animal feeding operations (CAFO), and certain concentrated animal operations (CAO), which due to the intensity of the production necessitate special control of operation, raw material storage and processing, and the disposal of liquid and solid wastes. The Specific thresholds for an operation to be considered an Intensive Agriculture are contained in Section 606.

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

ALLEY – see service street.

ALTERATION, STRUCTURAL - any enlargement of a building or structure; the moving of a building or structure from one location to another; any change in or addition to the structural parts of a building or structure; any change in the means of egress from or access to a building or structure.

AMUSEMENT AND ENTERTAINMENT - the state of being amused or entertained; for purposes of this Ordinance, Amusement and Entertainment is primarily a spectator activity (the enjoyment of a performance or exhibit of some kind) and is more passive and not as overly interactive as Recreation (as defined in this Ordinance) is. Amusement and entertainment conducted within the Township, includes, but is not limited to theatrical performances, operatic performances, folk festivals, musical concerts or festivals, carnivals, circuses, campgrounds, spectator sports events, vaudeville shows, side shows, amusement parks, exhibitions, craft or antique shows. Any manner or form of Amusement and Entertainment, for which admission is charged, paid or required (see Admission) shall be considered either Commercial or Private forms of Amusement and Entertainment. For purposes of this Ordinance, Amusement and Entertainment is considered Indoor or Outdoor as well as an Accessory and Primary. This use shall not include the terms Tavern, or Restaurant, although food and beverages may be served if the serving of said items is clearly incidental to the primary Amusement and entertainment use. This use shall not include the terms Adult Business or Adult Establishment or activities meeting said definition.

AMUSEMENT PARK – a recreational use involving permanent structures or buildings where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows or entertainment.

ANIMAL EQUIVALENT UNIT (AEU) – an animal equivalent unit (AEU) is 1,000 pounds of live weight of livestock or poultry animals based upon the following standard animal weights:

Standard weight (lb) Type of animal during production (range)	Standard weight (lb) Type of animal during production (range)
Swine	Dairy
Nursery pig 30 (15–45)	<i>Holstein/Brown Swiss</i>
Finishing pig 145 (45–245)	Cow 1,300
Gestating sow 400	Heifer: 1–2 yr. 900 (650–1,150)
Sow and litter 470	Calf: 0–1 yr. 375 (100–650)
Boar 450	Bull 1,500
Beef	<i>Ayrshire/Guernsey</i>
Calf: 0–8 mo. 300 (100–500)	Cow 1,100
Finishing: 8–24 mo. 850 (500–1,200)	Heifer: 1–2 yr. 800 (575–1,025)
Cow 1,150	Calf: 0–1 yr. 338 (100–575)
Veal	Bull 1,250
Calf: 0–16 wk. 250 (100–400)	<i>Jersey</i>
Poultry	Cow 900
Layer: 18–65 wk. 3.25 (2.75–3.76)	Heifer: 1–2 yr. 600 (400–800)
Layer: 18–105 wk. 3.48 weighted avg.	Calf: 0–1 yr. 225 (50–400)
Layer, brown egg: 20–65 wk. 4.3 (3.6–5)	Bull 1,000

Layer, brown egg: 20–1 05 wk. 4.63 weighted	Sheep
Pullet: 0–18 wk. 1.42 (0.08–2.75)	Lamb: 0–26 wk. 50 (10–90)
Broiler, large: 0–57 days 3.0 (0.09–5.9)	Ewe 150
Broiler, medium: 0–43 days 2.3 (0.090–4.5)	Ram 185
Roaster 3.54 (0.09–7)	Goat
Male: 0–8 wk.	Kid: 0–10 mo. 45 (5–85)
Female: 0–10 wk.	Doe 125
Turkey, tom: 0–18 wk. 14.1 (0.12–28)	Buck 170
Turkey, hen: 0–14 wk. 7.1 (0.12–14)	Horse
Duck: 0–43 days 3.56 (0.11–7)	Foal: 0–6 mo. 325 (125–625)
Guinea: 0–14 to 24 wk. 1.9 (0.06–3.75)	Yearling 750 (625–875)
Pheasant: 0–13 to 43 wk. 1.53 (0.05–3)	Non-draft breeds: mature 1,000
Chukar: 0–13 to 43 wk. 0.52 (0.04–1)	Draft breeds: mature 1,700
Quail: 0–13 to 43 wk. 0.26 (0.02–0.5)	

ANIMAL HUSBANDRY - the control and management of livestock and poultry.

ANNEXATION PARCEL – a subdivision of land, which shall not be used as a separate building lot, but shall be incorporated into the legal description of the lot which is receiving said annexation parcel.

ANTENNA HEIGHT - the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE - any pole, telescoping mast, tower, tripod or any other structure which supports or helps to support, any type of device used in the transmitting or receiving of any type of telecommunication transmissions.

APARTMENT UNIT - a dwelling unit within an apartment building. An apartment building is a building on a single lot designed for and occupied as a residence for three (3) or more families, and in which the dwelling units may be separated horizontally and/or vertically.

APPROVED PRIVATE STREET - a right-of-way which provides the primary vehicular access to a lot, not dedicated or deeded to the Township, but approved by the Board of Supervisors and shown on a recorded subdivision plan.

AREA OF SIGN - the area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or closed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the

sign consists of individual letters or symbols attached to or painted on the surface, the area shall be considered to be the smallest rectangle or other regular geometric figure, which can be drawn to encompass all of the letters and symbols.

BABY SITTING - the regular care of not more than three (3) children not related to the person giving care which takes place at the home of the person giving care.

BASEMENT - any area of a building having its floor below ground level on all sides.

BED AND BREAKFAST – a building occupied by a resident innkeeper containing six (6) or fewer guest rooms for the temporary lodging of guests for compensation and providing to the guests such lodging services as maid service and accessory eating and drinking facilities limited to the serving of breakfast.

BOARD - any body granted jurisdiction under a land use ordinance or under the Municipalities Planning Code (MPC) to render final adjudication.

BOARD OF SUPERVISORS - Board of Supervisors of the Township of Cass, Schuylkill County, Pennsylvania.

BUFFER STRIP - a continuous strip of landscaped land, which is clear of all buildings and paved or stoned areas.

BUILDING - a structure enclosed within exterior walls or firewalls, built, erected and framed of component structural parts, designed for the enclosure and support of individuals, animals or property of any kind.

BUILDING AREA - the total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves and gutters, but including all enclosed extensions.

BUILDING COVERAGE - the percentage of a lot covered by principal and accessory buildings.

BUILDING HEIGHT – the vertical distance from grade plane to the average height of the highest roof structure.

A. Grade plane is defined as a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls; the reference plane shall be established by the lowest points within the area between the building and the lot line or where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

BUILDING LENGTH - the measurement of a building in one general direction.

BUILDING SETBACK - the minimum distance a building or structure must be reserved from a street right-of-way line (except the right-of-way of a service street).

BUILDING SETBACK LINE - the line within a property establishing the minimum required distance between any building or structure or portions thereof to be erected or altered and a street right-of-way (except the rights-of-way of a service street). The distance shall be measured at right angles from the street right-of-way line, which abuts the property, and the building Setback line shall be parallel to said right-of-way line. A building Setback line may be established farther from a street right-of-way line than the minimum building Setback established for a zoning district.

BUSINESS SIGN - a sign, which directs attention to a business, profession, event, activity, exhibit, entertainment, or industry conducted on the premises or to products sold, manufactured assembled upon the same premises on which it is displayed.

CABARET - a club, restaurant, bar, tavern, theater, hall or similar place or establishment which features male and/or female entertainers, including but not limited to topless or bottomless dancers, entertainers, strippers or employees whose performance or activities include, even though not limited to, simulated sex acts, live or actual sex acts, or other “Specified Sexual Activities” and/or reveal or display “Specified Anatomical Areas”.

CAMPGROUND - a parcel of land on which is provided a space or spaces for travel trailers or tents for camping purposes, regardless of whether a fee has been charged for the occupancy of such space.

CART WAY - the portion of a street right-of-way, whether paved or unpaved, intended for vehicular use.

CAR WASH - (see Motor Vehicle Washing Facility).

CELLAR - an area of a building, which is generally below ground level, but not on all sides.

CEMETERY - a tract of land used for the purpose of the burial of deceased human beings (including columbariums and mausoleums, when operated in conjunction with the cemetery and when said facilities are located entirely within the boundaries of the cemetery).

CHILD DAY-CARE FACILITY - the following types of child day-care facilities are hereby defined and regulated by this Ordinance:

- A. Family Day-Care Home - any single- family detached dwelling, the premises meeting the requirements of this Ordinance, in which child care is provided, *at* any one time, for less than twenty-four (24) hours/day to a maximum of six (6) children who are *not* relatives of the caregiver, and where the child-care areas are being primarily used as a *family* residence,

- B. Group Day-Care Home - any single- family detached dwelling, the premises meeting the requirements of this Ordinance, in which care is provided for less than twenty-four (24) hours/day for more than seven (7) but fewer than twelve (12) children, not related to the care-giver, at any one time, where the child-care areas are being used primarily as a family residence, and is registered with the applicable state agency.
- C. Day-Care Center - a facility in which care is provided for seven (7) or more children. unrelated to the caregiver at any one time for less than twenty-four (24) hours/day where the child-care areas are not being used as a family residence and is registered with the applicable state agency.
- D. Baby-Sitting" as defined in this Ordinance, is not considered to be a Child Day-Care Facilit^y.

CERTIFICATE OF USE AND OCCUPANCY - a statement, based on an inspection signed by the Zoning Officer, setting forth that a building, structure, sign and/or land complies with the Zoning Ordinance, and that a building, structure, sign and/or land may be lawfully employed for a specific use, as provided in this Ordinance.

CHARTER SCHOOL – a tax-supported school (K-12 or subset thereof) established by a charter between the state and an outside group which operates the school so as to achieve set goals.

CHURCH - a building used for public worship by a congregation, excluding buildings used primarily for residential, educational, burial, recreational or other uses not normally associated with worship.

CLEAR CUTTING - a logging method that removes all trees from a tract of land or portion thereof.

CLUB OR LODGE - an association of persons for some common non-profit activity, not including groups organized primarily to render a service, which is customarily carried on as a business.

CLUSTER DEVELOPMENT - a type of residential development wherein, for the purposes of this Ordinance, single family detached dwellings are permitted on lot sizes which may be reduced to smaller than what is normally required, although with little or no increase in overall density, thereby preserving an area of the parent tract's land for common open space, agriculture purpose, or some other use specified by the regulations of this Ordinance.

COMMERCIAL SCHOOL - a school for the teaching of a trade or skill, carried on as a business.

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water, within the development site designed and intended for use or enjoyment of all residents of the development in which it is located. Land included within the right-of-way lines of streets shall not be classified as common open space. For the purpose of apartment or townhouse developments, common open spaces shall not include required open areas between buildings and between buildings and street rights-of-way, driveways, parking areas unless directly associated with the open space and property lines of the development. No dwelling unit, residential accessory buildings or parking areas may be located within common open spaces (unless directly associated with the open space).

COMMON PARKING AREA - a parking facility other than those provided within the lot lines of a lot on which one single family detached dwelling, one single family semi-detached dwelling, or one townhouse is located.

COMMON WALL - a wall used or adopted for joint service between two (2) buildings or parts thereof.

CONDITIONAL USE - a use that shall only be permitted by the Township Supervisors pursuant to the provisions of this Ordinance.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) – an animal feeding operation where **250** or more animal equivalent units (AEU) are housed inside buildings or in confined feedlots.

CONCENTRATED ANIMAL OPERATION (CAO) – an operation owned or managed by a farmer where animal density exceeds two (2.0) animal equivalent units (AEU) per acre of land suitable and available for manure application on an annualized basis. The calculation on AEU's per acre involves determining the number of AEU's of production animals on the farm and then adjusting that for the actual number of days (out of 365) that manure is typically produced. To determine the number of AEU's on a farm, the following formula can be used: Total AEU's for each type of animal = [number of animals (average on a typical production day) x animal weight (lb) ÷ 1,000] x [number of production days per year ÷ 365].

CONSTRUCTION SITE - the total necessary land required for all buildings or uses within a unified development.

CONVALESCENT HOME - an establishment providing nursing, dietary and other similar personal services to convalescents, invalids or aged persons, but excluding mental cases, cases of contagious or communicable disease, surgery or other treatments which are customarily provided in sanitariums and hospitals.

CORNER LOT - a lot abutting two (2) or more intersecting public or private streets, or at the point of abrupt change or direction of a single street (an interior angle of less than 135 degrees). Upon presentation of an application for establishment of a use on a

corner lot, the Township Zoning Officer shall designate which yard abutting a street will be considered the front yard. The yard opposite that yard shall meet the rear yard requirements of the applicable zoning district. Any yard adjoining a street which was not designated the front yard must meet the front yard requirements of the applicable zoning district, and the yard opposite that yard shall meet the side yard requirements of the applicable zoning district. In the case of a building to be placed on a corner lot such that the front of the building will not be parallel to a street line, yards shall be provided so that no building will be placed closer to a street than the front yard requirement of the applicable zoning district, so that no portion of the rear of the building will be placed closer to a lot line than the rear yard requirement of the applicable zoning district, and so that no portion of a side of the building will be placed closer to a lot line than the side yard requirement of the applicable zoning district.

DECISION - final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Municipalities Planning Code (MPC) to do so, either by reason of the grant of exclusive jurisdiction, or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district wherein the municipality lies.

DEVELOPER - any Record or Equitable landowner, agent of any such landowner or tenant with the permission of any such landowner who makes or causes to be made a subdivision or land development.

DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

DENSITY (RESIDENTIAL) – the number of dwelling units (DU) per unit area including allowance for roadways, and the attendant residential population per unit area.

- (1) Low Density: Less than 300 DU/sq.mi (>2 acres/DU)
- (2) Medium Density: 300 – 1,250 DU/sq.mi. (0.5 – 2.0 acres/DU)
- (3) High Density: 1,250 – 2,000 DU/sq.mi. (0.32 – 0.5 acre/DU)
- (4) Very High Density: greater than 2,000 DU/sq.mi. (<14,000 sq.ft./DU; >3.125 DU/acre)

DIRECTIONAL SIGN - a sign containing directional information locating public places owned or operated by Federal, State, or Local governments or their agencies; public or privately owned natural phenomena, historical, cultural, scientific, educational and religious sites, and areas of natural scenic beauty or which are naturally suited for outdoor recreation.

DISTANCE BETWEEN BUILDINGS - this measurement shall be made at the closest point between the structures.

DISTRIBUTION CENTER - a type of warehouse for the short term storage, and the distribution of, goods and materials for a specific commercial establishment (also see Warehouse). A "Distribution Center" is not a "Truck Terminal" or a "Truck Stop" as defined in this Ordinance.

DRIVEWAY - a private road providing access to a garage, house, or other building, and within thirty (30°) degrees of being perpendicular to the public road that it joins. Internal circulation drives shall not be included in the definition of driveways.

DUAL USE - two dissimilar uses, specifically a residential use and a commercial use such as a business/professional office, a retail business or a personal/household service establishment, being conducted in a single structure or on a single lot.

DWELLING - a building or structure or portion thereof arranged, intended, designed or used as living quarters for one (1) or more families living independently of each other. Such buildings as hospitals, hotels, boarding, rooming, lodging houses, nursing homes, motels and institutional residences are not included in the definition of dwelling.

- A. **APARTMENT BUILDING** - a building on a single lot arranged, intended or designed to be occupied as dwelling units for three (3) or more families, and in which the dwelling units may be separated horizontally and/or vertically.
- B. **MOBILE HOME/MANUFACTURED HOUSING** - a transportable, single family dwelling unit constructed in accordance with the specifications of the State of Pennsylvania intended for permanent occupancy contained in one (1) unit, or in two (2) or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.
- C. **SINGLE FAMILY DETACHED DWELLING** - a building arranged, intended or designed to be occupied exclusively as a dwelling unit for one family and having no common wall with an adjacent building.
- D. **SINGLE FAMILY SEMI-DETACHED DWELLING** - a building arranged, intended or designed to be occupied exclusively as dwelling units for two families, one family living on each side of an unpierced common wall.

E. **TOWNHOUSE** - a building arranged, intended or designed to be occupied exclusively as a dwelling unit for one family which is one of a group of three or more such buildings, placed side by side and separated by unpierced common walls, each dwelling having at least one separate entrance from the outside.

F. **TWO FAMILY DETACHED DWELLING** - a building arranged, intended or designed to be occupied exclusively as dwelling units for two families, with one family living wholly or partly over the other and with no common wall with an adjacent building.

DWELLING UNIT - a building or structure or portion thereof providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, and having no cooking or sanitary facilities in common with any other dwelling unit and excluding any garages or garage area. A dwelling unit may have multiple bathrooms, but no more than one kitchen.

DWELLING UNIT FOR THE ELDERLY - a dwelling unit in which at least one resident shall be at least 62 years of age.

EMERGENCY SERVICE FACILITIES - facilities housing fire, ambulance, rescue and other emergency services of a municipal or volunteer nature. A membership club may be included if it is a permitted use in the zoning district in which the facility is located. This use may include housing for emergency personnel while they are "on-duty" and/or "on-call"

EMPLOYEE - the highest number of workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) present on a lot at any one time other than clearly temporary and occasional persons working on physical improvements to the site. For the purposes of determining off street parking requirements, it shall mean the maximum number of part-time and full-time persons on a lot for the purpose of working at any time, during any season of the year, and at any time of the day or night. If two (2) shifts overlap, the total number of employees out the overlapping shifts shall be counted. If a use involves persons doing most of their work outside of the offices, the number of employees shall be the maximum number of employees that are present at least once during an average three-day period.

ESTATE LOT – a large, privately-owned lot comprising all or part of an area of open land. The purpose of the estate lot is to provide surrounding residents with visual access to open land, while Keeping the land under private ownership and maintenance. It may also be used to preserve an existing building or buildings of historic importance. Only a small portion of the estate lot may be developed; the remainder may be farmed or left in its natural state. Public access to estate lots is not required.

FAMILY –

- A. One or more persons, related by blood, marriage, adoption or guardianship, with not more than two boarders, roomers or lodgers, living together as a single housekeeping unit and using cooking facilities and certain rooms in common.
- B. Not more than three unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

FARM - an area of land used for agriculture, as defined in this Section.

FARM AND AGRICULTURAL EQUIPMENT, SALES, RENTAL AND SERVICE - facilities for the manufacturing, warehousing, sales, repair and service of farm and agricultural equipment, vehicles (including carriages and buggies) or supplies. For the purposes of this definition, "farm and agricultural equipment" shall be limited to those vehicles/equipment that are classified by the Pennsylvania Vehicle Code as a " F n Vehicle", "Implement of Husbandry", or "Multipurpose Agriculture Vehicle" (MAV).

FAST FOOD RESTAURANT - (see Restaurant).

FENCE - a freestanding and uninhabited structure consisting of wood, glass, metal, plastic, wire, wire mesh, masonry or vegetation singly or in a combination with other materials erected to secure or divide one property from another or part of a property from a remaining part, to assure privacy, to protect the property so defined or to enclose all or part of the property. A freestanding masonry wall shall be considered to be a fence.

FLAG LOT - any lot of irregular shape that has a narrow access strip (not meeting the minimum lot widths requirements of the Zoning Ordinance and thus too narrow for the construction of a principal building) leading from a street or other right-of-way to a wider portion of the lot which is intended for construction of a principal building and which wider portion complies with the minimum lot width requirements of this Zoning Ordinance. Flag lots shall have a minimum of twenty (20) feet of frontage.

FLEA MARKET: an open-air market for secondhand articles and antiques.

FLOOR AREA –

- A. (Gross Floor Area) the sum of the gross horizontal areas of every floor of a building measured to the exterior faces of exterior walls and to the center line of party walls; includes basement space, atria (open or roofed) and roofed porches, roofed breezeways, roofed terraces, roofed garages, carports and accessory buildings; also included are all cellar/basement and attic areas that have floor surfaces with clear standing headroom (6 feet 6 inches minimum or prevailing code) regardless of use.

B. (Net Floor Area) that portion of a building's gross floor area which is designed for human occupancy and/or commercial use, not to include elevator shafts, stairways, stairwells, or equipment rooms.

FLOOR AREA RATIO - the ratio of floor area to lot area.

FORESTER - a person with a degree in Forestry from a college or university accredited by the Society of American Foresters who has experience in wood lot management.

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

FREE-STANDING SIGN - an independently supported sign, not attached to any building.

FRONTAGE (STREET FRONTAGE) - the lot dimension measured along the right-of-way line of any street or highway abutting a lot.

GAME PRESERVE - an area of land set aside for the protection and propagation of animals not traditionally domesticated. Game Preserve does not include any type commercial hunting operations whereby fees are charged for persons to enter lands for the purpose of hunting game animals.

GRADE - the level of the ground adjacent to the exterior walls of a building or structure, or adjacent to the base of a sign.

GREENHOUSE - an enclosed structure. whose roof and sides are made largely of transparent or translucent material, used for the growing, raising and/or distribution of plants and vegetables.

GROSS LEASABLE AREA – the Gross Leasable Area of commercial buildings shall equal the sum of the gross horizontal areas of every floor of a building measured to the interior faces of exterior walls and to the interior face of party walls; to the extent other areas are used for selling goods and/or services to the general public, and are open for use by the general public on a regular basis and are fully enclosed (with or without a roof), then the calculation shall include basement space, atria, mezzanines, upper floors and space that is external to the outside wall faces that is used for sales such as, but not limited to, garden centers.

GROUP HOME - The use of any lawful dwelling unit which meets all of the following criteria:

1. Involves persons functioning as a common household.

2. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation or other "handicap"* as defined by applicable Federal law.

3. Does not meet the definition of a "treatment center."

4. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

* **NOTE:** As of 1992, the Federal Fair Housing Act defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21."

HAZARDOUS WASTE - garbage, refuse, or sludge from an industrial or other waste water treatment plant; sludge from a water supply treatment plant or air pollution control facility; and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities; or a combination of the above, which because of its quantity, concentration or physical, chemical or infectious characteristics may do one of the following:

A. Cause or significantly contribute to an increase in mortality or increase in morbidity in either an individual or the total population.

B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

HEIGHT OF SIGN - the vertical distance measured from the average grade at the front of the sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

HOUSEHOLD HAZARDOUS WASTE - a waste that would be considered hazardous under the Pennsylvania Solid Waste Act, but for the fact that it is produced in quantities smaller than those regulated as hazardous waste under the act and is generated by persons not otherwise covered as hazardous waste generators by that act.

HIGHWAY ACCESS POINT - a place of egress from or access to a street or highway created by a driveway or another street or highway. Measurement between them shall be from the termination of one such point to the beginning of another such point.

HIGHWAY FRONTAGE - the lot dimension measured along the right-of-way line of any one street or highway abutting a lot.

HOME OCCUPATION - an occupation customarily conducted within a dwelling unit and as indicated within the home occupation regulations of this Ordinance excluding Bed and Breakfast.

HOME OFFICE - a room in the dwelling unit that may contain a desk, computer, possibly with modem, fax machine, copy machine, telephone, answering machine where appointments are made, supplies are ordered, etc.

HOSPITAL – an institution designed for the prevention, diagnosis, intervention, treatment, rehabilitation and care of human injury, illness, pregnancy or infirmity and providing health services which shall include acute and surgical care facilities and which may include, as related facilities, wellness facilities, laboratories, x-ray services, clinical treatment and therapy services, outpatient service facilities and departments, pharmacy and hospice services, training facilities, and offices used primarily for the private or group practice by staff health care practitioners.

HOTEL - a building or group of buildings containing seven (7) or more individual rooms for rental, primarily for transients, with common hallways for all rooms on the same floor, and where no provision is made for cooking in any individual room or suite. "Hotel" does not include institutional or educational uses and buildings where human beings are housed under legal constraint.

IMPERVIOUS – a lot surface not easily penetrated by water (such as buildings and paving) that has a runoff coefficient of 0.8 or greater. In addition, areas covered by gravel or stone that are intended for vehicular movement or parking shall be considered to be impervious for the purpose of this Ordinance.

IMPROVEMENT - any type of structure or paved section, excluding improvements necessary for entrance or exit driveways, curb, sidewalk, planting strip or barrier to unchanneled motor vehicle entrance or exit.

IMPROVEMENT SETBACK - the minimum distance an improvement must be set back from a street right-of-way line.

IMPROVEMENT SETBACK LINE - a line parallel to and measured at right angles from a street line. No improvements are permitted between the street line and the improvement Setback line.

INCIDENTAL SIGN - a small sign, emblem or decal less than eight (8) square feet per side in area, informing the public of goods, facilities or services available on the premises, e.g. a credit card sign, directional (entrance, exit) or a sign indicating hours of business.

INCINERATOR - a facility designed to reduce municipal solid waste by combustion. This use may or may not include heat exchange equipment for energy recovery.

INDUSTRIAL - the production and manufacture of goods.

JUNK YARD - a lot, land or structure, or part thereof, used for the buying, trading, collecting, dismantling, storage and/or sale of scrap or discarded material, including but not limited to scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, glass and containers, but not including refuse or garbage kept in a proper container for the purpose of prompt disposal.

KENNEL - a commercial establishment wherein domesticated pets are kept for breeding, boarding, sale or show purposes.

LAND DEVELOPMENT - any man-made change to improved or unimproved land including the improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

- A. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulative, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure;
- B. The division or allocation of land and/or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominium, building groups or other features;
- C. A subdivision of land.

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

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

LOT AREA - the area contained within the property lines of a lot (as shown on the plan) excluding space within all street rights-of-way.

LOT COVERAGE - the percentage of a lot covered by principal and accessory buildings.

LOT LINE - a line forming the front, rear or side boundary of a lot.

- A. **FRONT LOT LINE** - the line separating a lot from a street. The front lot line is also the street line.

B. **REAR LOT LINE** - the lot line that is opposite the front lot line. The rear line of any triangularly or irregularly shaped lot shall be established such that it will be at least ten feet (10) long.

LOT OF RECORD - a lot or parcel recorded in the office of the Recorder of Deeds of Schuylkill County, Pennsylvania.

LOT SIZE - (see Lot Area).

LOT WIDTH – the distance between side lot lines when measured at (a) the street line, the minimum lot width shall be provided contiguous along the street line of one street, and (b) the minimum building Setback line, the minimum lot width shall be provided contiguous along the minimum building Setback line established from one street. In the case of a corner lot, the minimum lot width must be provided along the street line and minimum building Setback line established from one street only.

MASSAGE - any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefore.

MASSAGE PARLOR - any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association or corporation engages in or carries on the practice of massage; provided, however, that this definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the Commonwealth of Pennsylvania, nor barber shops or beauty shops in which massages are administered only to the scalp, face, neck or the shoulders. In addition, this definition shall not be construed to include a volunteer fire department, a volunteer rescue squad or a non-profit organization operating a community center, a swimming pool, tennis court, or other educational, cultural, recreational or athletic facilities and facilities for the welfare of the residents of the area.

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

MINERAL EXTRACTION - the extraction of minerals from the earth by activities conducted upon the surface of the land which requires the removal of the overburden,

strata or material overlying, above or between, the minerals, or by otherwise exposing and retrieving the minerals from the surface. Removal of materials for fill is not included in this definition.

MOBILE HOME LOT - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK - a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two (2) or more mobile home lots.

MOTORSPORTS FACILITY - any lot or facility for the operation of either "on-road" or "off road" automobiles, trucks, motorcycles and any other motorized vehicles or machinery for recreational purposes as part of a Club, Lodge, or Fraternal Organization, or a commercial purpose where fees or Admissions are charged for the use of said facilities, to spectators of events, and for snacks and/or beverages, including uses such as, but not limited to, racing, "racing events" as defined in the Ordinance; practicing, training, instruction, research and development and testing.

MOTOR VEHICLE WASHING FACILITY - a tract of land containing machines or hand operated facilities primarily used for the cleaning, washing, polishing, or waxing of motor vehicles.

MUNICIPALITY - Cass Township, Schuylkill County, Pennsylvania

MUNICIPAL SOLID WASTE - a combination of unprocessed residential and commercial solid waste materials generated in a municipality.

MUNICIPAL USE - land or use owned, conducted and maintained by the township or a Township Authority duly incorporated by the Township, for the good and well-being of the Township, Real property dedicated to either the Township or Authority may be used for any municipal use, including such uses as water systems, sewer systems, municipal buildings, streets, parking areas, sites for schools, library, park, playground, swimming pools, tennis courts, sewage treatment plant, refuse stations, storage buildings, and all municipal owned utilities and appurtenances used in connection with supplying such services, etc.

NO-IMPACT HOME-BASED BUSINESS – a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves neither customer, client, or patient traffic, nor pickup, delivery, or removal functions, in excess of those normally associated with residential use. The activity must further satisfy specified requirements.

NON-CONFORMING SIGN - a sign which does not conform to the requirements of this Ordinance or subsequent amendments hereto, but which lawfully existed prior to the enactment of this Ordinance.

NON-CONFORMING STRUCTURE OR BUILDING – a structure or building, or part thereof, which does not meet the applicable provisions or requirements of the zoning district in which it is located, either at the time of enactment of the Zoning Ordinance or amendment heretofore or hereafter enacted, where such building or structure lawfully existed prior to the enactment of such ordinance or amendment. Such non-conforming structures include, but are not limited to non-conforming signs.

NON-CONFORMING USE – the use, whether of land or of structure, which does not meet the applicable provisions or requirements of the zoning district in which it is located, either at the time of enactment of the Zoning Ordinance or amendment heretofore or hereafter enacted, but which did not violate any applicable use regulations prior to the enactment of such ordinances or amendments. However, no existing use shall be deemed non-conforming solely because of the existence of less than the required number of off-street parking spaces.

NON-CONFORMING LOT – a lot the area or dimension of which was lawful prior to the adoption or amendment of a Zoning Ordinance, but which fails to conform to the requirements of the zoning district which it is located by reasons of such adoption or amendment.

NOTICE - any notice required by the ordinance to be sent to a party or person in interest shall be sent to the last known of such party or person in interest by Certified U.S. First Class Mail, delivered to addresses only, return receipt requested.

NURSING HOME - establishment providing nursing, dietary and other similar personal services to convalescents, invalids or aged persons, but excluding treatments, which are customarily provided in sanitariums and hospitals.

ONE HUNDRED (100) YEAR FLOOD PLAIN - an area adjacent to a watercourse, which can be expected to flood on the average, once during any 100-year period. (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year)

OPEN SPACE/CONSERVATION DEVELOPMENT - a residential development containing attached or detached units on a limited portion of land with the remaining land areas consolidated into common open space areas and with certain deed restrictions and other covenant requirements for open space. Refer to Section 637.

OPEN AREA - free of all buildings, paving, other impervious surfaces, outside storage and structures except as permitted by this Ordinance. Landscaping or screening as permitted by this Ordinance may occur within the open area.

OUTDOOR DISPLAY - a temporary form of advertisement involving the arrangement of representative samples of items offered for sale on the premises of a business establishment in a neat and organized manner.

PARK - an area of land set aside primarily for both active and passive outdoor leisure time activities, including but not limited to playgrounds, sports fields, picnic areas and natural areas, but specifically not including Outdoor Amusements.

PARKING PLACE - a space within a building or on a lot, used for the parking of a legally registered and inspected, fully functional motor vehicle.

PATIO/TERRACE – paved outdoor area adjoining a residence.

PAVED AREA – the percentage of a lot’s surface area, excluding “Building Coverage”, that is covered by concrete, asphalt, brick, paving block, tile, flagstone, compacted clay, compacted crushed stone, other natural or manufactured paving material, etc; also includes areas covered by artificial turf that is supported by an impervious substructure.

PERMANENT SIGN - any sign which is not a temporary sign

PERSON - any natural person, partnership, firm, association, corporation or other legal entity.

PERSONAL CARE HOME GROUP HOME - a premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.

PETS, KEEPING OF - the keeping of domesticated animals of types that are normally considered to be kept by the residents of a dwelling for the pleasures of the resident family, These types of animals can include, but are not necessarily limited to, dogs, cats, small birds, gerbils, rabbits and other animals commonly sold by pet shops, however, no more than five (5) dogs, cats, small birds, gerbils, rabbits and other 'animals commonly sold by pet shops may be kept upon any property, unless said property is a lawfully established "kennel" under the terms of this Ordinance.

PORCH - a three sided roofed structure projecting from the front, side, or rear wall of a building without any enclosing features more than thirty-eight (38) inches above the floor thereof, save the necessary columns to support the roof and any necessary railings. A porch shall be located behind the respective building Setback lines for the subject lot.

PORTABLE SIGN - any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

PREMISES - area occupied by a business or other public enterprise. When more than one business occupies a single building on the ground floor, each business area shall be considered a separate premise. A business or other public enterprise, which occupies other floors, shall be considered separate premises.

PRINCIPAL BUILDING – a building in which a principal use on a lot is conducted.

PRINCIPAL USE - the main or primary purpose, for which any land, structure or building is designed, arranged or intended, and for which they may be occupied or maintained under the terms of this Zoning Ordinance.

PRIVATE ROAD – a street not dedicated to Cass Township.

PROFESSIONAL CONSULTANTS – persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

PUBLIC HEARING - a formal meeting held pursuant to the advertisement of a public notice, by either the Township Board of Supervisors or the Township Zoning Hearing Board intended to inform and obtain public comment, prior to either entity taking formal action on an ordinance, application, plan, request for relief, variance, appeal, conditional use, or special exception use which has been filed in accordance with this Ordinance.

PUBLIC MEETING - a forum held pursuant to notice under the act of October 15, 1998 (P.L. 729, No. 93§ 1) known as the "Sunshine Act".

A. **PUBLIC NOTICE** - notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing, or as may be required by Act 247 as amended.

PUBLIC ROAD - a public thoroughfare, including a street, road, lane, alley, court or similar terms, which has been dedicated or deeded to the Township and accepted by it.

PUBLIC SCHOOL – a tax-supported educational facility controlled and operated by the Minersville School District.

PUBLIC UTILITIES - a use, or an extension thereof, which is operated, owned or maintained by a municipality or municipal authority, or which is privately owned and requires a "Certificate of Convenience" issued by the Pennsylvania Public Utility

Commission (PUC) for the purpose of providing public sewage disposal and/or treatment; public potable water distribution and treatment; and/or for the purpose of providing the transmission of energy, telephone, internet, and/or television service to individual customers.

RACING EVENT - any time, speed or distance competition using motor vehicles of any type, whether or not conducted under the auspices of a recognized sanctioning body, including but not limited to events on the surface of land and water. "Racing Events" shall be deemed to include any practice sessions, tune trials, qualification rounds or any other similar activity.

RECREATION - the refreshment or stimulation of one's mind or body through interactive participation. Recreation is more overtly interactive and participatory than the terra Amusement and Entertainment (as defined in this Ordinance). For the purposes of this Ordinance, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests, This use shall not include the terms Tavern, or Restaurant, although food and beverages may be served if the serving of said items is clearly incidental to the primary Recreation use. This use shall not include the terms Adult Business or Adult Establishment or activities meeting said definition.

- A. For the purposes of this Ordinance, "Recreation" shall be considered "indoor" or "outdoor" recreation and "active" or "passive" recreation, and a Recreation Use (as defined in this Ordinance) is either commercial public, or private:
- B. Indoor Recreation - a type of recreation use that does not meet the definition of 'outdoor recreation,' and is conducted principally for active or passive recreation, including, but not limited to, such uses as a bowling alley, roller skating rink, ice skating rink, indoor soccer or lacrosse fields, and/or similar uses.
- C. Outdoor Recreation - a type of recreation use that has a total building coverage of less than fifteen (15) percent of the lot area upon which the use is being conducted, and is primarily conducted for active or passive recreation, including, but not limited to, such uses as golf driving range, miniature golf course, sports playing fields, and/or similar uses.
- D. Recreation, Active - any recreation activity not considered to be "Passive". Active Recreation includes those activities which are closely associated with individual and team sports and athletic activities which involve the use of physical skills or capabilities, such as strength, agility, or stamina and which are often of a competitive nature, such as racing, baseball, tennis, golf, bowling, wrestling, boxing, hunting, fishing, etc.
- E. Recreation, Passive- includes picnic pavilions; hiking, biking, and fitness trails; park benches; picnicking; bird watching; and other similar uses, and any recreation activity not considered to be "Active",

RECREATION USE - the use of land and/or structures for “Recreation”, as defined. For the purposes of this Ordinance, Recreation Uses and their facilities shall be considered commercial, public, or private. This term shall not include the terms "Adult Business"; or "Adult Establishment".

- A. Commercial - Recreational facilities, which are owned and operated by a private entity as a commercial business and are open to the general public for a fee.
- B. Public - Recreational facilities operated as a not for profit enterprise by a municipality, or other governmental entity, and which are open to the general public.
- C. Private - Recreational Facilities which are only open to members of the private entity which owns said facility.
- D. Recreation Use" where listed as a permitted use may also be specifically regulated as specified in this Ordinance. No recreation activity which, in the opinion of the Township, constitutes a threat to the health, safety, and welfare of the general public or results in the degradation of the existing environment shall be permitted. Recreation Use shall never include any types of "Adult Businesses" as defined by this Ordinance.

RECREATIONAL VEHICLE (RV) - a vehicular-type camping unit certified by the manufacturer as complying with ANSI A119.2 or A119.5 and primarily designed to provide indoor accommodations for persons who wish to go "camping". An RV may either have its own mode of power or is mounted on or towed by another vehicle. The various RV units include camping trailers, fifth-wheel trailers, motor homes, park trailers, travel trailers and truck campers as described below.

- A. Camping Trailer - a recreational vehicle that is mounted on wheels and constructed with collapsible partial sidewalls that fold when the trailer is being towed, by another vehicle and unfold for use (e.g.; a "pop-up camper").
- B. Fifth-Wheel Trailer - a recreational vehicle designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
- C. Motor Home - a recreational vehicle built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
- D. Park Trailer - a recreational vehicle that meets the following criteria:
 - (1) Built on a single chassis mounted on wheels.

(2) Certified by the manufacturer as complying with ANSI A119.5.

- E. Travel Trailer - a recreational vehicle designed to be towed by a motorized vehicle containing a towing mechanism that is usually mounted behind the tow vehicle's bumper.
- F. Truck Camper - A recreational vehicle designed to be securely placed within the bed of a pick-up truck.

RECYCLING FACILITY - a business that accumulates non-hazardous materials such as paper, glass, aluminum and/or plastic or other non-hazardous materials or any containers that held any hazardous material and providing that said non-hazardous materials are no longer useful for their intended purpose. The materials are then sold to another business as a raw material which can be used to manufacture a new product. (also see Resource Recovery Facility).

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

RESOURCE RECOVERY FACILITY - a type of Solid Waste Disposal Facility that is used for any one, or a combination of the following, similar uses: composting, incineration, material separation, recycling or trash transfer.

RESTAURANT - a retail food (the term "food" includes non-alcoholic beverages) service establishment, conducted with or without the sale of beer, wine or liquor. For purposes of this Ordinance restaurants shall be classified as follows:

- A. Restaurant Fast Food - a commercial food purveyor or restaurant that principally sells food and non-alcoholic beverages in a ready-to-consume state, primarily in disposable containers, in bags, or on trays. The consumer primarily orders and receives the food at an inside or outdoor walk-up window or drive-through service area, without the assistance of a waiter or waitress.
- B. Restaurant, General -an establishment that sells food for consumption primarily on the premises, and which may include the sale of beer, wine, or liquor. All food and beverages may be served by waiters or waitresses and are primarily consumed inside the building while patrons are seated at counters or tables but this use can provide for incidental carry-out service, so long as the area used for carryout service does not exceed five percent (5%) of the total patron seating area nor

eighty (80) square feet (whichever is less). Food sales shall account for at least fifty-five percent (55%) of the gross income.

- C. Restaurant, Take-out - An establishment that sells food only for consumption off the premises and which may include drive-in, drive-through, or drive-up facilities (where permitted by the underlying Zoning District) for ordering or pick-up and which may include take-out beer as part of its operation.
- D. General Restaurants and Take-out Restaurants may include Catering Kitchens as part of their operations.
- E. A Tavern, as defined in this Ordinance, may also sell food but is not considered a Restaurant.

RETAIL BUSINESS - includes establishments engaged in selling or renting merchandise directly to the consumer and rendering services incidental to the sale or rental of the goods. The establishment is usually a place of business which is engaged in the sale or rental of items that the general public will usually buy. Processing of items in a manner that is incidental or subordinate to the retail sales or rental of said items is often conducted at retail businesses. Buying of goods for resale to the consumer is a characteristic of retail trade establishments that particularly distinguishes them from Personal Services, Professional and Business Services, Commercial Contractor Services, agriculture and extractive industries. Uses shall include, but not necessarily be limited to, Automobile Accessory Store; Bakeries and retail baked goods (limited to 2,000 sq. ft. production floor area); Beverage Distributors; Camera shop and photo finishing services; Confectionary store; Copy centers and job printers; Drug stores and pharmacies; Dry goods and Variety Stores; Flower, card and gift shops; Furniture and household appliance store; Garden Supply Store, (retail, under 15,000 sq. ft.); Hardware store, plumbing and electrical supplies, lumber and building materials supply establishments (retail, under 15,000 sq. ft.); Toy and hobby shops; Grocery Stores and Specialty Grocery Stores; apparel, shoe, and jewelry stores; Liquor store; Office and Stationery supplies; Special merchandise stores such as newsstands, book, music and video stores (sales and rentals for off-site use, tobacco shops; Sporting goods store; Studios and shops of artists and artisans. For purposes of this Ordinance, excluded specifically from this definition are Automobile and Motor Vehicle Service Station, Vehicular and Mobile Home Sales and Rental; Truck and Heavy Equipment Sales, Rental, Service and Repair; Auction Houses; Vehicle Auctions; Outdoor Flea, Farmer, and Produce Markets; Restaurants; Taverns and Night Clubs; Pawn Shops; and Adult Business Establishments as defined by this Ordinance.

RETIREMENT COMMUNITY - a planned residential community consisting of a regulated mixture of single-family detached dwellings, single family semi-detached dwellings, townhouses, and garden apartment buildings for persons of fifty-five (55) years of age or older, their spouses or companions. A Retirement Community may include ownership or rental units and must be subject to appropriate covenants,

conditions, management policies or other procedures to ensure that the facility provides only housing for persons fifty-five (55) years of age or older. Federal and State Law shall control as to any allowable exemptions to the occupancy rules. The developer, owner, property owners association and/or manager of the housing community or facility shall establish, make available and adhere to policies and procedures which implement the occupancy criteria. A Retirement Community has provisions to provide the option to include a Congregate Care Facility and an Assisted Living Facility to allow the residents the opportunity to transfer from an independent living situation to a semi dependent or dependent care environment, should the need arise.

REST ROOM – a room or suite of rooms providing toilets and lavatories.

RETIREMENT HOME - establishment providing nursing, dietary and other similar personal services to convalescents, invalids or aged persons, but excluding other treatments, which are customarily provided in sanitariums and hospitals.

RIGHT-OF-WAY - the total width of any land reserved or dedicated as a street, road, lane, alley, crosswalk or for other public or semipublic uses.

SALDO – Cass Township Subdivision and Land Development Ordinance No. 407-1, as amended, or any subsequent enactment thereof.

SANITARY LANDFILL - a land site on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards or nuisances.

SANITARY SEWAGE SYSTEM, COMMUNITY - a sanitary sewage collection system in which sewage is varied from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area.

SANITARY SEWAGE SYSTEM, ON-SITE - any structure designed to treat sanitary sewage within the boundaries of any individual lot.

SANITARY SEWAGE SYSTEM, PUBLIC - a sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

SATELLITE DISH ANTENNA - a device incorporating a reflective surface which can be solid, open mesh or bar-configured and is in the shape of a shallow dish, cone or horn. This term is inclusive of the pedestal and other attachments which the device needs to be functional. Such devices shall be used to transmit and/or receive radio or other electromagnetic waves between terrestrially and/or orbit based transmitters. This definition is meant to include but not be limited to, what are commonly referred

to as “satellite earth stations,” “television receivers only” (or TVRO's) and “satellite microwave antennas.”

SATELLITE USE - a commercial establishment in a shopping center or planned commercial center, located in a freestanding building independent of other buildings and frequently near the road frontage of the center. Satellite uses are often, but not always, characterized by the following:

- A. Rapid customer turnover.
- B. A need for nearby parking.
- C. Vehicular service bays or drive-through services.

SCHOOLS – public or private including Charter, Parochial and non-sectarian schools.

SCREEN - vegetative material, fence, etc. planted for or constructed to screen the buildings, structures and uses on the lot on which the screen is located from the view of people on adjoining properties.

SEASONAL - any consecutive 3-month period within a calendar year.

SELF STORAGE FACILITIES - a building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for storage, and no processing, manufacturing, sales, research and development, testing, service and repair, or other non-storage activities shall be permitted. Only non-hazardous, non-explosive, inherently-safe, materials may be stored at such facilities: For the purpose of this chapter, the two types of mini-storage warehouse/self-storage facilities are:

- A. Single-Story - facilities in which the storage units/cubicles typically are arranged in long, narrow single-story buildings with the majority of the individual units accessed through doors that open directly to the outside.
- B. Multi-story - facilities in which the storage units are arranged in a multi-story structure with all of the individual storage units/cubicles accessed through doors that open to interior corridors.

SERVICE STREET - a minor right-of-way providing secondary vehicular access to the side or rear of two or more properties, which is not the primary means of access to the properties. (see alley).

SEWAGE - organic, water soluble solid or liquid waste products and wastewater generated by residential, industrial, commercial, institutional or other establishments.

SEWAGE FACILITIES - a system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. The term includes:

A. **INDIVIDUAL SEWAGE SYSTEM** - a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance to another site for final disposal. The term includes:

- (1) Individual onlot sewage system - an individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.
- (2) Individual sewerage systems- an individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.
- (3) Community Sewage System - a sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.
- (4) Community onlot sewage system - a system of piping, tanks or other facilities serving two or more lots and collecting, treating and disposing of sewage into a soil absorption area or retaining tank located on one or more of the lots or at another site.
- (5) Community sewerage system - a publicly or privately-owned community sewage system which uses method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

SIGHT TRIANGLE (CLEAR) - an area within which no vision-obstructing object is permitted above a height of two and one-half feet and below a height of ten feet (10).

SIGN - any structure, wall or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or other representations used for announcement, direction, information, attraction or advertisement.

SILVICULTURE - the art and science of controlling the establishment, growth, composition, health and quality of forests and woodlands to meet the diverse needs and values of landowners and society on a sustainable basis.

SOLID WASTE - waste including solid, liquid, semisolid or contained gaseous materials as defined by the PA Solid Waste Management Act.

SOLID WASTE DISPOSAL FACILITY - a properly sited and legally permitted facility, where garbage, trash or junk is disposed of or is processed or recycled for disposal or reuse, This term shall not include facilities where the disposal or processing of hazardous waste or highly radioactive materials takes place. A Solid Waste Disposal Facility includes Solid Waste Landfill, Resource Recovery Facilities, and Low Level Radioactive Waste Facilities. A Resource Recovery Facility is used for any one, or a combination of the following, similar uses: composting, incineration, material separation, recycling or trash transfer.

SOLID WASTE LANDFILL - a type of Solid Waste Disposal Facility which is properly sited and legally permitted, where engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution, or environmental degradation,

SPECIAL ANTENNA - private residence ground mounted television or amateur radio equipment including ham or citizen band radio antennas (also see Standard Antenna).

STANDARD ANTENNA - private residence roof-mounted television or amateur radio equipment including ham or citizen band radio antennas (also see Special Antenna).

STORY (AND HALF STORY) - that portion of a building, included between the surface of any floor and the ceiling next above it, having a vertical distance of not less than seven (7) feet shall be considered a "full story." Any such portion of a building having a vertical distance of less than seven (7) feet shall be considered a "half-story."

SPECIAL EXCEPTION - the granting by the Zoning Hearing Board for permission to conduct a use permitted in a particular district, to undertake certain activities, to occupy or use land, buildings or structures for a specific purpose or in a certain manner in accordance with this Ordinance.

SPECIFIED ANATOMICAL AREAS - 1. Less than completely or opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola; or 2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - 1. Human genitals in a state of sexual stimulation or arousal; 2. Acts of human masturbation, sexual intercourse or sodomy; and 3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

STREET – a strip of land, including the entire right-of-way (i.e., not limited to the cartway) intended to be used by vehicular traffic or pedestrians. The word “street” includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified according to the function they perform:

A. Arterials

- (1) Principal Arterials – serves statewide or interstate travel. Serves all urbanized areas. Provides integrated movements without stub connections.
- (2) Minor Arterials – links cities, larger towns and other traffic generators. Provides integrated interstate and inter-county service. Spaced at proper intervals consistent with population density. Corridor movements consistent with above with greater trip lengths and travel densities than those served by rural collector or local systems.

B. Collectors

- (1) Major Collectors – provides service to county seats, larger towns and other traffic generators. Connects routes of higher classification. Serves intracounty travel corridors.
- (2) Minor Collectors – spaced at intervals to collect traffic from local roads. Provides services to remaining smaller communities. Links local traffic generators with rural hinterland.

C. Interstate and Other Limited Access Freeways - Provides limited access facilities.

- (1) Local Roads – provides access to land adjacent to collector network. Serves travel over relatively short distances. Constitutes all rural mileage not classified in one of the higher systems.
- (2) Cul-De-Sac Street – a local road intersecting another street at one end, and terminating in a vehicular turnaround at the other end.
- (3) Half (partial) Street – a street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.
- (4) Marginal Access Street – a local road parallel and adjacent to an arterial street but separated from it by a reserve strip, which provides access to abutting properties and control of intersections with the arterial street.
- (5) Service Street (Alley) – a minor right-of-way providing secondary vehicular

access to the side or rear of two or more properties which is not the primary means of access to the properties

STREET FRONTAGE - the lot dimension measured along the street line or right-of-way line of any one street or highway abutting a lot.

STREET LINE - the dividing line between a lot and the outside boundary of a public street, road or highway right-of-way legally open or officially mapped by a municipality or higher governmental authority, between a lot and the outside boundary of a street shown on a recorded subdivision or land development plan, or between a lot and a private street, road or way over which the owners or tenants of two or more lots held in single and separate ownership have a right-of-way.

STRUCTURE – any man made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. (excluding parking lots, driveways and access drives)

SUBDIVISION - the division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts or parcels or other divisions of land including or, for the purpose of annexation, changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs and devisees, transfer of ownership of building or lot development; provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, or any residential dwelling, shall be exempted. The term subdivision shall refer to, as appropriate in this Ordinance, to the process of subdividing land or, to the land proposed to be subdivided.

SUBDIVIDER - any land owner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision or land development. Unless otherwise specified in this Ordinance, the term subdivider shall be deemed, also, to refer to a developer.

SWIMMING POOL - a pool used for swimming or bathing which has a depth in any part of twenty-four inches (24) or more.

TANK FARM – a facility having two or more storage containers for the transfer of inorganic liquids or gases and from which no retail sale of fuel to the public is conducted.

TARGET AND FIRING RANGE - a place where firearms and other projectile-tape weapons (e.g., guns, rifles, shotguns, pistols, airguns, archery crossbows, etc.) can be shot for recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania. Target ranges shall be safely and appropriately sited upon the land,

shall include a backstop of either, earthen materials or other impact absorbing materials, and shall not constitute a threat to any person or personal property located within the Cass Township.

TAVERN - a Pennsylvania Liquor Control Board (PLCB) licensed establishment primarily engaged in the retail sale and the on-site consumption of alcoholic beverages and where food sales account for less than fifty-five percent (55%) of the gross income. This definition includes, but is not limited to, beer gardens, bars, bar rooms, pubs, cocktail lounges, saloons, and taprooms. "Restaurants" (as defined in this Ordinance) that serve alcoholic beverages but are primarily engaged in the retail sale of prepared food are not included in this definition. This term shall not include any type of Adult Business activity as defined in this Ordinance.

TELECOMMUNICATIONS SIGNAL SITE - a tract or parcel of land that contains a telecommunications antenna as the principal use, its support structure, accessory building(s), equipment cabinet, and parking, and may include other uses associated with and ancillary to telecommunication signal transmission or processing at the tract.

TEMPORARY SIGN - a sign not constructed or intended for long term use, not including portable or vehicular signs as defined.

TIMBER HARVESTING – the cutting and removal of trees from a forested area. Several types of timber harvesting methods are defined as follows:

- A. Clear-Cut - the establishment of a new even-aged stand from the development of new trees after removal in a single cutting of all trees in the previous stand, except trees reserved as part of the Bureau of Forestry reservation guidelines. Regeneration is established after the cut from one or more of the following: natural seeding, direct seeding, planted seedlings, or coppice regeneration. Fences, herbicide, or fertilizer are options to protect or enhance established regeneration for any of the areas having significant deer browsing or other inhibiting vegetation problems.
- B. Diameter-Limit Cut - a timber harvesting treatment in which all trees over a specified diameter may be cut. Diameter-limit cuts often result in high-grading.
- C. High-Grading - a type of timber harvesting in which larger trees of commercially valuable species are removed with little regard for the quality, quantity, or distribution of trees and regeneration left on the site; often results when a diameter limit harvest is imposed.
- D. Improvement Cutting - the removal of trees of undesirable species, form or condition from the main canopy of the stand to improve the health, composition and value of the stand.

- E. Salvage Cutting - the removal of dead trees or trees being damaged or dying due to injurious agents other than competition, to recover value that would otherwise be lost.
- F. Single Tree Selection Method - a method of creating new age classes in uneven-age stands in which individual trees of all size classes are removed more-or-less uniformly throughout the stand to achieve desired stand structural characteristics and regenerate shade-tolerant species.

TOPSOIL - surface soils and subsurface soils which presumably are fertile soils and are ordinarily rich in organic matter or humus debris. Topsoil is usually found in the upper most soil layer often called the "A horizon".

TOWNSHIP - Township of Cass, Schuylkill County, Pennsylvania.

TOWNSHIP ENGINEER - a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Cass Township.

TOWNSHIP PLANNING COMMISSION - Planning Commission of the Township of Cass, Schuylkill County, Pennsylvania.

TOWNSHIP SUPERVISORS - Board of Supervisors of the Township of Cass, Schuylkill County, Pennsylvania.

TRANSFER STATION - a facility where municipal solid waste is delivered for the purpose of transferring the material into another container or vehicles for transport to a final disposal site or processing facility. (A transfer station may include the separation and collection of material for the purpose of recycling).

TRAVEL TRAILER - a vehicular portable structure built or designed to be mounted on a chassis or wheels or constructed as an integral part of a self-propelled vehicle for use as a temporary dwelling for travel, recreation and/or vacation purposes.

TREATMENT CENTER - A use (other than a prison or a permitted accessory use in a "hospital") providing housing for persons who need specialized housing, treatment or counseling for stays of less than one year and who need the housing because of:

- A. Criminal rehabilitation, such as a criminal half-way house or a treatment center for persons convicted of driving under the influence of alcohol;
- B. Addiction to alcohol or a controlled substance; or
- C. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others. (For housing of persons with other types of mental illness, see "Group Home.")

TRUCK AND HEAVY EQUIPMENT SALES, RENTAL AND SERVICE ESTABLISHMENT - any use of land where on the primary occupation is the sale, rental or service of Vehicles meeting the definition of "Truck and Heavy Equipment", including but not limited to certain boats, buses, RV's and heavy equipment in operating condition, including earth-moving, well-drilling and construction equipment and cranes. For the purpose of this chapter, truck and heavy equipment sales, rental and service establishments shall not include mobile home sales, rental and service, but may include "farm equipment, sales, rental and service," as defined herein, and the service of vehicles and equipment shall not be interpreted to include Automobile and Motor Vehicle Service Stations, Truck Terminal or Truck Stop, but may include diagnostic centers, truck and heavy equipment parts and accessories shops where installation of parts is a distinct feature of the business and body paint, when ancillary to sales, rental and repair.

TRUCK STOP - a commercial use that primarily involves providing fuel to tractor-trailer trucks owned by various companies. Such use may also include retail sales of food, beverages, and items usually found in convenience stores; the use of rest facilities (less than twelve (12) hours), and shower facilities and sanitation facilities for truck drivers; and emergency repair services and routine maintenance activities. Parking is limited to those vehicles patronizing the Truck Stop and the transfer of freight and materials is strictly prohibited.

TRUCK TERMINAL - the building plus contiguous space to which freight is brought for transfer, assembly and sorting for shipment by one (1) or more motor-freight carriers. This term shall also include any areas or buildings used for truck parking and/or servicing, but shall not include the term "Truck Stop". The long-term storage of freight is not the primary use of such premises (see Warehousing).

UNIT OF USE - a single use.

UNREGISTERED VEHICLE - Any motor vehicle or trailer that does not display a license plate with a current registration sticker and does not have a valid State safety inspection sticker. This shall not apply to vehicles (such as licensed antique cars) for which State regulations do not require an inspection sticker. The term also shall not include motor vehicles displaying a license and inspection stickers that have each expired less than 90 days previously.

USE - the specific purpose for which land, a sign, or a structure or building is designed, arranged, intended or for which it may be occupied or maintained or any activity, occupation, business or operation which may be carried on, thereon or therein. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

VARIANCE - minimum relief granted by the Zoning Hearing Board, from the terms and conditions of this Ordinance where literal enforcement would create unnecessary

hardship and when granting of the waiver would not be contrary to the public interest.

VEHICLE -

- A. A self-propelled conveyance that runs on tires, or wheels; a motor vehicle including, but not limited to, trucks, light trucks, cars, motorcycles etc.
- B. A device or structure not necessarily self propelled for transporting persons or things, including the term "trailer" which is a transport vehicle designed to be hauled by a truck or other motor vehicle, and the term "boat" which is a vessel propelled by oars, paddles, sail, or motorized device.

For purposes of this Ordinance, Vehicles are defined as:

- A. Automobile and Motor Vehicle - a vehicle having all of the following: a gross or registered weight less than twenty-six thousand and one (26,001) pounds; less than three (3) axles; less than three hundred and twenty (320) square feet as measured to the vehicle's outermost edges; and less than a height of thirteen (13) feet.
- B. Truck and Heavy Equipment - a vehicle having one (1) or more of the following: a gross or registered weight of twenty-six thousand and one (26,001) pounds or more; having three (3) or more axles; more than three hundred and twenty (320) square feet as measured to the vehicle's outermost edges; exceed a height of thirteen (13) feet.
- C. Vehicle height shall be measured from the ground to the highest point of the main body, not to include vehicle accessories (e.g., air conditioners, vents, hatches, antennas, etc.), but will be measured to the highest point of any flybridge or other boat console.

VEHICULAR SIGN - a sign, which is affixed, to a vehicle in such a manner that the carrying of such sign or signs is no longer incidental to the vehicle's primary purpose but becomes a primary purpose in itself.

WALL –an upright structure of masonry, wood, plaster or other building material serving to enclose, divide or protect an area.

WAREHOUSE - a building or group of buildings primarily used for the indoor storage of goods and materials either on a short-term or long-term basis as well as the transfer and distribution of products and materials, but not including "Retail Business Sales" or a "Truck Terminal". If the short-term storage facilities are for a specific commercial establishment, this establishment is then considered a "Distribution Center".

WATER DISTRIBUTION SYSTEM, COMMUNITY - a system for supplying and

distributing water from a common source to ten (10) or more dwellings and/or other buildings within a single neighborhood, and which additionally shall comply with all other Local and State Ordinances and Regulations incidental to the use thereof.

WATER DISTRIBUTION SYSTEM, ON-SITE - a system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

WATER DISTRIBUTION SYSTEM, PUBLIC - a system for supplying and distributing water from a common source to ten (10) or more dwellings and other buildings, but not confined to one neighborhood, and which additionally shall comply with all other Local and State Ordinances and Regulations incidental to the use thereof.

WATER EXTRACTION - the permanent removal of water as a commodity from a lot or parcel of land for any type of business or commercial purpose.

WETLANDS - an area of ground exhibiting certain natural conditions which cause same to be identified as wetlands as defined in applicable State and Federal laws and regulations setting forth criteria for the identification of wetlands and for the establishment of wetlands limits.

WINDOW SIGN - a sign affixed to or visible through a window of a building.

WIND TURBINE - a single device that converts wind to electrical or other forms of energy, typically consisting of a rotor and blade assembly, electrical generator, and tower with or without guy wires.

WOODED AREA - any portion of a drove or stand of trees generally greater than six (6) inches in caliper, covering a land area greater than ten thousand (10,000) square feet.

YARD - the open space on the same lot with a building. The space shall be open and unobstructed from the ground upward, except as otherwise provided in this Ordinance, and not less in depth or width than the minimum required in each zoning district.

YARD, FRONT - an open space between an adjacent street right-of-way and a line drawn parallel thereto, at such distance there from as may be specified herein for any zoning district, and extending for the full width of the lot.

YARD, REAR - an open space between the rear lot line and a line drawn parallel thereto at such distance there from as may be specified herein for any zoning district, and extending for the full width of the lot, except that in the case where the rear lot line is included within a service street, the rear yard shall be between the right-of-way line of the service street nearest the front yard of the lot and a line drawn parallel to such right-of-way line of the service street.

YARD, SIDE - an open space between the side lot line and a line drawn parallel thereto at such distance there from as may be specified herein for any zoning district, and extending from the front yard to the rear yard, except that in the case where the side lot line is included within a service street, the side yard shall be between the right-of-way line of the service street nearest the principal use or building on the lot and a line drawn parallel to such right-of-way of the service street.

YARD SALE –any public sale of goods on residential property including, but not limited to, the residential properties, garage, home, lawn, or yard.

ZONING HEARING BOARD – Cass Township Zoning Hearing Board.

ZONING OFFICER – Cass Township Zoning Officer or assistants.

ZONING ORDINANCE – Cass Township Zoning Ordinance.

Chapter 3. Zoning Districts

Section 301. Types of Zoning Districts.

In order to carry out the objectives of this Zoning Ordinance, the Township of Cass has been divided into the following Zoning Districts:

RC	Rural Conservation
PC	Public Conservation
R1	Village Residential
R2	Medium Density Residential
C	Commercial
VC	Village Commercial
GI	General Industrial
IST	Institutional
	Mining Overlay
	Commercial Wind Overlay

Section 302. Official Zoning Map

Section 302.1. The boundaries of the Zoning Districts shall be shown on the Zoning Map of the Township. The Zoning Map and all notations, references and data shown thereon are hereby incorporated by reference into this Ordinance.

Section 302.2. The official copy of the Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Secretary of said Board, and bear the seal of the Township under the following words: “This is to certify that this is the Official Zoning Map of the Township of Cass adopted in 2010, as amended and codified in 2012”.

Section 302.3. If the Official Zoning Map is amended, an entry indicating the change and the date of the change shall be made on the map and the entry shall include the signatures of the Chairman and Secretary of the Board of Supervisors.

Section 302.4. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature and number of changes and additions made thereon, the Board of Supervisors may by resolution adopt a new Official Zoning Map, which shall supersede such prior map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Secretary of said Board, and bear the seal of the Township under the following words: “This is to certify that this is the Official Zoning Map of the Township of Cass adopted in 2010, as amended and codified in 2012”.

Section 303. District Boundaries.

Rules for Interpretation. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply.

Section 303.1. Where district boundaries are indicated as approximately coinciding with the centerlines of streets, highways, lanes, alleys, railroad tracks, rivers or creeks, such centerlines shall be construed to be such boundaries.

Section 303.2. Where district boundaries are indicated as approximately coinciding with lot lines or municipal boundary lines, such lines shall be construed to be such boundaries.

Section 303.3. If density or zoning specifications differ between Cass Township and that of an adjoining municipality exist; then the Cass Township Board of Supervisors reserves the right to decide which density or zoning specifications would be in the best interest of Cass Township.

Section 303.4. Where district boundaries are indicated as being approximately parallel to the center or right-of-way lines of streets or highways, lanes, alleys, railroad tracks, rivers or creeks, such district boundaries shall be construed as being parallel to the center or right-of-way lines at such distance as is indicated on the Official Zoning Map. Districts not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

Section 303.5. Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or highways, such district boundaries shall be construed as being perpendicular to the right-of-way lines.

Section 303.6. Boundaries indicated as approximately following Township limits shall be construed as following such limits.

Section 303.7. Boundaries indicated, as extensions of features indicated in paragraphs 303.1 – 303.6 above shall be so construed.

Section 303.8. Division of lots by district boundary lines:

Section 303.8.1. Where a district boundary line intersects a property to the extent that it divides the property into two separate residential zones; R1 or R2 districts, the property will be deemed to be in the lesser dense district unless the Cass Township Board of Supervisors (after a public hearing) agrees to allow the higher density.

Section 303.8.2. Where a district boundary line divides a lot which was in single ownership at the effective date of this Ordinance, at the election of the Township Zoning Officer the regulations of either zoning district may be extended a distance of not more than fifty feet (50) beyond the district boundary line into the remaining portion of the lot when one or both of the districts involved is an RC, PC, R1 or R2 Districts. When both of

the districts involved are C, VC, IST or GI Districts, at the election of the Township Zoning Officer the regulations of either zoning district may be extended a distance of not more than two hundred feet (200) beyond the district boundary line into the remaining portion of the lot.

Section 304. Application of District Regulations.

Section 304.1. No building, structure or land shall be used and no building, structure or part thereof shall be erected, constructed, assembled, moved, enlarged, reconstructed, removed or structurally altered without the issuance of a Zoning and/or Building Permit by the Zoning Officer. No building, structure or land shall be occupied without the issuance of a Certificate of Use and Occupancy by the Zoning Officer.

Section 304.2. No part of a yard, common open space, other open space or off-street parking or loading space required in connection with one structure, building or use of the land shall be included as part of a yard, common open space, open space or off-street parking or loading space similarly required for any other structure, building or use of the land, except as permitted or required by this Ordinance or other Township Ordinance or regulations.

Section 304.3. No yard or lot existing at the time of passage of this Ordinance which meets the requirements of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. A yard or lot existing at the time of passage of this ordinance shall not be further reduced below the minimum requirements of this Ordinance.

Section 304.4. Where district regulations specify a minimum lot width at the street line (the minimum lot width shall be provided contiguous along the street line) of one street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two or more streets. In the case of a corner lot, the minimum lot width must be provided along the street line of one street, but does not have to be provided along the street line of each street on which the lot fronts.

Section 304.5. Where district regulations specify a minimum lot width at the building Setback line, the minimum lot width shall be provided contiguous along the building Setback line established from one street. It is prohibited, when calculating the width of a lot, to add widths along the building Setback lines established from two or more streets. In the case of a corner lot, the minimum lot width must be provided along the building Setback line established from one street, but does not have to be provided along the building Setback line established from each street on which the lot fronts.

Section 304.6. In the case of a lot of irregular shape in which a portion of the lot abuts a street and a portion not abutting a street abuts the rear yards of lots which have frontage on the same street as does the irregularly shaped lot, on the irregularly shaped lot a building setback line shall be established from the abutting rear yards. As a minimum, the building setback requirement of the applicable zoning district shall be used in establishing such building setback line.

Chapter 4. Conservation and Residential Zoning Districts

Section 401. RC - Rural Conservation District

Section 402. Specific Intent

Section 402.1. It is the purpose of this District to encourage the preservation of rural areas containing woodlands, water-sheds, watercourses and wildlife habitats, which will serve to perpetuate the rural atmosphere, open spaces and scenic landscapes in these portions of the Township. Much of the District contains steep slopes, and is classified as having severe limitations to development. Because of this, intensive residential development will not be permitted.

Section 403. Uses Permitted by Right, Special Exception and Conditional Use.

Section 403.1. Land and buildings in an RC District may be used for the purposes designated in Appendix A of this ordinance.

Section 404. General Regulations

Section 404.1 The General Regulations found in Chapter 6 of this Ordinance shall apply to the RC District.

Section 405. Area, Yard and Height Regulations.

Zoning District and Type of Use – <u>Rural Conservation</u>	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width at Front Yard Setback Line (Ft.)	Minimum Building Setbacks for Principal Structure (Ft.) – for each yard	Minimum Building Setbacks for Accessory Structure (Ft.) – for each yard	Maximum Height* (Ft./Stories)	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)
Residential Uses per Table 1 – Appendix A	21,780 (1/2 acres)	80	front: 20 side: (each) 20 rear: 20	front: not permitted side: (each) 20 rear: 10	35/2.5	20	30
All other Permitted uses Per Table 1, Appendix A	87,120 (2 acres)	125	front: 30 side: (each) 20 rear: 30	front: not permitted side: (each) 15 rear: 15	35/2.5	20	30

Section 406. Reserved.

Section 407. Reserved.

Section 408. Reserved.

Section 409. Reserved.

Section 410. Reserved.

Section 411. PC – Public Conservation

Section 412. Specific Intent.

Section 412.1. It is the purpose of this District to provide for development only at a very low intensity in areas that are environmentally sensitive or that have inadequate road access. To seek to preserve the water quality of important watersheds. To recognize areas that include significant amounts of steep slopes, wetlands, high water table soils, and flood-prone areas. To direct development toward areas of the Township that are more environmentally suitable.

Section 413. Uses Permitted by Right, Special Exception and Conditional Use.

Section 413.1. Land and buildings in an PC District may be used for the purposes designated in Appendix A of this ordinance.

Section 414. General Regulations

Section 414.1. The General Regulations found in Chapter 6 of this Ordinance shall apply to the PC District.

Section 415. Area, Yard and Height Regulations

Zoning District and Type of Use	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width at Front Yard Setback Line (Ft.)	Minimum Building Setbacks for Principal Structure (Ft.) – for each yard	Minimum Building Setbacks** for Accessory Structure (Ft.) – for each yard	Maximum Height* (Ft./Stories)	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)
<u>Public Conservation</u> Any Permitted Use	217,800 (5 acres)	500	front: 50 side: (each) 20 rear: 50	front: not permitted side: (each) 15 rear: 15	35/2.5	10	15

Section 416. Reserved.

Section 417. Reserved.

Section 418. Reserved.

Section 419. Reserved.

Section 420. Reserved.

Section 421. R1 – Village Residential District

Section 422. Specific Intent.

Section 422.1. It is the purpose of this District to recognize areas of older residential development in the Township. To protect the integrity of the residential area by prohibiting the intrusion of incompatible nonresidential uses. To provide for a selected variety of housing types, such as single family and duplexes on smaller lots.

Section 423. Uses Permitted by Right, Special Exception and Conditional Use.

Section 423.1. Land and buildings in an R1 District may be used for the purposes designated in Appendix A of this ordinance.

Section 424. General Regulations

Section 424.1. The General Regulations found in Chapter 6 of this Ordinance shall apply to the R1 District.

Section 425. Area, Yard and Height Regulations

Zoning District and Type of Use	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width at Front Yard Setback Line (Ft.)	Minimum Building Setbacks for Principal Structure (Ft.) – for each yard	Minimum Building Setbacks for Accessory Structure (Ft.) – for each yard	Maximum Height* (Ft./Stories)	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)
R-1 Single-family a.) b.)	7,500 43,560	40 100	front: 20 side: (each) 10 rear: 10	front: not permitted side: (each) 10 rear: 10	35/ 2.5	50	65
Twin Dwelling a.) b.)	14,000 43,560	60 100	front: 20 side: (each) 10 rear: 10	front: not permitted side: (each) 10 rear: 10	35/ 2.5	50	65
Townhouse (permitted only with approved central sanitary sewer service and public supply of water)	Minimum tract size of 2 acres; maximum total density of 4 dwelling units per acre	18 or 24 for any unit that has 2 or more off street parking spaces within 20 feet of the front of the townhouse or has garage doors for 2 or more motor vehicles facing the front of the townhouse.	From all rights of ways of pre-existing streets – 50 From right of way of a street constructed within the tract – 25 From a lot line within the townhouse tract – 3.	From all rights of ways of pre-existing streets – 50 From right of way of a street constructed within the tract – 25 From a lot line within the townhouse tract – 3.	35/ 2.5	40	45

- a.) With approved central sewer service and public water supply
- b.) Without approved central sewer service or public water supply

Zoning District and Type of Use	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width at Front Yard Setback Line (Ft.)	Minimum Building Setbacks for Principal Structure (Ft.) – for each yard	Minimum Building Setbacks** for Accessory Structure (Ft.) – for each yard	Maximum Height* (Ft./Stories)	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)
Apartment (permitted only with approved central sanitary sewer service and public supply of water)	Minimum tract size of 2 acres; maximum total density of 5 dwelling units per acre.	18 or 24 for any unit that has 2 or more off street parking spaces within 20 feet of the front of the apartment or has garage doors for 2 or more motor vehicles facing the front of the apartment.	From all rights of ways of pre-existing streets – 50 From right of way of a street constructed within the tract – 25 From a lot line within the apartment tract – 3.	From all rights of ways of pre-existing streets – 50 From right of way of a street constructed within the tract – 25 From a lot line within the apartment tract – 3.	35/2.5	40	45
All other uses noted in Appendix A (permitted only with approved central sanitary sewer service and public supply of water)	20,000	85	front: 20 side: (each) 10 rear: 10	front: not permitted side: (each) 10 rear: 10	35/ 2.5	50	65

Section 426. Reserved.

Section 427. Reserved.

Section 428. Reserved.

Section 429. Reserved.

Section 430. Reserved.

Section 431. R2 – Medium Density Residential District

Section 432. Specific Intent.

Section 432.1. It is the purpose of this District to provide for the orderly expansion of areas that offer residential neighborhoods at a medium density. To carefully protect these areas from incompatible uses. To provide for a selected variety of housing types, such as single family and duplexes on larger lots.

Section 433. Uses Permitted by Right, Special Exception and Conditional Use.

Section 433.1. Land and buildings in an R2 District may be used for the purposes designated in Appendix A of this ordinance.

Section 434. General Regulations.

Section 434.1. The General Regulations found in Part 6 of this Ordinance shall apply to the R2 District.

Zoning District and Type of Use	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width at Front Yard Setback Line (Ft.)	Minimum Building Setbacks for Principal Structure (Ft.) - for each yard	Minimum Building Setbacks** for Accessory Structure (Ft.) - for each yard	Maximum Height* (Ft./Stories)	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)
Apartment (permitted only with approved central sanitary sewer service and public supply of water)	Minimum tract size of 2 acres; maximum total density of 5 dwelling units per acre.	18 or 24 for any unit that has 2 or more off street parking spaces within 20 feet of the front of the apartment or has garage doors for 2 or more motor vehicles facing the front of the apartment.	From all rights of ways of pre-existing streets – 50 From right of way of a street constructed within the tract – 25 From a lot line within the apartment tract – 3.	From all rights of ways of pre-existing streets – 50 From right of way of a street constructed within the tract – 25 From a lot line within the apartment tract – 3.	35/2.5	40	45
All other uses noted in Appendix A	2 acres	85	front: 30 side: (each) 20 rear: 20	front: not permitted side: (each) 20 rear: 10	35/ 2.5	40	45

Chapter 5. Commercial and Industrial Zoning Districts

Section 501. VC - Village Commercial District.

Section 502. Specific Intent.

Section 502.1. It is the purpose of this District to provide an area for commercial uses which service the day to day needs of surrounding residential areas and which will not have adverse effects on those residential areas.

Section 503. Uses Permitted by Right, Special Exception and Conditional Use.

Section 503.1. Land and buildings in a VC District may be used for the purposes designated in Appendix A of this ordinance.

Section 504. Area, Yard and Height Regulations

Zoning District and Type of Use	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width at Front Yard Setback Line (Ft.)	Minimum Building Setbacks for Principal Structure (Ft.) - for each yard	Minimum Building Setbacks for Accessory Structure (Ft.) - for each yard	Maximum Height* (Ft./Stories)	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)
Village Commercial - VC Any Permitted Use	21,780 (1/2 acre)	100	front: 30 side: (each) 15 rear: 15 (side and rear yards shall be increased by ten feet in those instances where they abut, whole or in part , a residential district lot line.	front: not permitted side: (each) 15 rear: 15 (side and rear yards shall be increased by ten feet in those instances where they abut, whole or in part , a residential district lot line.	35/2.5	65	90
Residential Uses							
Single-family a.)	7,500	60	front: 20 side: (each) 10 rear: 10	front: not permitted side: (each) 10 rear: 10	35/ 2.5	50	65
b.)	43,560	125					
Twin Dwelling a.)	14,000	85	front: 20 side: (each) 10 rear: 10	front: not permitted side: (each) 10 rear: 10	35/ 2.5	50	65
b.)	43,560	125					
Townhouse (permitted only with approved central sanitary sewer service and public supply of water)	Minimum tract size of 2 acres; maximum total density of 4 dwelling units per acre	18 or 24 for any unit that has 2 or more off street parking spaces within 20 feet of the front of the townhouse or has garage doors for 2 or	From all rights of ways of pre-existing streets – 50 From right of way of a street constructed within the tract – 25 From a lot line within the townhouse tract – 3.	From all rights of ways of pre-existing streets – 50 From right of way of a street constructed within the tract – 25 From a lot line within the townhouse tract – 3.	35/ 2.5	40	45

		more motor vehicles facing the front of the townhouse.					
Apartment (permitted only with approved central sanitary sewer service and public supply of water)	Minimum tract size of 2 acres; maximum total density of 5 dwelling units per acre.	18 or 24 for any unit that has 2 or more off street parking spaces within 20 feet of the front of the apartment or has garage doors for 2 or more motor vehicles facing the front of the apartment.	From all rights of ways of pre-existing streets – 50 From right of way of a street constructed within the tract – 25 From a lot line within the apartment tract – 3.	From all rights of ways of pre-existing streets – 50 From right of way of a street constructed within the tract – 25 From a lot line within the apartment tract – 3.	35/2.5	40	45

- a.) **With approved central sewer service and public water supply**
- b.) **Without approved central sewer service or public water supply**

Section 505. Performance Standards.

Section 505.1. In addition to the applicable performance standards of Section 609, the following performance standards shall apply:

Section 505.1.1. No more than ten percent (10%) of all goods shall be displayed outside a building.

Section 506. Design Standards.

Section 506.1. The design standards defined in Section 609 shall apply to all uses in a VC District.

Section 507. General Regulations.

Section 507.1. The General Regulations found in Chapter 6 of this Ordinance shall apply to the VC District.

Section 508. Reserved.

Section 509. Reserved.

Section 510. Reserved.

Section 511. C - Commercial District.

Section 512. Specific Intent.

Section 512.1. It is the purpose of this District to provide for a range of needed commercial uses in locations that are less likely to involve conflicts with existing residences and that have excellent access to major highways. To use special care and control on access onto arterial and collector streets to avoid traffic hazards. To carefully control uses to protect the public health and safety.

Section 513. Uses Permitted by Right, Special Exception and Conditional Use.

Section 513.1. Land and buildings in a C District may be used for the purposes designated in Appendix A of this ordinance.

Section 514. Area, Yard and Height Regulations.

Zoning District and Type of Use	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width at Front Yard Setback Line (Ft.)	Minimum Building Setbacks for Principal Structure (Ft.) - for each yard	Minimum Building Setbacks for Accessory Structure (Ft.) - for each yard	Maximum Height* (Ft./Stories)	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)
<u>Commercial - C</u> Any Permitted Use	43,560 (1 acre)	100	front: 30 side: (each) 15 rear: 15 (side and rear yards shall be increased by ten feet in those instances where they abut, whole or in part , a residential district lot line.	front: not permitted side: (each) 15 rear: 15 (side and rear yards shall be increased by ten feet in those instances where they abut, whole or in part , a residential district lot line.	40/3.0	65	90

Section 515. Performance Standards.

Section 515.1. In addition to the applicable performance standards of Chapter 6 the following performance standards shall apply:

Section 515.1.1. When the side and/or rear yard of a lot adjoins land zoned other than commercial or industrial, or used for residential purposes, a twenty foot (20) buffer strip suitably landscaped to provide a screen, and in which no paved areas or structures, except retaining walls and/or fences are permitted, shall be provided within the side and/or rear yard adjoining the land not zoned commercial or industrial or used for residential purposes.

Section 515.1.2. Drive-thru service is permissible provided it can be conducted with a safe and orderly traffic pattern with sufficient waiting area for vehicles waiting to place and pick-up orders, as demonstrated by traffic plans and studies submitted by the applicant.

Section 515.1.3. Drive-thru service must be 10-ft from the property line. Covered Drive-thru must meet Setbacks.

Section 516. Design Standards.

Section 516.1. The design standards defined in Section 609 apply to all uses in a C District.

Section 517. General Regulations.

Section 517.1. The General Regulations found in Chapter 6 of this Ordinance shall apply to the C District.

Section 518. Reserved.

Section 519. GI - General Industrial District.

Section 520. Specific Intent.

Section 520.1. It is the purpose of this District to provide an area in which a variety of industrial uses may locate provided that they will not adversely affect the public health, safety and general welfare of the residents and inhabitants of the Township. This type of use shall be subject to all applicable standards in Section 600, including but not limited to, Sections 604, 605, 606, 609, 611, 612, 613, 616, 619, 620, 624, 625, 626, 629, 631, 632, 637, 642, and 646. And all In addition, certain open land uses are permitted if Conditional Uses can be secured.

Section 521. Uses Permitted by Right, Special Exception and Conditional Use.

Section 521.1. Land and buildings in a GI District may be used for the purposes designated in Appendix A of this ordinance.

Section 522. Area, Yard and Height Regulations.

Zoning District and Type of Use	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width at Front Yard Setback Line (Ft.)	Minimum Building Setbacks for Principal Structure (Ft.) - for each yard	Minimum Building Setbacks for Accessory Structure (Ft.) - for each yard	Maximum Height* (Ft./Stories)	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)
General Industrial - GI Any Permitted Use	43,560 (1 acre)	100	front: 30 side: (each) 15 rear: 15 (side and rear yards shall be increased by ten feet in those instances where they abut, whole or in part , a residential district lot line.	front: not permitted side: (each) 15 rear: 15 (side and rear yards shall be increased by ten feet in those instances where they abut, whole or in part , a residential district lot line.	100/5.0	50	65

* The height zone from 60 feet to 100 feet is unoccupied by persons. The height zone is solely for storage and occasional routine maintenance by employees.

Section 523. Performance Standards.

Section 523.1. The General Regulations found in Chapter 6 of this Ordinance shall apply to the GI District. Applicant shall address the Requirements in Sections 632 and 633 per request of Township.

Section 524. Design Standards.

Section 524.1. See Section 609.

Section 525. General Regulations.

Section 525.1 The General Regulations found in Chapter 6 of this Ordinance shall apply to the GI District.

Section 526. Reserved.

Section 527. Reserved.

Section 528. Reserved.

Section 529. Reserved.

Section 530. Reserved.

Section 531. Reserved.

Section 532. Reserved.

Section 533. Reserved.

Section 534. Reserved.

Section 535. Reserved.

Section 536. Reserved.

Section 537. Reserved.

Section 538. Reserved.

Section 539. INS - Intuition District.

Section 540. Specific Intent.

Section 540.1. It is the purpose of this District to encourage the development of institutional uses in accordance with approved standards which protect the adjacent non-institutional uses from adverse impacts.

Section 541. Uses Permitted by Right, Special Exception and Conditional Use.

Section 541.1. Land and buildings in a INS District may be used for the purposes designated in Appendix A of this ordinance.

Section 542. Area, Yard and Height Regulations.

Zoning District and Type of Use	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width at Front Yard Setback Line (Ft.)	Minimum Building Setbacks for Principal Structure (Ft.) - for each yard	Minimum Building Setbacks for Accessory Structure (Ft.) - for each yard	Maximum Height* (Ft./Stories)	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)
<u>Commercial - INS</u> Any Permitted Use	43,560 (1 acre)	100	front: 30 side: (each) 15 rear: 15 (side and rear yards shall be increased by ten feet in those instances where they abut, whole or in part , a residential district lot line.	front: not permitted side: (each) 15 rear: 15 (side and rear yards shall be increased by ten feet in those instances where they abut, whole or in part , a residential district lot line.	40/3.0	65	90

Section 543. Reserved.

Section 544. Reserved.

Section 545. Reserved.

Section 546. Reserved.

Section 547. Reserved.

Section 548. Reserved.

Section 549. Mining Overlay

Section 549.1. Mining of minerals shall be permitted by-right in all areas of the Township located in the Mining Overlay. Mining of minerals in the Mining Overlay shall be in agreement with the standards for Mineral Extraction included in Section 653 of this Ordinance.

Section 550. Gas/Oil Extraction

Section 550.1. Gas/Oil Extraction shall be permitted by-right in all areas of the Township and shall be subject to all applicable standards in Section 600, including but not limited to, Sections 604, 605, 606, 609, 611, 612, 613, 616, 619, 620, 624, 625, 626, 629, 631, 632, 637, 642, and 646. Extraction of Gas or Oil in the Township shall be in agreement with the standards for Industrial Use sections included in this Ordinance.

Section 551. Commercial Wind Overlay

Section 551.1. Commercial Wind Farm consisting of two or more windmills shall be permitted by-right in all areas of the Township located in the Commercial Wind Overlay. Commercial Wind Overlay shall be in agreement with the standards for Wind Energy Facilities included in Section 650 of this Ordinance.

Chapter 6. General Regulations

Section 601. Access to Structure.

Every building and structure hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the Township Supervisors, or on a lot for which a legally recorded right of access to a public street or approved private street exists. After the effective date of this Ordinance, no lot shall be created unless it abuts a public street or a private street approved by the Township Supervisors or has a permanent legally recorded right of access to a public street or approved private street.

The Township discourages flag lots, but when the Township permits a subdivision to contain a flag lot under the Township Subdivision and Land Development Ordinance, the access strip portion of such flag lot shall have a minimum width sufficient to permit the construction of a service street right-of-way meeting the requirements of the Subdivision and Land Development Ordinance, the Area, Yard and Height Regulations of the applicable zoning district notwithstanding. The minimum width for the access strip portion shall be 20 feet. For any such flag lot the "minimum lot width at the street line" requirements of the applicable zoning district will not have to be met but the minimum lot width at the building setback line requirement will have to be met. In the case of a flag lot, the building setback line shall be established in the wider portion of the lot intended for construction of a building and shall be established from the lot line toward which a building will front.

Section 602. Erection of More Than One Principal Structure on a Lot.

Not more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot unless a development plan is submitted to and approved by the Board of Supervisors, after review by the appropriate Planning Commission, as provided in the PA Municipal Planning Code.

Section 603. Residential Accessory Buildings, Structures and Uses.

Section 603.1.General

Section 603.1.1. Except as noted elsewhere in this Ordinance, no accessory building or structure shall be permitted within any required front or side yard setback or within ten feet (10') of the rear lot line. The minimum distance between an accessory building or structure within a rear yard and a side lot line shall be the side yard requirement of the applicable zoning district or ten feet (10'), whichever is less.

Section 603.1.2. The maximum height of any accessory building or structure shall be twenty feet (20') measured to the roof peak.

Section 603.1.3. The minimum distance between any accessory buildings or structures shall be five feet (5'). The minimum distance between any accessory building or structure and a principal building shall be five feet (5'). The minimum distance does

not apply to Earth Station Satellite Receiving Dishes.

Section 603.1.4. No permanent accessory building or structure, except for storage sheds conforming Section 603.2.10 shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory.

* Exception: residential accessory structure on adjoining lot with contiguous road frontage and deeded/leased to same property owner.

Section 603.1.5. A garage can be constructed on a lot as the principal structure. The purpose of the garage is for the storage of personal items. The garage cannot be utilized for commercial/industrial uses or be open to the public for business. There shall be no storage of vehicles, parts or other items outside the garage. The outside appearance of the garage is to be consistent with the surrounding buildings.

Section 603.2. Use Regulations

Section 603.2.1. Swimming Pool - swimming pools shall be entirely enclosed with a permanent barrier or fence not less than four feet (4') in height, such fence having no opening with a dimension greater than four inches (4") on a side (or in diameter in the case of round openings). Walls of buildings may serve as part of the fence or barrier. Where such pools are of the type having above-ground construction, that portion of the pool wall extending above the ground may be included as part of the barrier or fence. Fences shall have a gate, which shall be securely locked when not in use. Above-ground pools shall have a ladder or stairway, which can be removed or rendered unusable, and the entrance to the pool shall be capable of being securely closed to a height of four feet (4'). When draining swimming pools, water shall not be drained onto other properties without the owners' consent.

Hot Tubs/Spas and inflatable pools in lieu of four foot (4') fence, must have covers that secure to prevent access when not in use.

Section 603.2.2. Detached Garages - The maximum length of any side of a garage serving a dwelling shall be forty feet (40'). No such garage shall be located within ten feet (10') of a dwelling. No temporary structures shall be permitted.

Section 603.2.3. Apartment and Townhouse Accessory Uses - shall be restricted to uses designed solely for residents of the apartment and townhouse units. One office per project for the purposes of administering and renting dwelling units may be established. One "sample" apartment or townhouse for display purposes shall be permitted for each type of dwelling unit to be constructed.

Section 603.2.4. Tennis/Basketball Court - shall have permanent fences at least ten feet (10') in height behind each baseline, extending at least ten feet (10') beyond the playing area in each direction.

Section 603.2.5. Patios, Terraces - shall not be located closer than ten feet (10') to any property line, except a property line, which is an extension of a common wall, and shall not project into any required front yard setback.

Section 603.2.6. Animal Shelter - shall not be located within ten feet (10') of the rear or side lot lines; shall not be located in any front yard.

The keeping of domestic farm animals other than horses shall be considered an agricultural use. The keeping of horses shall be permitted provided the minimum lot size is two (2) acres and the requirements of Section 607 are met.

Section 603.2.7. No agricultural uses shall be permitted except individual gardens for home consumption; such gardens shall not be located within front yards.

Section 603.2.8. Earth Station Satellite Receiving Dishes - all freestanding earth station satellite receiving dishes, mounted at ground level, shall be considered accessory structures, and the same shall be subject to the provisions of Section 603.1.

Section 603.2.9. Sporting Equipment such as but not limited, to Basketball Nets and Poles/Skateboard Ramps/Street Hockey Nets shall not be located within a street right-of-way at any time, or located such that their use would be from the street (cartway).

Section 603.2.10. Storage Sheds - Storage sheds up to 120 square feet and without foundations shall be located no closer than two feet (2') from any rear or side yard line. Storage sheds up to 120 square feet and with foundations shall be located no closer than six feet (6') from any rear or side yard line. Storage sheds over 120 square feet shall conform to Section 603.1.1. Storage sheds are not permitted in any front yard.

Section 603.2.11. The use of construction trailers, mobile homes, or modular trailers as an accessory structure are not permitted in R1, R2, Village Commercial, Public Conservation, Institutional, Public Conservation and Commercial.

Section 604. Non-Residential Accessory Buildings, Structures and Uses.

Section 604.1. General

Section 604.1.1. No building or structure shall be located within any required yard Setback.

Section 604.1.2. The minimum distance between any accessory buildings or structures shall be five feet (5'). The minimum distance between any accessory building or structure and a principal building shall be five feet (5').

Section 604.2. Use Regulations

Section 604.2.1. Storage Facilities - all such facilities shall be located in areas which have direct access to a street or driveway. The outdoor storage of materials shall be screened from view from adjoining properties and streets and no such area shall be located within fifty feet (50') of any street line.

Section 604.2.2. Living Quarters - Living quarters shall be permitted only for proprietors, watchmen, caretakers or similar employees, unless otherwise provided in this Ordinance.

Section 604.2.3. Garages and Maintenance Buildings - shall not be located within any required yard.

Section 604.2.4. Cafeteria - shall be operated during business hours and conducted within a building.

Section 604.2.5. Recreational Facilities - shall be contained within a building or within a landscaped area at least fifty feet (50') from all lot lines.

Section 605. Landscaping

Section 605.1. Where District Regulations require buffer yards, screening, planting strips and the like, these shall be subject to approval of the Planning Commission prior to planting. The type and density of planting shall adequately provide the screening effect required year-round.

Section 605.2. Plant materials used in screen planting shall be least five feet (5') in height when planted and should reach the required height and density within three (3) years.

Section 605.3. The screen planting shall be maintained permanently and plant material, which does not live, shall be replaced within one (1) year.

Section 605.4. For non-residential and non-agricultural uses, any part of a site which is not used for building or paved area shall be planted with an all-season ground cover and shall be landscaped according to an overall plan in keeping with the natural surroundings. The overall landscaping plan shall be subject to approval by the Township in accordance with the provisions of the Cass Township Subdivision and Land Development Ordinance.

Section 605.5. Landscaped Buffers and Screens: Suitable vegetation, earth berms, fences, and/or walls shall be installed along streets and between lots, zoning districts, and differing land uses to reduce negative impacts and enhance the natural and aesthetic character of the community. (Also see Section 609)

Section 605.6. All landscaped areas shall be designed in accordance with PA Best Management Practices. Landscaped areas shall be planted with native vegetation, subject to approval of the Board of Supervisors, or its designated representative(s) and/or committee(s).

Section 606. Outdoor Lighting

Section 606.1. Applicability

Section 606.1.1. Outdoor lighting shall be required for safety and personal security for uses that operate or have activity during hours of darkness where there is public assembly and traverse, including but not limited to the following uses: residential developments containing lot sizes of less than 1 acre, residential developments of greater than five (5) lots, multi-family residential developments, commercial, industrial, municipal, recreational and institutional.

Section 606.1.2. The, Governing Body of the Municipality may require lighting be incorporated for other uses or locations or restrict lighting in any of the above uses, which deemed necessary to accomplish the purposes of this Ordinance.

Section 606.1.3. The glare-control requirements herein contained apply to lighting in all above-mentioned uses as well as, but not limited to, sign, architectural, landscape, recreational and residential lighting.

Section 606.1.4. Temporary decorative lighting is exempt from the requirements of this Ordinance.

Section 606.2. Criteria

Section 606.2.1. Illumination Levels

Section 606.2.1.1. Lighting, where required or permitted by this Ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook or separately in IESNA Recommended Practices.

Section 606.2.1.2. Future amendments to said recommended practices shall become a part of this Ordinance without further action of the Municipality.

Section 606.2.1.3. Examples of intensities for typical outdoor applications, as extracted from the Lighting Handbook, are presented on the next page but are not all inclusive.

Use/Task	Maintained Footcandle	Uniformity Ratio
(a) Streets, local commercial	0.9 Avg.	6:1 Avg:Min
Streets, local, residential	0.4 Avg.	4:1 Avg:Min
(b) Parking, multi-family residential,		
• Low vehicular/pedestrian activity	0.2 Min.	4:1 Avg:Min*
• Medium	0.6 Min.	4:1 Avg:Min*
(c) Parking, industrial/commercial/institutional/ Municipal		
• High activity, e.g., regional shopping		

	centers/fast food facilities, major athletic/civic/cultural events.	0.9 Min.	4:1 Avg:Min*
•	Medium activity, e.g., community shopping centers, office parks, hospitals, commuter lots, cultural/civic/recreational events.	0.6 Min.	4:1 Avg:Min*
•	Low activity, e.g., neighborhood shopping, industrial employee parking, schools, church parking.	0.2 Min.	4:1 Avg:Min*
(d)	Sidewalks, walkways, and bikeways		
•	Commercial	1.0 Avg.	5:1 Avg:Min
•	Residential	0.5 Avg.	5:1 Avg:Min
(e)	Building entrances, commercial, industrial, intuitional	5.0 Avg.	--
(f)	Service Station Pump Islands	20.0 Avg.	4:1 Avg:Min
(g)	Car Dealerships	20.0 Avg.	5:1 Max:Min

Notes:

Section 606.2.1.3.1. Illumination levels are maintained horizontal footcandles on the task, e.g., pavement or area surface.

Section 606.2.1.3.2. Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio. e.g., for high activity commercial parking, the average illuminance shall not exceed 3.6 footcandles (0.9 x 4).

Section 606.2.1.3.3. In no case shall the maximum to minimum uniformity ratio for parking be in excess of 20:1. b.

Section 606.2.2. Lighting Fixture Design

Section 606.2.2.1. Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Governing Body of the Municipality.

Section 606.2.2.2. For the lighting of predominantly horizontal surfaces such as, but not limited to, roadways, areas of vehicular and pedestrian passage, loading areas, and parking areas, fixtures, whether free-standing, wall mounted, or any other type, shall be aimed straight down and shall meet IESNA full-cutoff criteria.

Section 606.2.2.3. Where the use of fixtures meeting IESNA full-cutoff criteria is not practical or possible, fixtures shall be equipped with aiming and/or light-redirecting devices such as shields, visors, baffles, skirts or hoods when necessary to direct or redirect offending light distribution.

Section 606.2.2.4. The use of floodlighting, spotlighting, non-cutoff wall-mounted fixtures, internally illuminated decorative globes and spheres, lanterns and other fixtures not meeting IESNA full-cutoff criteria, shall be permitted only

with the approval of the Municipality, based upon acceptable justification and achievement of adequate glare control.

Section 606.2.2.5. NEMA-head fixtures, a.k.a. "barn lights" or "dusk-to-dawn lights," shall not be permitted where they are visible from other uses, unless fitted with a reflector or shield to render them full cutoff:

Section 606.2.3. Control of Nuisance and Disabling Glare

Section 606.2.3.1. All outdoor lighting, whether or not required by this ordinance, on private, residential, commercial, industrial, municipal, recreational or institutional property shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

Section 606.2.3.2. The use of floodlights and spotlights shall be so installed or aimed that they do not project their output beyond the boundaries of the property on which they are located.

Section 606.2.3.3. Unless otherwise permitted by the Governing Body of the Municipality, e.g., for safety or security or businesses that operate all night, lighting for commercial, industrial, municipal, recreational and institutional applications shall be controlled by automatic switching devices such as time clocks or combination motion detectors and photocells, to permit extinguishing outdoor lighting fixtures between 11:00 p.m. and dawn to mitigate light trespass, nuisance glare and sky-lighting consequences.

Section 606.2.3.4. Lighting proposed for use after 11:00 p.m., or after normal hours of operation of a business, whichever is earlier, for commercial, industrial, institutional or municipal applications, shall be reduced by at least 50% from then until dawn, unless supporting a specific purpose and approved by the Governing Body of the Municipality such as in the case of businesses that operate all night.

Section 606.2.3.5. All illumination for advertising signs, buildings and/or surrounding landscapes for decorative, advertising or esthetic purposes is prohibited between 11:00 p.m. and sunrise, except that such lighting situated on the premises of a commercial establishment may remain illuminated while the establishment is actually open for business, and until one hour after closing.

Section 606.2.3.6. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

Section 606.2.3.7. In no case shall the illumination cast by a source or sources onto an adjacent residential property exceed 0.1 vertical footcandle. The amount of illumination cast onto any non-residential property from another property shall not exceed one (1.0) vertical footcandle.

Section 606.2.3.8. Externally illuminated signs and billboards shall be lighted by fixtures mounted at the top of the sign and aimed downward. Such lighting shall be automatically extinguished between the hours of 11:00 p.m. and dawn except as specifically approved by the Governing Body of the Municipality for sign lighting on the premises of all-night commercial operations. All such fixtures shall be so designed or fitted to concentrate the light output onto and not beyond the sign or billboard.

Section 606.2.3.9. Directional fixtures, e.g., floodlights or spotlights, shall be aimed so as not to project their output beyond the objects intended to be illuminated, and shall be extinguished between the hours of 11:00 p.m. and dawn, except for lighting of the American Flag. Such lighting shall not project onto another property.

Section 606.2.3.10. The use of strobe lighting for tall structures such as smokestacks, chimneys and radio/communications/television towers is prohibited during hours of darkness, except as specifically required by FAA.

Section 606.2.4. Installation

Section 606.2.4.1. Poles supporting lighting fixtures for the illumination of parking areas shall be placed a minimum of five (5) feet outside paved area, curbing or tire stops, or on concrete pedestals at least thirty (30) inches high above the pavement, or suitably protected by other approved means.

Section 606.2.4.2. Except as specifically approved by the Governing Body of the Municipality, fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of twenty-five (25) feet above finished grade. Fixtures not meeting IESNA "cutoff" criteria, when specifically approved by the Governing Body of the Municipality, shall not be mounted in excess of sixteen (16) feet above grade.

Section 606.2.5. Maintenance

Section 606.2.5.1. Lighting fixtures and ancillary equipment shall be maintained so as always to meet the requirements of this Ordinance.

Section 606.2.6. Street lighting for residential applications

Section 606.2.6.1. Where required in this or other ordinances for residential uses, lighting shall be provided as follows:

Section 606.2.6.1.1. At the intersection of entrance roads to the development with a public road.

Section 606.2.6.1.2. At the intersection of public roads within the development with development interior roads.

Section 606.2.6.1.3. At cul-de-sac bulb radii.

Section 606.2.6.1.4. At terminal ends of center median islands having concrete structure curbing, trees and/or other fixed objects, e.g., signs, not having a breakaway design.

Section 606.2.6.1.5. At defined pedestrian crossings located within the development.

Section 606.2.6.2. The types of street lighting fixtures shall be approved by the municipality.

Section 606.2.7. Plan Submission

Section 606.2.7.1. For subdivision and land development applications where site lighting is required or proposed, lighting plans shall be submitted to the Municipality for review and approval with any preliminary or final subdivision/land development plan application and with any conditional use, special exception, variance application or building permit where applicable, and shall include:

Section 606.2.7.1.1. A site plan, complete with all structures, parking spaces, building entrances, traffic areas {both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting, and a layout of all proposed fixtures by location, mounting height and type. The *submittal* shall include in addition to area lighting, architectural lighting, building-entrance lighting, landscape lighting, etc.

Section 606.2.7.1.2. 10'x 10' illuminance-grid (point-by-point) plot of maintained footcandles, carried out to 0.0 footcandles, which demonstrates compliance with the light trespass, intensity and uniformity requirements as set forth in this Ordinance. The maintenance (light-loss) factor used in calculating the illuminance levels shall be documented on the plan.

Section 606.2.7.1.3. Description of the proposed equipment,

including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods. A pole foundation detail is to be provided on the plan.

Section 606.2.7.2. When requested by the Governing Body of the Municipality, applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare and light trespass.

Section 606.2.7.3. The following notes shall appear on the lighting plans:

Section 606.2.7.3.1. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Municipality for review and approval.

Section 606.2.7.3.2. The Municipality reserves the right conduct a post-installation the requirements of nighttime inspection to verify compliance this Ordinance, and if appropriate, to require remedial action at no expense to the Municipality.

Section 606.2.7.4. Compliance Monitoring

Section 606.2.7.4.1. Safety Hazards

Section 606.2.7.4.1.1. If appropriate officers or agents of the Municipality judge a lighting installation creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified in writing and required to take remedial action within a specified time period.

Section 606.2.7.4.1.2. If appropriate corrective action has not been effected within the specified time period, the Municipality may commence legal action as provided in this Ordinance.

Section 606.2.7.5. Nuisance Glare and Inadequate Illumination Levels

Section 606.2.7.5.1. When appropriate officers or agents of the Municipality judge an installation produces unacceptable levels of nuisance glare, direct skyward light, excessive or insufficient illumination levels or otherwise varies from this Ordinance, the Municipality may cause written notification of the person(s) responsible for the lighting and require appropriate remedial action within a specified time period.

Section 606.2.7.5.2. If the appropriate corrective action has not been effected within the specified time period, the Municipality may

commence legal action as provided in this Ordinance.

Section 607. Agricultural Use Regulations

Section 607.1. General Agricultural Standards

Section 607.1.1. Agricultural uses shall be conducted on a farm, which shall be a minimum of three (3) acres in size.

Section 607.1.2. General Agricultural uses shall be limited to a maximum of 2.0 animal equivalent units per acre of land suitable and available on the farm for manure application on an annualized basis. Uses exceeding 2.0 animal equivalent units per acre are classified as intensive agricultural uses and are subject to the Intensive Agricultural Standards of Section 607.2. Animals not defined in the AEU table of Section 201 shall be limited to one (1.0) per acre.

Section 607.1.3. No farm or any other outbuilding other than a dwelling shall be constructed closer than seventy-five feet (75') to any property line.

Section 607.1.4. All grazing or pasture areas utilized for this purpose shall be fenced.

Section 607.1.5. No slaughter area or manure storage shall be established closer than two hundred feet (200') to any property line.

Section 607.1.6. No more than one (1) single family detached dwelling shall be permitted for each farm.

Section 607.1.7. To control erosion and pollution, a 20' buffer zone shall be established from the edge of all streams, which shall be kept in an all-season ground cover.

Section 607.1.8. The sale of farm products is subject to:

Section 607.1.8.1. Signs shall be subject to the provisions of Section 644.

Section 607.1.8.2. At least fifty percent (50%) of such products shall have been produced on the property on which they are offered for sale.

Section 607.1.8.3. Parking spaces for at least three (3) cars shall be provided behind the street line.

Section 607.1.8.4. Sale of farm products shall be conducted from a portable stand, removed at the end of the growing season, or from a permanent building located no closer to the street than the applicable building setback line.

Section 607.2. Intensive Agricultural Standards

Section 607.2.1. Intensive agricultural activities shall include the following:

Section 607.2.1.1. A Concentrated Animal Operation (CAO) in excess of 2.0 animal equivalent units per acre of land suitable and available on the farm for manure application on an annualized basis.

Section 607.2.1.2. A Concentrated Animal Feeding Operation (CAFO) where 250 or more animal equivalent units (AEU) are housed inside buildings or in confined feedlots.

Section 607.2.2. No structure used for an intensive agricultural activity shall be located within four hundred feet (400') of any lot line unless a lesser distance is permitted by Act 6 or any other applicable State law.

Section 607.2.3. All lots for such uses shall have a minimum size of twenty-five (25) acres, unless a larger lot size is required elsewhere in this Zoning Ordinance.

Section 607.2.4. All open storage shall be screened in such a manner that it shall not be visible from any point on the lot lines.

Section 607.2.5. No more than three (3) persons not related to the family operating the use shall be housed on the lot.

Section 607.2.6. All buildings and structures designated for the use of any regulated activity shall be painted and maintained in good condition.

Section 607.2.7. A fence shall be maintained around all areas in which animals are kept outside of buildings.

Section 607.2.8. Solid and liquid waste shall be disposed of in a manner to avoid creating insect or rodent problems, a public health problem or a public nuisance. Noxious, unpleasant gases or odors of any kind shall not be emitted in such quantities as to be detectable outside the lot lines of the tract occupied by an intensive agricultural operation.

Section 607.2.9. A Nutrient Management Plan shall be prepared for all proposed Intensive Agricultural uses. The Nutrient Management Plan shall be submitted to the Township and shall be reviewed and approved by the Schuylkill County Conservation District.

Section 607.2.10. All aspects of mushroom production shall be in accordance with Best Practices for Environmental Protection in the Mushroom Farm Community, prepared under the authority of the Solid Waste Management Act (35 P.S. ~6018.101 et seq.) and regulations at 25 Pa. Code Chapter 289. The commercial production, processing, or cultivation of mushrooms shall be construed as an Intensive Agricultural

activity and therefore shall comply with the applicable requirements of Section 607.2.

Section 607.2.11. No discharge of liquid waste and/or sewage shall be permitted into a reservoir, sewage or storm disposal system, holding pond, stream or other open body of water, or into the ground unless treated so that the discharge is in total compliance with the standards approved by the appropriate local, state and federal regulatory bodies and/or agencies.

Section 607.2.12. All on-site composting shall be performed under roof in a partially enclosed structure having impervious flooring with drainage and suitable protection so as to insure that there is no run-off from said structure onto surrounding lands.

Section 607.2.13. All organic materials to be used in on-site composting shall be stored under roof in a totally enclosed structure having impervious flooring with drainage and suitable protection so as to insure that there is no run-off from said structure onto surrounding lands.

Section 608. Recreational Use Regulations.

Section 608.1. The following controls shall apply to all recreational areas not owned by Cass Township.

Section 608.1.1. All activities of a commercial nature shall be clearly accessory to and incidental to the permitted recreational use, such as the charging of admission, the sale of refreshments and the rental or sale of athletic equipment.

Section 608.1.2. Sleeping accommodations shall be provided only for caretakers and similar types of employees, except in the case of camps intended to provide for overnight accommodations.

Section 608.1.3. Accessory uses shall be restricted to those providing necessary amenities to members and guests.

Section 608.1.4. Minimum lot size shall be five (5) acres.

Section 608.1.5. All buildings shall be set back a minimum of one hundred fifty feet (150') from all lot lines.

Section 608.1.6. Maximum lot coverage shall be five percent (5%).

Section 608.1.7. Maximum paved area shall be ten percent (10%).

Section 608.1.8. Minimum lot width shall be three hundred fifty feet (350').

Section 608.1.9. Lighting shall be in accordance with Section 606.

Section 608.1.10. The noise level emanating from a use shall not exceed 55 dB(A) at lot line.

Section 608.1.11. A complete visual barrier by landscaped screen shall be provided along any lot line adjacent to a residential use.

Section 608.1.12. All storage shall be completely screened from view from any public right-of-way and any residential use. All organic rubbish or storage shall be contained in vermin-proof containers.

Section 608.1.13. No driveway or street to service a use shall be located within one hundred feet (100) from the intersection of any street lines. When any driveway or street shall provide access for more than one hundred (100) parking spaces, the approval of the design shall be subject to review by the Township Planning Commission. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements, which may be imposed in such a review, shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings and signs.

Section 608.1.14. The interior circulation of traffic shall be designed so that no driveway or street providing parking spaces shall be used as a through-street. If parking spaces are indicated by lines with angles other than ninety (90°) degrees, the traffic lanes shall be restricted to one-way permitting head-on parking. No driveway or street used for interior circulation shall have traffic lanes less than ten feet (10') in width. Areas for loading shall be separate from customer parking areas.

Section 608.1.15. Trails for motorized bicycles shall be located no less than fifty feet (50') from a lot line.

Section 608.1.16. Campgrounds, subject to:

Section 608.1.16.1. All rules and regulations of the Pennsylvania Department of Environmental Protection shall be complied with.

Section 608.1.16.2. The minimum area of a campground shall be five (5) acres.

Section 608.1.16.3. All buildings and structures shall be clearly incidental to the use of the site as a campground and shall be for the use of the occupants of the campground only.

Section 608.1.16.4. Every campground shall be separated from a public street and from adjoining properties by a buffer strip no less than one hundred feet (100) in width, which shall contain an evergreen planting screen no less than five

feet (5) in height when planted. Landscaping shall be completed in accordance with Section 605.

Section 608.1.16.5. No portions of the campground shall be used for year-round occupancy.

Section 608.1.16.6. All certificates of Use and Occupancy issued by the Township shall be issued for a period of one (1) year. Renewal shall be according to the same requirements and procedure as made and provided for in Section 802 for issuance of the original Certificate of Use and Occupancy.

Prior to the issuance or renewal of a Certificate of Use and Occupancy, the owner of a Campground shall file with and receive approval by the Township Supervisors of a set of Regulations. Such regulations shall prescribe, but not be limited to, such controls as maximum term of occupancy of a site by an individual tenant; temporary or seasonal storage of travel trailers; policing to control noises and activities that might endanger the life, safety or general welfare of other occupants and the owners and/or occupants of adjacent properties.

Upon due notice, the Township Supervisors may revoke a Certificate of Use and Occupancy for failure by the owner of a Campground to enforce such regulations and the same shall not be reinstated or renewed until satisfactory guarantees of future enforcement are provided.

Section 608.1.16.7. There shall be a maximum gross density of twelve (12) travel trailer or tent sites per acre. Each site shall be a minimum of 1,500 square feet in area, with a minimum width of twenty-five feet (25). Each site shall provide a clear, generally level, well-drained pad for accommodating the travel trailer or tent.

Section 608.1.16.8. Sites shall be so dimensioned and arranged that when any space is occupied no portion of any travel trailer or tent, including accessory attachments, shall be within ten feet (10) of any portion of any other travel trailer, tent or building. Each site shall contain at least one (1) parking space, which is clear, generally level, and well-drained and no less than ten feet (10) by eighteen feet (18) in area.

Section 608.1.16.9. Each site shall abut and have direct access to an internal roadway, which shall be a minimum of twenty feet (20) in width and improved to a mud free condition suitable for use in all weather conditions. Suitable materials shall be applied to the roads to control dust. Parking shall not be permitted on the roads. In all other respects, the roads shall meet the standards of the Cass Township Subdivision and Land Development Ordinance, unless waivers are granted by the Township pursuant to said Ordinance.

Section 608.1.16.10. A tenant shall not occupy a space in a travel trailer

park for more than nine (9) consecutive weeks. Occupancy of any space in the park for four (4) or more nights in any one (1) week shall be considered occupancy for one (1) week.

After occupancy in the travel trailer for nine (9) consecutive weeks, a tenant shall not occupy a space in the park for more than three (3) nights in any one (1) week for a period of four (4) consecutive weeks.

The owner of the travel trailer park shall maintain a daily registration list in the park office. Such list shall indicate the tenants of the park for every night and shall be made available to representatives of the Supervisors. The owner shall retain each registration list for a period of one (1) year.

Section 608.1.17. An Erosion and Sedimentation Control Plan shall be approved by the Schuylkill County Conservation District and Township Engineer.

Section 609. Design Standards for Commercial, Industrial, and Educational Uses.

Section 609.1. Screening - a complete visual barrier by landscaped screen shall be provided along any lot line adjacent to a residential use or residential zoning district.

Section 609.2. Storage - all storage shall be completely screened from view from any public right-of-way and any residential use. All organic rubbish or storage shall be contained in vermin-proof containers.

Section 609.3. Landscaping - any part or portion of a site which is not used for building area or parking area shall be landscaped according to an overall plan in keeping with the natural surroundings. Any single parking area with twenty-five (25) or more spaces shall include parking area landscaping of an area that is equal to at least ten percent (10%) of the area covered by parking spaces and aisle ways: said landscaped area shall be in addition to the open area requirements of the applicable zoning district. The overall parking area design and associated landscaping shall be subject to approval by the Township in accordance with the provisions of the Cass Township Subdivision and Land Development Ordinance. Truck parking associated with a warehouse/distribution center with over 50 truck parking spaces is not required to provide an additional landscaped area.

Section 609.4. Access and Traffic Control - No driveway or street to service a use shall be located within one hundred feet (100) from the intersection of any street lines. When any driveway or street shall provide access for more than one hundred (100) parking spaces, the approval of the design shall be subject to review by the Township Planning Commission. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements, which may be imposed in such a review, shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and land markings and signs.

Section 609.5. A traffic impact study must be completed and submitted for review by the Township Engineer. The traffic impact study shall include an assessment of the current road

conditions and their ability to sustain the anticipated traffic. The report must indicate the necessary road improvements required for the proposed traffic. The cost of any required road improvements shall be the responsibility of the applicant. Work to include necessary pavement borings to establish existing pavement types/ thicknesses.

Section 609.6. Interior Circulation - the interior circulation of traffic shall be designed so that no driveway providing parking spaces shall be used as a public through-street. If parking spaces are indicated by lines with angles other than ninety (90°) degrees, then traffic lanes shall be restricted to one-way permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than ten feet (10) in width. Areas for loading shall be separate from customer parking areas.

Section 609.7. Shopping Cart Storage - if any use permits shopping carts to be taken from the confines of the store building, storage areas for such carts shall be provided at convenient locations outside buildings.

Section 609.8. Building Design - At least one entranceway shall be maintained at ground level. All pedestrian entrances shall be paved with an all-weather surface. Curbing shall be provided to separate parking areas, streets and driveways.

Section 609.9. Curbing, in accordance with Township specifications, shall be installed on all streets proposed for dedication within Industrial and Commercial Parks.

Section 609.10. New and Used Car Lot/Car Repairs - lot must be paved. They are subject to all sections of the Zoning Ordinance and all outdoor vehicle sales display areas shall be setback from the street right-of-way line the greater of fifteen (15) feet or five (5) feet from the outside edge of the public sidewalk, if sidewalk is present or required. Sales display areas and customer parking areas are subject to the clear sight triangle regulations per Section 616.

Section 609.11. All uses shall provide restrooms for employees and customers (where required by law).

Section 609.12. Where any type of impact may occur, the applicant must provide an environmental assessment study in accordance with section 630 and 631.

Section 610. Composting as a principal or accessory use.

Section 610.1. On a lot of less than five acres, composting shall be limited to the composting of biodegradable vegetative material, including grass clippings, trees, shrubs, leaves and vegetable waste, and shall not include animal wastes or fats.

Section 610.2. Composting shall only be conducted in ways that fire, rodent or disease-carrying insect hazards or noxious odors are not created.

Section 610.3. Composting of manure shall be setback a minimum of 150 feet from any dwelling on an adjacent lot, and be located and graded to prevent manure from being washed into a creek, lake, or river by storm water.

Section 610.4. See the guidelines of the Pennsylvania State University Cooperative Extension Service concerning manure management.

Section 610.5. Compost shall be kept free of other garbage.

Section 610.6. The following regulations shall apply to composting on a bulk commercial basis that involves manure being brought onto a site from land owned or leased by others persons:

Section 610.6.1. The provisions of this section 610.6.6. shall not apply to composting involving materials such as manure generated on-site or generated on property owned or leased by the same person.

Section 610.6.2. The applicant shall prove to the satisfaction of the Township Supervisors that:

Section 610.6.2.1. Sufficient setbacks, screening, siting, methods and structures will be used to reasonably ensure compatibility with neighboring properties, including minimizing odors off the site; and

Section 610.6.2.2. Sufficient measures will be used to protect water quality.

Section 610.6.3. Minimum lot area - 50 acres.

Section 610.6.4. Minimum setback for structures or areas used for the production or storage of compost from:

Section 610.6.4.1. Lot lines of dwellings with different owners than the owner of the composting use - 600 feet.

Section 610.6.4.2. Other exterior lot lines and the centerlines of creeks - 300 feet.

Section 610.6.4.3. Compost shall not be bulk stored or leveled within 100 feet of wells, lakes, rivers or creeks or within a 100-year floodplain.

Section 610.6.5. All leachate and compost pad runoff shall be collected and properly treated.

Section 610.6.6. All compost wharves shall be constructed of an acceptable all-weather impervious surface.

Section 611. Loading Areas.

Section 611.1. Paved off-street loading and unloading spaces with proper access from a street, driveway or alley, shall be provided on any lot on which a building for trade, business, industry or warehousing, or other use similarly involving receipt of or distribution of materials or merchandise by motor vehicle is hereafter erected or expanded. All such areas for the loading and unloading of vehicles, and for the servicing of establishments by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile access ways, parking facilities and pedestrian ways. Loading areas shall not be located within required front yards and shall not be located within five feet (5) of any side or rear lot line.

Section 611.2. Under Land Development Plan Approval (Section 810) for Commercial or Industrial Districts, the applicant shall indicate all provisions for off- street loading and include supporting data on the number, frequency and schedules, and size of vehicles which will serve the facility.

The number and size of loading spaces provided shall be appropriate for the use to be conducted on the premises and sufficient to accommodate all vehicles serving the use. At least one (1) loading space shall be provided for each use.

Section 612. Off-Street Parking.

Section 612.1. Off-street parking facilities shall be provided whenever:

Section 612.1.1. A building is constructed or a new use established.

Section 612.1.2. The use of an existing building or a lot is changed to a use requiring more parking facilities.

Section 612.1.3. An existing building or use is altered so as to increase the amount of parking spaces required.

Section 612.2. Each parking space shall have a minimum area of one hundred eighty (180) square feet and minimum dimensions of nine (9) by twenty (20) feet. In addition, appropriate driveways, aisles, and maneuvering space shall be provided as necessary to permit safe and convenient access to and use of the area provided for parking purposes. Proper access from a street, alley, or driveway shall be provided. When parking spaces are provided parallel to a driveway or aisle, the minimum dimensions of the spaces shall be nine (9) feet by twenty-two (22) feet.

Section 612.3. Parking spaces for residential uses shall be located on the same lot as the use served and shall be located behind the street right-of-way line. Parking spaces for other uses shall be provided for on the same lot as the use being served or in parking facilities within three hundred feet (300') of the use and shall not require pedestrian crossing of a public street, except in the case of a shopping center or similar grouping of buildings on a lot, in which case all

parking areas shall be provided within the lot boundaries.

Section 612.4. Joint parking facilities for two (2) or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.

Section 612.5. All parking spaces and means of access, other than those relating to a dwelling, shall be illuminated during night hours of use. The illumination shall be designed and located so that the light sources are shielded from adjoining properties and public and private streets. The illumination shall not produce a glare noxious at or beyond the boundaries of the parking area.

Section 612.6. All common parking areas and access drives shall be paved, shall have marked parking spaces, shall be graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. The maximum grade of areas for parking shall not exceed six percent (6%), and the maximum grade of access drives shall not exceed ten percent (10%). Surface water shall not be concentrated onto public sidewalks or other premises.

Section 612.7. No areas necessary to fulfill the off-street parking requirements of this Ordinance shall be used for the sales, dead-storage, repair, dismantling or servicing of vehicles.

Section 612.8. Off-street parking facilities existing on the effective date of this Zoning Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new building or use.

Section 612.9. The width of aisles in parking areas shall be not less than listed in the following table:

ANGLE OF PARKING	AISLE WIDTH	
	ONE-WAY	TWO-WAY
90°	20'	24'
60°	18'	20'
45°	15'	20'
30°	12'	20'

Section 612.10. When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below one-half (1/2) may be disregarded and any fraction above one-half (1/2) shall necessitate the provision of a full parking space.

Section 612.11. Parking areas for non-residential uses shall be designed such that vehicles will not back out onto the public streets.

Section 612.12. The design of parking areas shall be such as to prevent the back-up of vehicles on a public street at the entrance to parking areas.

Section 612.13. Where parking requirements are determined by the number of seats and no permanent seats are provided, only temporary seats, the number of parking spaces to be

provided shall be based upon the number of temporary seats in normal usage.

Section 612.14. Parking areas shall be arranged so that no portion of any vehicle parked within a designated parking space will extend over any property line of the lot on which it is parked.

Section 612.15. Parking areas for non-residential uses which are designed to contain more than four (4) vehicles shall be screened from the view of persons on any land zoned R1, R2, RC, or PC which is adjacent to the land on which the non-residential parking area is located, and shall be located a minimum of twenty feet (20') from any land so zoned.

Section 612.16. Parking areas shall be located a minimum of ten feet (10') from a street right-of-way line in Village Commercial Districts; a minimum of twenty feet (20') from a street right-of-way line in Commercial District and a minimum of fifty feet (50') from a street right-of-way line in General Industrial Districts. Such parking areas shall be located a minimum of ten feet (10') from any side or rear lot line and the area between the parking area and side or rear lot line shall be landscaped.

Section 612.17. The number of off-street parking spaces to be provided for each use shall be sufficient to accommodate all employee, visitors, and customer parking. Minimum off-street parking requirements shall be as follows:

Residential Uses	Three (3) parking spaces per dwelling unit, not to include garages.
Industrial, Wholesaling or Warehousing Establishment	One (1) space per employee on shift of greatest employment
Restaurant, Tavern or Similar Use	One (1) space for each four (4) seats plus one (1) space for each employee on the shift of greatest employment, or one (1) space per three (3) people of total capacity plus one (1) per employee on the shift of greatest employment, whichever is greater.
Retail and Service, Convenience/Grocery Store with gas pumps	Four (4) spaces per 1,000 sq. ft. of gross leasable area. (no additional parking for employees)
Convenience/Grocery Store without gas pumps	Three (3) spaces per 1,000 sq. ft. of gross leasable area. (no additional parking for employees)
Office Building	One (1) space for each three hundred (300) square feet of gross floor area.
Motel, Hotel, Tourist Home, Bed & Breakfast or Similar	One (1) space for each rental unit plus one space for each employee on the shift of greatest employment.

Medical, Dental and Paramedical Offices	One (1) space per employee plus four (4) spaces for each person engaged in practice
Agricultural Uses	One (1) space per employee of the shift of greatest employment.
Nursing Home, Convalescent Home or Retirement Home, Personal Care Home	One (1) space per employee on shift of greatest employment plus one (1) space for each two (2) beds.
Hospital	One and one half (1-1/2) spaces per bed, plus one (1) space per employee on shift of greatest employment.
Bowling Alley	Five (5) spaces per alley plus one (1) space per employee on shift of greatest employment.
Funeral Home	One (1) space for each three (3) seats, plus one (1) space per employee.
Auditorium, Theater, Place of Worship, Club or Lodge, or Other Place of Public Assemblage.	One (1) space for each four (4) seats, plus one (1) space per employee.
Library or Museum	One (1) space for each three hundred (300) square feet of gross floor area, plus one (1) space per employee.
Nursery Schools and Day Centers	One (1) space per employee plus one space for every 10 children for unloading of children accommodated in the school.
Elementary and Junior High Schools	One (1) space per employee plus one (1) space per two (2) classrooms or offices.
High Schools	One (1) space per employee plus one (1) space per three (3) students to be accommodated at any one (1) time.
Commercial School, Jr. College/College/University	One (1) space per employee plus one (1) space per two (2) students to be accommodated at any one time.
Skating Rink, Swimming Pool, Indoor Recreational Establishments	One (1) space per twenty-five (25) square feet devoted to patron use plus one (1) space per employee.
Motor Vehicle Service Station or Repair Garage	Two (2) parking spaces per service pay plus one (1) per employee on the shift of greatest employment.
Outdoor Recreational Facility & Amusement Parks	One (1) space per employee on largest shift plus one (1) space per three (3) people of total capacity.

Shopping Center	Four (4) spaces per 1,000 sq. ft. of gross leasable area. (no additional parking for employees)
Dance Hall, Night Club and similar IBS Assembly Group Ad-2 Structures	One (1) space per two (2) people of total capacity, plus one (1) space per employment on the shift of greatest employment.

For any building or use not covered above, the Zoning Officer shall apply the standard of off-street parking spaces in the above schedule deemed to most closely approximate the proposed building or use.

Section 612.18. The number of ADA accessible parking spaces shall meet the following guidelines:

- A. ADA accessible space for lots having 1 to 25 spaces
- B. ADA accessible spaces for lots having 26 to 50 spaces
- C. ADA accessible spaces for lots having 51 to 75 spaces
- D. ADA accessible spaces for lots having 76 to 100 spaces
- E. ADA accessible spaces for lots having 101 to 150 spaces
- F. ADA accessible spaces for lots having 151 to 200 spaces
- G. ADA accessible spaces for lots having 201 to 300 spaces
- H. ADA accessible spaces for lots having 301 to 400 spaces
- I. ADA accessible spaces for lots having 401 to 500 spaces
- J. 2% of the total number of spaces for lots having 501 to 1000 spaces.
- K. 20 spaces plus 1 for every 100 spaces over 1000 for lots of 1001 spaces and over.
- L. One in every 6 ADA accessible parking spaces, but not less than 1, shall be designated as van accessible.
- M. When only one (1) ADA accessible parking space is required, that space shall be designated as van accessible.

Section 612.19. ADA accessible parking spaces shall be the spaces closest to the nearest

accessible entrance to the building served by the parking lot.

Section 612.20. Each ADA accessible parking space shall have the appropriate signs erected at the front of the space. One set of signs shall be required for every space. All signs shall conform to PennDOT and ADA regulations.

Section 612.21. The signs shall be mounted on a secure post with the bottom of the lower sign being a minimum of 3.5 feet above the ground level. The required signs are as follows:

Section 612.21.1. For a standard ADA accessible parking space, a “Reserved Parking” sign, (R7-8) shall be mounted on top and a “Violators Subject to Fine and Towing, Min. Fine \$50, Max. Fine \$200” sign, (R7-8B) shall be mounted on the bottom.

Section 612.21.2. For a van ADA accessible parking space, a “Reserved Parking” sign, (R7-8) shall be mounted on top, a “Van Accessible” sign, (R7-8A) shall be mounted in the middle, and a “Violators Subject to Fine and Towing, Min. \$50, Max. Fine \$200” sign, (R7-8B) shall be mounted on the bottom.

Section 612.22. Each ADA accessible parking space shall be at least eight feet (8') wide and shall have an adjacent access aisle five feet (5') wide minimum with diagonal white lines.

Section 612.23. The van ADA accessible parking space shall be at least eleven feet (11') wide and shall have an adjacent access aisle five feet (5') wide minimum with diagonal white lines.

Section 612.24. Each ADA accessible parking space shall have a length identical to the adjacent non-ADA accessible parking spaces in the same parking aisle or parking area.

Section 612.25. All ADA accessible parking spaces shall be identified by painting the pavement surface handicap blue in color, outlined with white lines.

Section 612.26. All ADA accessible parking spaces shall be further identified by having the universal handicapped/disabled symbol painted on the blue space. This symbol shall be white in color.

Section 612.27. All ADA accessible parking spaces and their respective signs shall be regularly maintained to ensure their continued compliance to the law.

Section 613. Additional Parking Regulations for Commercial and Industrial Zoning Districts.

Section 613.1. No parking lot shall be located closer to a building than five (5) feet to allow adequate room for landscaping.

Section 613.2. No more than twenty-five (25) parking spaces shall be placed in a

continuous row without an intervening planting island of at least ten (10) feet in width and the length of a parking stall.

Section 613.3. A minimum of ten (10) percent of any parking lot facility over two thousand (2,000) square feet in gross area (measured from the outside edge of paving to outside edge of paving) shall be devoted to landscaping. This landscaping shall include a minimum of one tree per twenty (20) parking spaces and all planting beds within a parking lot shall be surfaced in lawn or ground cover planting.

Section 613.4. For any land use where the total number of parking spaces exceeds one hundred (100) stalls, the parking area shall be divided by continuous islands perpendicular to the spaces every one hundred twenty (120) feet this assumes four (4) rows of parking at twenty (20) foot lengths and two (2) aisles each being twenty five (25) feet wide. These divider islands shall be a minimum of ten (10) feet wide. Truck parking associated with a warehouse/distribution center with over 50 truck parking spaces is not required to provide continuous islands.

Section 614. Drive-Through Facilities.

Section 614.1. Drive through facilities includes lanes and canopies.

Section 614.2. The proposed traffic flow and ingress-egress pathways shall not cause traffic hazards on adjacent streets.

Section 614.3. On-lot traffic circulation and parking areas shall be clearly marked.

Section 614.4. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off the site. All drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.

Section 614.5. A drive-through lane or canopy situated adjacent to a residential property shall be no less than ten (10) feet from the lot line, with a buffer strip ten (10) feet in width and screening of at least six (6) feet in height established between said canopy and the lot line.

Section 614.6. The drive through area of a canopy shall be a minimum of nine (9) feet above grade.

Section 614.7. All signage, except for clearance, directional and lane availability signs, is prohibited from canopies.

Section 615. Conditional Reduction of Parking Requirements

Section 615.1. Under the Conditional Use Procedures Established in Section 809 of this Ordinance, the Board of Supervisors may permit a conditional reduction of the number of parking spaces required by this Ordinance, in individual cases, if they believe that meeting the condition of this Ordinance could result in more spaces than are actually needed subject to the

following:

Section 615.1.1. The design for the parcel of land in question shall show parking areas which provide the total number of parking spaces required by this Ordinance and meet all requirements of this Ordinance. Those portions of parking areas proposed for initial construction shall be designated, and their location is subject to the approval of the Board of Supervisors.

Section 615.1.2. Those portions of the parking areas which will not be initially constructed shall be reserved for possible future construction of parking spaces.

Section 615.1.3. The landowner shall enter into a written agreement, satisfactory to the Board of Supervisors, that within eighteen (18) months after the issuance of the last Certificate of Use and Occupancy on the tract the parking spaces not initially constructed shall be constructed at the landowner's expense should the Board of Supervisors determine, that the total number of parking spaces required by this Ordinance are necessary to adequately serve the uses on the lot. The landowner shall further enter into a written agreement to pay any costs incurred by the Township in the undertaking of any studies to determine the adequacy of parking facilities. If required by the Township, the landowner shall post a guarantee, satisfactory to the Township, to cover the cost of additional parking facilities which could be required by the Township and the cost of any studies undertaken by the Township.

Section 616. Driveways

Section 616.1. Single family dwelling driveway entrances or exits into a street from a corner lot shall conform to the provisions of Subdivision and Land Development Ordinance.

Section 616.2. No entrance or exit for a driveway serving a single-family dwelling shall be less than ten feet (10) or more than twenty feet (20) in width in aggregate if more than one driveway, excluding radii.

Section 616.3. No driveway serving a single family dwelling shall be located within four feet (4) of any side lot line, except in the case of driveways which adjoin one another.

Section 616.4. No driveway serving a non-residential use shall be located within five feet (5) of any rear or side lot line, provided that a driveway serving a non-residential use shall not be located within ten feet (10) of a rear or side lot line when the adjoining land is located within an R1, R2, RC, or PC District.

Section 616.5. Driveways shall be constructed and maintained that the materials of which the driveways are constructed will not wash nor be deposited upon public roads. Driveways in excess of ten percent (10%) grade shall be paved.

Section 616.6. At driveway intersections with streets, a clear sight triangle, established for a distance of ten feet (10') from the point of intersection of the cartway lines. In addition, the

sight distances at driveways shall meet the requirements of PennDOT Publication 201, Engineering and Traffic Studies.

Section 616.7. Driveway entrances shall not intersect streets at angles of less than sixty (60°) degrees nor more than one hundred twenty (120°) degrees.

Section 616.8. The grade of driveways shall conform to the Cass Township Subdivision and Land Development Ordinance..

Section 616.9. The area between the street cartway and right-of-way lines shall be paved.

Section 616.10. All Township driveways must be in accordance with the most current Cass Township Driveway Ordinance.

Section 616.11. A Township driveway permit, PENNDOT minimal use driveway permit, or a PENNDOT Highway Occupancy Permit must be presented to the Township Office prior to any Zoning Permits for uses involving access points being issued.

Section 617. No Impact Home Based Business Regulations:

Section 617.1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

Section 617.2. There shall be no customers coming to the dwelling.

Section 617.3. The business shall employ no employees other than family members residing in the dwelling.

Section 617.4. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.

Section 617.5. There shall be no outside appearance of a business use, including, but not limited to parking, signs, equipment storage or lights.

Section 617.6. The business activity may not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

Section 617.7. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

Section 617.8. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

Section 617.9. The business may not involve any illegal activity.

Section 618. Home Occupation Regulations.

Section 618.1. Home occupations may be allowed as conditional uses approved by the Cass Township Board of Supervisors.

The following requirements must be met in order to have a home occupation:

Section 618.1.1. The home occupation must be conducted within a residential property and must be clearly incidental to the residential use.

Section 618.1.2. Only a resident of the dwelling unit may practice the home occupation, (i.e. the owner cannot rent out a room in the house for someone to run a business).

Section 618.1.3. Any need for parking generated by the home occupation shall be met off-street on the lot and existing paved area, which the home occupation is carried out; any additional paving shall comply with the maximum allowed in the zoning district in question.

Section 618.1.4. Occupations requiring customers coming to the home may:

Section 618.1.4.1. Allow only two (2) customers at a time; and

Section 618.1.4.2. Conduct business between the hours of 8 am and 8 pm.

Section 618.1.5. Only one person whether paid or unpaid may assist with the home occupation at the dwelling unit (off street parking must be met for this person also).

Section 618.1.6. No more than twenty-five percent (25%) of the total floor area of a dwelling unit shall be used for the purposes of the home occupation.

Section 618.1.7. In the case of repair services, repairs must be made off the property on which the home office is located.

Section 618.1.8. There shall be no external storage of equipment or vehicles related to the home occupation business.

Section 618.1.9. No emission of unpleasant gases or other odorous matter shall be permitted.

Section 618.1.10. No emission of noxious, toxic or corrosive gases or fumes injurious to persons, property or vegetation shall be permitted.

Section 618.1.11. No discharge shall be permitted into a reservoir, sewage or storm disposal system, stream, open body of water or into the ground of any materials in such a way or of such nature or temperature which could contaminate any water supply, or damage or be detrimental to any sewage system or any sewage treatment process or otherwise could cause the emission of dangerous objectionable elements. No hazardous waste or household hazardous waste shall be discharged into sewage disposal systems or public sewers.

Section 618.1.12. No vibration perceptible beyond the structure in which the home occupation is conducted shall be permitted.

Section 618.1.13. No noise shall be audible beyond the structure in which the home occupation is conducted, which exceeds the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.

Section 618.1.14. No emission of any smoke shall be permitted (unless the smoke is from a wood burning stove or fireplace being used for heating purposes).

Section 618.1.15. In the case of childcare services, a maximum of three (3) children (unrelated to the operator) may attend. Caregiver must comply with all requirements of the Pennsylvania Code Title 55, Public Welfare.

Section 618.1.16. No hazardous, explosive or regulated material shall be produced or stored upon the premise in quantities exceeding National Fire Code standards for residences.

Section 618.1.17. No display of products related to the home occupation shall be visible from adjoining properties or streets.

Section 618.1.18. There shall be no outside advertising in residential areas. In non-residential areas, there shall be no outside advertising other than one (1) one-sided or two-sided sign of no more than six (6) square feet in area of each side and must comply with all other requirements of the sign ordinance regarding placement of such sign.

Section 618.1.19. There shall be no alterations made to the outside of the dwelling in a manner inconsistent with the basic architecture of the dwelling.

Section 618.1.20. Person must register with the municipal tax administrator for tax reporting purposes.

Section 618.1.21. A zoning permit shall be required.

Section 618.1.2.2. Neighbor impact letters must be mailed certified to all affected neighboring properties. The Applicant shall contact all neighbors within 200 feet of proposed home occupation. Describe the nature of the home occupation and advise the

neighboring resident they may submit written comments to the zoning officer within 30 days of the receipt of the letter. Copies of the letter with certified mail receipts shall be submitted to the Zoning Officer with the zoning permit application.

Section 618.1.2.3. All home occupations shall be subject to periodic inspections by the Township Code Enforcement Officer to monitor compliance with the provisions of this ordinance and any and all other Township, State and Federal regulations.

Section 619. Front Yard Exceptions.

Section 619.1. When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two (2) adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in question are improved as of the time of the adoption of this Ordinance and the improvements are located within one hundred feet (100') of the unimproved lot. For the purpose of this section, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building is erected.

Section 620. Fences, Walls and Hedges.

Section 620.1. Except as noted elsewhere in this Ordinance, fences, walls and hedges may be located within required yards. No fence, wall or hedge shall be erected or planted within the right-of-way lines of any street, nor shall they encroach upon any street right-of-way at any time.

Section 620.2. Any fence or wall, except a retaining wall, greater than ten feet (10') in height shall be set back no less than five feet (5') from a lot line, unless otherwise required by this Ordinance.

Section 620.3. Fences shall be constructed of wood, chain link or similar appropriate materials, be of uniform construction and be constructed in a workmanlike manner.

Section 620.4. A zoning permit is not required for fences and walls that are up to 6 feet in height measured from the existing ground.

Section 620.5. Fences and walls that are greater 6 feet in height require a zoning permit

Section 620.6. Maximum fence height is 8 feet in R1 and R2 districts. Stacking of fence is not permitted.

Section 621. Corner Lot Restrictions.

Section 621.1. On every corner lot, a yard equal in depth to the front yard requirement of the zoning district in which the corner lot is located, shall be provided on each side of the lot which is adjacent to a street.

Section 621.2. Clear sight triangles shall be provided at all street intersections. Within such triangles, nothing which impedes vision between a height of two and one-half feet (2-1/2') and ten feet (10') above the center line grades of the intersecting streets shall be erected, placed, planted or allowed to grow, except street signs, traffic lights or signs, utility poles and mail boxes. Such triangles shall be established from a distance of seventy-five feet (75') from the point of intersection of the centerlines of the intersecting streets, except that a clear sight triangle of one hundred fifty feet (150') shall be provided for all intersections with arterial highways. In addition, sight distances shall meet the requirements of PennDOT Publication 46, Traffic Engineering Manual.

Section 622. Projections into Yards.

Section 622.1. The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

Section 622.1.1. Terraces, patios, open porches and decks (provided that such terraces, patios, open porches and decks are not enclosed) are not to be closer than ten feet (10') to any lot line (except a lot line which is the projection of a common wall), and do not project into any required front yard.

Section 622.1.2. Open balconies or fire escapes and projecting architectural features such as bay windows, cornices, eaves, roof overhang, chimneys and window sills, provided that all such features shall project no more than five feet (5') into any required yard, and shall not be closer than six feet (6') to any lot line (except lot lines which are the projection of party walls).

Section 622.1.3. Uncovered stairs and landings, provided such stairs or landings do not exceed three feet (3') six inches (6") in height, do not project more than five feet (5') into any required yard, and are not located closer than six feet (6') to any lot line (except lot lines which are the projection of party walls).

Section 622.1.4. A porte-cochere or carport may be erected over a driveway in a required side yard, provided that such structure is:

Section 622.1.4.1. Not more than fourteen (14) feet in height and twenty (20) feet in length.

Section 622.1.4.2. Entirely open on at least three sides, exclusive of the necessary supporting columns and customary architectural features.

Section 622.1.4.3. At least ten (10) feet from the side lot line.

Section 623. Accessory Building Setback Exceptions.

On any lot on which a principal building existed at the effective date of this Ordinance,

an accessory building to such existing principal building which is constructed after the effective date of this Ordinance does not have to be set back further from any street right-of-way than that of the principal building.

A reduced rear and side setback distance of 5 feet is permitted for accessory structures with an area less than 750 square feet in the R1 and R2 Districts.

Section 624. Height Exceptions.

The building height limitations contained within this Ordinance shall not apply to chimneys, spires, cupolas, antennas and other similar appurtenances customarily attached to principal buildings as determined by the Zoning Officer, usually required to be placed above the roof level provided they are not intended for human occupancy, provided that any such projection which exceeds the height limitations of the applicable zoning district shall not be greater in height above its base than the shortest distance from such base to any lot line, and provided that telecommunications towers and other such structures shall not be exempt.

Section 625. Steep Slope Controls.

Section 625.1. A steep slope area is defined to be any area where on the mean pre-development slope of the land is fifteen percent (15%) or greater and has an elevation change of twenty (20) feet or greater. The mean slope shall be determined by dividing the elevation change (i.e., 20 feet) by the horizontal distance (as measured perpendicular to the contour lines) between any two contour lines separated by twenty (20) feet (e.g., 246' and 266' contours).

Section 625.1.1. Steep slope areas must be left undisturbed and shall be subject to a Permanent Conservation Easement that specifically prohibits:

Section 625.1.1.1. Removal of healthy trees and/or vegetation (exotic or noxious species excepted).

Section 625.1.1.2. Earth-moving or earth disturbance or other alteration of the site ecology including, but not limited to, the installation of roadways, driveways, on-lot septic systems, sanitary and/or storm sewers lines, infiltration systems and stormwater detention basins.

Section 625.1.1.3. Placement or construction of any structure without prior approval of the Cass Township Board of Supervisors, or unless exempted under **subparagraph 2** below.

Section 625.1.2. A single family detached residence may be constructed on a lot that consists entirely of steep slope area provided that the following conditions are met:

Section 625.1.2.1. The total disturbance area, including, but not limited to, the building site, driveway, utility lines, sewer/septic systems, wells, infiltrations systems and stormwater detention/drainage systems, shall not exceed

ten (10) percent of the lot area. Or 10,000 square feet, whichever is less.

Section 625.1.2.2. There shall be established a Permanent Conservation Easement of at least three hundred (300) feet between any disturbance area and the down-slope property line, except that said area may be traversed by a driveway not exceeding twelve (12) feet in width.

Section 625.1.2.3. The applicant shall submit the methods proposed by a Professional Engineer to preclude any structural and/or foundation problems that may be caused by the steep slope conditions.

Section 626. Removal of Natural Resources.

Section 626.1. Except where listed as a permitted use, the stripping and removal of topsoil from lots shall not be permitted. Topsoil may be removed from areas of construction, grading, excavation and other earthmoving activities, but shall be stored elsewhere on the lot and stabilized to minimize erosion. Upon completion of the earthmoving activities, the topsoil shall be redistributed on the lot.

Section 626.2. The removal of other natural resources shall be permitted only when specifically permitted in a zoning district, except as follows:

Section 626.2.1. As depicted on an approved subdivision or land development plan, but only to the extent necessary for the construction of roadways, utility lines, sanitary sewers, storm sewers and stormwater management facilities.

Section 626.2.2. As part of construction activities that do not require the approval of a subdivision or land development plan by the Township or for which planning requirements were waived, but only to the extent necessary for the construction of roadways, utility lines, sanitary sewers, storm sewers and stormwater management facilities.

Section 626.2.3. In conjunction with normal lawn preparation and maintenance; however, the removal of woodland is limited by Section 626.3.

Section 626.3. The removal of woodlands for the construction of residential dwellings, driveways, and yard area, shall be limited to a maximum of 50% of lot area per dwelling unit, with the following conditions:

Section 626.3.1. The limit is in addition to the removal of woodland as permitted by Sections 626.2.1. and 626.2.2.

Section 626.3.2. Woodland areas shall not be removed from within Conservation Easements as shown on the approved subdivision and land development plan.

Section 626.3.3. Individual trees labeled “To Remain” on the approved

subdivision or land development plan shall not be removed or negatively impacted by the construction of the dwelling, driveway, or other features associated with the construction of the dwelling without first obtaining written approval from the Board of Supervisors with recommendation from the Planning Commission.

Section 626.3.4. A 10 (ten) foot woodland buffer shall be provided along the property boundary.

Section 627. Standards for Public Utility Uses.

Section 627.1. All areas for parking and loading shall be located between the building and rear lot line.

Section 627.2. If adjoining land is zoned PC, RC, R1, or R2 all facilities, storage or activities outside a building shall be screened from view from public streets and adjoining lots.

Section 628. Historical Area Controls.

Section 628.1. Designation of Area. Areas to be regulated under this section shall be determined by the Township Supervisors acting upon the recommendations of the Township Planning Commission. The Planning Commission may under its own initiative after careful study or by request, recommend the inclusion of an area within this classification. The Supervisors shall consider each recommendation at a regularly scheduled meeting providing opportunity for public comment.

Section 628.2. Markings. The boundaries of each area shall be indicated on a map maintained by the Planning Commission. A separate map shall be prepared for each specific area showing the location of each building and all property lines following approval by the Supervisors.

A suitable plaque may be placed by the owner of an individual property within a classified area. The classified area may be indicated by suitable signs. Such identification plaques and signs must be approved by the Planning Commission and conform to Section 811.

Section 628.3. Use Regulations. Uses shall be regulated by the Zoning District in which the land and/or buildings are situated. Other uses consistent with the Historical nature of the area may be considered by special exception.

Section 628.4. The owner must stabilize historic buildings to prevent demolition by neglect. Existing historical properties shall not be permitted to deteriorate either through willful neglect or natural occurrence.

Section 628.5. Modification and Alterations or Demolition of Existing Structures. Each external alteration of an existing structure within an area regulated by these controls shall require the prior submission of sketch drawings to the Planning Commission. Such plans shall be examined to determine whether they are in conformance with the character of the area as required by

Historical Review, Section 628.7.

Section 628.6. New Construction. The construction of any buildings within an area regulated by these controls shall require the prior submission of the following items to the Planning Commission.

- a. Sketch Floor Plans
- b. Sketch Elevations

Such plans shall be examined to determine whether they are in conformance with the character of the area as required by Section 628.7.

Section 628.7. Historical Review. The Planning Commission or a group specifically appointed by the Township Supervisors for this purpose shall be charged with the review of all applications under this section. In the event that a special group is appointed, then the Planning Commission shall forward to them all materials necessary for such review.

Within thirty (30) days of receipt of such plans the body charged with review shall authorize or deny the approval of the plans. If they are denied, then the reason for the denial shall be provided in a written format. No Building Permit shall be issued until approval is forthcoming.

In evaluating any proposal under this classification, Section 628.8 shall be the sole basis for final decision.

Section 628.8. Historical Development Standards. No approval shall be granted until the proposed building construction, reconstruction, modification or alteration conforms to the following standards:

The architectural style, general design, arrangement, location and materials shall be in harmonious inter-relationship with the exterior architectural features of other structures in the immediate surrounding area;

The exterior shall be designed so as to retain and reaffirm the basic, underlying characteristics which are common to the immediate surrounding area;

The architectural characteristics shall be such that the building blends and forms a part of the total appearance of the entire area which is subject to these regulations.

Section 629. Outdoor Storage.

Outdoor storage of any type shall not be permitted unless such storage is a part of the normal operations conducted on the premises, subject to requirements of the prevailing Zoning District.

Section 630. Private Airports/Heliport.

Section 630.1. A Special Exception is required from the Zoning Hearing Board if a person desires to maintain a private aircraft on his lot. In addition to the information required elsewhere in this Ordinance, the following information shall be submitted to the Zoning Hearing Board:

Section 630.1.1. A map of the lot indicating the runway/landing area, necessary approach zone and parking apron;

Section 630.1.2. A statement indicating the reasons for the need to utilize an aircraft and the flight experience of the applicant;

Section 630.1.3. A description of the type of aircraft to be used with its stated capacities;

Section 630.1.4. A statement of the intended use of the aircraft and prospective pilots.

Section 630.2. The following standards shall be satisfied:

Section 630.2.1. There must be a setback called the lateral clear zone extending five hundred feet (500') from the centerline of the runway/landing area to any lot line;

Section 630.2.2. No aircraft other than one (1) single-engine propeller-driven aircraft or three-seat helicopter shall be permitted;

Section 630.2.3. No application shall be approved which does not provide a runway of 1,500 feet, an approach zone of 1,000 feet and a parking apron of 1,000 feet;

Section 630.2.4. No activities shall be permitted by which any commercial use is made of the aircraft;

Section 630.2.5. Approval from the Federal Aviation Administration shall be received and all FAA regulations shall be adhered to.

Section 630.2.6. No night landings shall be permitted;

Section 630.2.7. No runway/landing area shall be paved or equipped with landing lights unless required by FAA regulations.

Section 630.2.8. Only the owner of the airport or heliport shall use the airport or heliport.

Section 631. Environmental Assessment Statement.

Section 631.1. Content of Environmental Assessment Statements. The purpose of the

Assessment is to determine the impact of the project on the existing site, and the resultant changes the proposal will have on the immediate site and surrounding area. The need for an environmental assessment statement is at the discretion of the zoning officer for any land use.

In the preparation of this document only factual information, not subjective qualitative statements, shall be presented by the applicant. All sections below shall be addressed.

Section 631.1.1. Description of the Proposal. Describe the proposed or recommended action, its purpose, where it is to be located, when it is proposed to take place and its interrelationship with other projects or proposals, including information and technical data sufficient to permit assessment of environmental impact by reviewing agencies.

Section 631.1.2. Description of the Environment. Include a comprehensive description of the existing environment without the proposal and the probable future environment with the proposal. This description should focus both on the environmental details most likely to be affected by the proposal and on the broader regional aspects of the environment, including ecological interrelationships. Particular attention should be given to the potential effects of past or present use of the site as a repository of toxic or hazardous wastes.

Section 631.1.3. The Environmental Impact of the Proposed Action. Describe the environmental impacts of the proposed action. These impacts are defined as direct or indirect changes in the existing environment, both beneficial and detrimental. Whenever possible these impacts should be quantified. This discussion should include the impact not only upon the natural environment but upon land as well. Provide separate discussion for such potential impacts as man-caused accidents and natural catastrophes and their probabilities and risks. Specific mention should also be made of unknown or partially understood impacts.

Section 631.1.4. Mitigating Measures Included in the Proposed Action. Include a discussion of measures which are proposed to be taken or which are required to be taken to enhance, protect or mitigate impacts upon the environment, including any associated research or monitoring.

Section 631.1.5. Any Adverse Effects which cannot be avoided should this proposal be implemented. Include a discussion of the unavoidable adverse impact described in 631.1.32 and 631.1.4 above, the relative values placed upon those impacts, and an analysis of who or what is affected and to what degree affected.

Section 631.1.6. The Relationship between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity. Discuss the local short-term use of the environment involved in the proposed action relation to its cumulative and long-term impacts and give special attention to its relationship to trends of similar actions, which would significantly affect ecological trends of similar actions,

which would significantly affect ecological interrelationships or pose long-term risk to health and safety. Short-term and long-term do not refer to any fixed time periods, but should be viewed in terms of the various significant ecological and geophysical consequences of the proposed action.

Section 631.1.7. Any Irreversible or Irrecoverable Commitments of Resources Which Would be Involved in the Proposed Action Should it be Implemented. Discuss and quantify where possible, any irrevocable uses of resources, including such things as resource extraction, erosion, destruction of archaeological or historical sites, elimination of endangered species' habitat and significant changes in land use.

Section 631.1.8. Alternatives to the Proposed Action. Describe the environmental impacts, both beneficial and adverse, of the various alternatives considered.

Section 631.2. Outline Considerations for Developing Environmental Assessment Statements.

Section 631.2.1. Description of the Proposal.

Section 631.2.1.1. Who is proposing the action?

Section 631.2.1.2. What is the nature of the action to be taken?

Section 631.2.1.3. What is it designed to accomplish? What identified needs will be met and to what degree?

Section 631.2.1.4. Where will it take place?

Section 631.2.1.5. When will it take place? Indicate phasing of acquisition and development items, if applicable, and timetables for completion.

Section 631.2.1.6. How does it fit in with the planning efforts, local agencies, comprehensive plans, etc?

Section 631.2.2. Describe the Environment.

Section 631.2.2.1. What are the present and past land uses of the site and of the surrounding area?

Section 631.2.2.2. Comment on any special topographic features which may be present.

Section 631.2.2.3. Describe the site's surface and subsurface geologic characteristics.

Section 631.2.2.4. Describe the nature of the soils in the area, particularly their fertility and susceptibility to erosion.

Section 631.2.2.5. Describe the area's water resources, with specific reference to ground water, water quality, aquifers and aquifer recharge areas and areas subject of flooding.

Section 631.2.2.6. Describe the area's vegetation, including species composition, distribution, commercial utility and aesthetics. Special reference should be made to unusual or unique species.

Section 631.2.2.7. Describe the nature of existing transportation routes in the immediate area and the accessibility to the project site.

Section 631.2.3. Environmental Impact of the Proposed Action.

Section 631.2.3.1. What will be the effect on land uses in the area?

Section 631.2.3.2. Will the project affect any site listed on the National Register of Historic Places?

Section 631.2.3.3. In what way will soils and topography to affected? Consider such things as soil compaction, erosion, exposure of slopes, excavation, creation of unstable slope/soil configurations, cutting and filling, removal of topsoil, paving, loss of existing natural landscape qualities, blockage of view lines to landmarks, blockage of view corridors, etc.

Section 631.2.3.4. Will solid wastes be generated? How and where will they be disposed of? Indicate what types and volumes will be generated and how and whether they will be stored prior to disposal and method of disposal. Discuss removal of clearance, demolition and construction wastes.

Section 631.2.3.5. How will water resources be affected? Consider the water table, runoff, sewer systems, rivers and streams, water supply, etc. Indicate content of any effluent which will be discharged. Address loss of floodwater absorption capacity in natural absorption areas, effects on stream volume, velocity and seasonal flows, diversions or blockage of surface water, alterations of natural watercourses, introduction or increase of effluents or toxic, hazardous or radioactive substances to runoff or water bodies, effects on aquatic life, any blockage or impairment of access to watercourses, effects on ground water recharge, release of groundwater supply, withdrawal of groundwater supplies, blockage of groundwater flow, contamination of groundwater supply, effect on water temperatures, sedimentation, changes in levels of water bodies.

Section 631.2.3.6. How will vegetation be affected? Discuss the removal of ground cover, loss of valuable local species, loss of wildlife habitat, introduction of vegetation which will spread onto adjacent lands, introduction of exotic vegetation, creation of areas of highly visible, dying or decaying

vegetation.

Section 631.2.3.7. How will fauna be affected? Consider habitat destruction, reduction of population, impact caused by human intrusion, mobility restrictions, food chains, etc.

Section 631.2.3.8. How will transportation routes be affected? Consider congestion, hazards, capacities of affected roads and intersections, traffic to be generated, generation of truck traffic. The traffic impact study shall include an assessment of the current road conditions and their ability to sustain the anticipated traffic. The report must indicate the necessary road improvements required for the proposed traffic. The cost of any required road improvements shall be the responsibility of the applicant.

Section 631.2.3.9. Effect on air quality and ambient noise level? Include what odors will originate; types and concentrations of gases, vapors, particulates and smoke; noise and vibration levels at property lines. Indicate whether heat or glare will be present near property lines and level of heat and/or glare. Indicate levels of electromagnetic radiation at property lines. Indicate effects on local temperatures and wind circulation and whether there are any plants, animals or materials in the area that are particularly susceptible to expected emissions. Indicate the nature, concentration and quantity of radioactive material to be discharged to the environment, pathways for entering the environment, dose to populations and biota and possible concentrations through food chains.

Section 631.2.3.10. Describe management practices proposed for the area.

Section 631.2.4. Mitigating Measures Included in the Proposed Action. Discuss actions or measures which will be taken to avoid or alleviate adverse environmental effects. Include reference to erosion control methods and adherence to air, noise or water pollution control techniques and standards.

Section 631.2.5. Unavoidable Adverse Effects. If adverse effects have been identified in Section 631.2.3 and cannot be mitigated, they should again be identified here. Describe who or what will be affected, and to what degree. Quantify wherever possible.

Section 631.2.6. Relationship between the Local and Short-Term Use of Man's Environmental and the Maintenance and Enhancement of Long-Term Productivity. What are the impacts of the proposal in the context of other similar projects. In what way will future generations be affected by the currently proposed action?

How do the immediate and long-range impacts of the area with the project compare with the immediate and long-range impacts without the project?

Section 631.2.7. Any Irreversible or Irretrievable Commitments of Resources. Discuss any irrevocable commitments of resources resulting from implementation of the proposal. An evaluation must be made of the extent to which the proposed action curtails or restricts the range of possible resources uses. Such commitments may occur because of resources extraction, erosion, destruction of archeological, geological or historic features, destruction of fragile habitat or endangered species habitat, unalterable changes in land use and resources used in project development.

Section 631.2.8. Alternatives to the Proposed Action. Identify alternatives which may be considered, including modification of the present proposal and different approaches to gaining the same result.

The beneficial and adverse effects of the alternatives should be discussed, along with the reasons for rejection. Where appropriate, consideration should be given to alternate construction methods which may avoid environmental degradation.

Section 632. Environmental Performance Standards.

The Township Supervisors shall require safeguards to assure compliance with the following performance standards. Upon request of the Township, a landowner shall furnish proof at his own expense that he is in compliance with the following standards:

Section 632.1. Air Management - All uses shall comply with the standards of the Air Pollution Control Act 35 P.S. §4001 through §4015, as amended, and the following standards:

Section 632.1.1. Except as may be permitted in Section 648 , open burning is not permitted.

Section 632.1.2. No gases, vapors or particulates which are harmful to persons, property, animals, or vegetation beyond the lot lines of the lot on which such gases, vapors, or particulates originate shall be emitted.

Section 632.1.3. No odors causing annoyance or discomfort to the public shall be detectable beyond the lot lines of the lot on which such odors originate.

Section 632.1.3.1. The prohibition on odors shall not apply to odor emissions arising from a property being legally used for agricultural activities.

Section 632.1.3.2. Any person who causes an odor emission shall be required to alter their operations in such a manner that, the escaping odors are eliminated. Backup odor reduction equipment shall be maintained to support any primary odor reduction equipment used to control odors.

Section 632.1.4. Hazardous air emissions - All emissions shall comply with National Emissions Standards for Hazardous Air Pollutants promulgated under Federal & State Statutes.

Section 632.1.5. The emission of any smoke at a density greater than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines shall not be permitted, except that smoke of a density of No. 2 may be emitted for not more than four (4) minutes in any thirty (30) minute period. This standard shall not be applied to emissions where the presence of uncombined water is the only reason for the failure of the emission to meet the opacity limits. (Uncombined water produces a white "smoke" which vanishes a short distance from the stack).

Section 632.1.6. Visible air contaminants shall comply with Pennsylvania Code, Chapter 127A, or its most recent update.

Section 632.2. Waste Water Management

Section 632.2.1. In addition to compliance with all state and federal standards, effluent must meet standards established by the Township, if any.

Section 632.2.2. In no case shall potentially dangerous or contaminating effluent or waste from plant operations be discharged into the ground or into a watercourse.

Section 632.3. Solid Waste Management

No permanent storage of waste material shall be permitted (except within permitted landfills), The landowner shall properly dispose of all waste materials. All waste materials awaiting transport shall be concealed from view from all adjacent properties and streets. Burning of waste materials is prohibited in the Commercial and Industrial Zoning Districts. Burning of any materials associated with manufacturing, production, processing, construction, demolition, shipping, handling, receiving and storage is prohibited anywhere within the Township.

Section 632.4. Noise and Vibration

Section 632.4.1. At no point on any lot boundary shall the sound pressure level of any operation including the riding of licensed or unlicensed motorized vehicles exceed the maximum decibel levels shown below for the districts indicated. At no time on any lot boundary, for more than an aggregate total of thirty (30) minutes during any twelve (12) hour period, shall the sound pressure of any operation exceed the maximum continuous decibel levels shown below for the districts indicated.

	<u>Maximum</u>	<u>Maximum Continuous</u>
RC, PC, R1, R2, VC, Districts		
7:00 A.M. to 10:00 P.M.	63 dbA	58 dbA
10:00 P.M. to 7:00 A.M.	60 dbA	55 dbA

C/GI, INS Districts

7:00 A.M. to 10:00 P.M.	80 dbA	75 dbA
10:00 P.M. to 7:00 A.M.	68 dbA	64 dbA

Section 632.4.2. In no case shall any physical vibration be deemed to be perceptible without being measured by the proper instrument at or beyond the lot lines.
Section 632.5. Glare and Heat Control.

Section 632.5.1. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines.

Section 632.6. Ground Water Supplies

Section 632.6.1. No use shall endanger ground water levels and quality in the area of the use, nor adversely affect ground water supplies of nearby properties. When required by the Township, a hydrologic study which shall indicate the impact of the proposed use upon the ground water supply and the ground water quality in the area of the proposed use shall be submitted to the Township. Any impact to the Aquifer must be studied and presented in the report.

Section 632.7. Electromagnetic

Section 632.7.1. All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission. No electromagnetic radiation which interferes with radio or television reception or the operation of other equipment beyond the lot lines shall be radiated.

Section 632.8. Outdoor Storage

Section 632.8.1. All outdoor storage of materials or products shall be screened from view from adjacent properties where homes are erected and occupied.

Section 632.8.2. Waste materials awaiting transport shall be kept in enclosed containers.

Section 632.8.3. No materials or waste shall be deposited upon a lot in such forth or manner that they may be transferred off the lot by natural causes or forces.

Section 632.8.4. All outdoor storage facilities for fuel, flammable or explosive materials and similarly dangerous materials shall be enclosed by a fence at least ten (10) feet in height and of sturdy enough construction to adequately prevent the access of the general public to said facility.

Section 632.9. Carcinogenic Substances.

Section 632.9.1. No carcinogenic substances shall be released into the air, ground, or water.

Section 632.10. PADEP Requirements.

Section 632.10.1. Adhere to all regulations of the Pennsylvania Department of Environmental Protection.

Section 632.11. Stormwater Management/Erosion and Sedimentation Controls

Section 632.11.1. The development of all properties zoned for commercial or industrial use must prepare and submit Stormwater Management and Erosion and Sedimentation Control Plans pursuant to the requirements detailed by the Cass Township SALDO.

Section 632.12. Flammable and Explosive Hazards.

Section 632.12.1. Flammable and explosive materials shall be stored, used and transported in accordance with the applicable state and federal regulations regarding such materials.

Section 632.13. Electrical power.

Section 632.13.1. Every use shall be designed and operated so that the service lines, and related paraphernalia, shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry, and shall be so constructed, installed, etc., as to be an integral part of the architectural features of the plant or, if visible from abutting residential properties, shall be concealed in accordance with the landscaping requirements contained within this Ordinance and the SALDO.

Section 632.14. Public Water or Sewer Service.

Section 632.14.1. Industrial uses shall be served by public water and/or sewer, where available.

Section 633. Timber Harvesting Controls.

Section 633.1. Timber Harvesting as part of a Forest Management Plan or Forest Stewardship Plan.

A forest is more than a collection of trees. It is a dynamic ecosystem, defined by the interactions of living organisms with their environment. To use this resource wisely requires a broad understanding of the biological processes involved as well as an appreciation for the economic, social, and personal pressures that influence woodlot management decisions. By

practicing sound forest management, the owner and community can reap great benefits from the forest: clean water, forest products, wildlife, and aesthetic enjoyment. For these reasons timber harvesting shall be done only in accordance with a Forest Management Plan or Forest Stewardship Plan prepared by a forester.

Timber harvesting under this Section is not in association with subdivision, land development, or construction activities. Tree removal in association with subdivision, land development, and construction activities is governed by Section 633.2 below.

The Applicant shall submit the following plans and reports at least sixty (60) days prior to the scheduled start of the timber harvest for review and approval by the Zoning Officer considering recommendations from the Cass Township Planning Commission:

Section 633.1.1. The Forest Management Plan or Forest Stewardship Plan containing the following elements:

- (1) Ecological Considerations
- (2) Forest Health
- (3) Soil Resources
- (4) Water Resources
- (5) Fauna Resources
- (6) Flora Resources
- (7) Silviculture/Timber Management
- (8) Non-Timber Forest Products
- (9) Infrastructure

Section 633.1.2. The use of diameter-based cutting methods are not permitted unless fully justified by the forester preparing the Plan. Diameter-base cutting methods include but are not limited to: Diameter Limit Cut and High Grading,

Section 633.1.3. Clear-Cutting is only permitted when the Forestry Bureau's reservation guidelines are followed and is fully justified by the forester preparing the Plan as the timber harvest method necessary to improve a forest or stand that contains defective, dead, diseased or dying trees.

Section 633.1.4. A Tree Inventory Report in accordance with Section 633.3 shall be prepared for the area included in the timber harvest. The Tree Inventory Report will be utilized to determine replacement tree requirements in the event that a subdivision or land

development plan is submitted within five (5) years of the date that a Zoning Permit is issued to allow the timber harvest. Trees included in the Tree Inventory Report that were considered suitable for preservation with a Preservation Suitability rating of Excellent, Good or Fair and were harvested shall be replaced with trees of the same species or an alternate species approved by the Township Planning Commission at the rate of one half inch replacement diameter per inch diameter of harvested trees. Replacement trees shall have a minimum diameter at breast height (dbh) of 2.5 inches. The replacement trees shall be in addition to any required street trees, buffer screen, and landscaping trees.

Section 633.1.5. An Erosion and Sedimentation Pollution Control Plan (E&SPC Plan) utilizing Best Management Practices (BMP's) designed to prevent erosion and sedimentation during and after the timber harvest operation shall be submitted at the same time the Forest Management Plan is filled. Evidence that the E&SPC Plan has been approved by the Schuylkill County Conservation District and/or the PA Department of Environmental Protection shall be submitted to the Zoning Officer prior to start of the timber harvest. The E&SPC Plan shall also demonstrate compliance with and incorporate the following requirements:

Section 633.1.5.1. All cutting, removing, skidding and transporting of trees shall be planned and performed in such manner as to minimize the disturbance of, or damage to, other trees and vegetation and the land. The use of skid trails rather than skid roads is encouraged.

Section 633.1.5.2. Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.

Section 633.1.5.3. Roads and trails shall be only wide enough to accommodate the type of equipment used, and grades shall be kept as low as possible.

Section 633.1.5.4. Where possible, stream crossings shall be avoided: but, where deemed necessary, crossings shall be made at a right angle and shall incorporate suitable culverts or bridges.

Section 633.1.5.5. Skidding across a live or intermittent stream is prohibited, except over bridges and culverts.

Section 633.1.5.6. Buffer zones of fifty (50) feet shall be maintained in the property on which the timber harvest is being conducted along all streets and abutting properties.

Section 633.1.5.7. Buffer zones of twenty-five (25) feet shall be maintained along any streams and around ponds or springs.

Section 633.1.5.8. Everything practicable shall be done to prevent

damage to young growth and trees not designated for cutting. Bumper trees should be used to protect residual trees.

Section 633.1.5.9. All limbs and studs shall be removed from felled trees prior to skidding.

Section 633.1.5.10. All trees bent or held down shall be released promptly.

Section 633.1.5.11. No trees shall be left lodged in the process of felling.

Section 633.1.5.12. Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. Felling or skidding on or across streets is prohibited without the express written consent of either Cass Township for township streets or PENNDOT for state roads.

Section 633.1.5.13. No tops or slash shall be left within fifty (50) feet of any public street right-of-way or adjoining property; within twenty-five (25) feet of any stream or historic or scenic trail; or within ten (10) feet of any drainage ditch or floodplain.

Section 633.1.5.14. The stumps of all felled trees shall be permitted to remain in the soil for stabilization purposes.

Section 633.1.5.15. During periods of abnormal forest fire danger, as determined by the State Fire marshal, the Township shall have the right to order a suspension of all timber harvesting operations until the danger subsides.

Section 633.2. Timber Harvesting and Tree Removal in Association with Subdivision and Land Development Activities.

By their very nature, trees and green space provide benefits and add value to developments. The ability of trees to improve and maintain the quality of water, soil, and air is well known. Trees also provide shade and help lower temperatures during hot weather. Trees enrich people's lives and beautify landscapes. Preserving trees has positive effects on the image and attractiveness of developments.

It is recognized that development activities will result in the removal of forested areas for the construction of roads, utilities, and structures; however, when planning the subdivision or development consideration shall be given to the preservation, protection, and enhancement of forested areas and individual trees. The following reports and submission information shall be submitted at Sketch Plan stage by the applicant and shall be reviewed by the Township Planning Commission with recommendations by the Township Engineer considered. The reports and supplemental information shall be used to determine the most appropriate layout of the development with consideration given to trees to be preserved and the species, size and location

of replacement tree planting.

Section 633.2.1. A Tree Inventory Report shall be prepared for the area of the proposed subdivision or development by a qualified horticulturist, forester, arborist, or landscape architect and submitted to the Township Planning Commission at Sketch Plan stage. The Tree Inventory Report shall include the following elements:

Section 633.2.1.1. As a minimum the following tree species and sizes shall be included in the inventory:

Tree Inventory List		
Common Name	Scientific Name	Minimum DBH to be Inventoried (inches)
American Beech	<i>Fagus grandifolia</i>	8
American Chestnut	<i>Castanea dentata</i>	4
American Elm	<i>Ulmus americana</i>	8
American Larch	<i>Larix larcina (Duroi)</i>	8
American Linden	<i>Tilia americana</i>	8
Bigtooth Aspen	<i>Populus grandidentata</i>	8
Bitternut Hickory	<i>Carya cordiformis</i>	8
Black Ash	<i>Fraxinus nigra</i>	8
Black Cherry	<i>Prunus serotina</i>	8
Black Gum	<i>Nyssa sylvatica</i>	8
Black Locust	<i>Robinia pseudoacacia</i>	8
Black Oak	<i>Quercus velutina</i>	8
Black Walnut	<i>Juglans nigra</i>	8
Black Willow	<i>Salix nigra</i>	8
Box Elder	<i>Acer negundo</i>	8
Butternut	<i>Juglans cinerea</i>	8
Catalpa	<i>Catalpa bignonioides</i>	8
Chestnut Oak	<i>Quercus montana</i>	8
Choke Cherry	<i>Prunus virginiana</i>	4
Colorado Blue Spruce	<i>Picea pungens</i>	8
Common Hackberry	<i>Celtis occidentalis</i>	8
Common Honeylocust	<i>Gleditsia triacanthos</i>	8
Common Sassafras	<i>Sassafras albidum</i>	8
Cucumbertree Magnolia	<i>Magnolia acuminata</i>	8
Eastern Hemlock	<i>Tsuga canadensis</i>	8

Eastern Red Cedar	<i>Juniperus virginiana</i>	8
Eastern White Pine	<i>Pinus strobus</i>	8
Fire Cherry	<i>Prunus pensylvanica</i>	6
Flowering Dogwood	<i>Cornus florida</i>	4
Mockernut Hickory	<i>Carya tomentosa</i>	8
Northern Red Oak	<i>Quercus rubra</i>	8
Tree Inventory List		
Common Name	Scientific Name	Minimum DBH to be Inventoried (inches)
Norway Maple	<i>Acer platanoides</i>	8
Norway Spruce	<i>Picea abies</i>	8
Osage Orange	<i>Maclura Pomifera</i>	8
Paper Birch	<i>Betula papyrifera</i>	8
Pignut Hickory	<i>Carya glabra</i>	8
Pin Oak	<i>Quercus palustris</i>	8
Pitch Pine	<i>Pinus rigida</i>	8
Quaking Aspen	<i>Populus tremuloides</i>	8
Red Maple	<i>Acer rubrum</i>	8
Red Mulberry	<i>Morus rubra</i>	8
Red Pine	<i>Pinus resinosa</i>	8
RedBud	<i>Cercis canadensis</i>	4
Scarlet Oak	<i>Quercus coccinea</i>	8
Scots Pine	<i>Pinus sylvestris</i>	8
Serviceberries	<i>Amelanchier</i>	6
Shagbark Hickory	<i>Carya ovata</i>	8
Shellbark Hickory	<i>Carya laciniosa</i>	8
Silver Maple	<i>Acer saccharinum</i>	8
Slippery Elm	<i>Ulmus rubra</i>	8
Striped Maple	<i>Acer pensylvanicum</i>	6
Sugar Maple	<i>Acer saccharum</i>	8
Sweet Birch	<i>Betula lenta</i>	8
Sycamore	<i>Platanus occidentalis</i>	8
Table Mountain Pine	<i>Pinus pungens</i>	8
Tulip Tree	<i>Liriodendron tulipifera</i>	4
Virginia Pine	<i>Pinus virginiana</i>	8
White Ash	<i>Fraxinus americana</i>	8
White Oak	<i>Quercus alba</i>	12

Witch Hazel	Hamamelis virginiana	4
Yellow Birch	Betula alleghaniensis	6

Section 633.2.1.2. Tree Identification Number.

Section 633.2.1.3. Species.

Section 633.2.1.4. Diameter at Breast Height (DBH) typically 4.5 feet from the ground.

Section 633.2.1.5. Tree Height.

Section 633.2.1.6. Distance to Dripline at the four compass points.

Section 633.2.1.7. Direction of Low or Unusual Branching (by compass points).

Section 633.2.1.8. Tree Condition: Good, Fair, or Poor.

Guide for Assigning Condition Class of Trees			
Condition	Deadwood	Foliage	Trunk
Good	Dieback limited to less than 10 percent of the smaller branches	Normal for species in size and color. Crown density is normal	Less than 20 percent of trunk circumference has any dead bark. No decay fungus mushrooms present.
Fair	Dieback includes 10-20 percent of smaller branches and 1 to 2 large, dead branches	Reduced in size. Lighter in color than normal. Crown density is sparse.	20-40 percent of trunk has dead bark. Decay fungus mushrooms may be present.
Poor	Dieback includes more than 30 percent of small branches, 3 or more major branches	Greatly reduced in size. Lighter in color than normal. Crown density is sparse.	More than 40 percent of the trunk circumference has dead bark, decay, or hollow. Decay fungus mushrooms may be present.

Section 633.2.1.9. Suitability for Preservation: Excellent, Good, Fair, or

Poor.

Species, condition, size, age, and other factors are to be used by the qualified inspector to evaluate the suitability of a tree for preservation. In general, certain tree species are more desirable for preservation than others. For example, because white oaks and sycamores are structurally stronger and live longer than silver maples or cottonwoods, they should be given a higher suitability for preservation. Silver maples have a lower preservation value because of their potential to develop structural weakness and to therefore be hazards in developed areas, especially if their roots are damaged during construction. Species with undesirable characteristics such as narrow branch angles, weak wood, susceptibility to severe pest problems, or short life expectancy should be given a lower suitability for preservation than more desirable species.

Condition, size, and age also are important factors in determining a tree's suitability for preservation. For example, a large white oak with decay, many lost branches, and no historical value would have a poor suitability for preservation, while a large white oak in good condition would have a good or excellent suitability for preservation.

Section 633.2.1.10. Maintenance Recommendations and Comments

In the inventory, recommended actions are made to improve the health and structure of worthy trees, especially landmark and other prominent trees. These maintenance recommendations include needed irrigation, fertilizing, pest and disease management, cabling or bracing, and especially pruning.

Section 633.2.2. The information gathered in the Tree Inventory Report is summarized in a Tree Report.

Section 633.2.3. Trees included in the Tree Inventory Report with Suitability for Preservation rating of Excellent, Good, or Fair shall be depicted on the site and grading plans indicating the location tree trunks, canopy dimensions and trunk elevation.

Section 633.2.4. The Township acknowledges that a timber harvest may be appropriate outside of the area of the proposed subdivision or land development to enhance the wildlife, and aesthetic the value of the forest. The timber harvest shall not take place prior to the Final Plan approval of the subdivision or land development. The following shall be submitted in support of such a timber harvest:

Section 633.2.4.1. A Forest Management Plan or Forest Stewardship Plan as outlined in Section 633.1.1 shall be submitted; however, the timber harvest shall only be by one of the following methods:

Section 633.2.4.1.1. Improvement Cutting

Section 633.2.4.1.2. Salvage Cutting

Section 633.2.4.1.3. Single Tree Selection Method

Section 633.2.4.1.4. The use of other methods, except Diameter Limit Cut, High Grading, and Clear Cutting, may be considered by the Township Planning Commission when fully justified by the forester preparing the plan.

Section 633.2.4.2. An Erosion and Sedimentation Pollution Control Plan (E&SPC Plan) as outlined in Section 633.1.5 shall be submitted. The E&SPC Plan for the timber harvest may be incorporated into the overall E&SPC Plan for the development provided that the requirements of Section 633.1.5 are met.

Section 633.2.5. Replacement tree requirements.

Section 633.2.5.1. Trees included in the Tree Inventory Report within the area of proposed development i.e. within proposed street right-of-way, sanitary sewer, water line, storm sewer easements and initial building site locations that were considered suitable for preservation with a Suitability for Preservation rating of Excellent, Good or Fair and were harvested or removed for development shall be replaced with trees of the same species or an alternate species approved by the Township Planning Commission at the rate of one-half inch replacement diameter per one inch diameter of harvested or removed trees. Replacement trees shall have a minimum diameter at breast height (dbh) of 2.5 inches.

Section 633.2.5.2. Trees included in the Tree Inventory Report that are outside of the proposed development area and considered suitable for preservation with a Suitability for Preservation rating of Excellent, Good or Fair and were harvested shall be replaced in accordance with the Forest Management Plan or Forest Stewardship Plan submitted as part of the timber harvest.

Section 633.2.5.3. The replacement trees shall be in addition to any required street trees, buffer screens, and landscaping trees and shall be located within the development area.

Section 633.2.6. Forest/woodland areas outside of the proposed development area and woodlands and trees running through the development area along streams, rivers, wetlands, and other natural drainage features as determined suitable for protection shall be protected by a conservation easement prohibiting the removal of trees, other than those that have degraded to a poor rating as defined in Section 633.2.1.8 and those trees which constitute a hazard to life or property, without first obtaining approval from the Board of Supervisors with recommendations from the Planning Commission and Environmental Advisory Council.

Section 633.2.7. The subdivision or land development plan shall include a Tree

Preservation Plan including any trees scheduled for preservation and measures necessary to ensure their preservation including but not limited to the construction of retaining walls, no fill/cut zones, no construction traffic or stockpile of material zones, and maintenance recommendations from the Tree Inventory Report.

Section 633.2.8. Any deviation from the Tree Preservation Plan resulting in impacts to or removal of trees designated for preservation shall require the approval by the Board of Supervisors with recommendations from the Planning Commission and Environmental Advisory Council.

Section 633.3. Tree Removal in Preparation for Construction Activities on Lots Pre-Dating this Ordinance.

Section 633.3.1. Trees within forested areas on lots that are not part of a subdivision or land development for which a Tree Inventory Report, Timber Harvest Plan, Timber Stewardship Plan and/or a Preservation Plan was prepared shall be permitted to be removed in accordance with the following:

Section 633.3.1.1. Trees may be cleared for the construction of a dwelling, driveway, utilities, stormwater management facilities, and on-lot sewage disposal systems in accordance with the following schedule:

Section 633.3.1.1.1. Lots 20,000 square feet and less: 15,000 square feet.

Section 633.3.1.1.2. Lots greater than 20,000 square feet and less than 1.0 acres: 65% of lot area.

Section 633.3.1.1.3. Lots greater than 1.0 acre: 65% of lot area.

Section 633.3.1.1.4. In addition trees with a Condition Rating of Poor may be removed from the site.

Section 634. Dwelling Unit Determination.

In determining the maximum number of dwelling units permitted in a townhouse or apartment development or a mobile home park and the maximum number of travel trailer or tent sites permitted in a campground, the permitted maximum gross density shall be multiplied by the net acreage of the apartment or townhouse development, mobile home park or campground. The net acreage is the total acreage of the tract being developed minus the acreage of the tract that contains slopes of twenty-five percent (25%) or greater, one hundred (100) year flood plains, wetlands, utility rights-of-way and road rights-of-way.

Section 635. Storage of Vehicles.

Section 635.1. One automotive vehicle and one vehicular dwellings of any type, except

agricultural equipment, without current license plates shall be allowed to be stored and parked within any District. A second unlicensed vehicle may be stored or parked provided it is covered by a tarp. Any additional vehicles without a current license must be stored or parked in completely enclosed buildings.

Section 635.2. No tractor-trailer truck, other than a vehicle used in conjunction with a lawful conforming or non-conforming use, shall be stored within an R-1 or R-2 District unless it is stored within a completely enclosed building.

Section 636. Solar Energy Systems.

Section 636.1. The use of solar energy systems, including solar collectors, storage facilities, and distribution components, for space heating and cooling and water heating is a permitted use in all zoning districts.

Section 636.2. Solar energy collectors and equipment used for the mounting or operation of such collectors are exempt from the height limitations stated in the zoning ordinance.

Section 636.3. Apparatus necessary for the operation of solar energy systems, such as overhangs, moveable insulating walls and roofs, and reflectors may project up to six feet (6) into required yards provided that they are not located closer than six feet (6) to any lot line.

Section 636.4. Detached solar collectors used solely for such purpose shall be considered permissible accessory structures in all zoning districts, but shall not be included in computing lot coverage.

Section 637. Open Space/Conservation Development/Cluster Development

Section 637.1. Open Space/Conservation Development shall be a use permitted by right in R1, R2, and RC zoning districts.

Section 637.2. The following requirements are applicable to Open Space/Conservation Development in the above-mentioned zoning districts.

Section 637.2.1. A ten (10) acre minimum tract size is required.

Section 637.2.2. Public sanitary sewage disposal and public water supply is required or an alternative means provided if designed, constructed, owned, maintained and accepted by the municipal authority and/or public utility.

Section 637.2.3. A maximum impervious coverage of thirty-five percent (35%) is permitted as applied to the gross tract area.

Section 637.2.4. A minimum of fifty percent (50%) of the gross tract area shall be provided as open common space as follows:

Section 637.2.4.1. One hundred percent (100%) of environmentally sensitive lands shall be included within the common open space.

Section 637.2.4.2. Open space acreage requirement of the Subdivision and Land Development Ordinance shall be provided in addition to the fifty percent (50%) common open space requirements unless fee-in-lieu of open space option specifically for the Subdivision and Land Development Ordinance open space requirement is pursued.

Section 637.2.5. Residential unit type permitted shall be in accord with unit type or unit types permitted within the respective residential zoning district in which the open space/conservation development is proposed.

Section 637.2.5.1. Estate lots, meeting the following standards, shall be permitted:

Section 637.2.5.1.1. A minimum size of 5 acres, of which a maximum of one (1) acre may be developed with a single-family detached dwelling and customary accessory uses. Only the undeveloped portion of the estate lot may be used to meet the open space requirement of Section 637.2.4.

Section 637.2.5.1.2. The one (1) acre of the estate lot that may be developed shall include any portion of the site not left in its natural state or used for agricultural purposes: all dwellings, accessory building and structure, paved areas, lawns and gardens, etc.

Section 637.2.5.1.3. The developed area of the lot shall meet the setback standards of the applicable zoning district.

Section 637.2.5.1.4. Estate lots shall be restricted by permanent easement against further subdivision.

Section 637.2.5.1.5. Dwellings on estate lots shall be counted toward the maximum density permitted on a tract.

Section 637.2.5.1.6. Dwellings shall not encroach on environmentally sensitive area, and should not infringe upon scenic views from exterior roads or from the housing.

Section 637.2.6. The number of residential dwelling units permitted shall be determined as follows:

Section 637.2.6.1. Total acreage associated with environmentally sensitive lands prevalent on the tract, specifically areas associated with watercourses, ponds, wetlands, 100 year floodplains, steep slopes in excess of

twenty-five percent (25%), and total acreage required for utility/water/sewer rights-of-way and/or easements, and on-site sewage disposal and/or water supply facilities, shall be subtracted from the gross tract area to arrive at the total buildable area. An additional ten percent (10%) of the remaining acreage shall be subtracted for street rights-of-way.

Section 637.2.6.2. Acreage associated with the total buildable area of the tract shall be divided by the by the minimum lot size requirements of the respective residential unit type within the respective residential zoning district in which open space/conservation development is proposed to arrive at the total number of dwelling units permitted.

Section 637.2.6.3. A site analysis plan shall be required as part of the preliminary plan submission.

The site analysis plan shall provide the following information on existing site conditions:

- a. Topography;
- b. Soils and geology;
- c. Watercourses, pond, streams;
- d. Wetlands;
- e. 100 year floodplain;
- f. Steep slopes of fifteen percent (15%) to twenty-five percent (25%)
- g. Steep slopes over twenty-five percent (25%)
- h. Woodlands;
- i. Streets and rights-of-way;
- j. Utility rights-of-way and easements; and Structures, buildings, utilities and land use.

Section 637.2.6.4. The site analysis plan shall include the following plan notes:

- a. Gross tract area;
- b. Area of environmentally sensitive lands; and,

c. Total buildable area.

Section 637.2.7. Area and bulk regulations for an open space/conservation development shall be provided in accord with the following:

Section 637.2.7.1. Minimum lot size requirements

Section 637.2.7.1.1. Minimum lot size provided per residential dwelling unit shall be established by the developer in accord with respective residential dwelling type, architectural style and the minimum front yard, side yard and rear yard setback requirements of Section 637.2.7.2.

Section 637.2.7.1.2. Provision of an individual lot per residential dwelling unit is not required for condominium developments. However, minimum front yard, side yard and rear yard setback requirements shall be met as if individual lots had been created. Minimum side yard and rear yard setbacks function as minimum separation distances between residential dwelling units.

Section 637.2.7.1.3. Individual lots and/or side yard and rear yard setbacks shall not encroach upon common open space acreage.

Section 637.2.7.2. Minimum front yard, side yard and rear yard setback requirements:

Section 637.2.7.2.1. A minimum front yard setback of thirty (30) feet is required.

Section 637.2.7.2.2. A minimum side yard setback of ten (10) feet is required.

Section 637.2.7.2.3. A minimum rear yard setback of forty (40) feet is required.

Section 637.2.7.3. Other setback requirements:

Section 637.2.7.3.1. All buildings shall be setback a minimum distance of one hundred (100) feet from all tract boundaries.

Section 637.2.7.4. One hundred percent (100%) of all dwelling units shall each have a minimum of twenty-five feet (25') of lot line that directly abuts upon the common open space area. At least fifty (50%) percent of the lot line shall abut the open space.

Section 637.2.7.5. The area devoted to common open space shall be comprised of areas not less than fifty feet (50') in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area within the development containing no less than thirty percent (30%) of the required open space.

Section 637.2.7.6. All residential dwelling units shall obtain vehicular access from streets proposed as part of the open space/conservation development. No proposed residential dwelling unit shall obtain direct vehicular access from existing municipal and/or State roads.

Section 637.2.8. Streets shall be designed and constructed in accord with public road standards of the municipality regardless if streets are to be public or private. Curbs, sidewalks, streetlights and street trees shall be provided in accord with Municipal standards.

Section 637.2.9. Buffer yard requirements:

Section 637.2.9.1. A thirty (30) foot wide buffer yard shall be provided along the front, side and rear tract boundaries.

Section 637.2.9.2. Common open space proposed that is situated either between existing municipal and/or State roads and proposed residential dwelling units or between existing developed lands and proposed residential dwelling units does not negate the buffer yard requirement to screen residential dwelling units from adjoining roads or existing development.

Section 637.2.9.3. The buffer yard shall be measured from the street right-of-way line in those circumstances that the tract and/or individual lot abuts upon a public or private street. The buffer yard shall be measured from the side and rear property line if the side or rear property line does not coincide with a public or private street.

Section 637.2.9.4. The buffer yard is required even if boundary or street right-of-way corresponds with lands or streets within an adjoining municipality.

Section 637.2.9.5. If a district boundary is coincident with the centerline of a public and/or private street the buffer yard shall be measured from the street right-of-way line.

Section 637.2.9.6. The buffer yard may be coterminous with the required yards and in case of conflict; the larger yard requirements shall apply.

Section 637.2.9.7. A thirty (30) foot wide buffer yard shall contain a minimum fifteen (15) foot wide planting strip that extends the full length of the buffer yard along all boundary lines or street right-of-way line as required. This

planting strip shall be landscaped in accord with this ordinance. The fifteen (15) foot wide planting strip may meander within the thirty (30) foot wide buffer yard. The entire width of the buffer yard may be utilized for plant material if so desired.

Section 637.2.9.8. In all buffer yards, the area not within the fifteen (15) foot wide planting strip shall be planted with grass sod or ground cover and shall be maintained and kept clean of all debris, rubbish, weeds and tall grass, except as specifically regulated otherwise by this ordinance.

Section 637.2.9.9. No structure, manufacturing or processing activity, or material storage shall be permitted within the thirty (30) foot wide buffer yard. Off-street parking and access drives may extend within the thirty (30) foot wide buffer yard by fifteen (15) feet unless otherwise prohibited by other regulatory requirements of this ordinance.

Section 637.2.9.10. All buffer yard landscape planting requirements shall be in accord with regulations contained herein.

Section 637.2.9.11. Quantity and characteristics of plant material required shall be determined as follows:

Section 637.2.9.11.1. For the determination of quantity of plant material to be utilized consider three (3) rows of plant material, with plant material staggered ten (10) feet on center in each row with each row five (5) feet apart.

Section 637.2.9.11.2. A combination of separation distances may be utilized depending upon the plant material selected by the owner. The quantity and characteristics of required plant material shall be required as a minimum regardless of the desired plant spacing. Increased spacing between plant materials may precipitate the need to expand the width of the planting strip in order to accommodate the plant materials.

Section 637.2.9.11.3. The buffer shall consist of a minimum twenty percent (20%) deciduous trees and shrubs, ten percent (10%) flowering trees and shrubs and seventy percent (70%) evergreen trees and shrubs. The seventy percent (70%) of the buffer comprised of evergreen trees and shrubs shall be equally divided among the evergreen species selected.

Section 637.2.9.11.4. No more than forty percent (40%) of the plant material may be shrubs except as otherwise permitted.

Section 637.2.9.11.5. Deciduous and evergreen hedge plant material may be incorporated within the buffer yard.

Section 637.2.9.12. Plant material may be arranged in a more natural configuration within the buffer yard.

Section 637.2.9.13. The use of earthen berms as part of the buffer yard is strongly encouraged. Earthen berms may undulate both horizontally and vertically to achieve a natural effect.

Section 637.2.9.14. The buffer yard planting shall be maintained permanently and any plant material which is determined not to be living, diseased, or in poor condition shall be replaced within thirty (30) days of notification, season permitting.

Section 637.2.9.15. The buffer yard planting may be broken at points of vehicular or pedestrian access.

Section 637.2.9.16. The buffer yard shall not obscure required sight distance requirements.

Section 637.2.10. Use of common open space shall be in accord with the following:

Section 637.2.10.1. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use;

Section 637.2.10.2. Agricultural uses, including horticulture and raising of crops. No structures or retail sales are allowed on the property. Intensive agricultural uses including Concentrated Animal Feeding Operations are specifically prohibited;

Section 637.2.10.3. Stables, paddocks and pastureland for grazing of horses solely for non-commercial recreational purposes to be used exclusively by residents of the development and their guests. All other types of farm animals are specifically prohibited. Equestrian facilities shall be permitted but may not consume more than fifty (50%) of the minimum required common open space acreage;

Section 637.2.10.4. Conservation of land in its natural state such as woodlands, meadows and/or fallow fields;

Section 637.2.10.5. Forestry with established best management practices for selective harvesting and sustained-yield forestry;

Section 637.2.10.6. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens and similar low-impact passive recreational uses.

Section 637.2.10.7. Water supply and sewage disposal systems including alternate sites and stormwater management provisions (excluding easements for drainage, access, sewer or water lines) designed, landscaped, and available for use as an integral part of the common open space acreage.

Section 637.2.10.8. Active non-commercial and non-municipally owned recreation areas, such as ball fields, playgrounds, tot lots, ball courts, or bikeways and their associated acreage may be attributable toward the fifty percent (50%) common open space requirement;

Section 637.2.10.9. Underground utility rights-of-way or easements proposed in conjunction with the open space/conservation development. Area associated with rights-of-way or easements for existing underground utilities or existing overhead utilities are excluded from open space area requirements.

Section 637.2.11. The designated open space land and associated facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions:

Section 637.2.11.1. The developer shall provide the Township with a description of the association, proof of incorporation of the association, a copy of its bylaws and satisfactory proof of adoption thereof, a copy of the declaration of covenants, easements or restrictions or similar document(s) regulating the use of the property and setting forth methods for maintaining the open space.

Section 637.2.11.2. The association shall be organized by the developer and operated with financial subsidization from the developer before the sale of any lots within the development.

Section 637.2.11.3. Membership in the association shall be mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to the homeowners shall be identified.

Section 637.2.11.4. The association shall be responsible for maintenance and insurance on open space owned by the association, enforceable by liens place by the homeowners' association. Maintenance obligations also may be enforced by the Township, which may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.

Section 637.2.11.5. The members of the association shall share equitably the costs of maintaining open space owned by the association. Shares shall be

defined within the association bylaws or declaration. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).

Section 637.2.11.6. In the event of a proposed transfer, within the methods here permitted, of open space by the homeowners' association, or of the assumption of maintenance of such land by the Township, notice of such action shall be given to all members of the association.

Section 637.2.11.7. The association shall have or hire adequate staff to administer common facilities and to properly and continually maintain the open space.

Section 637.2.11.8. The homeowners' association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:

Section 637.2.11.8.1. That the residents of the development shall at all times have access to the open space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow);

Section 637.2.11.8.2. That the open space lands to be leased shall be maintained for the purposes set forth in this ordinance; and

Section 637.2.11.8.3. That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Township, at the election of the developer and/or homeowners' association, as the case may be.

Section 637.2.12. Covenants and restrictions shall be established in accord with the following requirements.

Section 637.2.12.1. The following information shall be provided within any covenants and/or association documents.

Ownership, administration, maintenance and use provisions associated with any and all common held amenities and facilities of a subdivision and/or land development shall be identified within a homeowner's association document, condominium association document or management association document. This information shall be submitted to the Municipality for review and approval in conjunction with subdivision and/or land development plan submission. The

document shall contain the following information at a minimum:

Section 637.2.12.2. Declaration of covenants, grants of easement, conditions and restrictions shall state the requirement of mandatory membership for all residents of a development in a residents association, if such an association is to be created for ownership, administration and maintenance of any and all common held amenities and facilities.

Section 637.2.12.3. Declaration of Covenants shall include but shall not be limited to the following:

- a. Parties to the Declaration.
- b. Effective date of Declaration.
- c. Definition of terms used in the Declaration.
- d. Establishment of an association (if applicable).
- e. Property rights of the landowner and of individual owners of property in any and all lands included within the limits of the subdivision or land development.
- f. Title to common held amenities and facilities including open space and recreational areas and infrastructure.
- g. Covenants, restrictions and use provisions associated with the common held amenities and facilities including open space and recreational areas and infrastructure.
- h. Membership and voting rights of developer and of residents and/or property owners in the association, if applicable.
- i. Rights of tenants or lessees.
- j. Covenant for maintenance agreement for all common held amenities and facilities including open space and recreational areas and infrastructure.
- k. Responsibility of owners of property concerning maintenance of individual property.
- l. Assessments for maintenance and special assessments.
- m. Collection of maintenance and special assessments.

- n. Exemptions from assessment.
- o. Architectural controls.
- p. Party wall agreements where applicable.
- q. Exterior maintenance including necessary enforcement of maintenance provisions.
- r. Stage developments, including rights of all owners of property in all developed areas.
- s. Number of occupants in an apartment unit and in townhouse unit based on number of bedrooms in the dwelling unit.
- t. Rights and responsibilities of the Municipality.
- u. Articles, Certificates and By-Laws of Association including:
 1. Name of Association.
 2. Organizational outline of Association.
 3. Date, time and place for Association meetings. Means of notification of meetings.
 4. Constitution of quorum for a meeting.
 5. Method of election and terms of office for Officers.
 6. Board of Directors of Association.
 7. Powers, duties and responsibilities of Officers and of the Board of Directors of Association.
 8. Date, time and place of meetings of Board of Directors.
 9. Record of Association and of Board of Directors and means of public access to the records.
 10. Levying and collecting of assessments called for in Declaration of Covenants, Conditions and Restrictions.
 11. Membership and voting rights of Developer and residents in Association.

12. Copies of any and all other restrictions, which will run with the land and will become covenants in the deeds of the lots.

Section 637.2.12.4. Ownership, maintenance, use provisions and use restrictions associated with the common open space shall be identified.

Section 637.2.13. Utilities shall be designed and constructed in accord with requirements of the applicable authority. All utilities shall be underground.

Section 637.2.14. Management, Maintenance and Ownership of Open Space.

Section 637.2.14.1. The developer shall provide written agreements, satisfactory to the Board of Supervisors, for the perpetual preservation of the open space.

Section 637.2.14.2. The developer shall make arrangements, provisions or agreements to ensure that the common open space shall continue to be adequately managed and maintained.

Section 637.2.14.3. The developer shall have the following options for ownership, management, and maintenance of the common open space:

Section 637.2.14.3.1. Retain ownership and responsibility for the management and maintenance.

Section 637.2.14.3.2. Dedicate the land to a homeowners' association that includes all of the residents of the development.

Section 637.2.14.3.3. Convey the land to a land trust or similar non-profit organization whose purpose is to hold property in perpetuity for preservation purposes. Endowments for ongoing maintenance and other ownership expenses, if required, shall be the sole responsibility of the developer.

Section 637.2.15. Maintenance Standard.

Section 637.2.15.1. The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance or physical improvements to the open space through annual dues, special assessments, etc. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.

Section 637.2.15.2. In the event that the Association or any successor organization shall, at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition in accordance with the development plan, the Township may

serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in reasonable condition.

Section 637.2.15.3. Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this Ordinance. The Township is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within twenty (20) days.

Section 637.2.15.4. Should any bill or bills for maintenance of undivided open space by the Township be unpaid by November 1 of each year, a late fee of fifteen percent (15%) shall be added to such bills and a lien shall be filed against the premises in the same manner as other municipal claims.

Section 638. Re-subdivision.

A re-subdivision within ten (10) years of a previous subdivision is discouraged and shall be carefully reviewed in accordance with the SALDO to assure that all appropriate standards set forth in this Ordinance are maintained.

Section 639. Portable Toilets

Section 639.1. All buildings and uses generating sewage shall be connected to public sewers if they are within one hundred and fifty feet (150') of said public sewers, or to approved, permitted and functioning on-site septic treatment systems if beyond 150' of public sewers.

Section 639.2. Portable toilets shall be allowed only as follows:

- A. At construction sites for the use of workers while on-site.
- B. Special events such as parades, inaugurations, etc.
- C. Municipal use.
- D. Seasonal use.

Section 640. Bed and Breakfast

Section 640.1. The bed and breakfast shall remain incidental and secondary to the principal use of the building as a dwelling.

Section 640.2. The operator of a bed and breakfast shall reside in the dwelling house of said facility. Non-resident employees shall be restricted to two (2) in addition to the resident members of the family.

Section 640.3. A maximum of six (6) bedrooms shall be devoted to the bed and breakfast use.

Section 640.4. Exterior and interior alterations shall be limited to those customarily associated with residential use or those which may be required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by another government agency. Fire escapes, external stairways, or additional external doors shall be located either to the side or rear of the residence.

Section 640.5. There shall be no separate cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast and eating facilities shall be open only to guests.

Section 640.6. When located within one hundred (100) feet of residential use, active outdoor recreation amenities, such as a swimming pool or tennis court, shall be limited to the hours of 9:00 a.m. to 10:00 p.m.

Section 640.7. Where an on-lot sewage disposal system is to be used, the application for the use shall be accompanied by a valid Cass Township Sewage Enforcement Officer permit verifying that the existing or proposed sewage system can accommodate the maximum potential usage and that an appropriate site for a replacement system is available should the existing system fail.

Section 640.8. Signs associated with the bed and breakfast facility shall be in accordance with Section 646.

Section 640.9. Bed and breakfast facilities shall provide overnight lodging accommodations not to exceed fourteen (14) consecutive nights per patron.

Section 641. Yard Sale

Yard sales shall be governed by the following:

Section 641.1. Four (4) yard sales are permitted per household in any calendar year.

Section 641.2. The maximum duration of any yard sale shall be three (3) consecutive calendar days.

Section 641.3. Any individual, group, or corporation posting advertisements within the Township shall remove from the Township right-of-way all signs, flyers, posters, and bulletins no later than the date after the yard sale. Should the yard sale not be held, all signs, flyers,

posters, and bulletins advertising the yard sale shall be removed no later than the scheduled last day of the yard sale.

Section 642. Tank Farm

Section 642.1. No materials or wastes shall be deposited upon a lot in such a form or manner that it may be transported off by natural causes or forces.

Section 642.2. No substance which can (i) contaminate groundwater or surface water, (ii) render groundwater or surface water undesirable as a source of water supply or recreation, or (iii) destroy aquatic life shall be allowed to enter any groundwater or surface water.

Section 642.3. Tank farms shall be subject to all applicable regulations of the Pennsylvania Department of Environmental Protection.

Section 642.3.1. Fencing

Section 642.3.1.1. Fencing Design

Section 642.3.1.1.1. Fencing shall serve as a structural barrier for the protection of physical assets and personnel. Fencing shall be used to channel authorized vehicle and pedestrian traffic to specific gate locations at the facility.

Section 642.3.1.2. Fence Fabric

Section 642.3.1.2.1. The fence fabric shall be made of a heavy metal fabric appropriate to the service it is in; it should be clad with a protective coating of zinc, aluminum or aluminum alloy. The fence fabric shall withstand a breaking load sufficient to protect the fence from breaching under normally expected stress. Mesh openings in the fabric shall be no larger than 2 (two) inches.

Section 642.3.1.2.2. The fence fabric shall have a minimum height of 7 (seven) feet.

Section 642.3.2. Fence Installation

Section 642.3.2.1. In areas where the fence is over hard surfaces (soil or pavement), the bottom of the fence fabric shall be no more than 2 (two) inches above the surface.

Section 642.3.2.2. In areas where the fence is over soft surfaces (soil, gravel or sand) the bottom of the fence fabric shall be below the soft surface to account for erosion. If this installation does not provide adequate protection, the bottom of the fence shall be anchored to the ground and shall have a bottom rail

or support wire.

Section 642.3.2.3. In areas where the fence crosses uneven grades (streams, culverts or hills) the fence fabric will be extended with additional fence fabric or grating to deter penetration.

Section 642.3.2.4. Fence installations shall not disrupt the flow of water.

Section 642.3.2.5. There shall be no gaps in the fence line that would allow an individual unauthorized access.

Section 642.3.2.6. A top rail shall be installed on the top of the fence.

Section 642.3.2.7. Fencing fabric shall be stretched taut.

Section 642.3.2.8. Fencing installation hardware shall be of sufficient strength for the application and shall be resistant to environmental conditions and individual tampering.

Section 642.3.2.9. The fence shall have a 3 (three) strand barbed wire top guard facing outward from the facility at a 45 (forty-five) degree angle. The barbed wire strands in the top guard shall be spaced 6 inches apart. The arms supporting the barbed wire top guard shall withstand a weight of 250 (two hundred and fifty) pounds applied at the outer strand of barbed wire. The overall height of the fence with the barbed wire shall be a minimum of 8 (eight) feet.

Section 642.3.3. Posts (Fence and Gate)

Section 642.3.3.1. Fence line posts shall be spaced equidistantly with no more than 10 (ten) feet between posts.

Section 642.3.3.2. Fence posts shall withstand a breaking load sufficient for the service it is being placed in (but not less than 1,000 pounds).

Section 642.3.3.3. The diameter of the postholes shall be at least 4 (four) times the largest cross section of the post.

Section 642.3.3.4. The depth of the postholes shall be a minimum of 36 (thirty-six) inches.

Section 642.3.3.5. After the post has been set plumb and is in alignment, the posthole shall be filled with concrete.

Section 642.3.3.6. The exposed surface of the concrete shall be crowned in order to shed water.

Section 642.3.3.7. Terminal posts shall be braced diagonally to the nearest line posts. The angle between the brace and the ground shall be no more than 50 (fifty) degrees.

Section 642.3.3.8. Post tops shall consist of ornamental tops or combination tops with barbed wire supporting arms as required for the fence service.

Section 643. Apartments and Townhouses:

Section 643.1. The development shall be served by public or community sewage disposal and public or community water supply facilities.

Section 643.2. The minimum amount of land in the development shall be five (5) acres.

Section 643.3. A system for pedestrian circulation throughout the development shall be provided.

Section 643.4. The maximum height of any building shall not exceed forty-five (45) feet.

Section 643.5. The minimum building setback line shall be twenty-five (25) feet.

Section 643.6. The maximum length of an apartment building or a row of townhouses shall be one hundred sixty feet (160).

Section 643.7. No more than four (4) continuous townhouses shall have the same front setback and the variations in front setback shall be at least two (2) feet.

Section 643.8. No more than six (6) townhouses shall be in a continuous row.

Section 643.9. The minimum width of a townhouse shall be eighteen feet (18).

Section 643.10. No townhouses or apartment building shall be located within fifty feet (50) of a property line of the development.

Section 643.11. No townhouse shall be located within fifty feet (50) of a dwelling which is not in the same row of townhouses.

Section 643.12. No more than thirty percent (30%) of the total area of the development shall be covered by buildings.

Section 643.13. No more than thirty-five percent (35%) of the total area of the development shall be paved.

Section 643.14. Exterior storage areas for trash and rubbish shall be completely screened

from view on three sides and all trash and rubbish shall be contained in vermin-proof containers.

Section 643.15. No less than twenty percent (20%) of the total area of the development shall be permanently set aside for non-commercial common open space purposes, such as parks, recreation or conservation of natural features. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses.

Section 643.16. Common open space areas may be reserved for private use or dedicated to the Township, if acceptable to the Township. For land which is not dedicated to the Township, a written agreement satisfactory to and approved by the Township Supervisors shall be made for the perpetual preservation and maintenance of the undedicated common open space areas.

Section 643.17. Off-street parking spaces shall be provided in accordance with Section 615.

Section 643.18. All dead-end parking lots shall provide adequate areas into which cars parked in the end stall of the lots may back up.

Section 643.19. Common parking areas and access drives shall be located a minimum of twenty feet (20') from all structures and from the exterior of lot lines of the development.

Section 643.20. Entrance and exit ways to parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.

Section 643.21. Parking areas shall not be designed or located to require cars to back into Collector or Arterial Streets (as defined in the Township Subdivision and Land Development Ordinance) in order to leave the parking areas.

Section 643.22. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.

Section 643.23. Entrances and exits from common parking areas shall be located a minimum of fifty feet (50') from the point of intersection of the nearest street curb lines.

Section 644. Electric Power Production

Section 644.1. All generating stations, fuel storage facilities and yards, and electric substations shall be enclosed by a fence with a minimum height of eight (8) feet.

Section 644.2. All fuel stored within tanks is subject to Section 642, Tank Farms.

Section 644.3. All Federal, State and supplemental requirements as specified in this Ordinance pertaining to environmental regulations and performance standards shall be satisfied. It shall be the burden of the applicant to provide the Township with written proof that all said permits have been obtained from the various Federal and State agencies having jurisdiction over

the facility.

Section 644.4. A screen buffer shall be provided between the facility and any residentially used or zoned property.

Section 644.5. Area, Yard and Height Regulations:

	MAXIMUM PERMITTED
Building Heights (except for stack)	80 feet
Building Lot Coverage	65 percent
MINIMUM REQUIREMENTS	
Lot Size	5 acres
Building Setback	100 feet
Lot Width	
At street line	300 feet
At building Setback line	300 feet
Open Area	30 percent
Side Yard	
Total	150 feet
One Side	75 feet
Rear Yard	50 feet
Improvement Setback	20 feet
Distance Between Highway Access Points	100 feet

Section 645. Cogeneration Electric Power Production

Section 645.1. All generating stations, fuel storage facilities and yards, and electric substations shall be enclosed by a fence with a minimum height of eight (8) feet.

Section 645.2. All fuel stored within tanks is subject to Section 642, Tank Farms.

Section 645.3. All Federal, State and supplemental requirements as specified in this Ordinance pertaining to environmental regulations and performance standards shall be satisfied. It shall be the burden of the applicant to provide the Township with written proof that all said permits have been obtained from the various Federal and State agencies having jurisdiction over the facility.

Section 645.4. When the cogeneration facility is intended as an accessory use to an existing or proposed sanitary landfill on a site, and is intended to utilize methane generated on-site as the source of fuel the following conditions shall be met:

Section 645.4.1. The methane shall constitute at least sixty (60) percent of the

fuel source used to generate electricity.

Section 645.4.2. It shall be demonstrated that there is a net environmental benefit within the Reading Area Air Basin (as defined by EPA) in the operation of the cogeneration facility over not operating the facility.

Section 645.5. A screen buffer shall be provided between the facility and any residentially used or zoned property.

Section 645.6. Area, Yard and Height Regulations.

	MAXIMUM PERMITTED
Building Heights (except for stack)	80 feet
Building Lot Coverage	65 percent
MINIMUM REQUIREMENTS	
Lot Size	5 acres
Building setback	100 feet
Lot Width	
At street line	300 feet
At building setback line	300 feet
Open Area	30 percent
Side Yard	
Total	150 feet
One Side	75 feet
Rear Yard	50 feet
Improvement setback	20 feet
Distance Between Highway Access Points	100 feet

Section 645.7. The land on which all improvements are made shall be aesthetically improved so as to complement the neighborhood wherein they are constructed and a landscaping plan shall be submitted in accordance therewith unto the Township for approval.

Section 646. Signs, Regulations for signs.

Section 646.1. General Regulations Applicable to all Signs.

Section 646.1.1. Except in the case of traffic control signs, school warning signs, time and/or temperature signs and similar signs, signs shall not contain moving parts nor use flashing or intermittent illumination, and the source of light shall be steady and stationary.

Section 646.1.2. No sign shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.

Section 646.1.3. At all street intersections, no sign except traffic control signs, school warning signs, and similar signs as provided for by other portions of this Ordinance shall be permitted within a clear sight triangle established for a distance of seventy-five (75) feet from the point of intersection of the center lines of the intersecting streets.

Section 646.1.4. No sign other than traffic control signs, school warning signs, and similar signs shall be erected within the right-of-way lines of any street or extend over any street right-of-way.

Section 646.1.5. No sign shall be utilized in a manner, which produces a noxious glare at or beyond the boundaries of the lot on which it is located. No direct beams of light shall be directed toward adjacent properties or public roads, and all light sources shall be shielded from adjoining properties, streets, and public roads.

Section 646.1.6. No sign shall be erected or located so as to prevent free ingress to or egress from any window, door, or fire escape.

Section 646.1.7. No sign, which emits smoke, vapors or particulates, sound, or odor shall be permitted.

Section 646.1.8. No red, green or amber lights shall be permitted unless contained within a school warning sign, traffic control sign or similar sign.

Section 646.1.9. No portion of any sign shall project over a lot line.

Section 646.1.10. The area immediately surrounding each sign shall be kept in a clean, sanitary, and healthful condition. No accumulations of loose paper, bottles, cans, garbage, or similar items shall be permitted.

Section 646.1.11. Every sign shall be constructed of durable material and kept in good condition. Peeling paint shall be removed and replaced, broken letters or other parts shall be repaired or replaced, broken lights shall be replaced, and similar maintenance tasks shall be performed when necessary. Any sign which becomes dilapidated or which creates a hazard to the public health, safety or welfare shall be removed at the expense of the owner or safety of the owner or lessee. The Township Code Enforcement Officer shall make the determination as to the state of repair or the presence of a hazard. All signs shall be installed in compliance with building and electrical codes as required by the Code Enforcement Officer.

Section 646.1.12. The distance from the ground to the highest part of any sign shall not exceed ten (10) feet in RC, PC, R1, R2, INS and VC zoning districts. The distance from the ground to the highest part of any free standing sign in a commercial or industrial zoning district shall not exceed twenty-five (25) feet.

Section 646.1.13. No portion of a sign, which is attached to, a building, or which projects from a building shall extend above the height of the building.

Section 646.1.14. No sign shall project more than twelve (12) inches from the building facade to which it is attached, except that signs may project from the front of a building perpendicularly to the front of the building a distance of not more than four (4) feet provided that such signs are entirely located underneath a roof overhang or similar architectural feature, such signs are no more than twelve (12) square feet in area on any one side, and all portions of all such signs are at least eight (8) feet above the ground.

Section 646.1.15. No vulgar, indecent or obscene signs may be displayed in any manner.

Section 646.1.16. No signs shall be permitted which are posted, stapled, or otherwise permanently attached to public utility poles or trees within a street right-of-way.

Section 646.1.17. All sign provisions of this Ordinance shall apply to the use of silos, smokestacks, water towers and other similar structures as signs.

Section 646.1.18. Signs on mobile stands, which can be moved from place to place, and signs on any vehicle or moveable structure are prohibited.

Section 646.1.19. No sign structure erected directly upon the ground shall have less than three (3) feet of clear space between such signs and ground; however, necessary supports may extend through such space.

Section 646.1.20. Signs which make use of words such as “STOP, LOOK, ONE-WAY, DANGER, YIELD”, or any similar words, phrases, symbols, lights or characters, in such a manner as to interfere with, mislead, or confuse traffic are prohibited.

Section 646.1.21. Portable signs are prohibited.

Section 646.1.22. Vehicular signs are prohibited.

Section 646.1.23. Temporary signs other than those recognized by this Ordinance are prohibited.

Section 646.1.24. Signs are prohibited on public property or public rights-of-way, unless erected by a governmental body or otherwise permitted by the Code Enforcement Officer and bearing no commercial advertising.

Section 646.1.25. Search lights, pennants, spinners, banners and streamers except as otherwise stated in this Ordinance are prohibited.

Section 646.1.26. Sign placement shall be limited to street frontage only.

Section 646.2. Signs Permitted in Residential, Village Commercial, Institutional, Public and Rural Conservation Zoning Districts.

The following signs may be erected and maintained in Residential, Village Commercial, Institutional, Public and Rural Conservation Zoning Districts.

Section 646.2.1. Traffic control signs.

Section 646.2.2. Identification signs or bulletin or announcement boards for schools, churches, or similar institutions, and for clubs, lodges or similar uses provided that:

Section 646.2.2.1. No more than two such signs shall be erected on any frontage of any one property, including signs on buildings.

Section 646.2.2.2. No side of any such sign shall exceed thirty-two (32) square feet in area per side, nor more than sixty-four (64) square feet if double faced, and if used exclusively for non-commercial announcements.

Section 646.2.2.3. No sign shall be located within ten (10) feet of the front, rear, or side lot line.

Section 646.2.2.4. Signs shall be erected only on the property on which the use is conducted.

Section 646.2.3. Signs indicating the name, profession, or activity of the occupant of a dwelling, provided:

Section 646.2.3.1. No one side of any such sign shall exceed six (6) square feet in area.

Section 646.2.3.2. No sign shall be located within ten (10) feet of the front, rear, or side lot line.

Section 646.2.3.3. No more than one such sign shall be permitted for each permitted use or dwelling.

Section 646.2.4. Signs advertising the rental or sale of premises, provided that:

Section 646.2.4.1. Such signs shall be removed immediately upon the rental or sale of premises.

Section 646.2.4.2. No side of any such sign shall exceed nine (9) square feet in area.

Section 646.2.4.3. A sign shall be located only on the property to which it refers.

Section 646.2.4.4. No sign shall be located within ten (10) feet of the front, rear, or side lot line.

Section 646.2.4.5. No more than two (2) such signs shall be placed on any one street frontage.

Section 646.2.5. Temporary signs of contractors, architects, builders, engineers, and the like provided that:

Section 646.2.5.1. Such signs shall be removed promptly upon completion of the work.

Section 646.2.5.2. No side of any such sign shall exceed twenty-four (24) square feet in area.

Section 646.2.5.3. Such signs shall be located on the property on which the work is being done.

Section 646.2.5.4. No sign shall be located within ten (10) feet to the front, rear, or side lot line.

Section 646.2.5.5. No more than one such sign for each such contractor or the like shall be placed on any one street frontage.

Section 646.2.6. A sign advertising the sale of farm products, including edible farm products, nursery products, or livestock produced or raised on the premises, provided:

Section 646.2.6.1. The area on one side of any such sign shall not exceed thirty-two (32) square feet.

Section 646.2.6.2. No more than one such sign shall be erected on any one street frontage.

Section 646.2.6.3. No sign shall be located within ten (10) feet of the front, rear, or side lot line.

Section 646.2.7. Signs indicating membership in agricultural associations or cooperatives or specialization in a particular breed of animal or strain of plant, provided that:

Section 646.2.7.1. The area on one side of any such sign shall not exceed nine (9) square feet.

Section 646.2.7.2. No more than one such sign shall be erected on any one street frontage.

Section 646.2.7.3. No sign shall be located within ten (10) feet of the front, rear or side lot lines.

Section 646.2.8. Signs necessary for the identification and protection of public utility facilities, provided that no side of any such sign shall exceed twelve (12) square feet in area.

Section 646.2.9. Signs within a residential subdivision to direct persons to a rental office or sample unit within that subdivision provided that no side of any such sign shall exceed four (4) square feet in area, limited to a total of four (4) signs.

Section 646.2.10. Trespassing signs and signs indicating the private nature of premises or controlling hunting or fishing activities on the premises. No side of any such sign shall exceed four (4) square feet in area.

Section 646.2.11. Identification signs for the purpose of indicating the name of residential subdivisions, provided that no more than one such sign shall be allowed for each entrance to the subdivision from a public street and no such sign shall exceed thirty-two (32) square feet in size, and that assurance of its maintenance is guaranteed by the subdivider/developer or through a property owners' organization as long as the sign remains.

Section 646.2.12. Temporary signs advertising elections and political candidates, fairs, advertising auctions and special events of charitable or public service groups and the like provided that:

Section 646.2.12.1. Such signs shall be displayed no more than sixty (60) days prior to the event, which they advertise and shall be removed within seven (7) days after the conclusion of the event advertised.

Section 646.2.12.2. The dimensions of such signs shall not exceed four (4) feet by eight (8) feet.

Section 646.2.12.3. No sign shall be located within ten (10) feet of the front, rear, or side lot line.

Section 646.2.12.4. Permission, in writing, shall be obtained from the owner of the land or building upon which the sign is erected or placed.

Section 646.2.12.5. In all other respects, the signs shall conform to the requirements of the Zoning District in which they are located.

Section 646.2.12.6. No portable or vehicular signs shall be permitted.

Section 646.2.13. Signs for Multi-Family Dwellings (garden apartments, townhouses and PRD'S). The following signs shall be permitted:

Section 646.2.13.1. Free-standing signs advertising the sale or rental of the premises upon which the sign is erected, provided that the total area of the sign does not exceed thirty-two (32) square feet, and that there shall be no more than one (1) such sign on any street frontage. For the purpose of this Ordinance, multi-family dwelling units shall not be advertised by such real estate signs for more than six (6) months after building construction is complete.

Section 646.2.13.2. Directional signs, not to exceed four (4) square feet each, erected within the project itself to direct persons to a rental office or sample apartment.

Section 646.2.13.3. Permanent identification signs for the purpose of indicating the name of the multifamily project and for the purpose of identifying the individual buildings within the project.

No more than one (1) sign for each entrance to the project from a public street to identify the name of the project shall be permitted and no such sign shall exceed thirty-two (32) square feet in size. Signs to identify the individual buildings within the project shall not exceed six (6) square feet in size.

Section 646.2.13.4. Street directory signs (map signs) not to exceed thirty-two (32) square feet. Only one per entrance from public streets permitted.

Section 646.2.13.5. Said signs may be located within the clear sight triangle, provided that a minimum of three (3) feet of clear space be maintained as provided elsewhere in this Ordinance, the sign does no project into a street right-of-way line and the sign does not pose a safety or health hazard.

Section 646.2.14. Signs indicating the Name and address of the resident but not to include any commercial advertising.

Section 646.2.15. Signs erected by a governmental body, or under the direction of such a body and bearing no commercial advertising, such as safety signs, signs identifying public schools and playgrounds and the like provided:

Section 646.2.15.1. No one (1) side on any freestanding sign shall exceed fifty (50) square feet in area.

Section 646.2.15.2. No building sign or wall sign shall exceed fifty (50) square feet in area.

Section 646.2.15.3. No more than two (2) separate signs shall face any one street frontage.

Section 646.2.15.4. No sign shall be located within two (2) feet of any front, side, or rear lot line.

Section 646.2.15.5. Said signs may be located within the clear sight triangle provided that a minimum of three (3) feet of clear space be maintained as provided elsewhere in this Ordinance, the sign does not project into a street right-of-way line and the sign does not pose a safety of health hazard.

Section 646.2.16. Signs regulating traffic, parking or other functional subdivision such as lavatory facilities, telephone, signs denoting other sections of a building such as lubrication, office, etc. on premises, provided:

Section 646.2.16.1. Signs shall not bear any commercial advertising.

Section 646.2.16.2. Signs shall not exceed six (6) square feet in area.

Section 646.2.17. Memorial signs or tablets and signs denoting the date of erection of buildings.

Section 646.2.18. Flag, pennant or insignia of any government, or of any religious, charitable or fraternal organization.

Section 646.2.19. Signs identifying a golf course or country club, or other recreational facility when located on the premises thereof, and containing no commercial advertising, provided:

Section 646.2.19.1. No more than three (3) signs may face any one street frontage.

Section 646.2.19.2. The area on one side of a free-standing sign shall not exceed thirty-two (32) square feet, and the area on building or wall signs shall not exceed thirty-two (32) square feet.

Section 646.2.19.3. No sign shall be located within ten (10) feet of any front, side or rear lot line.

Section 646.3. Signs Permitted in Commercial and Industrial Zoning Districts.

Section 646.3.1. All signs as provided for Residential, Village Commercial, Institutional, Public and Rural Conservation Zoning Districts.

Section 646.3.2. In addition, signs may be erected and maintained in Commercial

and Industrial Zoning Districts, provided that:

Section 646.3.2.1. The total area on one side of all signs placed on or facing any one Street frontage of any one premise shall not exceed one hundred (100) square feet except in the case of a building housing more than one commercial or industrial use.

Section 646.3.2.2. The area of any one side of a directional or advertising sign shall not exceed thirty-two (32) square feet.

Section 646.3.2.3. No more than one advertising sign shall be allowed on any one street frontage of any one property.

Section 646.3.2.4. No more than one free-standing sign shall be allowed on any one street frontage of any one property.

Section 646.3.2.5. No more than three (3) separate signs shall face any one street frontage of any one property except in the case of a building housing more than one commercial or industrial use.

Section 646.3.2.6. No sign attached to a building facade shall have an area exceeding twenty-five percent (25%) of the area of the building wall on which it is located.

Section 646.3.2.7. No sign shall be located within ten (10) feet to a front, side or rear lot line.

Section 646.3.2.8. In the case of a building housing more than one commercial or industrial use, one permanent identifying free-standing sign may be erected on each street frontage. The area on one side of said sign may be up to one square foot for each 1,000 square feet of gross floor area, with an allowable minimum of fifty (50) square feet and an allowable maximum of one hundred and sixty (160) square feet.

In the case of a building housing more than one commercial or industrial use, and having a total of at least 100,000 square feet of gross floor area, and having at least a 100 foot setback from the street right-of-way line to the main facade of the building, one permanent identifying free-standing sign with an allowable maximum of five hundred (500) square feet may be erected.

In addition, for each commercial or industrial use located within that building, one sign may be attached to that portion of the building housing the use. The area of said sign may be up to the one (1) square foot for each foot of frontage per use, with an allowable minimum of twenty-five (25) square feet and an allowable maximum of two hundred fifty (250) square feet.

Section 646.3.2.9. Promotional or advertising banners, A-type, sandwich

type, sidewalk or cub signs shall only be permitted for a new business or an existing business for special occasions not more than four (4) times a year in commercial and industrial zoned districts for a period of not more than a total of fifteen (15) days each time. The total area of signs per business shall not exceed thirty-two (32) square feet and they may only be placed on the property where the business is conducted. At no other time shall such signs be permitted.

Section 646.3.2.10. Window signs are permitted. The area of window signs shall not be figured into the total area permitted for that particular building or use, when located on the inside of the building.

Section 646.3.2.11. Real estate signs which advertise sale, rental or lease provided: that signs shall not exceed thirty-two (32) square feet per side, signs shall be located on premises to be sold, leased or rented, no more than two (2) signs may face any one street frontage, and no sign shall be located closer than ten (10) feet to any front, side, or rear lot line.

Section 647. Floodplain Control.

Development within floodplains is subject to the requirements of Township Ordinance No. 389 regulating areas subject to flooding, enacted March 30, 1989, as may be amended from time to time.

Section 648. Outdoor Burning.

Outdoor burning is subject to the requirements of the Cass Township Outdoor Burning Ordinance No. 491, enacted April 25, 1991, as may be amended from time to time.

Section 649. Fair Housing.

The Fair Housing Amendments Act of 1988, 42 U.S.O. §§ 3601-3631, prohibits certain practices which discourage or obstruct choices of people with disabilities to live in a community, neighborhood or development. To the extent that any provision of this Zoning Ordinance discriminates against individuals with handicaps (as defined and/or construed in the Fair Housing Amendments Act of 1988) with respect to use and enjoyment of a dwelling, the Township shall make reasonable accommodations to such individuals as may be necessary to afford such individuals equal opportunity to use and enjoy a dwelling.

Section 650. Wind Energy Facilities (Non Residential Wind Farm).

Section 650.1. The purpose of this section is to provide for the land development, construction, operation and decommissioning of Wind Energy Facilities in Cass Township, subject to reasonable conditions that will protect the public health, safety and welfare.

Section 650.2. Definitions

FACILITY OWNER - the entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.

OPERATOR - the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

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

OCCUPIED BUILDING - a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

TURBINE HEIGHT - the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

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

WIND ENERGY FACILITY - an electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

NON-PARTICIPATING LANDOWNER - any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

Section 650.3. Land Development Requirements

Section 650.3.1. Approved Land development plans are required prior to the construction or erection of Wind Energy Facilities or the addition of a Wind Turbine to an existing Wind Energy.

Section 650.3.2. Any physical modification to an existing and permitted Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require land development approval under the Subdivision and Land Development Ordinance of Cass Township. Like-kind replacements shall not require a permit modification.

Section 650.4. Additional Land Development Plan Requirements

Section 650.4.1. The land development plan shall demonstrate that the proposed Wind Energy Facility will comply with this Section and the PA Uniform Construction

Code and the regulations adopted by the Department of Labor and Industry.

Section 650.4.2. The land development plan, in addition to the other requirements of the Subdivision and Land Development Ordinance of Cass Township shall contain the following:

Section 650.4.2.1. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

Section 650.4.2.2. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.

Section 650.4.2.3. Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.

Section 650.4.2.4. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

Section 650.4.2.5. Documents related to decommissioning, including a schedule for the decommissioning and financing security.

Section 650.4.2.6. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Cass Township Supervisors to ensure compliance with this Chapter.

Section 650.5. Design and Installation

Section 650.5.1. Uniform Construction Code

To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code and the regulations adopted by the Department of Labor and Industry.

Section 650.5.2. Design Safety Certification

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

Section 650.5.3. Controls and Brakes

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

Section 650.5.4. Electrical Components

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

Section 650.5.5. Visual Appearance; Power Lines

Section 650.5.5.1. Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.

Section 650.5.5.2. Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

Section 650.5.5.3. Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator.

Section 650.5.5.4. On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.

Section 650.5.6. Warnings

Section 650.5.6.1. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

Section 650.5.6.2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

Section 650.5.7. Climb Prevention/Locks

Section 650.5.7.1. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.

Section 650.5.7.2. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

Section 650.6. Setbacks

Section 650.6.1. Occupied Buildings

Section 650.6.1.1. Wind Turbines shall be set back from the nearest Occupied Building on the participating landowner's property a distance not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building

Section 650.6.1.2. Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than 1.1 times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

Section 650.6.2. Property lines: All Wind Turbines shall be set back from the nearest property line a distance of not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.

Section 650.6.3. Public roads: All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.

Section 650.7. Waiver of Setbacks

Section 650.7.1. Upon request, the zoning hearing board may grant partial waivers of setback requirements hereunder where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.

Section 650.7.2. The governing body may take into consideration the support or opposition of adjacent property owners in granting waivers of setback requirements

hereunder.

Section 650.8. Use of Public Roads

Section 650.8.1. The Applicant shall identify all state and local public roads to be used within the Cass Township to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.

Section 650.8.2. The Cass Township engineer or a qualified third party engineer hired by Cass Township and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

Section 650.8.3. Cass Township may bond the road in compliance with state regulations.

Section 650.8.4. Any road damage caused by the applicant or its contractors shall be promptly repaired at the Applicant's expense.

Section 650.8.5. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

Section 650.9. Local Emergency Services

Section 650.9.1. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s).

Section 650.9.2. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

Section 650.10. Noise and Shadow Flicker

Section 650.10.1. Audible sound from a Wind Energy Facility shall not exceed fifty (55) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*. The municipality may grant a partial waiver of such standards where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.

Section 650.10.1.1. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property.

Section 650.10.1.2. The governing body may take into consideration the support or opposition of adjacent property owners on granting waivers of noise and shadow flicker restrictions.

Section 650.11. Signal Interference

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

Section 650.12. Liability Insurance

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

Section 650.13. Decommissioning

Section 650.13.1. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within (12) twelve months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

Section 650.13.2. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.

Section 650.13.3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

Section 650.13.4. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.

Section 650.13.5. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than twenty five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.

Section 650.13.6. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.

Section 650.13.7. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Section 650.13.1., then the landowner shall have six (6) months to complete decommissioning.

Section 650.13.8. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Sections 650.13.1 and 650.13.7, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

Section 650.13.9. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

Section 650.14. Certifications and Inspections

Section 650.14.1. National and State Standards. The applicant shall show that all applicable manufacturer's the Commonwealth of Pennsylvania and U.S. standards for the construction, operation and maintenance of the proposed Wind Turbine have been met, including without limitation, back feed prevention and lightning grounding. Wind Turbine shall be built, operated and maintained to be applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a Wind Turbine shall furnish evidence, over the signature of a professional engineer licensed to practice in the Commonwealth of Pennsylvania that such Wind Turbine is in compliance with such standards.

Section 650.14.2. Annual Inspection Report. An annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be obtained by the property owner and submitted to the Township not later than thirty (30) days following each anniversary of the date on which the Township certified the Wind Turbine ready for operation. The inspection report shall certify the structure soundness and proper operation of the Wind Turbine.

Section 650.15. Public Inquiries and Complaints

Section 650.15.1. The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

Section 650.15.2. The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

Section 651. Wind Energy Facilities (Single Use).

A single use windmill/wind turbine shall be a permitted by special exception subject to the following conditions and/or standards:

Section 651.1. Except as otherwise provided, Wind Turbine shall be considered accessory structures and the generation of energy as an accessory use and only in accordance with this Section. There shall be no commercial use of the Wind Turbine for the generation of energy, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.

Section 651.2. Noise from any residential windmill/wind turbine shall not exceed fifty-five (55) decibels (both dBA and dBC) when measured at the property line.

Section 651.3. Wind energy generation shall be limited to one (1) wind turbine per lot or tract of land.

Section 651.4. The applicant shall demonstrate that the proposed site has sufficient wind for the continued and proper operation of the Wind Turbine.

Section 651.5. The maximum height of any Wind Turbine, measured from the average approved finished grade at the perimeter of the Wind Turbine foundation to the highest vertical point of a blade at its maximum vertical position, shall not exceed 45' feet for zoning district R1, R2, Commercial, Village Residential and Institutional. The maximum height for the General Industrial District is 200 feet. The maximum height for Rural Conservation and Public Conservation is 100 feet.

Section 651.6. No Wind Turbine shall be placed in a front yard.

Section 651.7. Only single pole (monopole) Wind Turbine structures shall be permitted. A Wind Turbine pole shall be self-supporting upon its foundation (i.e., no guy wires).

Section 651.8. No Wind Turbine shall be placed closer to a property line, occupied structure, utility, utility line, structure or fuel source than the distance measured by its height plus fifty percent (50%) of its height (measured in feet). The minimum distance from the wind turbine to a property line, occupied structure, utility, utility line, structure or fuel source shall not be less than 50 feet.

Section 651.9. The setback distance can be modified if the adjacent property owner signs a permanent easement that is recorded in the deed of the adjacent property. The easement must include the required setback area that extends beyond the property boundary. This easement must indicate that no permanent structure may be constructed within the easement area.

Section 651.10. No Wind Turbine blade at its lowest point shall be closer to the surface of the ground than fifteen feet (15').

Section 651.11. The proposed location of the Wind Turbine shall be demonstrated to protect and maintain existing view sheds of the subject property and those of surrounding properties. In addition, the design color and other visual features of the Wind Turbine shall be designed and installed in such a manner so as to create the least visual impact practicable. The applicant shall demonstrate compliance with this section, by among other things, providing photographic perspectives of the proposed site from all sides of the property, adjacent road ways and neighboring properties (with permission of the owners).

Section 651.12. The proposed location and operation of the Wind Turbine shall be demonstrated not to interfere with any broadcast, radio, wireless or other telecommunication signals or facilities. In all cases, the location of a Wind Turbine shall be clear of and shall not interfere with any existing, trees, structures, wires and the like.

Section 651.13. All utilities, lines, cables, wires and other connections to or from the Wind Turbine and any other structure associated with the Wind Turbine shall be at or below grade, except as otherwise permitted by the Board of Supervisors.

Section 651.14. Wind Turbine shall not be lighted except as otherwise required by law.

Section 651.15. There shall be no antennae, advertising or other items or material affixed to or otherwise placed on the Wind Turbine, except those required for safety or otherwise permitted by the Township.

Section 651.16. Access to a Wind Turbine shall not be provided any lower than fifteen feet (15') at the highest point of the Wind Turbine base. Other proposed means of access and/or the limitation thereof and security therefore must be approved by the Board of Supervisors as part of the Conditional Use process.

Section 651.17. Caution signs shall be placed at the setback limit warning of ice and blade throws. Signs shall be placed at 100' intervals, no lower than three feet (3') high and a minimum of one (1) square foot, maximum of two (2) square feet reading CAUTION: FALLING OBJECTS. Each sign shall also contain the name and address of the property owner.

Section 651.18. A site plan shall be prepared and certified by a registered professional engineer and submitted with and as part of any permit application. Applications submitted without a site plan shall be returned to the applicant as incomplete. The site plan shall contain at a minimum, in addition to the other requirements of this Section, the following:

Section 651.18.1. Property boundaries and identities of neighboring property owners.

Section 651.18.2. Location of all man-made structures on the property, as well as all man-made structures within two hundred feet (200') of the proposed Wind Turbine.

Section 651.18.3. All wires, and overhead structures, both natural and man made.

Section 651.18.4. Soil type(s) where the foundation will be constructed.

Section 651.18.5. Complete structural and construction details, including narrative descriptions, demonstrating how the foundation, support and other parts of the Wind Turbine will be constructed, installed and maintained, together with the safety features proposed to prohibit unauthorized access.

Section 651.18.6. All new structures, together with any alterations to or modifications of existing structures, proposed in connection with the Wind Turbine.

Section 651.18.7. The applicant shall demonstrate that should the Wind Turbine fall, it will fall within the setback prescribed by Section 651.10 and K otherwise the applicant shall provide sufficient setbacks in addition to those prescribed by Sections 651.10 and 651.11 to comply with the setback area demonstrated by the applicant. In no case shall the setbacks be reduced below those prescribed by Sections 651.10 and 651.11.

Section 651.18.8. Information regarding the speed of operation and the braking mechanism(s). No Wind Turbine shall be permitted which lack an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and/or excessive pressure on the Wind Turbine or any of its component parts.

Section 651.19. Removal of Wind Turbine.

Section 651.19.1. Any Wind Turbine which has not been in active and continuous service for a period of one (1) year shall be removed from the property to a place of safe and legal disposal.

Section 651.19.2. All structures enclosures accessory to the Wind Turbine shall also be completely removed from the property to a place of safe and legal disposal.

Section 651.19.3. The former Wind Turbine site shall be restored to as natural condition as possible within six (6) months of the cessation of active and continuous use.

Section 651.20. Certifications and Inspections.

Section 651.20.1. National and State Standards. The applicant shall show that all applicable manufacturer's the Commonwealth of Pennsylvania and U.S. standards for the construction, operation and maintenance of the proposed Wind Turbine have been met, including without limitation, back feed prevention and lightning grounding. Wind Turbine shall be built, operated and maintained to be applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a Wind Turbine shall furnish evidence, over the signature of a professional engineer licensed to practice in the Commonwealth of Pennsylvania that such Wind Turbine is in compliance with such standards.

Section 651.20.2. Annual Inspection Report. An annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be obtained by the property owner and submitted to the Township not later than thirty (30) days following each anniversary of the date on which the Township certified the Wind Turbine ready for operation. The inspection report shall certify the structure soundness and proper operation of the Wind Turbine.

Section 651.21. No Wind Turbine shall commence operation until the Township has certified in writing that the conditions of this Section have been satisfied and the Wind Turbine has been constructed and installed in accordance with the approved plans and specifications.

Section 652. Outdoor Furnaces.

Outdoor Furnaces are subject to the requirements of the Cass Township Code, Chapter 6, Regulation of Outdoor Furnaces, as may be amended from time to time.

Section 653. Mining Overlay/Mineral Extraction Requirements

Section 653.1. The following Mineral Extraction provisions shall apply:

Section 653.1.1. After areas are used for mineral extraction, they shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting some productive future use.

Section 653.1.2. A 75 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that

are within 250 feet of an area of excavation or within 250 feet of machinery that is greater than 35 feet in height. This yard shall include an earth berm averaging a minimum of six feet in height and an average of one shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence, and shall meet the size and type requirements of Section 605.

Section 653.1.3. The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner of the mineral extraction use:

Section 653.1.3.1. 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,

Section 653.1.3.2. 150 feet from a commercial or industrial building, unless released by the owner thereof,

Section 653.1.3.3. 250 feet from a "residential lot line", other than an abandoned dwelling,

Section 653.1.3.4. 150 feet from the lot line of a publicly owned recreation area that existed at time of the application for the use or expansion,

Section 653.1.4. The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than two acres.

Section 653.1.5. Fencing. The Township Supervisors may require secure fencing in locations where needed to protect public safety.

Section 653.1.6. Noise and Performance Standards. See Chapter 5.

Section 653.1.7. County Conservation District. A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the County Conservation District.

Section 653.1.8. Hours of Operation. The Township Supervisors may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.

Section 653.1.9. Engineering Review. The application shall be sent to the Township Engineer or an alternate Engineer appointed by Township Supervisors for a review, with the reasonable costs of such review paid by the applicant.

Section 653.1.10. The applicant shall also submit a copy to the Zoning Officer of all materials submitted by the applicant to State agencies regarding an application for this project. The use shall comply with all applicable State regulations as a condition of

Township approvals under this Zoning Ordinance, and such Township approval may be revoked for violation of this condition.

Section 653.1.11. Preemption. Unless a specific preemption of this Zoning Ordinance by a State or Federal regulation or law, the most restrictive provisions upon the applicant shall apply whenever one or more municipal, State or Federal regulations apply.

Section 653.1.12. Application Requirements. For any Mineral Extraction use involving a proposed excavation of more than one acre, the following shall be submitted:

Section 653.1.12.1. Present uses of the site.

Section 653.1.12.2. A scaled map, prepared by a professional engineer, showing the locations of:

Section 653.1.12.2.1. The proposed area to be excavated (and maximum depth);

Section 653.1.12.2.2. Other land to be affected including but not limited to: I) storage sites for overburden, ii) access and haulage streets, iii) storage sites for equipment, and iv) offices and other accessory structures;

Section 653.1.12.2.3. Lot lines of adjacent lots, and owners and existing uses of these lots;

Section 653.1.12.2.4. Watercourses, bodies of water, street rights-of-way, buildings and publicly-owned recreation areas within 250 feet of the boundaries of land to be affected by the mineral extraction operation;

Section 653.1.12.2.5. Any wetlands and forested areas to be removed or protected and preserved as part of the use.

Section 653.1.12.3. A detailed land reclamation plan of the area to be excavated, showing:

Section 653.1.12.3.1. Proposed reclaimed use and topography of the land following site mineral extraction;

Section 653.1.12.3.2. Actions to be taken during mining to conserve and replace topsoil removed during mining operations;

Section 653.1.12.3.3. Reasonable assurances that the applicant will be capable of reclaiming the land in accordance with the plan within a

reasonable time after completion of the Mineral Extraction operations to be covered by the requested permit.

Section 653.1.13. Regulation of the Maximum Acreage Actively Used for Mineral Extraction

Section 653.1.13.1. To ensure that large areas of land will be reclaimed in compliance with State and Township regulations, the Township Supervisors may establish a maximum number of acres which may be "affected by mineral extraction" at any one time on any lot or any series of lots owned by one applicant or closely related applicants.

Section 653.1.13.2. Land "affected by mineral extraction" shall mean all total land area at any point in time that is currently under active mineral extraction, that is not adequately reclaimed or backfilled following prior extraction operations and that contains waste or spoil piles from existing or prior mining activities.

Section 654. Adult Use.

Section 654.1. No such use shall be located within 500 lineal feet of the lot line of any primary or secondary school, technical training school, place of worship, public park, day care center, child nursery, library, existing dwelling not owned by the same owner as the adult use, or any site marked as a proposed future park location on any Township Official Map.

Section 654.2. No such use shall be located within 1,000 lineal feet of any existing "adult use."

Section 654.3. A 35 feet buffer yard shall be provided along the side and rear lot lines with plantings of an initial minimum height of five feet.

Section 654.4. 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.

Section 654.5. No such use shall be used for any purpose that violates any Federal, State or Township law.

Section 654.6. See Section 06, Prohibited Signs.

Section 654.7. No such use shall be allowed in combination with the sale of alcoholic beverages.

Section 654.8. The use shall not include the sale or display of "obscene" materials, as defined by State law, as may be amended by applicable Court decisions.

Section 654.9. These uses are permitted in General Industrial District.

Section 654.10. A minimum lot area of one acre is required, unless a larger lot is required in the applicable district regulations.

Section 654.11. 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. No room of any kind accessible to customers shall include less than 150 square feet.

Section 654.12. No use may include live actual or simulated sex acts or any sexual contact between entertainers or between entertainers and customers or between customers.

Section 654.13. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.

Section 654.14. All persons within any adult use, other than performers in an adult live entertainment use, shall wear non-transparent garments that cover their genitals and the female areola.

Section 654.15. Unless the Zoning Officer agrees in advance to send such notices, the applicant shall provide a written affidavit stating that he has mailed or delivered a written notice of the proposed hearing date to all property-owners of record within 1,000 feet of the subject property at least ten days prior to the hearing date.

Section 654.16. Any application for such use shall state the names, home addresses and home phone numbers of: a) all individuals intended to have more than a five percent ownership in such use or in a corporation owning such use; b) an on-site manager responsible to ensure compliance with this Zoning Ordinance; and c) any legal representative of the applicant. Such information shall be updated once a year in writing to the Zoning Officer.

Section 655. Auto Repair Garage or Auto Service Station.

Section 655.1. Any spray paint work shall be performed within a building. All spray painting shall require a fume collection system that directs fumes away from any adjacent dwellings

Section 655.2. Outdoor storage of vehicles shall be setback a minimum of 20 feet from a lot line of an existing dwelling.

Section 655.3. Overnight outdoor storage of "junk" other than junk vehicles shall be prohibited within view of a public street or a dwelling.

Section 655.4. "Junk vehicle" shall not be stored within view of a public street or a dwelling for a total of more than 20 days. A maximum of six junk vehicles may be parked on a lot outside of an enclosed building at any one time. These vehicles shall be enclosed with a 6 foot high fence with diagonal slats to obstruct view.

Section 655.5. Fuel pumps shall be at least 25 feet from the existing street right-of-way.

Section 656. Boarding House (or Rooming House).

Section 656.1. Minimum lot area - 20,000 square feet plus 300 square feet for each sleeping room in excess of four, provided the prescribed lot width, yard setbacks, height, and coverage requirements for a single-family dwelling are met unless a large lot is required by the applicable district regulations

Section 656.2. Each sleeping room shall be limited to 2 persons each.

Section 656.3. See also standards for "personal care home" which is a separate use.

Section 656.4. Signs shall be limited to two wall signs with a maximum of two square feet each.

Section 656.5. Rooms shall be rented for a minimum period of five consecutive days.

Section 657. Car Wash.

Section 657.1. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.

Section 657.2. On-lot traffic circulation channels and parking areas shall be clearly marked.

Section 657.3. Adequate provisions shall be made for the proper and convenient disposal of refuse. For a truck wash, the applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways.

Section 657.4. Water used in the operation shall be collected and recycled, and shall not flow into any storm sewers or waterways or the groundwater outside of an on-lot septic system.

Section 657.5. Water from the operation shall not flow onto sidewalks or streets, to prevent hazards from ice.

Section 657.6. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

Section 657.7. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.

Section 658. Cemetery

Section 658.1. Minimum lot area- two acres.

Section 658.2. A crematorium, where allowed, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.

Section 658.3. All structures and graves shall be setback a minimum of: 30 feet from the lot line of an abutting dwelling or any undeveloped residentially zoned lot, 20 feet from the existing right-of-way of any public street and ten feet from the cartway of an internal driveway.

Section 658.4. No grave sites shall be located within the 100-year floodplain.

Section 658.5. The use shall include an appropriate system to ensure perpetual maintenance.

Section 659. Communications Tower or Antennae

Section 659.1. Communications Tower or Antennae, Commercial - located on existing structures, including building rooftops, water tanks, or existing towers.

Section 659.1.1. Building mounted Communications Antennas shall not be located on any residential dwelling unit.

Section 659.1.2. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Building Official for compliance with Cass Township's Building Code and other applicable law.

Section 659.1.3. The provider proposing to co-locate antennas shall provide written certification from a Professional Engineer stating that the installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

Section 659.1.4. Communications Antennae located on existing structures shall be permitted to exceed the height limitation of the applicable zoning district by no more than 20 feet.

Section 659.1.5. Co-located antennas shall meet all applicable building codes and other regulations of the Township's Zoning Ordinance.

Section 659.1.6. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

Section 659.2. New Communication Tower

Section 659.2.1. Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

Section 659.2.1.1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

Section 659.2.1.2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

Section 659.2.1.3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

Section 659.2.1.4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

Section 659.2.1.5. A commercially reasonable agreement could not be reached with the owners of such structures.

Section 659.2.2. The applicant shall provide written certification from a Professional Engineer stating that the communications tower/antennae will: 1) meet the requirements of the latest International Building Code for wind resistance and strength of construction and 2) will be engineered to fall on the same lot if the structure would fail.

Section 659.2.3. A commercial communications tower shall have a maximum height of 250 feet.

Section 659.2.4. The base of a freestanding tower shall be surrounded by a secure fence with a minimum height of eight feet.

Section 659.2.5. Access shall be provided to the communications tower by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least ten feet with a dust-free, all weather surface for its entire length.

Section 659.2.6. Any freestanding tower that is higher than 50 feet and is within 100 feet of a public street or dwelling shall be surrounded (except at the driveway crossing) by evergreen screening or preserved woods.

Section 659.2.7. If a communications tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within six months of the expiration of such 12 month period.

Section 659.2.8. One off-street parking space shall be provided within the fenced area.

Section 659.2.9. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operation of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.

Section 659.2.10. All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times and shall be located with a fence enclosure.

Section 659.2.11. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

Section 660. Conversion of Existing Buildings to Result in an Increased Number of Dwelling Units.

Section 660.1. Only single-family detached dwellings can be converted. The maximum number of dwelling units after conversion is limited to two.

Section 660.2. Minimum lot area - 15,000 square feet per dwelling unit in the R-1 District and 20,000 square feet per dwelling unit in the R-2 with approved central sewer service and public supply of water and 25,000 square feet per dwelling units in the R-2 district without approved central sewer service.

Section 660.3. Each dwelling unit shall contain within the unit a complete kitchen, toilet and bathing facility; shared facilities shall not be permitted.

Section 660.4. Each dwelling unit shall have a minimum habitable floor area according to the following table:

<u>Type of Unit</u>	<u>Minimum Square Feet</u>
Efficiency	400
1-bedroom	500

2-bedrooms	650
3-bedrooms	800
Each additional bedroom, den, or or recreation room	150 additional square feet

Section 660.5. The appearance of a single-family dwelling unit shall be maintained. For the converted structure necessary changes in the number or placement of windows to provide adequate light and air will be allowed, but shall be minimized; any changes which occur shall be of one manner consistent with the architectural character of the dwelling.

Section 660.6. Except for parking in driveways, no parking spaces shall be located in the front yard. Parking areas shall be designed so that each vehicle has access to the street without the necessity of moving another vehicle. All newly constructed driveways and parking spaces shall be set back a minimum of five (5) feet from all property lines. Off-street parking shall be designed to be accessible from the lowest order street on which the property fronts. Except for driveway and walkway accesses, buffering shall be placed around off-street parking areas which contain three (3) or more spaces. Plant material or fences shall be used. Material used in screen plantings shall be multi-stemmed evergreen species and shall be at least three (3) feet in height when planted. The plant material shall produce a visual screen of at least four (4) feet in height within two (2) years. Fences shall be four (4) to five (5) feet in height and shall provide a visual screen.

Section 660.7. Off-street parking improvements shall be provided based on the number of bedrooms per dwelling unit with two spaces for one sleeping room plus one space for each additional sleeping room. All parking areas shall also comply with Chapter 6 of this Zoning Ordinance.

Section 660.8. Garbage and refuse pickup and other utility areas shall be provided and shall be located so as not to detract from the aesthetic character of the neighborhood and shall be enclosed and shielded from view by fencing, walls, or shrubbery. Planted material or fences shall meet the standards for buffering of parking areas specified above.

Section 660.9. Certification of adequate sewer and water services shall be provided by the applicant.

Section 660.10. Basement or cellar dwelling units shall be permitted only if all exterior walls of the dwelling unit are at least four feet above the average finished grade level of the adjoining ground.

Section 661. Group Home.

Section 661.1. Supervision. There shall be adequate supervision as needed by an adequate number of person(s) trained in the field for which the group home is intended.

Section 661.2. Certification. The use shall be licensed or certified under an applicable State, County or Federal program for group housing, if applicable. A copy of any such license or certification shall be filed with the Township, and shall be required to be shown to the Zoning Officer in the future upon request. The group home shall notify the Township within 14 days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification/license expires, is suspended or is withdrawn.

Section 661.3. Registration. The group home shall register its location, general type of treatment/ care, maximum number of residents and sponsoring agency with the Township. Such information shall be available for public review upon request.

Section 661.4. Counseling. Any medical or counseling services provided on the lot shall be limited to residents and a maximum of three nonresidents per day.

Section 661.5. The use shall not meet the definition in Chapter 2 of a "treatment center." A group home shall not house persons who can reasonably be considered to be a physical threat to others.

Section 662. Junk Yard. (includes automobile salvage yard)

Section 662.1. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.

Section 662.2. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line; and b) 50 feet from any other lot line and the existing right-of-way of any public street.

Section 662.3. The site shall contain a minimum of two exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.

Section 662.4. Outdoor storage shall be completely surrounded (except at approved driveway entrances) by a 40 foot wide buffer yard unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be six feet. Secure fencing with a minimum height of eight feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.

Section 662.5. Burning or incineration of vehicles or junk is prohibited.

Section 662.6. All gasoline and oil shall be drained from all vehicles and properly disposed. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious, properly drained surface.

Section 662.7. Lot area - three acres minimum; 20 acres maximum.

Section 663. Kennel.

Section 663.1. All buildings in which animals are housed and all runs shall be located at least 200 feet from all "residential lot lines."

Section 663.2. Buildings shall be adequately soundproofed so that sounds generated within, the buildings cannot routinely be heard within any adjacent dwelling.

Section 663.3. No animal shall be permitted to use outdoor runs from 8 p.m. to 8 a.m. that are within 300 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.

Section 663.4. See State law regulating kennels.

Section 663.5. A kennel may be used for breeding.

Section 663.6. Minimum lot area - ten acres.

**Section 664. Mobile/Manufactured Home on an individual lot or within a mobile/
manufactured home park.**

Section 664.1. Construction. Every mobile/manufactured home shall have been constructed in accordance with the Safety and Construction Standards of the U.S. Department of Housing and Urban Development. For safety reasons, any mobile/manufactured home not meeting such standards shall not be placed on a different lot for use as a residence in Cass Township, but such home may remain at an existing location if habitable.

Section 664.2. Each site shall be graded to provide a stable and well-drained area.

Section 664.3. Each home shall have the hitch mechanism removed and it is also recommended, but not required, that the wheels and axles be removed and stored under the home in order to lower the home.

Section 664.4. Anchoring. The applicant for a permit to install a manufactured/mobile home shall provide written certification to the Zoning Officer that the installation of the home complies with this Zoning Ordinance. An anchoring system shall be installed that will prevent shifting or uneven settling of the home and to provide a base for installation of tie-downs. This shall involve the following method, unless the applicant proves to the satisfaction of the Zoning Officer that another method will be used that is recommended by the manufacturer of the home or by the manufacturing housing industry.

Section 664.4.1. The anchoring system shall consist of concrete piers, concrete footings perpendicular to the main longitudinal frame, or equivalent and shall be installed from ground level to below the frost line (42 inches minimum). The piers or footings shall be a minimum of four inches greater in width than the concrete blocks used to support the home. This foundation system shall be placed on approximately eight feet centers (unless another distance is specifically recommended in writing by the

manufacturer) along each of the two main longitudinal frames for each section of the home, with no more than three feet overhang at each end of the section.

Section 664.4.2. One-half inch diameter by 12 inch long eyebolts, or approved equivalent unshaped bars that shall be cast in place at each corner and at two midpoints in the concrete piers, concrete footing, slab or equivalent foundation. Concrete blocks shall be used to support the home on the foundation system and wood shims may be used for final leveling. The concrete support blocks shall not be wider than the support foundation.

Section 664.4.3. Each mobile/manufactured home shall be securely anchored or tied down with cable and turn buckles or equivalent connecting the frame to the cast in place eyebolts on at least four corners and two midpoints. The tie-down shall also be in accordance with the manufacturers' recommendations furnished with each home.

Section 664.4.4. Mobile homes shall not be placed more than four feet above the supporting ground area.

Section 664.4.5. Skirting. The space between the bottom of the home and the ground and/or home pad shall be enclosed using either:

Section 664.4.5.1. Industry-approved skirting material compatible with the home; or,

Section 664.4.5.2. If a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level to be flush or one normal step height below the first floor elevation. If this alternative is used an access area with lower grade through the masonry wall shall be installed for service access.

Section 664.5. Homes shall have a pitched instead of a flat roof.

Section 664.6. Homes on individual lots should be located with the longest side facing any boundary public street.

Section 664.7. Permit. Each mobile home shall require a Township permit prior to placement on a site.

Section 665. Mobile/Manufactured Home Park.

Section 665.1. Any mobile/manufactured home park shall meet all requirements of the Subdivision and Land Development Ordinance, except where two provisions regulate the same matter, the more restrictive upon the applicant shall apply. Spaces for individual mobile homes within a mobile home park are not required to be individually surveyed and shall not require individual metes and bounds descriptions.

Section 665.2. Mobile/manufactured home parks include the development of parks planned as a unit which are located on tracts of land at least five acres in size. Also includes individual mobile/manufactured homes located in such parks. Such mobile/manufactured homes parks and individual mobile/manufactured homes shall comply with all of the regulations of the State of Pennsylvania for Mobile Home Parks and with the following additional regulations.

Section 665.3. Individual mobile/manufactured home lots located in a mobile/manufactured home park shall contain at least 4,000 square feet of lot area. The clustering of mobile/manufactured homes home units on a lesser sized area, to produce a livable environment, may be permitted; provided that the objectives of this Section are complied with and provided further that the overall average lot area per unit of the park shall not be less than 4,000 square feet.

Section 665.4. No mobile/manufactured home shall be located closer than 50 feet to any property line defining the external boundary of the park. This open area shall include evergreen screening meeting the requirements where abutting an existing single family detached dwelling. The same area of land may count towards the setback requirements.

Section 665.5. No structure located on any lot in any mobile/manufactured home park shall be closer to any front line than 25 feet; to any side lot line than ten feet; nor to any rear lot line than 20 feet.

Section 665.6. The minimum side clearance between any two adjacent mobile/manufactured homes shall be 30 feet.

Section 665.7. Roadway or area lighting shall be reflected away from adjoining properties.

Section 665.8. The commercial sale of mobile/manufactured homes from mobile/manufactured home parks, by a mobile/manufactured home dealer, shall be prohibited.

Section 665.9. Individual tenants at the mobile/manufactured home park may construct attached enclosures to individual mobile/manufactured homes, provided that such enclosures do not exceed 25 percent of the floor area of the mobile/manufactured home. Individual building and zoning permits shall be required for such enclosures in each case.

Section 665.10. The layout and construction of new streets within the mobile/manufactured home park shall conform with the requirements of the Subdivision Regulations of the Township.

Section 665.11. All mobile/manufactured home parks shall provide to each lot line both a continuing supply of safe and portable water as approved by the Pennsylvania Department of Environmental Protection (DEP). The park shall provide a connection to public sanitary sewage disposal facilities of the Township or to facilities provided by the developer, which shall be in accordance with, and as approved, by the DEP.

Section 665.12. All area devoted utility purposes, such as garbage storage area, common washing or drying facilities and other such areas shall be adequately screened.

Section 665.13. A mobile/manufactured home park may include a recreation center for residents, a rental or management office, maintenance buildings for the park, swimming pool and the sale of mobile/manufactured homes that will be placed on the tract.

Section 666. Self-Storage Development.

Section 666.1. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling. Outdoor storage areas shall be fenced with a 6 foot high fence.

Section 666.2. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.

Section 666.3. The interior traffic aisles, required off-street parking areas, loading areas and accessways shall be kept clear of stored items.

Section 666.4. Major body work on vehicles shall not be permitted. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.

Section 666.5. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.

Section 666.6. Any areas of the use that are within 200 feet of the existing right-of-way of an expressway, arterial street or collector street shall be separated from that street by a buffer yard with screening under Section 802.

Section 666.7. Maximum building length- 250 feet.

Section 666.8. Minimum separation between buildings- 20 feet.

Section 667. Solid Waste Facility. (Including a sanitary landfill, solid waste-to-energy facility or solid waste transfer facility).

Section 667.1. No property shall be used as a dumpsite for solid waste without a valid Township and a valid DEP permit. The Township permit may be suspended for violation of a Township or DEP requirement.

Section 667.2. An applicant for a solid waste facility shall reimburse the Township for all legal advertisements related to the application, plus pay a non-refundable administrative fee of \$5,000 plus establish an escrow account of \$100,000 to be used to compensate the Township for actual and customary expenses of professional reviews (such as but not limited to engineering and impact reviews). Any escrow funds used for such reviews shall be nonrefundable, while any funds not used for such reviews shall be returned to the applicant after the final Township approval.

Section 667.3. Site Plan. A site plan shall be submitted meeting the requirements of the Subdivision and Land Development Ordinance and including all information required by DEP on any site plan submitted to the State. The site plan shall show existing and proposed final topography, proposed fencing and landscaping, owners of adjacent lots, proposed haul and access roads, proposed staging, location of equipment and tire cleaning areas and location of weighing and firefighting facilities.

Section 667.4. The applicant shall submit the names and current addresses of any and all persons who have any ownership interest of more than five percent in the proposed use or in businesses that are proposing or intended to own or operate the use. The experience of the applicant in developing and operating other solid waste facilities shall be described.

Section 667.5. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA DEP at the same time as they are submitted to DEP.

Section 667.6. A statement shall be submitted describing proposed uses of landfill land after landfilling operations are completed.

Section 667.7. A traffic study shall be submitted showing intended routes for truck traffic and estimating the total number of vehicles of over 20,000 pounds gross vehicle weight that are expected to enter and exit the facility, and the expected impact of these vehicles on the roads considering the roads' existing construction.

Section 667.8. An environmental assessment shall be submitted, including the following:

Section 667.8.1. Summary of important findings in language understandable to laypersons, with references to more detailed reports and data (such as in appendices),

Section 667.8.2. Descriptions of and maps showing the suitability of the proposed site for the use,

Section 667.8.3. Applicable technical data provided in an appendix,

Section 667.8.4. Impacts upon natural and cultural features, including surface water quality, groundwater quality, air quality and historic buildings,

Section 667.8.5. Impacts upon stormwater and floodwater,

Section 667.8.6. Visual impacts,

Section 667.8.7. For a use involving incineration, a professional analysis of the expected health impacts of the facility on humans, including a review of relevant studies on the matter.

Section 667.9. Setbacks.

Section 667.9.1. All solid waste storage, disposal and incineration shall be a minimum of 200 feet from the following: public street right-of-way, exterior lot line, 100-year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than two acres in area.

Section 667.9.2. All areas to be used for the storage, disposal or incineration of solid waste shall be a minimum of 400 feet from any of the following: residential district, publicly-owned park, lot line of any existing dwelling (which the applicant does not have an agreement to purchase) or the banks of any perennial creek or river.

Section 667.9.3. A landscaped area with a minimum width of 100 feet shall surround the site and shall not be used for any use other than perpendicular driveway crossings.

Section 667.10. The use shall be served by a minimum of two access roads paved with a dust free surface, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles, in which case it may be stoned instead of being paved.

Section 667.11. Any burning or incineration shall be carried out in a completely enclosed incinerator approved by the DEP. Any material to be incinerated that is to be stored for more than three hours shall be stored in an enclosed structure.

Section 667.12. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Zoning Ordinance.

Section 667.13. Open burning of refuse is prohibited as part of a solid waste facility. Garbage may not be dumped or buried except at an approved solid waste facility.

Section 667.14. The applicant shall prove to the satisfaction of the Township Supervisors that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas. The Township Supervisors may require the applicant to make specific improvements to roads to handle extraordinarily heavy loads.

Section 667.15. In cooperation with PA. DEP requirements, an appropriate double liner and a system to collect and treat leachate and methane is required for any sanitary landfill.

Section 667.16. The applicant shall prove to the satisfaction of the Township Supervisors that the use would not routinely create noxious odors off of the tract.

Section 667.17. A chainlink or other approved fence with a minimum height of eight feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Township Supervisors that this is unnecessary. The Township Supervisors may also require temporary litter-control fences surrounding current dumping areas. The Township Supervisors shall require earth berms, evergreen screening and/or shade trees with a minimum total effective height of eight feet or more as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.

Section 667.18. A minimum total lot area of 50 acres (which may include land in an adjoining municipality) is required for any solid waste facility other than a solid waste-to-energy facility or a solid waste transfer facility. For a solid waste-to-energy facility or solid waste transfer facility, a minimum lot area of ten acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus one acre for each additional 50 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 1,500 tons per day.

Section 667.19. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.

Section 667.20. Attendant. At least two employees shall be present during all times of operation.

Section 667.21. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.

Section 667.22. Emergency Access and Services. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided. Fire extinguishers, air packs for employee use and an adequate water supply shall be supplied on site. Employees shall be trained in basic firefighting methods. An emergency communications system shall be provided on site, together with appropriately located telephones available to contact local emergency services.

Section 667.23. Under authority granted to the Township under Act 101 of 1988, the hours of operation shall be limited to between 8 a.m. and 5 p.m. Monday to Friday and 8 a.m. to 12 noon on Saturday. The use shall not operate Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Memorial Day, Labor Day or the 4th of July.

Section 667.24. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks. All open waste trucks entering and exiting the site shall be covered.

Section 667.25. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.

Section 667.26. Staging. No total area(s) larger than 50 acres shall be used as a disposal area for a sanitary landfill in any calendar year.

Section 667.27. The applicant shall provide sufficient information for the Township to determine that the requirements of this Zoning Ordinance will be met.

Section 667.28. State Requirements. Nothing in this Zoning Ordinance is intended to supersede any State requirements. It is the intent of this Zoning Ordinance that when similar issues are regulated by both the Township and State, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Township regulation in a particular aspect.

Section 667.29. A tire cleaning area shall be provided on access roads from a landfill.

Section 667.30. The operator shall enter into an agreement with the Township specifying the types and frequencies of environmental monitoring that will be put into place while a solid waste-to-energy or sanitary landfill is underway and for a minimum of three years after any landfill is closed. For a landfill, such testing shall include at a minimum groundwater monitoring wells. For an incineration use, shall testing shall at a minimum include air pollution monitoring.

Section 667.31. A leachate treatment system may be an accessory use to a landfill, and a recycling collection center or a bulk recycling center are permitted in combination with any permitted solid waste disposal facility.

Section 667.32. For any transfer facility or waste-to-energy facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated.

Section 667.33. For each acre upon which active landfill operations begin, a \$30,000 bond payable to Cass Township shall be posted by the operator to ensure appropriate restoration of the site and adequate monitoring after the use is ended. Such bond shall be in a form acceptable to the Township Solicitor. Such bond shall be in effect for a minimum of ten years after the operations cease.

Section 667.34. The operator shall keep written records of the origin of all solid waste, and of the type of any waste accepted other than "municipal waste."

Section 667.35. Under the authority of State Act 101 of 1988, the Township Supervisors may appoint one or more landfill inspectors. Such inspector shall have authority to visit the site, to monitor operations and the review records regarding the origin and types of waste.

Section 667.36. See Act 101 of 1988 which provides municipalities the authority to charge "host fees."

Section 667.37. The Township Supervisors may establish certain minimum insurance requirements for the applicant as a condition of Township approval. Such insurance shall at a minimum include a \$10 million liability policy regarding environmental hazards.

Section 668. Target Range.

Section 668.1. All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety. This barrier shall be made of earth for an outdoor firearms range.

Section 668.2. The Township Supervisors may require that an outdoor firearms target range comply with applicable National Rifle Association standards.

Section 668.3. An outdoor firearms target range shall be located a minimum of 500 feet from the lot line of any existing residential use or undeveloped residentially zoned land, unless the use is within a completely enclosed sound-resistant building.

Section 668.4. An outdoor firearms target range shall be fenced and be property posted.

Section 668.5. The applicant shall show that the noise limits of Section 6 will be met.

Section 668.6. An indoor firearms target range shall be adequately ventilated to allow the building to remain completely enclosed.

Section 669. Treatment Center.

Section 669.1. The applicant shall provide a written description of all types of residents the use is intended to include over the life of the permit. Any future additions or modifications to this list shall require approval of the Township Supervisors as a conditional use.

Section 669.2. The applicant shall prove to the satisfaction of the Township Supervisors that such use will involve adequate supervision and security measures to protect public safety.

Section 669.3. The Township Supervisors may place conditions on the use as necessary to protect public safety, including conditions on the types of residents and security measures.

Section 670. Animal Control.

It shall be unlawful for the owner or keeper of an animal to cause, suffer, or allow that animal which is owned or kept by such person to be at large in the Township.

It shall be unlawful for anyone to own or harbor any exotic animal without the written permission of the Police Department and Zoning Officer. Such permission must be secured prior to bringing the animal into the Township and shall be given only if it is demonstrated that the animal will not constitute a threat to public health or safety, that the animal can be cared for in a manner appropriate to maintain the animal's health and well-being, and that ownership of such animal is done in accordance any applicable Township, County, State, or Federal regulations. Wildlife rehabilitators who temporarily care for injured animals may secure a continuous permit to harbor and care for such animals without prior written notification in each case. However, the Police Department must be advised of the animals in temporary care within two (2) business days of the animal being brought into the Township.

Section 671. Sewage Sludge, Land Application of.

Section 671.1. The application shall be in accordance with Title VII of the Cass Township Code, Beneficial Use Monitoring.

Section 671.2. The minimum lot area shall be 50 contiguous acres.

Section 671.3. Setback. No septage or sludge shall be applied within 400 feet of any of the following features: an existing dwelling other than that of the applicant, a well, an existing office or restaurant use or a perennial creek or river.

Section 671.4. Setback from future construction. A condition of any sludge approval shall be that a 250 foot setback shall apply from any dwelling, well, office or commercial use that is constructed in the future. In these areas, the application of sludge or septage shall not become a nonconforming use.

Section 671.5. The waste shall be regularly tested, with the results available to the public and the Township on request.

Section 671.6. The applicant shall prove compliance with all applicable DEP regulations. The applicant shall also submit a site plan to the Township. The use shall only not occur without a Township permit.

Chapter 7. Non-Conforming Lots, Uses, Structures and Buildings

Section 701. Statement of Intent.

Section 701.1. Within the Zoning Districts established by this Ordinance or subsequent amendments thereto, there exist or will exist certain nonconformities, which, if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations.

Section 701.2. Nothing in this Ordinance shall be deemed to require a change in the plans for any building, structure or land use for which a zoning and/or building permit was issued prior to the effective date of this Ordinance or subsequent amendment thereto, provided the activity authorized by the zoning permit is begun, in the opinion of the permit officer, within six (6) months of the issuance of the permit.

Section 702. Non-Conforming Lots of Record.

Section 702.1. Any lot shown on a Preliminary or Final subdivision plan approved prior to the effective date of this Ordinance or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the zoning district in which it is located may be used for a use permitted by use regulations of that District provided that all yard, height, coverage and open space requirements of the zoning district shall be met, further subject to Section 702.2. When a subdivider has duly filed an application for approval of Preliminary or Final Subdivision Plan prior to the effective date of this Ordinance, no provision in this Ordinance shall be applied to affect adversely the right of the subdivider to commence and complete any aspect as established within the Pennsylvania Municipalities Planning Code, as amended.

Section 702.2. Any lot held in single and separate ownership on the effective date of this Ordinance or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the Zoning District in which it is located may be used for any use permitted in that district provided that all yard, height, coverage and open space requirements of the district are met; provided, however, that if two (2) or more lots, combination of lots, or portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Ordinance.

Section 703. Registration.

Section 703.1. After the enactment of this Zoning Ordinance, the Zoning Officer shall assemble and maintain a listing of nonconforming uses and structures, as they are identified.

Section 704. Abandonment.

A nonconforming use may not be reestablished if the use is discontinued for a continuous one (1) year period unless the owner informs the Township of his intention not to abandon the use. Notification shall be by filing a Certificate of Intention to Continue with the Township Zoning Officer as provided for in Section 812. Vacation of land or buildings or the termination of the use normally carried on upon the property shall be evidence of discontinuance.

If after filing a Certificate of Intention to Continue, the nonconforming use is not commenced within one (1) year from the end of the initial one (1) year period, the nonconforming use shall be considered abandoned and shall not be reestablished.

Section 705. Change.

A nonconforming use may be changed to a conforming use by right. A nonconforming use, if changed to a conforming use, shall not be changed back to a nonconforming use. A nonconforming use shall not be changed to any other nonconforming use unless the Zoning Hearing Board shall grant a Special Exception. The proposed use shall be demonstrated by the applicant to be not more detrimental to the district with respect to traffic generation and congestion, noise, illumination, electric radiation, appearance and waste generation than the existing use on the property and shall be demonstrated to be in compliance with the Performance Standards in Chapter 6 of this ordinance. The Zoning Hearing Board may specify conditions and safeguards in connection with the granting of a Special Exception.

Section 706. Expansion.

Section 706.1. A nonconforming use, building or structure shall not be enlarged or increased upon land not owned, leased or under option to purchase at the time of the enactment of this Ordinance.

Section 706.2. Any additional structures, uses or buildings erected or established in connection with an existing nonconforming use shall meet all the Area, Yard and Height Regulations of the applicable Zoning District.

Section 706.3. A nonconforming use shall not be expanded unless such expansion has been approved as a Special Exception by the Zoning Hearing Board. A special exception use may be expanded without such approval.

Section 706.4. A nonconforming building or structure shall not be enlarged, increased, repaired, maintained or modified in any manner which will further violate any applicable Area, Yard and Height Regulation imposed by this Zoning Ordinance. Projections into yards, as defined in this ordinance, shall not be modified in such a way as to become part of a principal building unless they meet the setback and yard requirements of the zoning district.

Section 706.5. Future expansion of that portion of a nonconforming use carried on outside a building or structure shall be in accordance with all applicable Area, Yard and Height Regulations of this Ordinance.

Section 706.6. A nonconforming use may be expanded within a building containing that nonconforming use at the effective date of this Ordinance provided that the nonconforming use shall not occupy a portion of the building containing a conforming use at the effective date of this Ordinance. A nonconforming use may also be expanded into a new building or extension of an existing building containing the use.

Section 706.7. Nonconforming signs shall not be expanded.

Section 707. Movement and Replacement.

A building or structure containing a nonconforming use or a nonconforming building or structure may be replaced by a new building or moved to another location on the same lot, provided that the building or structure shall comply with all Area, Yard and Height Regulations and General Regulations applicable to the zoning district in which it is located.

Section 708. Damage or Destruction.

Section 708.1. Any nonconforming building or structure or a building or structure containing a nonconforming use of which the basic structural elements are totally destroyed by any means may be rebuilt and used for the same nonconforming use. Any subsequent building or structure shall comply with all requirements of this Ordinance. New construction shall begin within eighteen (18) months of the date of destruction and be carried to completion without interruption.

Section 708.2. A nonconforming building or structure or a building or structure containing a nonconforming use of which the basic structural elements are partially destroyed, or which is partially destroyed but which has all basic structural elements remaining, may be reconstructed. The reconstructed portions of a building or structure shall not be more nonconforming in any respect than the portions of the building or structure which were destroyed. Reconstruction shall begin within eighteen (18) months of the date of destruction and be carried to completion without interruption.

Section 708.3. Any nonconforming building or structure or building or structure containing a nonconforming use which is destroyed to any extent shall be inspected by the Township Zoning Officer. Any building or structure which shall be deemed unsafe by the Zoning Officer shall be taken down and removed or made safe and secure as the Zoning Officer may deem necessary in the public interest.

Section 709. Limit on Expansion.

Total future expansion of a nonconforming use shall not exceed fifty percent (50%) of the area occupied by the use at the time of the effective date of this Ordinance. A special exception use may be expanded beyond 50%.

Section 710. Non-Conforming Signs.

Section 710.1. After the effective date of this ordinance, there exist or will exist signs which do not conform to the requirements of this Ordinance, which, if lawful before this Ordinance became effective, may be continued subject to certain limitations, even though such non-conforming signs would be prohibited, regulated, or restricted under the terms of this Ordinance.

Section 710.2. Non-conforming signs are subject to the following regulations:

Section 710.2.1. Non-conforming signs, once removed from their location after the effective date of this Ordinance, shall be replaced only with conforming signs.

Section 710.2.2. Non-conforming signs destroyed by any means to fifty percent (50%) or more of replacement value immediately prior to destruction, shall be removed and shall be replaced only with a sign which complies with all the requirements of this Ordinance.

Section 710.2.3. Non-conforming signs destroyed by any means to less than fifty percent (50%) of replacement value immediately prior to destruction may be repaired, but no repairs shall make the sign more non-conforming than the sign was at the time of destruction.

Section 710.2.4. Non-conforming signs may be repainted, repaired, and similarly maintained, but no repair or maintenance shall make a sign more non-conforming than the sign was prior to the painting, repair, or maintenance.

Section 710.2.5. No non-conforming sign may be relocated unless to comply with all the requirements of this Ordinance.

Section 710.2.6. No non-conforming sign shall be modified in any way, which will further violate any regulation imposed by this Ordinance.

Section 710.2.7. Non-conforming signs shall not be expanded.

Section 710.2.8. Non-conforming signs (e.g. flashing, intermittent, etc.) that are inoperative for one (1) year or more shall not be re-activated.

Chapter 8. Administration and Enforcement

Section 801. Zoning Officer.

Section 801.1. Appointment. A Zoning Officer shall be appointed by the Township Supervisors to administer and enforce this Zoning Ordinance. Compensation of the Zoning Officer shall be established by the Supervisors. The Zoning Officer shall not hold any elective office in the Township.

Section 801.2. Duties and Powers. It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance and the amendments thereto and the Zoning Officer shall have such duties and powers as are conferred on him by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:

Section 801.2.1. Receive applications for zoning and/or building and sign permits and issue zoning and/or building and sign permits as set forth in this Ordinance.

Section 801.2.2. Keep a record of all official business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued and reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as the structures, etc. remain in existence.

Section 801.2.3. Make inspections as required to fulfill the duties of the Zoning Officer. In doing so, however, he/she shall first seek the permission of the landowner or tenant, and, in the event such permission cannot be voluntarily obtained, the Zoning Officer shall have the right to take such other legal means as are authorized under the law.

Section 801.2.4. Issue permits for building, structures and land uses for which Subdivision and Land Developments approval is required only after all necessary approvals have been secured and plans recorded.

Section 801.2.5. Issue permits for uses requiring new or altered on-site sewage disposal facilities only after any necessary permit has been issued by the Township Enforcement Officer.

Section 801.2.6. Issue permits for special exception uses or for variances only after a Special Exception or variance has been approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance. Issue permits for conditional uses only after a conditional use has been approved by the Township Supervisors.

Section 801.2.7. Issue permits for buildings requiring approval by the Pennsylvania Department of Labor and Industry only after such approval has been secured. Issue permits for a use involving an access point requiring Pennsylvania Department of Transportation approval only after such approval has been secured.

Section 801.2.8. Be responsible for keeping this Ordinance and the Official Zoning Map up-to-date so as to include all amendments thereto.

Section 801.2.9. Issue Certificates of Use and Occupancy in accordance with the terms of this Ordinance.

Section 801.2.10. Register identified nonconforming structures and uses created as a result of the adoption of this Ordinance and the Official Zoning Map, or created as a result of amendments thereto.

Section 801.2.11. Submit a monthly report of his/her activities to the Township Supervisors and Township Planning Commission and attend said meetings.

Section 801.2.12. Serve a notice of violation on any person, firm, corporation, partnership or other entity responsible for violating any of the provisions of this Ordinance, or any amendment thereto, or in violation of a statement or a plan approved under this Ordinance. Notice of violation shall be in writing and served personally to or sent by certified mail to the entity in violation of this Ordinance. The notice shall indicate the nature of the violation and action necessary to correct same. If the notice of violation is not complied with in the time period set forth in said notice, the Zoning Officer shall order the discontinuance of such unlawful use of the structure, building, sign and/or land involved in said violation. All enforcement notices shall be as provided in the Pennsylvania Municipalities Planning Code, as amended.

Section 802. Permits.

Section 802.1. Zoning Permits.

Section 802.1.1. Requirements. No building or structure, except temporary fences such as snow fences and fences around construction sites, shall be erected, constructed, assembled, extended, reconstructed, replaced, demolished, converted, moved, added to or structurally altered, nor shall land, buildings and structures be put to any use or have their use changed, without a permit therefore issued by the Zoning Officer. Zoning Permit is required for Timber Harvesting. No permit shall be issued unless: (1) there is conformity with the provisions of this Ordinance, except upon written order from the Zoning Hearing Board in the form of a variance, or upon order from any court of competent jurisdiction; (2) all fees have been paid to Cass Township including, but not limited to, building permit fee, plumbing permit fee, sewer connection fee, sewer tapping fee, sewer collection fee, street lateral inspection fee, customers facilities fee, recreation fund fee, driveway permit fee, road occupancy permit fee, and water meter fee and (3) all other permits and approvals have been issued including, but not limited to, zoning permit,

plumbing permit, on-lot sewage disposal permit, erosion and sediment control approval, PennDOT driveway permit, PennDOT road occupancy permit, wetlands mitigation permit, stream encroachment permit and Pennsylvania Labor and Industry approval. Permits are required for permanent fences and for sheds in accordance with Section 620.

Section 802.1.2. Application Procedures. The application for a Zoning Permit shall be submitted to the Zoning Officer in writing on a form prescribed by the Zoning Officer. The application shall be submitted by the owner or lessee of any building, structure or land or the agent of either, provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The application shall be accompanied by at least the following information:

Section 802.1.2.1. A map of the lot in question, drawn to scale, indicating the lot size and showing all dimensions of lot lines and the exact location(s) on the lot of all existing and proposed buildings, fences, signs, structures and alterations to buildings or structures.

Section 802.1.2.2. The use, height, length, width and proportion of the total lot area covered of all proposed and existing buildings, structures and additions or alterations to buildings or structures.

Section 802.1.2.3. A statement indicating the number of dwelling units and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot. In the case of commercial and industrial uses and home occupations, the floor area to be devoted to each use shall be indicated.

Section 802.1.2.4. The location, dimensions and design of parking and loading areas including the size and arrangement of all spaces and means of ingress, egress and interior circulation, recreation areas, screens, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic and outdoor lighting.

Section 802.1.2.5. The location of all utility lines, the method of proposed water supply and sewage disposal and the location of any on-lot facilities.

Section 802.1.2.6. All streets, right-of-ways and easements on or adjacent to the lot.

Section 802.1.2.7. Proof of Worker's Compensation coverage, if the application is submitted by a contractor.

Section 802.1.2.8. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.

Section 802.1.3. Approval or Disapproval. Upon receipt of the application and all accompanying information, the Zoning Officer shall examine them to determine compliance with this Zoning Ordinance and all other Township Ordinances. Within thirty-five (35) days from the filing date of the application, the Zoning Officer shall either approve or disapprove the application. If disapproved, the Zoning Officer shall explain the reasons therefore, indicating the manner in which the application could be corrected and/or modified to obtain approval and informing the applicant of his rights to appeal.

Section 802.1.4. Issuance and Posting of Permit. Upon approval of the application by the Zoning Officer and the payment of the fees established from time to time by resolution of the Township Supervisors, the Zoning Officer shall issue a Permit which shall be visibly posted on the site of operations during the entire time of construction. The permit shall expire one (1) year from the date of approval of the application by the Zoning Officer, provided that it may be extended at the discretion of the Zoning Officer for a six (6) month period. A Zoning and/or Building Permit shall expire if the activity which is authorized by the permit is not begun, in the opinion of the Zoning Officer, within six (6) months of issuance of the permit.

Section 802.1.5. Rights of Permit Holders. The permit shall be a license to proceed with the work described on the approved application in accordance with all Township Ordinances. The Zoning Officer shall revoke a permit for approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.

Section 802.2. Sign Permits.

Section 802.2.1. No sign shall hereafter be erected, rebuilt, altered, relocated or enlarged until a permit is issued by the Zoning Officer for such purposes, except for signs listed below:

- (1) Signs used by churches, synagogues, governmental bodies, schools or civic organizations.
- (2) Construction signs of thirty-two (32) square feet or less.
- (3) Directional/informational signs of twelve (12) square feet or less
- (4) Holiday or special events decorations.
- (5) Nameplates, house numbers, address signs.
- (6) Political signs.
- (7) Public signs or notices, or any sign relating to an emergency

- (8) Real estate signs.
- (9) Window signs.
- (10) Incidental signs.
- (11) Temporary signs as permitted.
- (12) Any other sign, which does not exceed twelve (12) square feet in area
- (13) Traffic control signs

The fact that a permit is not required for a sign does not exempt that sign from any of the provisions of this Ordinance.

Section 802.2.2. Application shall be made in writing to the Zoning Enforcement Officer on a form specified for such purpose and shall contain the following:

- (1) A detailed scale drawing of the sign.
- (2) A statement indicating the type of construction, the manner of installation, and the materials to be used.
- (3) A scale drawing of the lot indicating the location of the sign. All abutting street right-of-way lines shall be indicated,
- (4) A statement indicating all sources of light and methods of illumination.
- (5) A statement indicating the distance from the ground to the lowest portion of the sign and from the ground to the highest portion of the sign.
- (6) For signs, which will project from or be attached to buildings, a diagram indicating the location of the sign with the respect to the building facade to which it will be attached, including distance of projection from the building.
- (7) A statement that all the requirements of this Ordinance shall be adhered to and that the sign will be erected according to the accompanying plans and specifications.
- (8) The signature of the applicant. When the applicant is not the owner of the premises on which the sign will be erected, both the applicant and the owner of the premises shall sign the application.

Section 803. Certificate of Use and Occupancy.

Section 803.1. Requirements. It shall be unlawful to sell, convey, lease, rent or use and/or occupy any building, structure or land or portion thereof for which a Zoning Permit is required until a Certificate of Use and Occupancy has been issued by the Zoning Officer and by the Pennsylvania Department of Labor and Industry (where applicable). The Zoning Officer shall not issue a Certificate of Use and Occupancy unless the Zoning Officer has inspected such building, structure or land and has determined that all provisions of the Zoning Ordinance and other rules, regulations and ordinances of the Township have been complied with.

Section 803.2. Issuance. Upon the receipt of notification that the work for which a Zoning Permit has been issued has been completed, the Zoning Officer shall inspect the premises to determine that the work has been performed in accordance with the approved application and all Ordinances of the Township. If he is satisfied that the work has been completed in accordance with the approved application, he shall issue a Certificate of Use and Occupancy to the permit holder for the use indicated on the approved application. A copy of the Certificate of Use and Occupancy shall be retained by the Zoning Officer as part of the Township records. If he/she finds that the work has not been performed in accordance with the approved application, the Zoning Officer shall refuse to issue the Certificate of Use and Occupancy and in writing give the reasons therefore and inform the permit holder of his right of appeal.

Section 803.3. For uses for which performance standards are imposed by this Ordinance, no Certificate of Use and Occupancy shall become permanent until thirty (30) days after the use is in operation and only after, upon re-inspection by the Zoning Officer, it is determined that the use is in compliance with all performance standards. After such re-inspection, the Zoning Officer shall notify the applicant that the use is in compliance with the performance standards and that the Certificate of Use and Occupancy is permanent, Occupancy is permanent, or that the use is not in compliance and that the Certificate of Use and Occupancy will be revoked within thirty (30) days of the notification if compliance with all performance standards is not secured.

Section 803.4. Temporary Certificate of Use and Occupancy. Upon request of the holder of a Zoning Permit, the Zoning Officer may issue a Temporary Certificate of Use and Occupancy for a building, structure, sign and/or land or portion thereof before the entire work covered by the permit shall have been completed. Such portions may be used and/or occupied prior to full completion of the work provided life and the public health, safety, morals and general welfare of the residents and inhabitants of the Township are not endangered.

The Zoning Officer may also issue a Temporary Certificate of Use and Occupancy for such temporary uses as tents, trailers and buildings on construction sites, and for the use of land for religious and other public or semi-public purposes or other temporary use and/or occupancy upon order of the Township Supervisors. Such temporary certificate shall be for the period of time to be determined by the Township Supervisors at the time of application, but in no case shall any certificate, except those for uses on construction sites, be issued for more than six (6) months.

Section 804. Schedule of Fees, Charges and Expenses.

The Township Supervisors shall establish, by resolution, a schedule of fees and charges of requests for Zoning and/or Building Permits,

Certificates of Use and Occupancy, Special Exceptions, Variances, amendments to this Ordinance and other matters pertaining to this Ordinance. A collection procedure shall also be established. Until all application fees and charges have been paid in full, no action shall be taken on any application or other matter.

Unless revised by future resolution of the Township Supervisors, the application fee for a conditional use shall be \$750 plus the actual costs of all legal advertisements.

Section 805. Amendments.

The provisions of this Ordinance and the Official Zoning Map may from time to time be amended, supplemented or changed by the Township Supervisors.

Section 805.1. Procedure. The following procedures shall be observed prior to making any amendment or change to this Ordinance or parts thereof, including the Official Zoning Map:

Section 805.1.1. Every proposed amendment or change not initiated by the Township Planning Commission shall be referred to the Township Planning Commission at least thirty (30) days prior to the date of the public hearing to provide the Township Planning Commission an opportunity to submit recommendations prior to the hearing. The Planning Commission shall review each amendment against the Community Development Objectives, Land Use Plan, Circulation Plan and Community Facilities Plan comprising the Comprehensive Plan for the Township.

Section 805.1.2. All proposed amendments to this Ordinance shall be submitted to the County Planning Commission for their recommendations at least thirty (30) days prior to the public hearing.

Section 805.1.3. Curative Amendments. The procedure upon curative amendments shall be as established in the Pennsylvania Municipalities Planning Code, as amended. A curative amendment shall be referred to the County and the Township Planning Commission as provided in this section and notice of any hearing thereon shall be given as provided by law.

Section 805.2. Submission of Impact Statement. With a request for a zoning amendment initiated by other than the Township Planning Commission or Township Supervisors, a statement indicating the impact of the zoning change on the Township shall be submitted with the application for rezoning. The statement shall compare the impact on the Township resulting from the existing zoning with impact resulting from the proposed zoning, specifically discussing:

Agricultural Impact - The acreage and productivity rating of soils to be taken out of production or agricultural use.

Environmental Impact - The impact on wooded areas, flood plains, areas of high water table, wildlife habitats, storm water runoff, erosion and sedimentation, historic sites, water quality, air quality, solid waste generation and noise levels.

Traffic Impact - The impact on traffic generation per day and at peak hours, including numbers and routes expected to be used. An analysis of traffic capacities of adjacent roads and intersections and roads and intersections to be significantly affected by the zoning change shall be prepared.

Services Impact - The demand for school, police, sewer, water, sanitation and road maintenance services.

Section 805.3. Public Hearing. The Township Supervisors shall hold a public hearing before voting on the enactment of any amendment or change. Public notice of such hearing shall be given as required by law. If, after any public hearing held upon an amendment or change, the proposed amendment or change is revised, or further revised, to include land previously not affected by it, the Township Supervisors shall hold another public hearing pursuant to public notice prior to voting on the amendment or change. The Township Supervisors shall vote on the proposed amendment within ninety (90) days after the last public hearing. Enactment of amendments shall be in accordance with the procedure established in the Pennsylvania Municipalities Planning Code, as amended.

Once a public hearing has been advertised regarding an individual property or a zoning map change, a notice shall be posted on each side of the affected property which faces a street in such a position that such notice is readily readable. The notice shall be posted at least one (1) week prior to the hearing and shall state the following:

- A. That an application for an amendment to this Ordinance or zoning map has been requested;
- B. The proposed use of the property;
- C. The existing Zoning District and the proposed Zoning District;
- D. The name of the applicant and the owner of the property;
- E. The date, time and place of the public hearing.

Section 806. Stop Order.

Section 806.1. Scope. A Stop Order may be issued in the following instances:

Section 806.1.1. If activities regulated by this Ordinance are undertaken without the required Zoning Permit, Building Permit, sign permit, or Certificate of Use and Occupancy being granted by the Township.

Section 806.1.2. If an activity undertaken under a Zoning Permit, Building Permit or Sign Permit deviates from the approved application either during or after completion of the work.

Section 806.1.3. If a use is conducted or a building or structure is established in a way which is in violation of the use requirements, area, yard, coverage and height regulations, performance standards, general regulations or any other requirements of this Ordinance.

Section 806.1.4. If an activity permitted by Special Exception, variance or condition is not conducted in accordance with the terms of the granting of the Special Exception, variance or conditional use.

Section 806.2. Notice to Owner. A Stop Order shall be issued by the Zoning Officer and delivered to the owner of any property or his agent. Delivery shall be construed to include certified mail or posting on the property.

Section 806.3. Contents. The Stop Order shall be in writing and state the nature of the violation and under which conditions the work or use may resume. A reasonable period of time as determined by the Township Zoning Officer may be permitted to allow for the required corrections.

Section 806.4. Unlawful Continuance. Any person who shall continue in violation of any Stop Order shall be in violation of this Ordinance and subject to the penalties provided within this Ordinance.

Section 807. Enforcement Notice.

Section 807.1. If it appears to the municipality that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, the municipality shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

Section 807.2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

Section 807.3. An enforcement notice shall state at least the following:

- A. The name of the owner of record and any other person against whom the municipality intends to take action.

- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met citing in each instance the applicable provisions of the ordinance.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. That the recipient of the notice has the right to appeal to the zoning hearing board within thirty (30) days after notice of the determination is issued.
- F. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

Section 808. Causes of Action.

Section 808.1. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

Section 808.2. Jurisdiction. District justices shall have initial jurisdiction over proceedings brought under Section 808.3.

Section 808.3. Enforcement Remedies.

Section 808.3.1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedures. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there has been a good faith basis for the person,

partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinances have been violated.

Section 808.3.2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Section 808.3.3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

Section 809. Conditional Use Procedures.

Section 809.1. Application. One (1) copy of an application for permission to conduct a use permitted by condition shall be submitted to the Township Secretary. Such application shall include all information specified for a zoning permit application in Section 802 of this Ordinance and any other information necessary to allow the Township Supervisors to determine that all requirements of this Ordinance have been met.

Section 809.2. Review. After receiving an application, the Supervisors shall refer one (1) copy of the application to the Township Planning Commission for its review and one (1) copy to the Township Zoning Officer for his review. The application shall be reviewed at one (1) or more advertised meetings of the Township Supervisors with the initial hearing being commenced within sixty (60) days of receipt of the application, unless the applicant agrees in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing. The Supervisors shall either approve or disapprove the application in writing within forty-five (45) days after the date of the final hearing.

The granting of permission to conduct a use permitted by condition does not exempt an application from acquiring all approvals required by the Township's Subdivision and Land Development Ordinance.

Section 809.3. Standards. Conditional uses shall meet the specific standards established for each use by this Ordinance and all other applicable Zoning District requirements and General Regulations established by this Ordinance. In addition, the following standards shall be met:

Section 809.3.1. The use shall be one which is specifically authorized as a conditional use in the Zoning District wherein the applicant is seeking a conditional use.

Section 809.3.2. Services and utilities shall be made available to adequately service the proposed use.

Section 809.3.3. The use will not generate traffic such that hazardous or unduly congested conditions will result.

Section 809.3.4. The use is appropriate to the site in question.

Section 809.3.5. The use shall not adversely affect the character of the general neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

The applicant shall demonstrate, as a condition to approval of his application, that the standards in Section 809.3 and those specified elsewhere in this Ordinance for the use in question would be met.

The Township Supervisors may impose such additional safeguards as are necessary to protect the public health, safety and welfare.

Section 810. Land Development Plan Approval.

Section 810.1. Scope. Construction of any new building, or an addition or expansion of an existing building in excess of the lesser of 2,500 s.f. or 50% of existing building size, or change in use, except one single-family detached dwelling, one single-family semi-detached dwelling, one two-family detached dwelling, agricultural buildings and other residential accessory buildings, shall be subject to a Land Development Plan Approval prior to the issuance of a Zoning and/or Building Permit.

Section 810.2. Application Procedures. Applications shall be submitted to the Township Planning Commission for review and recommendation to the Cass Township Board of Supervisors for approval and recording, if applicable. The following material shall be supplied as applicable:

Section 810.2.1. A plot plan of the lot showing the location of all present and proposed buildings, drives, parking lots, loading areas, curb cuts, other necessary construction features and the location of all topographical features;

Section 810.2.2. Complete architectural design drawings for any proposed industrial, commercial or residential multi-family building.

Section 810.2.3. A description of any commercial or industrial operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards or the emission of any potential harmful or obnoxious matter or radiation. Engineering and architectural design drawings shall be provided for the handling of any of these problems.

Section 810.2.4. All necessary information to determine compliance with the requirements of this Ordinance for parking and loading.

Section 810.2.5. Designation of the manner by which sanitary sewage and storm drainage shall be disposed and water supply obtained, including the proposed location of any underground pipes. Engineering and architectural design drawings shall be provided for any water plant or sewage disposal plant. Storm water runoff calculations shall accompany plans for accommodating runoff. A statement indicating all improvements to be undertaken during the first phase of construction, those which are to be completed within one (1) year from the issuance of a Plan Approval, as well as those being built at a later date. This statement shall also show a list of firms which are likely to be located within the development, their floor area and estimated number of employees.

Section 810.2.6. Other data required by this Ordinance or deemed necessary by the Planning Commission because of the unusual nature of the activities.

Section 810.2.7. Review. The Planning Commission shall examine the materials to determine whether the proposed development conforms to this Ordinance and make available its findings, including necessary modifications, which must be provided for approval to the applicant and to the Cass Township Board of Supervisors who shall take action within ninety (90) days.

Section 810.2.8. Issuance. All Plan Approval reviews by the Planning Commission and Supervisors shall be forwarded to the Zoning Officer and maintained as a matter of public record. Notice of the decision shall be given to all parties in interest and any third parties requesting such notice. An approved Land Development Plan Approval shall continue in effect for six (6) months from the date it is supplied to the Zoning Officer. If no construction work is undertaken by that date, the approval shall be nullified.

Section 811. Sign Permits.

Sign permits shall be required in accordance with the Section 646 of this Ordinance.

Section 812. Certificate of Intention to Continue a Nonconforming Use.

Section 812.1. Scope. A certificate of intention shall be required in all instances where a nonconforming use is discontinued if the owner or operator of such use desires to maintain such a nonconforming use.

Section 812.2. Procedure. The Zoning Officer shall maintain proper forms for the registration of any Certificate of Intention. It shall be incumbent upon the owner or applicant to file such a form with the Zoning Officer.

Section 812.3. Notification. The proper adoption of this Ordinance shall be considered effective notice to all owners or operators of nonconforming uses of the requirements for registration for the discontinuance of all nonconforming uses.

Section 812.4. Filing. The Zoning Officer shall maintain a separate file for all Certificates of Intention.

Section 812.5. Duration. Each Certificate of Intention shall be valid for a one (1) year period. See Section 704 of this Ordinance.

Chapter 9. Zoning Hearing Board

Section 901. Creation and Organization.

Section 901.1. Creation of Board. The Township Supervisors hereby create a Zoning Hearing Board, herein referred to as the "Board", consisting of residents of the Township appointed by the Township Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed and serve and shall perform all the duties and have all the powers as prescribed by said Code and this Ordinance.

The Township Supervisors may appoint alternate members of the Board pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended; the alternate members may serve as provided for in said code.

Section 901.2. Organization. The Board may promulgate such rules and forms for its procedures, not inconsistent with this and other Ordinances of the Township and laws of the Commonwealth of Pennsylvania, as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The Board shall have its own counsel, who shall, whenever possible, attend all hearings of the Board and review all decisions of the Board so they conform to the law.

Section 901.3. Meetings. Meetings and hearings of the Board shall be held at the call of the chairman, and at such other times as the Board, by majority vote, may determine.

Section 901.4. Minutes and Records. The Board shall keep full public records of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The Board shall also keep full public records of its business and other official action, which records shall be the property of the municipality, copies of which shall be filed with the Secretary of the Township Planning Commission.

Section 902. Hearings.

Section 902.1. The Board shall conduct hearings and make decisions in accordance with the requirements of the Pennsylvania Municipalities Planning Code, as amended.

Section 902.2. Notice shall be given by the Zoning Hearing Board to the public, the applicant and adjoining property owners of the applicant property, the Zoning Officer and such other persons as the Township Supervisors shall designate by ordinance and to any other person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. The Township Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by ordinance, in accordance with [Section 908](#) of the Municipalities Planning Code. In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land.

Section 902.3. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

Section 902.4. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, any other person, including civic or community organizations, permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

Section 902.5. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

Section 902.6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

Section 902.7. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

Section 902.8. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

Section 902.9. The Board or hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

Section 902.10. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the board prior to final

decision or entry of findings, and the board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as herein above provided, the board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in 902.1 of this section. If the board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

Section 902.11. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 903. Functions of the Zoning Hearing Board.

Section 903.1. The Zoning Hearing Board shall have the following functions:

Section 903.1.1. The Zoning Hearing Board shall have the functions authorized in the Pennsylvania Municipalities Planning Code, as amended.

Section 903.1.2. The jurisdiction of the Zoning Hearing Board and the Township Supervisors and the procedures to be followed by each shall be as established in said code.

Section 903.1.3. Parties to authorized proceedings before the Zoning Hearing Board may utilize mediation as an aid in completing such proceedings, pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended.

Section 903.1.4. Appeals from the Zoning Officer. To hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow the procedures or has misinterpreted or misapplied any provision of this Ordinance or the Official Zoning Map or any valid rule or regulation governing the action of the Zoning Officer.

Section 903.1.5. Challenges to the Validity of Zoning Ordinance or the Official Zoning Map, except as indicated in the Pennsylvania Municipalities Planning Code, as amended. In all such challenges, the Board shall take evidence and make a record thereon as provided in Section 902. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact, which shall become part of the record on appeal to the court.

Section 903.1.6. Unified Appeals. Where the Board has jurisdiction over matters pursuant to Sections 903.1.1, 903.1.5 and 903.1.7, the Board may also hear all appeals which an applicant may elect to bring before it with respect to any Township ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in Section 902. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

Section 903.1.7. Variances. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

Section 903.1.7.1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the circumstances or conditions are not created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located; and

Section 903.1.7.2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance if therefore necessary to enable the reasonable use of the property; and

Section 903.1.7.3. That such unnecessary hardship has not been created by the appellant; and

Section 903.1.7.4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and

Section 903.1.7.5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Section 903.1.7.5.1. In granting any variance, the Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.

Section 903.1.7.6. Granting of variance shall not adversely affect the character of the general neighborhood, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

Section 903.1.8. Special Exceptions. To issue, upon application, only such Special Exceptions which the Board by the provisions of this Ordinance is specifically authorized to issue. The granting of a Special Exception when specifically authorized by the terms of this Ordinance shall be subject to the following standards and criteria. The applicant for a Special Exception shall demonstrate, as a condition of approval of his application, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question.

Section 903.1.8.1. Such use shall be one which is specifically authorized as a Special Exception Use in the zoning district wherein the applicant seeks a Special Exception.

Section 903.1.8.2. Such Special Exception shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.

Section 903.1.8.3. Such use shall not adversely affect the character of the general neighborhood, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

Section 903.1.8.4. Such use shall be of such 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.

Section 903.1.8.5. Services and utilities shall be made available to adequately service the proposed use.

Section 903.1.8.6. The granting of the Special Exception shall be consistent with the Township Comprehensive Plan.

Section 903.1.8.7. In granting a Special Exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purpose of this Ordinance and the Pennsylvania Municipalities Code, as amended.

Section 903.1.9. To exercise any other power specifically granted to the Board under the terms of this Ordinance.

Section 904. Procedures for Application to the Zoning Hearing Board.

The Board shall act in accordance with the procedures specified by the Pennsylvania Municipalities Planning Code, as amended, and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Ordinance, the use for which a Special Exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed and any stay of proceedings shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

Applications and appeals, together with the required filing fee as established by the Township Supervisors, shall be submitted to the Secretary of the Zoning Hearing Board. As a minimum, all material required for a Zoning Permit shall be submitted with the application. The applicant shall also submit a description of the operations proposed in sufficient detail to indicate the effects of those operations proposed in producing traffic congestion, noise, glare, water pollution, fire hazards, safety hazards or other potentially harmful activities.

Section 905. Expiration of Special Exceptions and Variances.

Unless otherwise specified by the Board, a Special Exception or Variance shall expire if the applicant fails to obtain a Zoning Permit or a Building Permit, where required, within eighteen (18) months from the date of authorization of the Special Exception or Variance.

Section 906. Review of Applications for Special Exceptions and Variances by the Township Planning Commission and Township Supervisors.

The Secretary of the Zoning Hearing Board shall forward a copy of any application for a Special Exception or Variance to the Township Planning Commission and Township Supervisors for the opportunity to review and comment at least thirty (30) days prior to the hearing held by the Board on such application.

Chapter 10. Enactment

Section 1001. Public Utilities Corporation Exempted.

This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

Section 1002. Severability.

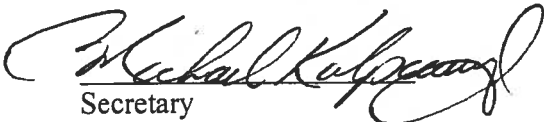
Should any article, section, subsection, paragraph, clause, phrase or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

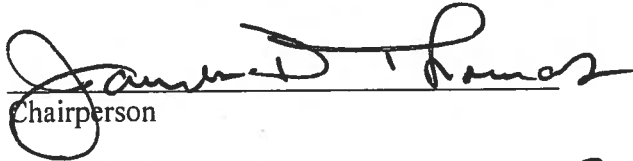
Section 1003. Effective Date.

This Ordinance shall become effective ten (10) days after the date of final passage. Duly enacted by the Supervisors of Cass Township, Schuylkill County, Pennsylvania, this 25th day of July, 2013.

ATTEST:

CASS TOWNSHIP BOARD OF
SUPERVISORS, CASS TOWNSHIP,
SCHUYLKILL COUNTY, PENNSYLVANIA


Secretary


Chairperson

(SEAL)



APPENDIX A

APPENDIX A TABLE 1 OF USES BY ZONING DISTRICT

<p align="center"><u>TYPE OF USES</u> See definitions in Article II P = Permitted by right (zoning decision by Zoning Officer) C = Conditional use N = Not permitted. S = Special Exception</p>	R-1	R-2	C	PC	RC	GI	IST	VC
<p><u>AGRICULTURAL USES</u> – See Section 607</p>								
<p>1. Crop Farming (includes Orchards, Christmas Tree Farms, raising of livestock as a clearly accessory uses, and accessory crop storage)</p>	N	P	N	N	P	P	N	N
<p>2. Bulk Commercial Crop Storage and Bulk Processing as a Principal use of agricultural products produced by numerous persons</p>	N	N	N	N	P	P	N	N
<p>3. Timber Harvesting - See Section 633, which requires review by Planning Agency</p>	P	P	N	P	P	P	N	N
<p>4. Farm-Related Business - See “Accessory Uses” at end of this table Plant Nursery - with On-site Retail Sales Limited to Items Primarily Grown on the Premises and closely related items such as mulch (see also Garden Center under commercial uses)</p>	N	C	N	N	P	P	N	P
<p>5. Processing of Agricultural Products Primarily produced on Premises Owned or Leased by the Processor, such as, but not limited to: making of cider, wine, jams, jellies and packaging, bottling or containerizing of similar products, but not including a Slaughterhouse</p>	N	C	N	N	P	P	N	N
<p>6. Raising of Livestock, Intensive, with minimum lot area of 15 acres</p>	N	N	N	N	C	P	N	N
<p>7. Raising of Livestock, other than “Intensive”, with minimum lot area of 5 acres</p>	N	C	N	N	P	P	N	N
<p>8. Retail Sales of Agricultural Products Primarily Grown on the Premises</p>	N	C	N	N	P	P	N	P
<p>9. Sale or Mixing of Agricultural Seeds.</p>	N	C	N	N	P	P	N	N
<p>10. Sewage Sludge, Land Application Composting</p>	N	N	N	N	C	C	N	N

APPENDIX A TABLE 1 OF USES BY ZONING DISTRICT

<p align="center">TYPE OF USES See definitions in Article II P = Permitted by right (zoning decision by Zoning Officer) C = Conditional use N = Not permitted. S = Special Exception</p>	R-1	R-2	C	PC	RC	GI	IST	VC
<u>A. RESIDENTIAL USES</u>								
1. Single Family Detached Dwelling (including manufactured/mobile home)	P	P	N	P	P	N	N	P
2. Single Family Semi-Detached Dwelling (½ of twin).	P	P	N	N	P	N	N	P
3. Two Family Detached Dwelling	P	P	N	N	N	N	N	P
4. Group Home within a lawful dwelling unit, not including a Treatment Center (S.669)	P	P	N	N	N	N	N	P
5. Accessory Apartment - See under Accessory Uses in this Table.								
6. Townhouse (S.643).	P	P	N	N	N	N	N	P
7. Boarding House	P	P	N	N	N	N	N	P
8. Apartments (S.643)	P	P	N	N	P	N	N	P
9. Manufactured/Mobile Home Park (S.665).	N	N	N	N	P	N	N	N
10. Conversion of existing building to result in an increased number of dwelling units (S. 660), other than as permitted under accessory uses.	N	P	N	N	P	N	N	P
11. Open Space/Conservation Development (S.637)	P	P	N	N	P	N	N	P
12. Yard Sales (S. 641)	P	P	P	N	P	N	N	P
<u>B. COMMERCIAL USES</u>								
1. Adult Bookstore, Adult Movie Theater, Adult Live Entertainment Use or Massage Parlor (S. 654).	N	N	N	N	N	P	N	N
2. Auto Repair Garage (S. 655)	N	N	P	N	N	P	N	P
3. Auto Service Station (S. 655) which may include a convenience store.	N	N	P	N	N	P	N	P
4. Auto, Boat or Mobile/Manufactured Home Sales	N	N	P	N	N	P	N	N
5. Bakery	N	N	P	N	N	N	N	P
6. Bed and Breakfast Use (S. 640)	P	P	N	N	P	N	N	P
7. Beverage Distributor	N	N	P	N	N	P	N	N
8. Business Services	N	N	P	N	N	P	N	P
9. Retirement Community	N	C	P	N	N	S	N	P
10. Family Day-Care Home	P	P	P	N	P	N	N	P
11. No Impact Home Based Business (S.617)	P	P	N	N	P	N	N	P
12. Car Wash (S. 657)	N	N	P	N	N	C	N	P

APPENDIX A TABLE 1 OF USES BY ZONING DISTRICT

<p align="center"><u>TYPE OF USES</u> See definitions in Article II P = Permitted by right (zoning decision by Zoning Officer) C = Conditional use N = Not permitted. S = Special Exception</p>	R-1	R-2	C	PC	RC	GI	IST	VC
13. Commercial Outdoor Recreation including but not limited to uses such as privately-owned picnic grove or fairground, but <u>not</u> including the following uses: campground, golf course, miniature golf, golf driving center or amusement center. (S. 608)	N	N	P	N	S	P	N	N
14. Commercial Indoor Recreation (includes bowling alley, amusement arcade, roller or ice skating, batting practice and similar uses).	N	N	P	N	N	P	N	P
15. Communications Antennae/Tower, Commercial (not Including "antennas standard" or antennas for emergency service providers). (S. 659) If located on existing structures, including building rooftops, water tanks, or existing towers. (S. 659)	N	N	N	P	S	P	P	N
16. New Communications Antennae/Tower, Commercial (S. 659)	N	N	N	P	C	P	P	N
17. Conference Center	N	N	P	N	N	P	N	N
18. Construction Company/Trades Contractor's Headquarter/Storage (other than as a home occupation).	N	N	P	N	N	P	N	P
19. Convenience Store, not include sale of gasoline.	N	N	P	N	N	P	N	P
20. Custom Crafts or Artisan's Studio (other than a home occupation).	N	N	P	N	N	N	N	P

APPENDIX A TABLE 1 OF USES BY ZONING DISTRICT

<p align="center">TYPE OF USES See definitions in Article II P = Permitted by right (zoning decision by Zoning Officer) C = Conditional use N = Not permitted. S = Special Exception</p>	R-1	R-2	C	PC	RC	GI	IST	VC
21. Exercise Club	N	N	P	N	N	P	N	P
22. Financial Institutions	N	N	P	N	N	P	N	P
23. Funeral Home	N	N	P	N	N	N	N	P
24. Fueling Station	N	N	S	N	N	P	N	C
25. Garden Center	N	N	P	N	N	N	N	P
26. Golf Course	N	N	N	N	P	N	N	N
27. Golf Driving Center or Miniature Golf.	N	N	P	N	N	P	N	P
28. Private Airport, Heliport (S. 630)	N	N	N	N	N	P	N	N
29. Kennel (S. 663)	N	N	P	N	N	P	N	N
30. Laundromat for Primarily Self-Service Use	N	N	P	N	N	N	N	P
31. Laundry, Commercial or Industrial.	N	N	P	N	N	P	N	N
32. Medical/Dental Office with a maximum of two physicians or dentists working on the lot at one time.	N	N	P	N	N	P	N	P
33. Motor Sports Facility – Vehicle Race Track	N	N	N	N	N	P	N	N
34. Motel, Hotel, or Inn	N	N	P	N	N	P	N	N
35. Office (other than a home occupation)	N	N	P	N	N	P	N	P
36. Personal Services (including tailoring, custom dressmaking, hair cutting, dry-cleaning, shoe repair and other similar uses.	N	N	P	N	N	P	N	P
37. Repair of Household Items (other than home occupation).	N	N	P	N	N	P	N	P
38. Restaurant or Catering Business. (D) = Drive-thru service prohibited.	N	N	P	N	N	P	N	P

APPENDIX A TABLE 1 OF USES BY ZONING DISTRICT

<p align="center">TYPE OF USES See definitions in Article II P = Permitted by right (zoning decision by Zoning Officer) C = Conditional use N = Not permitted. S = Special Exception</p>	R-1	R-2	C	PC	RC	GI	IST	VC
39. Retail Store (not including uses listed individually in this table).	N	N	P	N	N	P	N	P
40. Shopping Center	N	N	P	N	N	P	N	N
41. Stable Non-households.	N	N	N	N	N	P	N	N
42. Self Storage Units	N	N	P	N	S	P	N	C
43. Target Range (S. 668).	N	N	N	N	S	P	N	N
44. Tavern	N	N	P	N	N	P	N	P
45. Theater as a principal use.	N	N	P	N	N	P	N	P
46. Trade School	N	N	P	N	N	P	P	N
47. Truck Stop	N	N	N	N	N	P	N	N
48. Veterinarian Office.	N	N	P	N	N	P	N	P
C. INSTITUTIONAL USES								
1. Cemetery without Crematorium (S.658)	N	N	P	N	S	P	N	N
2. Crematorium (see Cemetery in S.658)	N	N	P	N	S	C	N	N
3. Community Center or Library	P	P	P	N	N	N	N	P
4. Day Care Center, Adult (See also as an accessory use).	N	N	P	N	N	P	N	N
5. Child Day Care Center, include Group Day Care Home as a principal use (See also as an accessory use.)	C	C	P	N	N	P	P	N

APPENDIX A TABLE 1 OF USES BY ZONING DISTRICT

<u>TYPE OF USES</u> See definitions in Article II P = Permitted by right (zoning decision by Zoning Officer) C = Conditional use N = Not permitted. S = Special Exception	R-1	R-2	C	PC	RC	GI	IST	VC
6. Hospital	N	N	C	N	N	C	N	N
7. Membership Club - for bona fide civic, fraternal, religious, service, retired military, hunting, climbing, nature study, fishing and similar non-profit organizations.	C*	C*	C*	N	C*	C	N	P
8. Museum	N	N	P	N	C	P	P	N
9. Nature Education Center.	N	N	P	C*	S	P	P	N
10. Nursing Home	N	N	P	N	S	P	N	N
11. Group Personal Care Home (S.661).	C	C	P	N	S	P	N	N
12. Place of Worship	S	P	P	N	C	P	P	P
13. School, Public or Private, Primary or Secondary	S	P	P	N	C	N	P	P
14. Treatment Center (S. 669).	N	N	N	N	N	C	N	N
<u>D. INDUSTRIAL USES</u> 1. Assembly of Materials Manufactured elsewhere or finishing of previously prepared resin, vinyl, polymer or rubber products.	N	N	N	N	N	P	N	N
2. Asphalt Plant	N	N	N	N	N	C	N	N
3. Beverage Bottling.	N	N	N	N	N	P	N	N
4. Distribution as a principal use (other than Trucking Company Terminal).	N	N	N	N	N	P	N	N

*A Ten-acre minimum lot area and a five percent maximum total in pervious coverage.

APPENDIX A TABLE 1 OF USES BY ZONING DISTRICT

<p align="center">TYPE OF USES See definitions in Article II P = Permitted by right (zoning decision by Zoning Officer) C = Conditional use N = Not permitted. S = Special Exception</p>	R-1	R-2	C	PC	RC	GI	IST	VC
5. Industrial/Business Parks	N	N	N	N	N	P	N	N
6. Industrial Equipment Sales, Rental, Service, other than vehicles primarily intended to be operated on public streets.	N	N	N	N	N	P	N	N
7. Junk – outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area.	N	N	N	N	N	C	N	N
8. Junk Yard (S.662)	N	N	N	N	N	C	N	N
9. Liquid Fuel Storage, Bulk for Off-site Use, other than company vehicles based on-site. Tank Farm (S.642)	N	N	N	N	N	C	N	N
10. Manufacture or bulk processing for resale of the following, provided manufacturing occurs only indoors (other than a home occupation):								
• Agricultural Chemical, Fertilizers or Pesticides.	N	N	N	N	N	C	N	N
• Apparel, Textiles, Shoes, and Apparel Accessories.	N	N	N	N	N	P	N	N
• Cement, actual manufacture of.	N	N	N	N	N	P	N	N
• Cement, Gypsum, Concrete or Plaster Products, other than actual manufacture of cement.	N	N	N	N	N	P	N	N
• Chemical Products that are not highly hazardous or toxic, other than fertilizers or pesticides.	N	N	N	N	N	P	N	N

APPENDIX A TABLE 1 OF USES BY ZONING DISTRICT

<p align="center">TYPE OF USES See definitions in Article II P = Permitted by right (zoning decision by Zoning Officer) C = Conditional use N = Not permitted. S = Special Exception</p>	R-1	R-2	C	PC	RC	GI	IST	VC
11. Manufacture or bulk processing for resale of the following, provided manufacturing occurs only indoors (other than a home occupation):								
<ul style="list-style-type: none"> • Ceramics, Clay, Glass, Wood, Furniture or Pottery products. 	N	N	N	N	N	P	N	N
<ul style="list-style-type: none"> • Coke or Potash work, including Coke Oven. 	N	N	N	N	N	C	N	N
<ul style="list-style-type: none"> • Electrical, electronic and Microelectronic Machines, Supplies and Equipment. 	N	N	N	N	N	P	N	N
<ul style="list-style-type: none"> • Explosives, Fireworks, Ammunition or Gunpowder, or bulk storage of (except government-owned facility.) 	N	N	N	N	N	C	N	N
<ul style="list-style-type: none"> • Food Products, bulk manufacture (not including uses listed separately). 	N	N	N	N	N	P	N	N
<ul style="list-style-type: none"> • Fabricated Metal Products (except Ammunition or Explosives). 	N	N	N	N	N	P	N	N
<ul style="list-style-type: none"> • Furniture and Wood Products (other than raw paper pulp). 	N	N	N	N	N	P	N	N
<ul style="list-style-type: none"> • Glass and glass products. 	N	N	N	N	N	P	N	N
<ul style="list-style-type: none"> • Jewelry, Leather, Clay and Pottery Products. 	N	N	N	N	N	P	N	N
<ul style="list-style-type: none"> • Paper and Cardboard products (other than raw paper pulp). 	N	N	N	N	N	P	N	N
<ul style="list-style-type: none"> • Paper, Raw Pulp. 	N	N	N	N	N	P	N	N
<ul style="list-style-type: none"> • Paving or Roofing Material, other than bulk manufacture of asphalt. 	N	N	N	N	N	P	N	N
<ul style="list-style-type: none"> • Petroleum or Kerosene Refining or Distillation. 	N	N	N	N	N	C	N	N
<ul style="list-style-type: none"> • Pharmaceutical. 	N	N	N	N	N	P	N	N
<ul style="list-style-type: none"> • Plastics, Polymers, Rubber (natural or synthetic), Resins or Vinyl, actual manufacture of. 	N	N	N	N	N	P	N	N
<ul style="list-style-type: none"> • Primary Metal Products. 	N	N	N	N	N	P	N	N
<ul style="list-style-type: none"> • Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber. 	N	N	N	N	N	P	N	N
<ul style="list-style-type: none"> • Scientific, Electronic, Optical and Other Precision Instruments. 	N	N	N	N	N	P	N	N
<ul style="list-style-type: none"> • Soaps, Detergents, Paints, Varnishes, or Enamels. 	N	N	N	N	N	C	N	N
<ul style="list-style-type: none"> • Tar or creosote manufacture, tar distillation, creosote treatment. 	N	N	N	N	N	C	N	N

APPENDIX A TABLE 1 OF USES BY ZONING DISTRICT

TYPE OF USES See definitions in Article II P = Permitted by right (zoning decision by Zoning Officer) C = Conditional use N = Not permitted. S = Special Exception	R-1	R-2	C	PC	RC	GI	IST	VC
• Tire Retreading.	N	N	N	N	N	P	N	N
• Transportation Equipment or Manufactured/Modular Housing.	N	N	N	N	N	P	N	N
12. Mineral Extraction (S. 653) - of stone.	N	N	N	C	C	P	N	N
• of other than stone.	N	N	N	C	C	C	N	N
13. Packaging as a principal industrial use.	N	N	N	N	N	P	N	N
14. Photo Processing, Bulk.	N	N	N	N	N	P	N	N
15. Printing or Bookbinding.	N	N	N	N	N	P	N	N
16. Recycling Collection Center (S. 667) – See also as accessory use.	N	N	N	N	N	C	N	N
17. Recycling Center, Bulk or Industrial (other than a solid waste disposal or transfer facility).	N	N	N	N	N	C	N	N
18. Research and Development, Engineering or Testing Facility or Laboratory, not involving manufacture of toxic substances.	N	N	N	N	N	P	N	N
19. Sawmill/Planing Mill and Related Sales.	N	N	N	N	N	P	N	N
20. Self-Storage Development (S 666).	N	N	N	N	N	P	N	N
21. Slaughterhouse or Stockyard.	N	N	N	N	N	C	N	N
22. Solid Waste to Energy Plant (S. 667).	N	N	N	N	N	C	N	N
23. Solid Waste Landfill (S. 667).	N	N	N	N	N	C	N	N
24. Solid Waste Transfer Facility (S. 667).	N	N	N	N	N	C	N	N
25. Solar Energy Facility	N	N	P	P	P	P	N	N
26. Tank Farm (S.642).	N	N	N	N	N	C	N	N
27. Trucking Terminal	N	N	N	N	N	P	N	N
28. Warehousing as a principal use (other than trucking co. terminal)	N	N	N	N	N	P	N	N
29. Welding Shop.	N	N	N	N	N	P	N	N
30. Wholesale Sales.	N	N	N	N	N	P	N	N
31. All Uses that would have a serious threat of being unable to comply with the performance standards of this Zoning Ordinance, especially including the "Environmental Protection" requirements of Article V.	N	N	N	N	N	N	N	N
32. Wind Energy Facilities (S. 651). Single Use	C	C	C	C	C	P	C	C
33. Wind Energy Facilities (S. 650, S 551). Wind Farm	N	N	N	C	N	N	N	N

APPENDIX A TABLE 1 OF USES BY ZONING DISTRICT

<p align="center"><u>TYPE OF USES</u> See definitions in Article II P = Permitted by right (zoning decision by Zoning Officer) C = Conditional use N = Not permitted. S = Special Exception</p>	R-1	R-2	C	PC	RC	GI	IST	VC
<u>E. PUBLIC/SEMI-PUBLIC</u>								
1. Emergency Service Station	C	C	P	C	C	P	C	C
2. Game Preserve	N	N	P	P	P	N	C	N
3. Publicly-owned Recreation Uses (S. 608).	P	P	P	P	P	P	P	P
4. Public Utility.	C	C	P	C	C	C	C	C
5. Swimming Pool, Non-household.	P	P	P	P	P	P	P	P
6. Municipal -owned Uses for governmental, utility, recycling, public safety, or recreation purposes.	P	P	P	P	P	P	P	P
7. U.S. Postal Service structure, which may include a leased structure.	P	P	P	N	N	N	N	P
<u>F. MISCELLANEOUS</u>								
1. Any Principal Use not Specifically Listed in this Table (Except as for for uses that are similar to permitted uses).	N	N	N	N	N	N	N	N

APPENDIX A TABLE 1 OF USES BY ZONING DISTRICT

<p align="center">TYPE OF USES See definitions in Article II P = Permitted by right (zoning decision by Zoning Officer) C = Conditional use N = Not permitted. S = Special Exception</p>	R-1	R-2	C	PC	RC	GI	IST	VC
<p>G. ACCESSORY USES</p>								
<p>1. Accessory Dwelling for "Relative" or Full-time Caregiver of Occupant of Principal Dwelling Unit or Full-Time Caretaker of Property, within building that existed at time of adoption of this Zoning Ordinance.</p>	P	P	N	P	P	N	N	P
<p>2. Composting on a bulk commercial basis involving manure brought to the site from land owned by other persons.</p>	N	N	N	N	N	N	N	N
<p>3. Composting involving materials generated on-site or on property owned or leased by the same person.</p>	P	P	P	N	N	P	N	P
<p>4. Day Care Center as accessory to: Dwelling or Permitted Place of Worship</p>	P	P	P	N	C	N	P	P
<p>5. Farm Related Business with a minimum of 10 acre lot area</p>	N	N	N	N	P	P	N	N
<p>6. Home Occupation - General and Light.</p>	P	P	P	N	P	P	P	P
<p>7. Recycling Collection Center accessory to a permitted: School, Government-owned use, Place of Worship, Emergency Services Station or Solid Waste structure.</p>	P	P	P	N	P	P	P	P
<p>8. Residential Composting</p>	P	P	P	P	P	P	P	P

APPENDIX B

CASS TOWNSHIP

ZONING PERMIT FEE SCHEDULE

SINGLE FAMILY RESIDENTIAL DWELLING

0 – 3,000 ft. of living space **\$200.00**
Plus \$25.00 for every additional 500 sq. ft.

RESIDENTIAL AND AGRICULTURAL ADDITIONS

0 – 1, 000 sq. ft..... **\$200.00**
Plus \$50.00 for every additional 1,500 sq. ft.

RESIDENTIAL AND AGRICULTURAL ACCESSORY STRUCTURES

120 – 1,000 sq. ft..... **\$75.00**
Plus \$25.00 for every additional 1,000 sq. ft
Accessory structures under 100 sq. ft. do not require a zoning permit.

MULTI-FAMILY DWELLING UNITS (per unit)..... **\$200.00**

MOBLE HOME PARKS/RECREATION VEHICLE PARKS – PER UNIT/LOT..... **\$200.00**

HOME OCCUPATIONS..... **\$150.00**

INDUSTRIAL AND COMMERCIAL USES AND/OR STRUCTURES..... **\$1,000.00**

Plus \$30.00 for each 1,000 sq. ft. of building space

ADDITIONS TO INDUSTRIAL AND COMMERCIAL STRUCTURES..... **\$500.00**

Plus \$30.00 for each 1,000 sq. ft. of building space

PUBLIC USES AND/OR STRUCTURES (NEW OR ADDITIONS)..... **\$100.00**

Plus \$10.00 for each 1,000 sq. ft. of building space

SURFACE MINING OR QUARRYING OPERATIONS (All Types)..... **\$1,000.00**

Plus \$5.00 per acre

SUBSURFACE MINING PERMITS..... **\$200.00**

JUNK YARDS..... **\$6,000.00**

Plus \$25.00 per acre

SIGNS – ON PREMISES..... **\$200.00**

Plus \$2.00 per sq. ft.

SIGNS – OUTDOOR ADVERTISEMENT, OFF PREMISIES..... **\$750.00**

Plus \$2.00 per sq. ft.

CERTIFICATE OF OCCUPANCY..... **\$75.00**

**ZONING APPLICATION NOT IDENTIFIED ABOVE REQUIRING REVIEW BY
ZONING OFFICER..... **\$75.00****

CASS TOWNSHIP

ZONING PERMIT FEE SCHEDULE

ZONING AMENDMENT..... \$7,500.00

ZONING HEARING APPLICATION

SPECIAL EXCEPTIONS..... \$350.00
DIMENSIONAL VARIANCE..... \$500.00
ALL OTHER..... \$500.00

(Additional fees will be required if the Township must readvertise due to any action of the applicant. The additional fee is one-half the original application fee)

WASTE DISPOSAL/PROCESSING ACTIVITIES: The permit fees listed below shall be applicable to activities pertaining to profit business engaged in the principal business of disposing of or processing or regulated waste. Regulated waste shall be those wastes defined in the Pennsylvania Solid Waste Management Act, Act 97 of 1980, and the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988, as municipal solid waste, construction/demolition waste, chemo-therapeutic waste, or industrial residual waste.

INCINERATORS/LANDFILLS..... \$30,000.00
Plus \$5.00 per ton as permitted by Department of Environmental Protection (DEP) on a daily basis

TRANSFER STATION/COMPOSTING FACILITIES..... \$15,000.00
Plus \$40.00 per ton as permitted by DEP on a daily basis

GAS/OIL EXTRACTION..... \$30,000.00

FEES FOR PERMITS OBTAINED AFTER COMMENCEMENT OF ANY ACTIVITIY FOR WHICH A PERMIT IS REQUIRED SHALL BE THREE (3) TIMES THE AMOUNT OF THE ORIGINAL FEE.

CASH WILL NOT BE ACCEPTED.

FEES ARE NON-REFUNDABLE.

MAKE CHECK OR MONEY ORDER PAYABLE TO TOWNSHIP OF CASS

MAIL CHECK OR MONEY ORDER WITH ZONING PERMIT APPLICATION TO:

Cass Zoning Officer
1209 Valley Road
Pottsville, Pa 17901
(570) 544-5370

IMPORTANT: YOU MUST CONTACT YOUR BUILDING PERMIT OFFICER REGARDING ANY BUILDING PERMITS REQUIRED.

PLEASE RETURN ALL PAGES OF THE APPLICATION TO THIS OFFICE. THE ZONING PERMIT WILL BE SENT TO YOU IN THE MAIL.

CASS TOWNSHIP SUPERVISORS

EFFECTIVE DATE: JUNE 2010

X:\30000S\30018.00\Office_Documents\Reports\2011 03 22 Revisions\CassTwp Zoning Permit Fee Schedule.Appendix B.docx

APPENDIX C

Cass Township, Schuylkill County, Pennsylvania
APPLICATION FOR ZONING PERMIT

Fill-out all information requested below; sign and date. Attach Location Diagram on Separate Sheet.

OWNERSHIP

	Owner	Applicant
Name:	_____	_____
Address:	_____	_____
	_____	_____
Phone No.:	_____	_____
Builder/Architect:	_____	

SITE INFORMATION

Parcel Number _____

Present Building(s), Describe _____

Present Use of Land _____

Zoning District _____

Is your property located in the floodplain? Yes No

PROPOSED USE OF STRUCTURE AND/OR LAND

Type of Work: New Structure Addition Alteration Mobile Home Change of Use Sign

Other _____

Proposed Use of Structure (& No. of Families) _____

Description of Work _____

Estimated Value of Work _____

GENERAL PROJECT INFORMATION

Lot Information	Official Use Only	
	Adequate	Inadequate
Lot Size (Sq. Ft.)	<input type="checkbox"/>	<input type="checkbox"/>
Lot Width (L.F.)	<input type="checkbox"/>	<input type="checkbox"/>
Existing <input type="checkbox"/> Proposed <input type="checkbox"/>		
Front Yard Setback	<input type="checkbox"/>	<input type="checkbox"/>
Side Yard Setback #1	<input type="checkbox"/>	<input type="checkbox"/>
Side Yard Setback #2	<input type="checkbox"/>	<input type="checkbox"/>
Rear Yard Setback	<input type="checkbox"/>	<input type="checkbox"/>
Height of Building	<input type="checkbox"/>	<input type="checkbox"/>
Off Street Parking Spaces Provided	<input type="checkbox"/>	<input type="checkbox"/>

Application is hereby made for a permit to erect or alter a structure which shall be located as shown on the attached diagram and/or to use the premises for the purposes described herewith. The information, which follows, together with location diagram, is made part of this application by the undersigned. It is understood and agreed by this applicant that any error, misstatement or misrepresentation of material fact, either with or without intention on the part of this applicant, such as might or would operate to cause a refusal of this application, or any change in the location, size or use of structure or land made subsequent to the issuance of this permit, without approval of the Zoning Office, shall constitute sufficient ground for the revocation of this permit.

NOTE: In the case of floodplain development, the applicant is required to submit detailed site plans and structural plans as specified to the Cass Township Zoning Officer.

Owners Signature / Applicant Signature

Date

Zoning Officer

Date

Notes

For ALL New Building, Construction, Alteration & Demolition

- a. The permittee shall be responsible for establishing the property lines between his/her property and that of any adjoiner prior to constructing a fence/wall between the properties.
- b. To drain swimming pool water it should be pumped through existing filtering system into house drainage system.
- c. All proposed structures that will provide water service and/or sewerage shall utilize public water supply and/or public sanitary sewer system or approved on-lot system per Township Ordinance.
- d. Applicant intending to construct adjoining public roadways with the intention of placing an access driveway from their property **MUST** obtain a highway occupancy permit from the PA Department of Transportation or approval from the Cass Township Planning Commission.
- e. Applicant shall be responsible to obtain approval from the Schuylkill Conservation District when applicable to the project.
- f. **THIS PERMIT WHEN APPROVED SHALL BE VALID FOR A PERIOD OF ONE (1) YEAR FROM DATE OF ISSUANCE, UNLESS A TIME EXTENSION IS GRANTED IN WRITING BY THE ZONING OFFICER OR OTHER AUTHORIZED TOWNSHIP OFFICIAL.**
- g. This permit applies to Cass Township Zoning Permit Ordinance Only and **SHALL NOT** relieve the applicant from obtaining such other permits as may be required by law.

Cass Township, Schuylkill County, Pennsylvania
APPLICATION FOR ZONING PERMIT

Fill-out information requested below, sign and date. Attach Location Diagram on Separate Sheet.

OWNERSHIP

	Owner	Applicant
Name:	_____	_____
Address:	_____	_____
	_____	_____
Phone No.:	_____	_____
Builder/Architect:	_____	

SITE INFORMATION

Parcel Number _____

Present Building(s), Describe _____

Present Use of Land _____

Zoning District _____

Is property located in the floodplain? Yes No

PROPOSED USE OF STRUCTURE AND/OR LAND

Type of Work: New Structure Addition Alteration Change of Use Sign

Other _____

Proposed Use of Structure (& No. of Families) _____

Description of Work _____

Estimated Value of Work _____

GENERAL PROJECT INFORMATION

Lot Information	Official Use Only		Building Information	Official Use Only	
	Adequate	Inadequate		Adequate	Inadequate
Lot Size (Sq. Ft.)	<input type="checkbox"/>	<input type="checkbox"/>	Building Size (Sq. Ft.)	<input type="checkbox"/>	<input type="checkbox"/>
Lot Width (L.F.)	<input type="checkbox"/>	<input type="checkbox"/>	Requirements: Sq. Ft. Number		
Front Yard Setback	<input type="checkbox"/>	<input type="checkbox"/>	Loading Space Provided	<input type="checkbox"/>	<input type="checkbox"/>
Side Yard Setback #1	<input type="checkbox"/>	<input type="checkbox"/>	Parking Spaces Provided	<input type="checkbox"/>	<input type="checkbox"/>
Side Yard Setback #2	<input type="checkbox"/>	<input type="checkbox"/>	Signage Area	<input type="checkbox"/>	<input type="checkbox"/>
Rear Yard Setback	<input type="checkbox"/>	<input type="checkbox"/>	(Provide separate drawing with signage detail)		
Height of Bldg.	<input type="checkbox"/>	<input type="checkbox"/>	Other Requirements:	<input type="checkbox"/>	<input type="checkbox"/>
Buffer Strips	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>

Application is hereby made for a permit to erect or alter a structure which shall be located as shown on the attached diagram and/or to use the premises for the purposes described herewith. The information which follows, together with location diagram, is made part of this application by the undersigned. It is understood and agreed by this applicant that any error, misstatement or misrepresentation of material fact, either with or without intention on the part of this applicant, such as might or would operate to cause a refusal of this application, or any change in the location, size or use of structure or land made subsequent to the issuance of this permit, without approval of the Zoning Office, shall constitute sufficient ground for the revocation of this permit.

NOTE: In the case of floodplain development, the applicant is required to submit detailed site plans and structural plans as specified to the Township Zoning Officer.

Owners Signature / Applicant Signature	Date
Zoning Officer	Date

Notes

For ALL New Building, Construction, Alteration & Demolition

- a. The permittee shall be responsible for establishing the property lines between his/her property and that of any adjoiner prior to constructing a fence/wall between the properties.
- b. All proposed structures that will provide water service and/or sewerage shall utilize public water supply and/or public sanitary sewer system or approved on-lot system per Township Ordinance.
- c. Applicant intending to construct adjoining public roadways with the intention of placing an access driveway from their property **MUST** obtain a highway occupancy permit from the PA Department of Transportation or approval from the Cass Township Planning Commission.
- d. Applicant shall be responsible to obtain approval from the Schuylkill Conservation District when applicable to the project.
- e. **THIS PERMIT WHEN APPROVED SHALL BE VALID FOR A PERIOD OF TWO (2) YEARS FROM DATE OF ISSUANCE, UNLESS A TIME EXTENSION IS GRANTED IN WRITING BY THE ZONING OFFICER OR OTHER AUTHORIZED TOWNSHIP OFFICIAL.**
- f. This permit applies to Cass Township Zoning Permit Ordinance Only and **SHALL NOT** relieve the applicant from obtaining such other permits as may be required by law.

CASS TOWNSHIP

APPLICATION FOR HEARING BEFORE THE ZONING HEARING BOARD OF CASS TOWNSHIP

Application is hereby made to the Zoning Hearing Board of Cass Township to request a hearing regarding the matter(s) presented herein. This Application is submitted in accordance with the Zoning Ordinance of Cass Township and the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended.

Section A. Location and Ownership of Property

1. PROPERTY OWNER _____ PHONE _____
FAX _____
2. MAILING ADDRESS _____

Section B. Applicant

1. NAME OF APPLICANT _____ PHONE _____
2. ADDRESS OF APPLICANT _____

Section C. Type of Request

Appeal Challenge Variance Special Exception Interpretation Other _____

IN REFERENCE TO: Article _____ Section _____ Paragraph _____ Page No. _____
Article _____ Section _____ Paragraph _____ Page No. _____
Article _____ Section _____ Paragraph _____ Page No. _____

Section D. Zoning Permit Application

Date of Application for Zoning Permit: _____

Date of Zoning Officer's refusal to grant Permit: _____ (attach Zoning Officer's written response)

NOTE: A Zoning Permit must be FIRST APPLIED FOR AND REFUSED IN WRITING by the Cass Township Zoning Officer prior to applying for a hearing before the Zoning Hearing Board.

Section E. Brief Description of Request

Section F. Grounds (Rationale) Supporting the Request, State Code Section (If Applicable)

Attachments: _____

Section G. Property Information

PROPERTY LOCATION: _____

Date Purchased: _____ Lot Area (SF): _____
Present Use: _____ Lot Width: _____
Proposed Use: _____ Lot Depth: _____
Zoning District: _____ Tax-IDNo: _____
Deed Book/Page Number: _____

NOTE: Attach survey or legal description of property, if necessary.

Section H. Certification

"I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I further certify that I am authorized by the owner to make the foregoing application. I understand that if I knowingly make any false statement herein I am subject to such penalties as may be prescribed by law or ordinance."

1. NAME OF APPLICANT (Print or Type) _____
2. APPLICANT'S SIGNATURE _____ DATE _____

FOR TOWNSHIP USE ONLY

1. DATE APPLICATION RECEIVED: _____ RECEIVED BY: _____ FEE: \$ _____
2. TAX-ID NO. _____
3. SITE LOCATION _____ ZONING DISTRICT _____

Approval - Denial - Date of Action Taken

4. APPLICATION FOR SPECIAL EXCEPTION OR VARIANCE: YES NO
(If application is for a Special Exception or Variance, a copy must be forwarded to the Planning Commission and Township Supervisors for review and comment prior to the hearing.)

PLANNING COMMISSION: Date Referred _____ Comments returned _____
TOWNSHIP SUPERVISORS: Date Referred _____ Comments returned _____

5. APPLICATION FOR HEARING APPROVED: YES NO DATE _____
REASON FOR DENIAL: _____

6. PUBLIC NOTIFICATION OF HEARING: Dates: _____ Newspaper: _____

7. PUBLIC HEARING: Date _____ Time _____ Place _____

8. ZONING HEARING BOARD'S DECISION ON REQUEST: APPROVED REJECTED DATE _____
REMARKS: _____

9. Letter sent to Applicant on _____

Proposed Zoning Map Cass Township

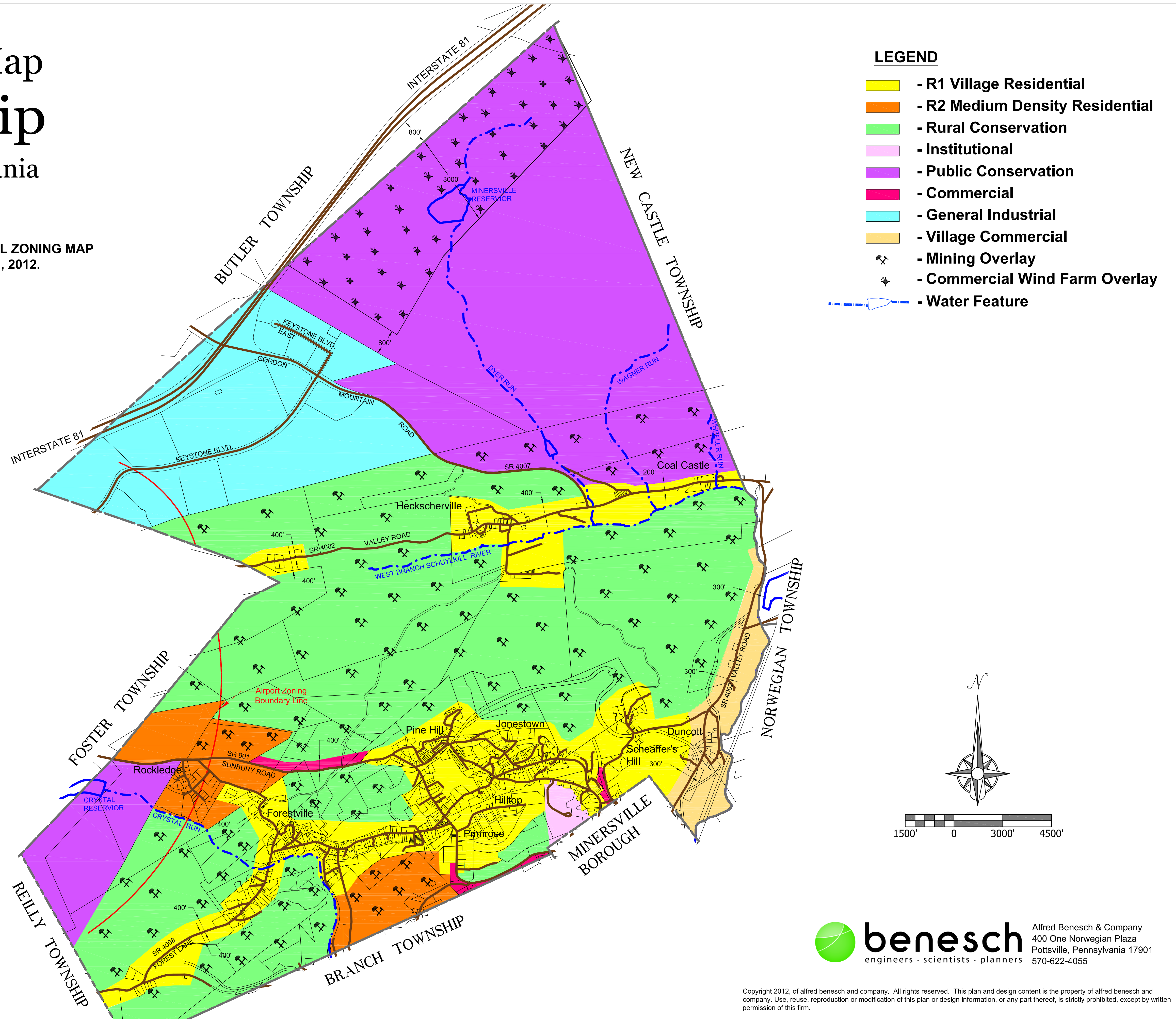
Schuylkill County, Pennsylvania

FINAL 4/26/2012

THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP OF THE TOWNSHIP OF CASS ADOPTED _____, 2012.

CASS TOWNSHIP SUPERVISORS

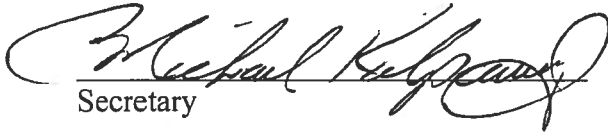
CASS TOWNSHIP SECRETARY

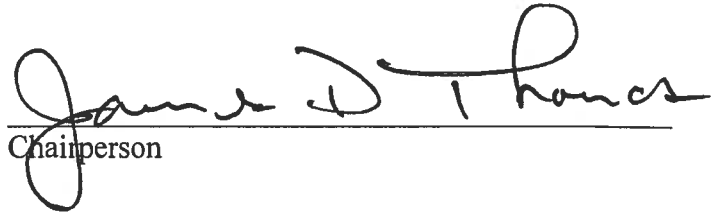


DULY ENACTED AND ORDAINED by the Board of Supervisors of Cass Township,
Schuylkill County, Pennsylvania, this 25th day of July, 2013, in lawful
session duly assembled.

ATTEST:

CASS TOWNSHIP BOARD OF
SUPERVISORS, CASS TOWNSHIP,
SCHUYLKILL COUNTY, PENNSYLVANIA


Secretary


Chairperson

(SEAL)




**IN RE: AN ORDINANCE OF THE TOWNSHIP OF CASS, SCHUYLKILL COUNTY,
PENNSYLVANIA, A SECOND CLASS TOWNSHIP, ADOPTING THE CASS
TOWNSHIP ZONING ORDINANCE TO CREATE VARIOUS DISTRICTS
THROUGHOUT THE TOWNSHIP TOGETHER WITH LAND USE REGULATIONS
CONCERNING SAME.**

CERTIFICATION

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance
enacted by the Board of Supervisors of Cass Township, Schuylkill County, Pennsylvania, on the
25th day of July, 2013.


TOWNSHIP SEAL


EVELYN J. BERGAN, Secretary
Cass Township
1209 Valley Road
Pottsville, PA 17901
Telephone No. (570) 544-5370

Chapter 10. Enactment

Section 1001. Public Utilities Corporation Exempted.

This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

Section 1002. Severability.

Should any article, section, subsection, paragraph, clause, phrase or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 1003. Effective Date.

This Ordinance shall become effective ten (10) days after the date of final passage. Duly enacted by the Supervisors of Cass Township, Schuylkill County, Pennsylvania, this _____ day of _____, 2012

ATTEST:

CASS TOWNSHIP BOARD OF
SUPERVISORS, CASS TOWNSHIP,
SCHUYLKILL COUNTY, PENNSYLVANIA

Secretary

Chairperson

(SEAL)

