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**PITTSTON TOWNSHIP, LUZERNE COUNTY
PENNSYLVANIA**

**2024
ZONING ORDINANCE**

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**ZONING ORDINANCE
PITTSTON TOWNSHIP**

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ARTICLE 1
GENERAL PROVISIONS

SECTION 101 TITLE

This Ordinance shall be known and may be cited as the 2024 Zoning Ordinance of the Township of Pittston, Luzerne County Pennsylvania.

SECTION 102 PURPOSE

This Ordinance is enacted to accomplish the purposes enumerated in Section 604 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. The provisions of this Ordinance are designed to achieve the following:

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

SECTION 103 COMMUNITY DEVELOPMENT OBJECTIVES

The enactment of this Ordinance is intended to assist in achieving and promoting the following goals and objectives of the Township of Pittston which include but is not limited to the following:

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- A. Promote and protect the public health, safety, morals and general welfare of the community.
- B. Achieve the best use of land within the Township, ensuring that varying land uses will complement one another and thus improve the economic and aesthetic character of the community.
- C. Provide desirable educational and recreational facilities.
- D. Improve the road system for better internal circulation and movement of through traffic, which will facilitate efficient and safe movement of people and goods.
- E. Protect the health of residents of the Township by controlling water, air and noise pollution.
- F. Establish realistic population densities in order to ensure adequate circulation, health standards, privacy and open space and in order to provide utilities, protection and facilities in the most convenient and efficient manner.
- G. Provide the best possible police and fire protection consistent with its needs, including cooperation with adjacent municipalities.
- H. Encourage controlled and appropriate commercial, industrial, residential, and recreational growth.
- I. Encourage and promote the provision of a wide range and variety of housing types to meet the needs of all Township residents, including, but not limited to newly formed households, growing families and senior citizens.
- J. To encourage, through the design of new residential construction and the rehabilitation of existing residential structures, a wide range of housing types, priced suitably for those working and living in the area.
- K. To stabilize existing residential areas in older neighborhoods through effective Code Enforcement and the preservation of the housing stock.
- L. To provide for commercial development in selected areas in accordance to the market needs of the Township and surrounding areas.
- M. To ensure that all new development provides adequate measures to control storm drainage and soils erosion and sedimentation.
- N. To protect and regulate land in critical areas which may be unsuitable for development.
- O. Expand and activate a continuing planning program that will serve to continually update and revise planning goals and objectives, and the operational tools necessary for implementation, in light of new data and conditions.

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P. To continue to conduct the Township of Pittston affairs in an open, efficient, economical and fair manner for the welfare and benefit of all citizens.

SECTION 104 REPEALING PROVISION

All Ordinances, or any parts thereof, which are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such conflict. including but not limited to the Pittston Township Zoning Ordinance of 2013, as amended .

SECTION 105 SEVERABILITY

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

SECTION 106 ENACTMENT

The Board of Supervisors of the Township of Pittston, Luzerne County, Pennsylvania, by the authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, do hereby enact and ordain into an ordinance titled “The Township of Pittston Zoning Ordinance of 2024” this _____ day of _____, 2024.

SECTION 107 EFFECTIVE DATE

This Ordinance shall become effective from the date of its approval and adoption, as provided for by law.

**APPROVED AND ENACTED BY THE BOARD OF SUPERVISORS OF
THE TOWNSHIP OF PITTSTON ON THIS _____ DAY OF
_____, 2024.**

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**ARTICLE 2
DEFINITIONS**

SECTION 201 APPLICATION AND INTERPRETATION

The definition of words included herein are provided to facilitate the interpretation of this Ordinance for administrative and enforcement purposes. Unless expressly stated otherwise, within the context of the Ordinance, the following shall apply:

1. Words used in the present tense shall include the future tense.
2. The word “person” shall include a profit or nonprofit corporation, company, partnership, or individual.
3. The words “used” or “occupied” as applied to any land or building shall include the words “intended,” “arranged,” or “designed” to be used or occupies.
4. The word “building” shall include “part thereof” and “structure.”
5. The word “lot” shall include “plot” or “parcel.”
6. The word “shall” is always mandatory.
7. The singular number shall include the plural, and the plural the singular.
8. The masculine gender shall include the feminine and neuter.
9. The word “street” shall include “road,” “highway,” and “lane.”

SECTION 202 TERMS OR WORDS NOT DEFINED

When terms, phrases, or words are not defined, they shall have the meaning as defined in The Complete Illustrated Book of Development Definitions, Fourth Edition (Harvey S. Moskowitz, Carl G. Lindbloom, David Listokin, Richard Preiss and Dwight H. Merriam.) or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.

SECTION 203 DEFINITIONS

ABANDONMENT:

To cease or discontinue a use or activity for a period of one-year, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, subject to completion of the work within one year from the issuance of a zoning permit and/or building permit.

ABUTTING:

Having a common border with or being separated from such a common border by a right-of-way, alley, or easement.

ACCESS:

A way or means of the vehicular approach to provide physical ingress or egress to a property either by a public road, or recorded easement including a private driveway.

ACCESS DRIVE:

An improved cartway designed and constructed to provide for vehicular movement between a public or private street and off-street parking or loading areas, buildings or uses.

ACCESSORY STRUCTURE:

A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

ACCESSORY USE:

A use incidental to, and on the same lot as, a principal use.

ADDITION:

A new structure attached to an existing structure that increases the size of the existing structure whether it be upward or outward.

ADJOINING PROPERTY:

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

AGENT OF OWNER:

Any person, group or other entity who can show written proof that they have the authority to act on behalf of a property owner.

AGRICULTURAL OPERATION:

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

AGRICULTURAL USES, ACCESSORY:

An enterprise conducted upon, and accessory to, an active principal agricultural operation for the purpose of directly marketing agricultural products, in their natural or manufactured state, produced by the agricultural operation. The term includes any on-site processing, packaging, or other activity performed with the direct marketing of the agricultural products produced by the agricultural operation.

AISLE:

The delineated travelled way by which vehicles enter or depart a parking space in an off-street parking area.

ALCOHOLIC BEVERAGES:

Any and all beverages, including malt brewed beverages, which contain alcohol, liquor or such other intoxicating substances as are more particularly defined in the Pennsylvania Liquor Code, 47 P.S. §1-101, et seq.

ALLEY:

A public or private way affording secondary means of access to abutting property and not intended for general traffic circulation.

ALLUVIAL SOILS:

Areas subject to periodic flooding,

ALTERATION:

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

ALTERATION, STRUCTURAL:

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

AMENDMENT

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

AMUSEMENT GAME MACHINES:

A coin-operated machine or device which, whether mechanical, electrical, or electronic, shall be ready for play by the insertion of a coin, and may be operated by the public for use as a game, entertainment or amusement, the object of which is to achieve a high or low score, which by comparison to the score of other players whether playing concurrently or not, demonstrated relative skill or competence, or indicates in any other way competitive advantage of one player or team over another, regardless of skill or competence. It shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

AMUSEMENT MACHINES, OTHER:

A coin-operated machine or device, not including amusement games, which provide a ride, sensation, electronic reading or weight, photograph, lamination or item of merchandise provided at random among other items of merchandise, for use by and to the amusement of the public.

AMUSEMENT MACHINE COMPLEX: _

A group of more than two amusement games or other amusement machines, in the same place, location or premises.

ANIMAL DAY CARE:

A use that involves the keeping of more than a cumulative total of five dogs, cats, or other domestic pets for temporary care a maximum of 12 hours per day.

ANIMAL HOSPITAL:

A building or structure used for the treatment of domesticated animals by a veterinarian or other medical practitioner licensed by the state, with short-term boarding incidental to the treatment.

ANIMAL KENNEL:

A place where more than five (5) animals are kept, housed, boarded, bred, or trained. The term includes the keeping of more than five (5) dogs and/or cats or a combination of (5) dogs and cats and/or other common domesticated household pets.

ANIMAL RESCUE SHELTER:

A facility used to house or contain stray, homeless, abandoned or unwanted animals and that is owned, operated, and/or maintained by a public body, established humane society, animal welfare society or other nonprofit organizations devoted to the welfare, protection and humane treatment of animals. Such a facility shall not include the use of a dwelling.

ANTENNA:

Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

APPLICANT:

The person or entity filing an application under this Ordinance.

ASSISTED LIVING FACILITY:

Any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24-hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self- administration intended to allow the individual to age in place. An assisted living residence is licensed by the state with or without a special care unit designation.

AS-BUILT DRAWINGS:

Construction plans prepared after the completion of construction, by the engineer of record, in such a manner as to accurately identify and depict the location and design of all on-site improvements, which includes but is not limited to streets, structures, parking facilities, stormwater detention/retention areas, curbs, sidewalks and any other facilities approved for the subject development. As-Built Drawings shall be sealed by the engineer of record.

ASPHALT, BATCH OR CONCRETE PLANT:

An industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the productions process or of finished products manufactured on the premises and the storage and maintenance of required equipment.

AUTOMOTIVE REPAIR GARAGE:

An establishment where “Major Automotive repairs” and “Minor Automotive repairs” are made.

a. Minor Automotive Repair:

Includes repairs other than major automobile repairs limited to oil changes, tune-ups, tire changing, servicing of spark plugs and batteries, adjustment of brakes, greasing, lubrication, radiator cleaning and flushing, replacement of mufflers, tail pipes, hoses, belts, lights, brakes and transmission and radiator fluids, wipers and emergency wiring repairs, and the installation of automobile radios and electric car starters.

b. Major Automotive Repair:

Includes general repair or reconditioning of engines, air-conditioning systems, and transmissions for automobiles; wrecker or towing service with on-site storage of vehicles and an impoundment area; collision services including body, frame, or fender straightening or repair; customizing; painting; vehicle steam cleaning; tire retreading; insurance estimations with on-site storage; undercoating and rust proofing, and other similar uses; and performing state inspection and emission testing and performing repairs to pass inspections.

AUTOMOTIVE SALES:

The use of any building, structure or land, other than a street, for the display and sale or rental of motor vehicles, which are in operable condition. The owner/operator of this business must have a valid state license for the sale or rental of such motor vehicles. Any related repair shall be conducted within an enclosed building and shall be an accessory use.

AUTOMOBILE SERVICE OR FILLING STATION:

A facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aids, and minor automobile accessories. In addition, such facilities may provide minor servicing, minor repairs and maintenance excluding those provided under the definition of an "Automotive Repair Garage," and may include electrical vehicle (EV) charging stations.

AUTOMOBILE STORAGE YARD: (ALSO SEE JUNK OR SALVAGE YARD)

Includes the dismantling or wrecking of automobiles, motor vehicles, trailers, or parts thereof; the storage or accumulation of any junk; the storage of two or more junk vehicles; or two or more motor vehicles from which parts have been or are to be removed for reuse or sale shall constitute an AUTOMOBILE STORAGE YARD. The term shall not include the shredding of vehicles or industrial shredding.

BANK OR FINANCIAL INSTITUTION:

An establishment primarily involved with loans and monetary transactions with routine public interaction such as a bank or lending institution regulated by FIDC.

BASEMENT:

That portion of a building that is partly or completely below grade. a basement shall be counted as a story if the vertical distance from the average adjoining grade to the ceiling is five (5) feet or greater.

BEAUTY SALON OR BARBER SHOP:

An establishment primarily engaged in providing services generally involved in the care of the person including hair, nails, and tanning.

BED AND BREAKFAST:

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

BLOCK:

A tract of land bounded by any combination of the following:

- a. Streets.
- b. Public Park.
- c. Railroad right-of-way, excluding siding and spurs.
- d. Corporate boundary lines of the municipality.

BOARD OF SUPERVISORS:

The Board of Supervisors of the Township of Pittston.

BOTTLE CLUB:

An establishment operated for profit or pecuniary gain which has a capacity for the assemblage of 10 or more persons and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a license under the Act of April 12, 1951 (P.L. 90, No. 21) known as the "Liquor Code" or any organization as set forth in Section 6 of the Act of December 19, 1990 (P.L. 1200, No. 202) known as the "Solicitation of Funds for Charitable Purposes Act. Said Club shall not be operated in a manner in which it could also be classified as either a restaurant or a Sexual Oriented Business as so defined by this Ordinance.

BUFFER AREA:

A method of improvements designed to separate and substantially obstruct the view of two adjacent land uses or properties from one another. Unless specified otherwise within this This Ordinance, when a buffer area is required it shall be deemed to represent a solid fence or stone wall with cork fitting, eight (8) feet in height with two staggered rows of evergreen trees planted in front of the fence with the spacing distance between trees not less than eight feet or greater than ten (10) feet. Said trees shall be not less than eight (8) feet in height at the time of planting. A Buffer Area shall not be occupied by any building, parking, outdoor storage or any use other than open space and approved vegetative plantings.

BUILDING:

Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals, or property.

- a. **Building, Accessory:** A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use.
- b. **Building Coverage:** The total combined area of outside dimensions at ground level of the principal building and all accessory buildings and/or structures. Percentage of building area or coverage is calculated by dividing the maximum horizontal area in square feet of all principal and accessory buildings covered by a permanent roof on a lot by the total lot area of the lot upon which the buildings are located.
- c. **Building Envelope:** An area of a lot upon which development may occur. Excluding deed restrictions, covenants, easements or other site conditions, the governing minimum setbacks requirements for a given zoning district establishes the building envelope.

- d. Building Height, Maximum:** The vertical height from lowest grade to the highest midpoint elevation of a roof from its highest ridge to its lowest corresponding eave for gambrel, a-frame, shed, gable, hip, and salt box roofs; and the vertical height from lowest grade to the highest elevation of mansard, flat, and dome roofs, including any parapet. The lowest grade for purposes of calculating maximum building height means the elevation at the lowest exposed point of the building exterior or foundation. *(SEE APPENDIX - EXHIBIT A)*
- e. Building, Principal:** A building in which is conducted the principal use of the lot on which it is located.

BUILDING GROUP:

Any building, such as a store group, which is divided into separate parts/units by one (1) or more unpierced walls extending from the ground up.

BULK FUEL STORAGE FACILITY:

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

BYOB ESTABLISHMENT. (Also/otherwise known as “Bring Your Own Bottle”):

A place of assembly or any other use defined in this Ordinance, including but not limited to restaurants, taverns, clubs and social buildings, which are not licensed by the Pennsylvania Liquor Control Board for the sale of alcoholic beverages, but may allow patrons to bring alcoholic beverages onto the premises for their own use and consumption. Specifically excluded from this definition is any establishment which operates or includes a SEXUALLY ORIENTED USE as defined by this Ordinance. All applicants offering BYOB as an option to its patrons must include such inform upon their Zoning Permit Application

CAMPGROUNDS:

A portion of land used for the purpose of providing seasonal recreational temporary living space or spaces for trailers, RVs or tents, for camping purposes regardless of whether a fee has been charged for the leasing, renting or occupancy of the space.

CAR WASH:

An area of land and/or a structure with machine or-hand-operated facilities used principally for the interior and/or exterior cleaning, washing, polishing, or waxing of motor vehicles.

CALIPER:

Diameter of a tree’s trunk measured 6 inches above the ground up to and including 4-inch caliper size, and 12 inches above the ground for larger sizes.

CARPORT:

A roofed structure opened on two (2) or more sides and used for the storage of private motor vehicles. It may be constructed as a separate detached accessory structure or part of the principal structure.

CARTWAY:

The surface of a street intended and available for use by vehicular traffic.

CATERING ESTABLISHMENT:

An establishment in which food is prepared and typically delivered to an off-site location.

CELLAR:

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

CEMETERY:

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

CERTIFICATE OF ZONING COMPLIANCE:

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

CHANGE OF USE:

Any use which differs from the last previously approved use of a building, structure or land.

CHARITABLE ORGANIZATION:

A non-profit organization that has been designated as being in compliance with Section 501C3 of the U.S. Internal Revenue Code.

CHURCH: (SEE PLACE OF WORSHIP)

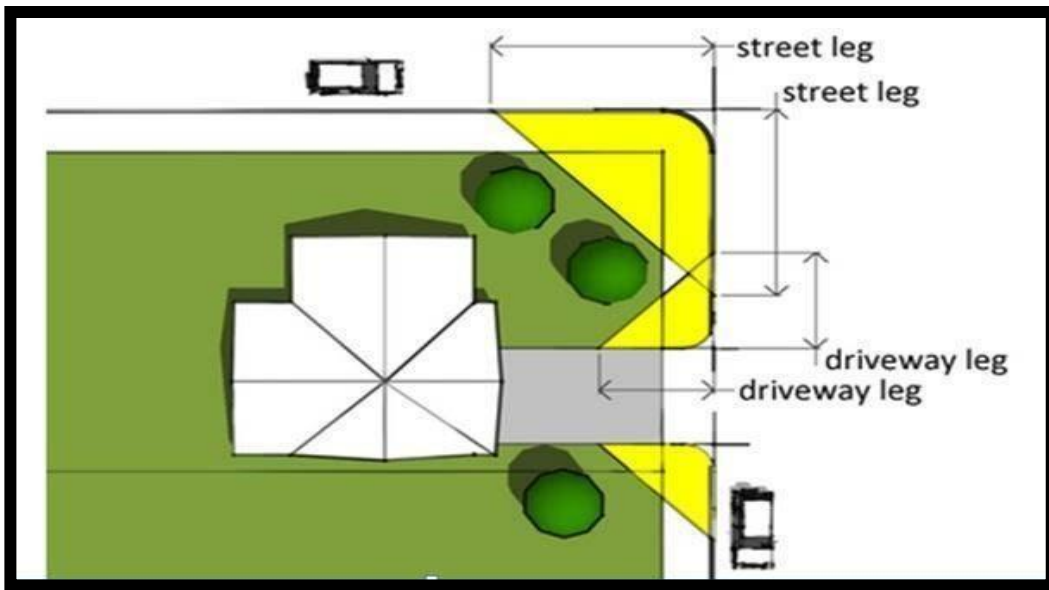
CLEAR SIGHT TRIANGLE:

An area of unobstructed vision at street intersections, including driveways, defined by lines of sight between points at a given distance from the "corner" so as not to interfere with traffic visibility across the corner.

A clear sight triangle shall be provided at all street intersections within which vegetation or other visual obstructions shall not exceed a height of thirty (30) inches above the street grade. Said triangle shall be measured for a distance of thirty (30) feet along street right-of-way lines extending from their point of intersection which forms a corner lot.

At each point where a private driveway intersects a street or road, there shall be maintained a clear sight triangle of not less than ten (10) feet measured from the point of intersection of the street line and the edge of the driveway, within which vegetation and other visual obstructions shall be limited to a height of not more than thirty (30) inches above the street grade.

If not obstructing the view of traffic, posts, columns, or trees, not exceeding 1 foot in diameter shall be permitted within the clear sight triangle.



CLOTHES CLEANING, INDUSTRIAL:

An establishment that does laundering and/or dry cleaning of clothing and/or uniforms as a service for commercial and manufacturing establishments as compared with an establishment designated as “clothes cleaning, neighborhood.”

CLOTHES CLEANING, NEIGHBORHOOD:

An establishment that does laundry and/or dry cleaning of clothing and uniforms for individuals, and which generally serves one (1) or more residential neighborhoods.

COLLOCATION:

The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self- supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the Township.

COMMERCIAL USE:

An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

COMMERCIAL VEHICLE:

Any vehicle, other than a privately-owned passenger vehicle, associated with or appurtenant to a commercial use, including but not limited to trucks, trailers, buses, limousines and construction equipment.

COMMUNITY CENTER:

A use existing solely to provide social, and recreational programs and activities to the public or a designated group of persons in a community. This use does not include a group home or an institutional group home.

COMMON OPEN SPACE:

A parcel or parcels of land, which may include an area of water, within a development site and designated and intended for the use or enjoyment of residents of a planned residential development, exclusive of streets, off-street parking areas and areas set aside

for public facilities.

CONDITIONAL USE:

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

COUNTY PLANNING COMMISSION:

The Planning Commission of Luzerne County.

CONSPICUOUS” OR “CONSPICUOUSLY:

Posting a notice or permit to make the public aware of the notice or permit, the intended work or use to be conducted on a property, or the date, time, place, and purpose of a hearing in a manner which a reasonable person would not believe they were trespassing while viewing it.

CONSTRUCTION:

The placement of materials and equipment in a defined area to be assembled, built, applied, or demolished in a temporary or permanent manner.

CONSTRUCTION TRADE:

Any occupation involving construction, alteration, remodeling, repairing, wrecking or demolition, addition to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation or other project, development, or improvement to other than personal property. Any of the activities commonly referred to as construction and shall include without limiting thereby, plumbing, heating, carpentry, roofing, interior remodeling, excavating.

CONTRACTOR’S OFFICE:

A room or group of rooms used for conducting business affairs of a person or entity operating a construction trade that does not use any exterior storage area.

CONTRACTOR’S OFFICE WITH OUTDOOR STORAGE:

A facility used for conducting business affairs of a person or entity operating a construction trade that may include exterior storage areas. This term includes construction contractors, excavators, paving contractors, landscapers, and other similar construction trades.

CONTRACTOR’S SHOP:

An enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but which does not use any exterior storage area.

CONTINUING CARE FACILITY:

An age restricted facility designed, operated and maintained to provide housing and a continuum of age-related care needs, including independent living, assisted living, and skilled nursing care.

CONVENIENCE STORE:

Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same. The sale of gasoline or fuel products is only

permitted when specified in this zoning ordinance as permitted a “convenience store with gas station,”

CONVENIENCE STORE WITH GAS SALES:

Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same, along with the retail sales of gasoline and related fuel products but excluding any type of automotive repairs.

CONVERSION OR CONVERTED:

To change or adapt improved property to a use, occupancy, or purpose other than what was intended at its time of construction.

COUNTY:

Luzerne County, Pennsylvania.

COUNTY PLANNING COMMISSION:

The Luzerne County Planning Commission.

CUSTOMARY HOUSEHOLD PETS

Customary household pets shall include animals, fish and birds which are generally considered to be domestic animals, such as hamsters, dogs, cats, and birds which shall not be for human consumption. Farm fowl such as chickens, ducks and turkeys and other farm animals not specifically designated shall not be considered as customary household pets.

DANCE, GYMNASTICS, MARTIAL ARTS, AND/OR YOGA STUDIO

A building or a portion of a building used as a place for personal training and/or instructional classes in dancing, gymnastics, yoga, martial arts or similar types of uses

DAY CARE FACILITIES:

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

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

DECISION:

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

DENSITY:

Density is a measure of the number of dwelling units per acre of area. It shall be expressed in dwelling units per acre.

1. Density, Gross: This is the maximum density that may be permitted in any zoning district. It is calculated by dividing the total number of dwelling units by the Base Site Area.
2. Density, Net: This is the maximum density permitted on the buildable portion of the site. All tracts of land within a district may be developed to the same net density. Net density is calculated by dividing the total number of dwelling units by the Net Buildable Site Area. This density controls actual site capacity.

DETERMINATION:

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

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

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

DETENTION FACILITY:

A publicly or quasi- publicly operated facility used to house and/or rehabilitate individuals detained, sentenced by, or under the jurisdiction of the criminal justice system, including but not limited to, jails, prisons, penitentiaries, reformatories, half-way houses and similar facilities.

DEVELOPER:

The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such lands.

DEVELOPMENT:

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

DIFFUSED LIGHTING:

Soft lighting created by passing direct lighting through a screen to decrease its intensity or by and using an indirect light source.

DIMENSIONAL REGULATIONS OR REQUIREMENTS:

The measurements or dimensions applicable to a building, structure or use based upon the zoning district in which the lot is located. Dimensional regulations or requirements include minimum front, side and rear yard setbacks; minimum lot area; minimum lot width; minimum floor area; maximum height; and maximum building coverage.

DISABLED PERSON:

The American Disabilities Act defines a person with a disability as someone who:

- has a physical or mental impairment that substantially limits one or more major life activities,
- has a history or record of such an impairment (such as cancer that is in remission), or
- is perceived by others as having such an impairment (such as a person who has scars from a severe burn).

If a person falls into any of these categories, the ADA protects them. Because the ADA is law, and not a benefit program, you do not need to apply for coverage.

DISTRIBUTED ANTENNA SYSTEMS (DAS):

A network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DISTRIBUTION CENTER:

An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air or motor vehicle.

DORMITORY:

Residential facilities that are only inhabited by teaching faculty and/or full-time students of an accredited college, university or medical training facility or State-licensed teaching hospital or approved "Care and Treatment Center for Children" (as an accessory use to such use) or to an accredited public or private primary or secondary school, and which are owned and operated by such principal use to which the dormitory serves. Dwelling units shall not include and shall not be regulated as "dormitories."

DRIVE THROUGH/DRIVE-IN COMMERCIAL USE:

An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in the motor vehicle.

DRIVEWAY:

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

DWELLING:

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

DWELLING TYPES: (SEE APPENDIX EXHIBIT B)

- A. SINGLE-FAMILY-** means a residential building containing one dwelling unit to accommodate one family.
- B. TWO- FAMILY** means a residential building containing two dwelling units each accommodating one family, and entirely separated from each other by vertical walls or horizontal floors, excluding possible common access to enter or exit the building or for access to a common cellar or basement. The term two-family includes twins (side by side-units connected by a common wall) and duplexes (up and down-one unit above the other).
- C. MULTI-FAMILY-** means a residential building containing three or more dwelling units each accommodating one family. The term includes an apartment building, condominiums, townhouses, rowhomes and garden apartments when each building contains more than two units.
- D. APARTMENT BUILDING-** means a multi-family residential unit constructed as a single building containing three or more single-family residential dwelling units.
- E. CONDOMINIUMS-** means a set of individual dwelling units or other areas of buildings, each owned by a person in fee simple, with such owner assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or the Pennsylvania Planned Community Act of 1996, as amended. The term is considered a multi-family dwelling unit or use for purposes of this zoning ordinance.
- F. TOWNHOUSES-** means one dwelling unit that is attached to two or more dwelling units in a row, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire-resistant walls and each having their own outside access with sidewalls being adjacent to each end unit.
- G. GARDEN APARTMENT –** means a multi-family housing development containing one or more multi family structures not exceeding three stories.
- H. ROWHOMES”-** means a series of dwelling units connected by common side walls and forming a continuous group.
- I. MANUFACTURED HOMES:**
 - A.** A manufactured home (formerly known as a mobile home) is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis. A manufactured housing unit which is attached and anchored to a permanent foundation shall be deemed to be a single-family dwelling unit.

- B. A modular home is a factory constructed home transported to a permanent location, constructed on a permanent foundation with its construction in compliance with the Uniform Construction Code (UCC) and any other applicable code requirements making it indistinguishable from a stick-built/site-constructed home.

DWELLING UNIT:

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

EARTH DISTURBANCE ACTIVITY:

Any construction or other activity which disturbs the surface of the land including but not limited to excavations, embankments, land development, subdivision development, mineral extraction, drilling and the moving, depositing or storing of soil, rock or earth, mining and quarrying. Any construction or activity resulting in an earth disturbance shall be subject to the governing regulations of the Pittston Township Storm Water Management Ordinance and to PA Code Title 25 Chapter 102.

EASEMENT:

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

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES:

Electric public utilities transmission distribution facilities including substations.

ELECTRIC VEHICLE (EV) CHARGING STATION:

A charging station, also called an EV charger or electric vehicle supply equipment (EVSE), is a piece of equipment that supplies electrical power for charging plug-in electric vehicles (including hybrids, neighborhood electric vehicles, trucks, buses, and others).

EMERGENCY:

Any occurrence or set of circumstances involving actual or imminent physical trauma the general public or property damage which demands immediate action.

EMERGENCY SERVICES FACILITY:

A publicly owned building or owned by a 501(c) (3) corporation and for the housing of fire, emergency medical or police equipment and for related activities.

ENTERTAINMENT FACILITIES:

Commercial establishments engaged in providing indoor entertainment for a fee or an Admission charge, including but not necessarily limited to a movie theater, live theater performances, an arcade, bowling alley, billiard hall, roller skating rink or similar facilities.

ENTERTAINMENT, LIVE:

This term shall include musical, theatrical, dance, cabaret, comedy or similar performances by one (1) or more persons for an audience. The following shall also constitute live entertainment:

1. A disc jockey and/or any other person who plays recorded music for an audience.
2. Any form of dancing by patrons and guests at a tavern and/or restaurant shall constitute live entertainment.
3. Karaoke as a type of interactive entertainment where people sing along to recorded music using a microphone.
4. Sexually Oriented Entertainment, as defined in this Ordinance, is excluded from this Definition.

ENVIRONMENTAL IMPACT STATEMENT (SEE SECTION 705)

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

ESSENTIAL PUBLIC SERVICES:

Includes public utility and municipal authority uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services include the following and closely similar facilities: sanitary sewage lines, streets, water lines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, streetlights, and traffic signals. Essential services do not include a central sewage treatment plant, a solid waste facility, communications towers and antennas, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

EXCAVATION/EXTRACTION:

Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

EXOTIC ANIMALS:

Includes any animal of a species prohibited by federal law or regulation, or otherwise controlled by the Commonwealth of Pennsylvania. The terms include any animal, which is wild, fierce, dangerous, noxious, or naturally inclined to do harm, is native to a foreign country or of foreign origin or character and not native to the United States or introduced from abroad. This term specifically includes animals such as, but not limited to, venomous frogs, toads, and turtles; grizzly, brown, and black bears; lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, bobcats, and wild cats; alligators, caimans, crocodiles, and gavials; wolf, fox, coyote, dingo or other offspring of domesticated dogs bred with a wolf, fox, coyote, dingo, and any dog which bites, inflicts injury, assaults or otherwise attacks a human being or other animal without provocation, or any dog deemed a dangerous dog under Pennsylvania Law; wild or domesticated swine, porcupines, and skunks; raccoons and civets; venomous and constricting snakes (boa constrictors, pythons, etc.) and venomous lizards; venomous spiders and scorpions; and weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, mongoose, excluding domesticated ferrets.

FACILITY:

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

FAMILY:

Any number of individuals related by blood, marriage or legal adoption, including foster children, occupying a dwelling unit as their domicile as a single nonprofit housekeeping unit. Unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first sentence of this definition.

A family does not include a group living in a rooming house or hotel, or fraternities, sororities, and clubs, halfway houses, dormitories, recovery/sober houses or other forms of congregate living arrangements, including temporary or transitional housing except as otherwise provided herein.

FARM ANIMALS:

Includes any animal commonly raised or kept in an agricultural environment including, but not limited to chickens, turkeys, pheasants, geese, ducks, pigeons, pigs, sheep, goats, equines, cattle, llamas, emus, and ostriches.

FENCE:

A structure functioning as a boundary or barrier constructed of materials recognized by the American Fencing Association. Such types shall include wood fences, chain link fences, vinyl fences, steel or aluminum fences, and wrought iron fences. Hedges, shrubbery and/or similar vegetation shall not be deemed or considered to be a fence.

FINANCIAL SERVICE CENTER:

A non-bank entity that does not accept deposits or make loans like traditional banks or financial institutions but that provides monetary services that include the sale or redemption of traveler's checks or money orders, money wire transfers, check-cashing and currency exchange.

FITNESS CLUB OR HEALTH SPA:

A building in which facilities are provided for recreational athletic for body building, yoga and exercise related classes and relaxation activities with the use of a hot tub, spa, sauna, or solarium.

FLEA MARKET:

Retail sale uses where more than one vendor displays and sells general merchandise that is new or used on a regularly occurring basis, including indoor and outdoor displays of merchandise. The term flea market does not include wholesale sales establishments or rental services establishments, but may include personal services and retail sales establishments, food services, and auctions.

FLOOD PLAIN MANAGEMENT

The governing Flood Plain Management regulations of Pittston Township, as contained in Article 15 of this Ordinance.

FOOD PROCESSING ESTABLISHMENT:

Manufacturing establishments producing or processing foods for human consumption and certain related products. Includes (1) bakery products, sugar and confectionery products

(except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oils products; (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing, and by-product processing (not including facilities that also slaughter animals); and (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

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.

FRONTAGE:

The length of any one property line of a premises, where said property line abuts a legally accessible street right-of-way.

FUNERAL HOME:

A building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in the preparation of the dead for burial, the performance of autopsies and other surgical procedures, the storage of caskets and other related funeral supplies and the storage of funeral vehicles. A crematorium may be included which shall be deemed as an accessory use.

GARAGE, PRIVATE RESIDENTIAL:

A building for the private use of the owner or occupant for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

GARAGE, PUBLIC PARKING:

A detached accessory structure or a portion of a principal building or structure used for only the parking of vehicles open to the general public.

GENERAL NUISANCE

Any use considered to be inconsistent with the public comfort, convenience, health, safety, and general welfare. The following factors are included:

- a. Fire and explosion hazards
- b. Electrical and radioactive disturbances
- c. Noise and vibration
- d. Dust, dirt, fly ash
- e. Glare
- f. Smoke, odors
- g. Malodorous odors
- h. Other forms of air pollution not listed above.

GLARE

The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GOVERNING BODY:

The Board of Supervisors of Pittston Township, Luzerne County Pennsylvania.

GRADING:

Any stripping, gutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

GRAVEL (CRUSHED STONE):

A surface is considered to be impervious when the crushed stone is compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

GROSS FLOOR AREA

The sum of all the gross horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of exterior walls and from the centerline of walls separating two buildings,

GROUP RESIDENCE FOR DISABLED INDIVIDUALS

A dwelling unit which is shared under congregate living arrangements by persons, who are residents of the dwelling unit by virtue of their need to receive supervised services limited to health, social and/or rehabilitative services provided by a person or persons of their licensed agents, a governmental agency or their licensed or certified agents, a partnership or limited partnership or their licensed or certified agents or any other legal entity. Such services shall be provided on a continuous basis in a family-like environment to persons who are in need of supervision and/or specialized services in a residential setting. The term “Group Residence for Disabled Individuals, shall not include:

- A. A Rooming House, Personal Care Home, Dormitory and/or an Assisted Living Facility.
- B. A facility providing shelter and/or rehabilitative care or treatment of persons for alcoholism and/or an addiction to a controlled substance.
- C. A facility for persons released from or under the jurisdiction of a governmental bureau of corrections or similar institution.
- D. Any type of transitional housing.

HALFWAY HOUSE:

A State licensed facility, representing transitional housing, to provide residence to a person who would otherwise be incarcerated in a prison, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society. For the purpose of this ordinance a convicted person shall include a person who has been released from a prison on parole or a person granted probation by a Court of Jurisdiction.

HAZARDOUS SUBSTANCES:

Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, flammable, oxidizing, asphyxiating, biohazardous, pathogenic, allergenic, or otherwise injurious properties

that may be detrimental or deleterious the environment and/or to the health of any person handling or any otherwise coming in contact with such material or substance. This definition shall also include any specific substance or material that is classified as a hazardous material by the US Environmental Protection Agency (EPA) and/or the Pennsylvania Department of Environmental Protection (PA DEP).

HAZARDOUS SUBSTANCE FACILITY:

A building or structure, or any portion thereof, that is used for the storage, manufacture, processing or transportation of Hazardous Substances as so defined by this Ordinance.

HIGHWAY OCCUPANCY PERMIT:

A permit, issued by the state, county or local governmental permit bases upon the ownership of the street, which, when issued, authorizes connection of a driveway to a street for access from the lot to that street.

HEALTH SPA/FITNESS CLUB:

An indoor facility where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Said facility may also include game courts, swimming facilities, saunas and massage rooms.

HELIPORT:

A heliport is a dedicated facility for helicopters that provides a range of services including takeoff and landing, fueling, maintenance, and passenger handling. It is a larger and more complex infrastructure compared to a helistop and is designed to accommodate multiple helicopters and larger aircraft.

HELISTOP:

A helistop is usually a simple landing pad with minimal markings and lighting to indicate the landing area. It may include a designated area on a building or structure that is used for helicopter landings and takeoffs. It is typically smaller in size compared to a heliport and is intended for short stops, usually for emergency services or private use. Helistops are commonly found on rooftops of high-rise buildings, hospitals, and other locations where space is limited.

HOME OFFICE:

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

HOME OCCUPATION:

An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

HOTEL (SEE MOTEL):

A facility offering transient lodging accommodations on a daily rate to the general public

and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

HOOKAH:

A waterpipe, or a similar single or multi-stemmed instrument for vaporizing and smoking flavored tobacco products.

HOOKAH LOUNGE OR BAR:

An establishment where patrons smoke tobacco products from a hookah.

HOSPITAL:

A healthcare institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients, and injured persons, with auxiliary healthcare staff and medical equipment, licensed by state to provide facilities and services in surgery, obstetrics, and general medical practice with the inclusion of overnight stay of patients.

HUB HEIGHT:

The distance measured from the surface of the tower foundation to the maximum height of the Wind Turbine hub, to which the blade is attached.

IMPACT ANALYSIS:

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

IMPERVIOUS SURFACE OR COVERAGE:

A permanent surface that prevents the infiltration of water into the ground. Impervious surfaces include, but are not limited to, streets, sidewalks, pavements, parking lots, driveways, roofs, stone patios. See definition of “Gravel (Crushed Stone)” for when gravel classifies as impervious area.

IMPERVIOUS MATERIAL:

Any material and/or development that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land as further defined by the Pittston Township Stormwater Management Ordinance.

IMPROVEMENTS:

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

INCINERATOR

Machinery that burns trash to ashes.

INSTITUTIONAL USE:

A structure or facility which provides medical, health, educational, social and/or rehabilitate services to more than eight (8) persons on a continuous and/or regular basis, excluding a facility for persons released from or under the jurisdiction of a governmental bureau of corrections or similar institution.

INDUSTRY, HEAVY:

A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions and having potential to produce noise, dust, glare, odors or vibration beyond its property line.

INDUSTRY, LIGHT:

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

JUNK:

Any discarded material or article including, but not limited to scrapped or abandoned metal, paper, building materials, machinery, equipment, bottles, glass, appliances, furniture, and bedding, rags, rubber, motor vehicles and parts thereof.

JUNKED VEHICLE:

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

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

JUNKYARD: (SEE ALSO AUTOMOBILE STORAGE YARD):

An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials shall include but are not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. An automobile storage yard is also considered a junkyard.

LAND DEVELOPMENT:

The improvement of one lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

- (A) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots containing two (2) or more occupants.
- (B) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (C) A subdivision of land.
- (D) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into more than three (3) residential units. Any conversion, described above, that is intended to be a condominium, shall be exempt from classification as a land development.
- (F) The development of a mobile home park or the expansion of an existing mobile home park within the context of the definition of said term as contained within this Ordinance.

LAND DISTURBANCE:

Any activity which exposes soils, alters topography and/or alters wooded vegetation, except for removal of a safety hazard, diseased trees, or invasive vegetation.

LANDOWNER:

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

LAUNDROMAT, SELF-SERVICE:

A business that provides home-type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

LIBRARY:

A nonprofit facility open to the general public in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility but are not normally offered for sale.

LIMITED ACCESS HIGHWAY

A highway designed in such a manner so as to provide no direct access to properties abutting its right-of-way.

LOT:

A designated parcel or tract of land established by plat, subdivision or otherwise as permitted by law, to be separately owned, used, developed, or built upon as a unit,

TYPES OF LOTS: (SEE APPENDIX- EXHIBIT C)

- A. Corner Lot** - means a lot abutting on and at the intersection of two (2) or more streets. The point of intersection of the streets lot lines is the corner.
- B. Flag-Shaped Lot** - means a lot that relies upon a thin strip of land for street access whose frontage does not satisfy the minimum width requirements for the respective zoning district but has the required lot width away from the street frontage.
- C. Interior Lot** - means a lot fronting only one (1) street.
- D. Through Lot** - means an interior lot having frontage on two (2) parallel or approximately parallel streets with vehicular access solely from the street of lesser functional classification.

LOT AREA:

The total horizontal area within the lot lines of a lot.

LOT AREA, GROSS:

The area of land contained within the limits of the legally described property lines bounding the lot.

LOT, CORNER:

A lot abutting on and at the intersection of two (2) or more streets.

LOT COVERAGE:

Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings and structures, by the gross area of that lot.

LOT, FRONTAGE:

The length of any one property line of a premises, which property line abuts a legally accessible street right-of-way.

LOT DEPTH:

The average horizontal distance between the front and rear lot lines.

LOT LINE:

A line dividing one lot from another lot or from a street or alley.

LOT LINE, REAR:

The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line.

LOT LINE, SIDE:

Any lot line not a front or rear lot line.

LOT OF RECORD:

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

LOT, THROUGH:

A lot having its front and rear yards each abutting on a street.

LOT WIDTH:

The horizontal distance between side lot lines, measured at the required front setback line.

MACHINE SHOP:

Any facility that uses machine tools, including but not limited to, lathes, milling machines, shapers, planers, drill presses, and jig borers for working with metals or other relatively hard materials, such as some polymers. Typically, machine shops make and repair all types of metal objects, from machine tools dies, and molds to mass-produced parts such as screws, pistons, or gears.

MANUFACTURED HOME PARK:

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

MANUFACTURED HOME SALES LOT:

An open lot, used for the outdoor display and/or sales of manufactured housing that may also include recreation vehicles, or travel trailers.

MASSAGE ESTABLISHMENT: (STATE LICENSED)

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

MEDIATION:

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

MEDICAL CLINIC/CENTER:

A facility comprised of professional offices, for the examination and treatment of persons as outpatients by State-licensed physicians, dentists, chiropractors or other licensed medical specialists, in which said medical practitioners may or may not work in cooperative association. Said clinics may provide medical services customarily available at hospitals, excluding overnight care of patients and 24-hour emergency service. The term "Medical Clinic/Center" shall not include any type of Substance Abuse Treatment Facility as so defined in this Ordinance.

MEDICAL MARIJUANA:

Marijuana for certified medical use under the Pennsylvania Medical Marijuana Act, Pa Act 16 of 2016.

MEDICAL MARIJUANA DISPENSARY:

A person, including a partnership, association, corporation, trust, or other entity or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana, in accordance with the Pennsylvania Medical Marijuana Act, Pa Act 16 of 2016.

MEDICAL MARIJUANA GROWER/PROCESSOR FACILITY:

An indoor facility operated by a legal entity which holds a permit from the State Department of Health to grow and process medical marijuana.

MEDICAL TESTING LABORATORY:

A facility that provides testing services in accordance with physician requirements for the evaluation and measurement of various patient medical conditions.

MEMBERSHIP CLUB:

An area of land or building used by a recreational, civic, social, fraternal, religious, political, or labor union association of persons for meetings and routine socializing and indoor recreation that are limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the public. This use may not include outdoor recreation, boarding or rooming houses, tavern, bar, night club, restaurant, or auditoriums unless that particular use is permitted in that district and the requirements of that use are also met. The term includes a social hall.

MICRO-BREWERY:

A facility where malt or brewed beverages are produced, sold, distributed, or served on the premises. Food may be sold on the premises.

METHADONE TREATMENT FACILITY:

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

MINERALS:

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

MINERAL EXTRACTION:

The removal from the surface or beneath the surface of land, or stockpiling of bulk mineral resources such as culm, sand, gravel, topsoil, limestone, sandstone, coal, oil, gas, shale and iron ore using machinery. This use does not include the movement and replacement of minerals as part of the construction or land development activities.

MIXED USE STRUCTURE:

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

MOTEL (SEE ALSO HOTEL):

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

MOTOR VEHICLE:

An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle, or similar means of transportation powered by an engine or other mechanized means and designed to

operate and carry persons or cargo on public streets.

MUNICIPALLY OWNED BUILDINGS:

A building or structure providing a municipal service or function that is owned and operated by Pittston Township

MUNICIPALITY:

Pittston Township Luzerne County, Pennsylvania.

MUNICIPALITIES PLANNING CODE (PA PMC)”

The Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as reenacted and amended.

NIGHT CLUB:

A commercial establishment which may include dispensing of alcoholic beverages for consumption on the premises and in which dancing and live entertainment are permitted, including the term “cabaret”. This term does not include any Sexually Oriented Use as defined in this Ordinance.

NO IMPACT HOME BASED BUSINESS:

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling, and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pick-up, delivery, or removal functions to or from the premises in excess with those normally associated with a residential use.

NONCONFORMING LOT:

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

NONCONFORMING STRUCTURE:

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

NONCONFORMING USE:

A use, whether of land or of structure, which does not comply with the applicable use provisions in the zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment to its location by reason of annexation.

NONPROFIT SOCIAL HALL AND CIVIC ORGANIZATIONS:

Buildings or facilities, normally owned and/or operated by a nonprofit or civic organization used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to bona fide members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. Said facilities shall not be operated in a manner in which it could also be classified as a Sexual Oriented Business as so defined by this Ordinance.

NURSERY/GARDENCENTER:

An establishment for the cultivation and propagation, display, storage, and sale (retail and wholesale) of large plants, shrubs, trees, and other materials used in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use. Outdoor display, storage and sales are permitted.

NURSING HOME:

A place for older adults of more than three (3) persons who do not need hospital care but cannot be cared for at home because of old age, illness, or physical disability. Residents require supervision or assistance of more than twenty-four (24) hours seven (7) days a week twenty (24) hours a day. A nursing home provides a higher level of care than a personal care home. Nursing homes are licensed and inspected by the PA Department of Health (DHS), but under a different set of standards than a personal care home.

OFFICES:**Professional Office:**

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

Service Office:

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

OIL AND GAS COMPRESSOR STATION:

A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells and to operate as an upstream or midstream facility for delivery of oil and gas to transmission pipeline, distribution pipeline, natural gas processing or treatment facility or underground storage field.

OPEN SPACE:

An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, fountains, wooded areas, and similar features. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

OUTDOOR STORAGE, INCLUDING IT AS A PRINCIPAL USE

The placing, storing or keeping, in an unenclosed area, goods, materials, merchandise, equipment or vehicles which are related to the operation of a commercial use, excluding the storage of solid waste, hazardous substances, refuse, junk and junked vehicles.

OUTDOOR WOOD-FIRED BOILER:

A fuel-burning device designed: (1) to burn clean wood or other approved solid fuels; (2) by the manufacturer specifically for outdoor installation or installation in structures not normally

intended for habitation by humans or domestic animals (e.g., garages); and (3) to heat building space and/or water via distribution, typically through pipes of a fluid heated in the device, typically water or a water/antifreeze mixture. Outdoor wood-fired boilers are also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, etc.

PARKING SPACE:

An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one (1) motor vehicle.

PARCEL:

A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

PATIO:

A level surfaced area directly adjacent to a principal building constructed above the existing grade which has an average elevation of not more than 30 inches, and without walls or a roof. If detached from the principal building it shall be considered an accessory structure.

PATIO (COVERED) :

A roofed structure, which may be attached to the principal structure, open on three or more sides, excluding screening designed for outdoor recreational use. When attached to the principal structure, setback requirements applicable to the principal structure shall apply.

PARKING AREA/GARAGE PRIVATE

A structure or a portion thereof, or an open area used only for the storage of vehicles by residents of the premises, their guests, and/or their customers/clients.

PARKING ARE/GARAGE PUBLIC OR COMMERCIAL:

A parking lot or garage whose principal use is parking or storing motor vehicles for specified time periods or on a rental basis, but not including parking or storing commercial or public utility vehicles, or the dead storage of motor vehicles. Such parking facilities are available to the public whether for a fee or free

PERMITTED USE:

Any use which is specifically authorized in a particular zoning district.

PERSONAL CARE HOME:

A facility, as defined under current State licensing requirements, in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four consecutive hours for more than three (3) adults who are not relatives of the operator of the facility and who require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self-administration but who do not require hospitalization or care in a skilled nursing or intermediate care facility. The term personal care home shall only include facilities licensed as such or as an assisted living facility by the Pennsylvania Department of Public Welfare or its successor agency.

PERMANENT FOUNDATION:

A support for a building or structure, reaching below the frost line, consisting of a full poured concrete or masonry foundation or any other type which is permitted under the design standards of the Pennsylvania Uniform Construction Code, on which the building or structure is anchored and is intended to remain indefinitely.

PERSONAL SERVICES:

Any enterprise conducted for gain, which primarily offers services to the general public, such as shoe repair, valet service, watch repairing, hair stylists, barbers, tanning salons, beauty spas, manicure and pedicure services, animal grooming services and similar services.

PHARMACY:

A use in which the profession of pharmacy is practiced and where prescriptions are compounded and offered for sale, including the offering other retail goods in addition to prescription pharmaceuticals.

PHOTOCOPY SERVICE:

A business that reproduces drawings, plans, maps, or other copy by means of blueprinting or photocopying.

PLACE OF WORSHIP:

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

PLANNED RESIDENTIAL DEVELOPMENT:

An area of land, controlled by a land owner, to be developed as single entity for a number of dwelling units, with a development plan which does not correspond in lot size, bulk, or type of dwelling density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of this ordinance.

PLANNING COMMISSION:

The Planning Commission of Pittston Township

POLE BARN/BUILDING:

The term pre-engineered post-frame is a modernization of the term “pole barn.” Post-frame construction is the primary structural frame that typically consists of a clear span truss supported by two columns. This primary framing system is supported by an interlocking system of purlins, girts, and sheathing. Loads are transferred to the ground through columns typically embedded in the ground or surface-mounted to a concrete or masonry foundation.

PRINCIPAL USE:

The main use of land or structures as distinguished from a secondary or accessory use.

PRINT SHOP:

A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating booklets and reports.

PRIVATE:

Something owned, operated and supported by private individuals or a corporation, rather than by government, and not available for public use.

PRIVATE VOCATIONAL/TECHNICAL SCHOOL:

A facility primarily teaching usable skills that prepare students for jobs in a trade or profession. Schools of this type shall include, but are not limited to, art, barber, beauty, dance, modeling, music and other similar uses.

PUBLIC:

Anything owned or operated by any department or branch of the federal government, state government, county government or municipal government.

PUBLIC BUILDING AND/OR FACILITY{

Any building and/or facility owned, used or controlled exclusively for public purposes by any department or branch of government; federal, state, county, or municipal.

PUBLIC HEARING:

A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

PUBLIC MEETING:

A formal meeting held pursuant to public notice by the Governing Body, Planning Commission or Zoning Hearing Board, which is intended to inform and obtain public comment prior to taking action on a particular subject matter or development.

PUBLIC NOTICE:

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

PUBLIC UTILITIES FACILITIES (ESSENTIAL):

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

PUBLIC UTILITY TRANSMISSION TOWER:

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

QUARRY:

A tract of land where sand and gravel, rock, stone, and/or ore are excavated for sale or for off-tract use.

QUASI-PUBLIC USE:

A use conducted by, or a facility or structure owned or operated by, a nonprofit organization that is open and available to the public that provides educational, health, cultural, religious, recreational or other similar types of community services.

RECOVERY HOUSE AND/OR SOBER HOUSE:

Transitional housing licensed by the Pennsylvania Department of Drug and Alcohol Programs for individuals recovering from drug or alcohol addiction, which provides those individuals with a safe and supportive drug and alcohol-free environment that may include peer support and other recovery support services. Housing which claims to be a Recovery House and/or Sober House that may provide similar services but lacks licensing from the Pennsylvania Department of Drug and Alcohol Programs shall be considered to be a “Rooming House” as so defined by Article 2.

RECREATIONAL FACILITIES, COMMERCIAL:

Recreational facilities operated as a business and open to the public for a fee.

RECREATIONAL FACILITIES, PRIVATE:

Recreational facilities other than commercial or public, not operated for a profit, and only open to its members and their guests.

RECREATIONAL FACILITIES, PUBLIC:

Recreational facilities operated by a governmental entity and open to the general public.

RECREATIONAL VEHICLE: (RV)

A vehicle also referenced as an RV, designed primarily used for recreational purposes which includes living quarters and is equipped with wheels to facilitate movement from place to place. This may include a vehicle that is self-propelled, towed, or carried by another vehicle. Types of RVs include motorhomes, campervans, coaches, caravans (also known as travel trailers and camper trailers), fifth-wheel trailers, popup campers, and truck campers. A RECREATIONAL VEHICLE (RV) shall not be considered to be a Dwelling Unit, nor shall it be used as a residence.

RECYCLING COLLECTION CENTER:

A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass, metal cans, and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production. The facility shall not process or recycle hazardous or toxic substances.

RECYCLING PLANT:

A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass, metal cans, and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production. The facility shall not process or recycle hazardous or toxic substances.

REPORT:

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

other parties to any proceedings upon request, with copies thereof provided at the cost of reproduction.

RESEARCH LABORATORY:

A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESTAURANT:

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

RESTAURANT, FAST-FOOD:

An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared or prepared, fried, or grilled quickly, such as a microwave oven. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

RETAIL SALE ESTABLISHMENTS:

An establishment selling products as opposed to services or entertainment to the general public, including, but not limited to, examples such as an antique shop; appliance store; artist, music, and automotive parts store; beverage packaging store; building or plumbing supplies; crafts and hobby supplies; clothing store; dairy products store; dry goods and variety stores; florist; garden supplies; hardware store; newspapers, books and stationary products; office furniture, equipment and supplies; paintings and photography store; pet store; pharmacy; specialty gifts; sporting goods store; and other establishments selling related products

RETAIL ESTABLISHMENT, LARGE:

A building and/or use of property, whether located in a single building or combination of buildings which have a gross floor area in excess of 30,000 square feet in the aggregate. The term gross floor within the context of this definition shall include both indoor and outdoor space, utilized for the retail display and sale of goods.

RIGHT-OF-WAY, PUBLIC:

A defined and designated area open to the public for vehicular or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, which usually include cartways, shoulders, and sidewalks.

RIDING ACADEMY:

An establishment where horses are boarded and cared for and where instruction in riding, jumping, and showing is offered and where horses may be hired for riding.

RIPARIAN BUFFER:

A vegetated area or a buffer strip adjacent to a stream, which helps to shade and protect the stream from the impact of activities conducted on adjacent land uses.

ROOMING HOUSE:

A residential structure or portion thereof which contains rooms which are rented or leased,

with the occupants of said units being non-transient, and utilizing said location as a legal place of residence. Any of the following features for a residential use shall be deemed to constitute a Rooming House:

- (1) individual room(s) that do not meet the definition of a dwelling unit are rented for habitation by a total of 2 or more persons who are not “related” to the owner of record of the property, or
- (2) includes any building or part of any building in which one or more persons share bathroom and toilet facilities and/or cooking facilities with other occupants of the building.
- (3) if individual units of living space not meeting the definition of a dwelling unit are separately rented to person(s) who are not “related” to the owner of record of the property. Individual leases shall be deemed to have a dwelling unit classified as a rooming house.

The term "Rooming House" shall specifically exclude the following terms:

Dwelling	Dwelling Unit
Motel and/or Hotel	Group Residence
Dormitory	Bed and Breakfast Facility
Short-Term Home Rental	Short-Term Transient Rental
Assisted Living Facility	Halfway House
Recovery House and/or Sober House, licensed by Pennsylvania Department of Drug and Alcohol Programs.	

Any Type of Transitional Housing, not otherwise specifically addressed within this Ordinance, shall be subject to Section 333 of this Ordinance, Uses Not Addressed within this Ordinance.

ROOMING UNIT:

A room or rooms, in a Rooming House, forming a single habitable unit intended for living quarters but lacking separate bathroom and toilet facilities and/or cooking facilities for exclusive use by the occupant or occupants of the rooming unit.

SANITARY LANDFILL

A sanitary land fill is considered to be any facility devoted to the storage and/or disposal of solid wastes pursuant to the regulations of the Pennsylvania Department of Environmental Protection governing sanitary landfills. Sanitary landfills may include Staging Areas as defined herein. Sanitary landfills shall be subject to all regulations contained herein governing earth-moving activities.

SATELLITE DISH ANTENNA:

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

SEMI-PUBLIC USES:

Uses by private organizations which provide services to the public on a not-for-profit basis.

SCHOOL:

A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools that are licensed by the State, including schools which provide trade or vocational training.

SCREENING:

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

SCREEN PLANTING:

A vegetative material of sufficient height and density to conceal from the view of passing motorists and adjacent property owners the structures and uses on the premises on which the screen planting is located.

SEATING CAPACITY:

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

SELF-STORAGE FACILITY:

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

SETBACK:

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

SEWAGE DISPOSAL, CENTRALIZED:

A sanitary sewage collection system, approved by the Pennsylvania Department of Environmental Protection, in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal facility.

SEWAGE DISPOSAL, ON-LOT:

Any facility designed to biochemically treat sewage within the boundaries of an individual lot in accordance with the applicable rules and regulations of the Pennsylvania Department of Environmental Protection.

SEXUALLY ORIENTED USES:

Sexually Oriented Bookstore: An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: (1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by

an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or (2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

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

Massage Parlor: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

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

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

SHOPPING CENTER:

A grouping of retail business and service uses on a single site with shared or common space including but not limited to parking and access.

SHOOTING RANGE, COMMERCIAL

The use of land or a building for the use of firearms for a fee to be determined by the operator of the facility. Outdoor commercial shooting ranges shall be allowed only on parcels of not less than five (5) acres.

SHORT-TERM HOME RENTAL:

Any dwelling unit rented for the purpose of overnight lodging for a period of not less than one day and not more than 30 days on more than one occasion to someone other than a family member of the landowner where the landowner resides in the dwelling unit during the rental, or more than a total of 183 days per year. The term does not include a hotel, motel or short-term transient rental.

SHORT-TERM TRANSIENT RENTAL:

Any dwelling unit rented for the purpose of overnight lodging for a period of not less than one day and not more than 30 days where the landowner does not reside in the dwelling unit during

any rental, or resides in the dwelling unit less than a total of 183 days per year. The term does not include a hotel, motel or short-term rental.

SIGN:

A structure or device designed or intended to convey information to the public in written or pictorial form. (See Article 11)

SITE:

A plot or parcel of land or combination of contiguous lots or parcels of land.

SITE PLAN:

A plan prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and features proposed for a specific parcel of land.

SOCIAL HALL

A room or building used for friendly or convivial gatherings, normally owned and/or operated by a nonprofit or civic organization.

SOIL EROSION AND SEDIMENTATION CONTROL PLAN:

A plan that indicates necessary land treatment designed to effectively minimize soil erosion and sedimentation measures requiring approval by the Luzerne Conservation District.

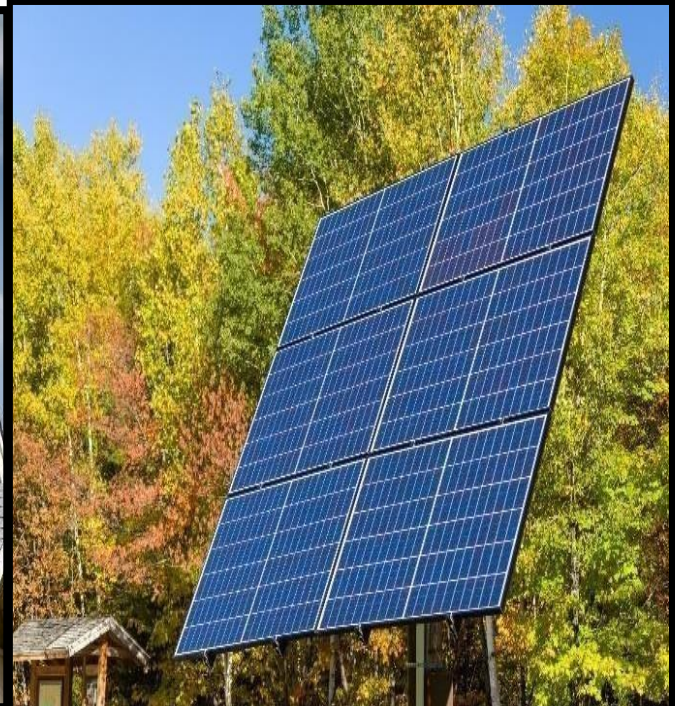
SOLAR ENERGY SYSTEM, ACCESSORY (ASES:)

An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

Roof solar panels



Stand-alone solar panels



SOLAR ENERGY SYSTEM, PRINCIPAL (PSES:)

An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

**SOLAR ARRAY:**

A grouping of multiple solar modules with purpose of harvesting solar energy

SOLAR CELL:

The smallest basic solar electric device which generates electricity when exposed to light.

SOLAR EASEMENT: - A right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

SOLAR ENERGY:

Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR MODULE:

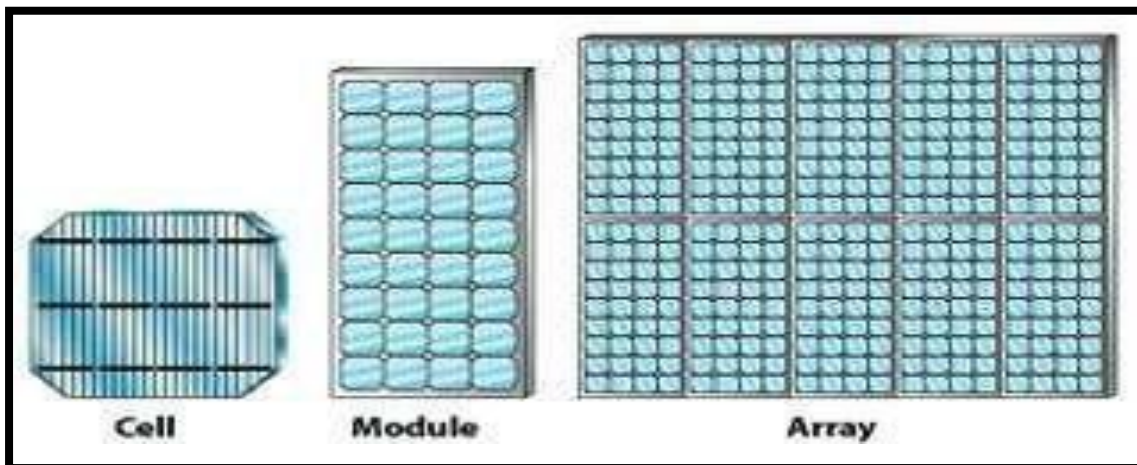
A grouping of solar cells with the purpose of harvesting solar energy.

SOLAR PANEL:

That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

SOLAR RELATED EQUIPMENT:

Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

**SOLID WASTE OR WASTE:**

Any garbage, refuse or other material including solid, liquid, semisolid or contained in gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities, excluding “Hazardous Substances” as so defined by this Ordinance and “Hazardous Waste,” as so defined by the Pennsylvania Department of Environmental Resources, pursuant to Chapter 271.1, under the Solid Waste Management Act, as amended.

SOLID WASTE FACILITY:

Any facility operated pursuant to the laws of the Commonwealth of Pennsylvania governing the management, processing, treatment, storage, transfer and/or disposal of solid waste, as so defined by this Ordinance.

SOUND:

An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.

SPECIAL EXCEPTION:

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

STABLE, COMMERCIAL:

A stable used for the rental of stall space or for the sale or rental of horses or mules.

STAGING AREA AND TRANSFER STATION:

a. Staging Area

A staging area is an area designated for motor vehicles or other means of transportation or any other types of refuse container containing solid waste materials which are to be deposited at a sanitary landfill site. Loaded vehicles awaiting their opportunity to deposit

such wastes shall wait for their turn in a designated staging area on the sanitary landfill site. All staging areas shall be subject to all regulations contained herein governing sanitary landfills.

b. **Transfer Station**

A transfer station is a facility for the temporary storage of solid waste enroute to a solid waste disposal facility. A transfer station is intended to serve as a facility to improve the efficiency of transporting solid waste materials to a disposal.

STATIONARY VEHICLES:

Any vehicle that is parked on a single parcel of land for a period of more than 24 hours within 200 feet of any street right-of-way lines, if it is visible within said 200 foot distance; e.g. if it is within 200 feet of the right-of-way and it is not visible from the right-of-way or from any adjacent residential property, it shall not be considered to be a stationary vehicle.

STEEP SLOPE:

Areas where the average slope exceeds ten (10%) percent which, because of this slope, are subject to high rates of storm water run-off and soil erosion.

STORMWATER MANAGEMENT ORDINANCE:

The governing Stormwater Management Ordinance for Pittston Township.

STORY:

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between such floor and the ceiling above. A basement shall be counted as a story if its ceiling equals or exceeds five (5) feet above finished ground surface adjoining the exterior walls of such story.

STREET:

A public (dedicated) or private (undedicated) right-of-way, whether or not improved, intended for use by vehicular and pedestrian traffic.

STREET TYPES:

Arterial Street:

A street designed to carry large volumes of through-traffic for the connection of residential areas and for circulation outside residential areas. Access onto these streets is normally controlled by stop signs restricting on-coming traffic and traffic signals.

Collector Street:

A street designed to carry moderate volumes of traffic between local streets and arterial streets, and usually provides only limited vehicular access to abutting properties. Traffic on these streets are normally controlled by signs.

Local Street:

A street designed to carry low volumes of traffic and provide direct access from abutting properties to collector and arterial streets.

STREET LINE OR RIGHT-OF-WAY LINE:

The line defining the limit of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently

in existence.

STRUCTURE:

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

SUBDIVISION:

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

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE:

The official and most recent version of the Pittston Township Subdivision and Land Development Ordinance, as amended.

SUBSTANCE ABUSE TREATMENT:

Term “Substance Abuse Treatment” shall refer to a process approved and regulated by the Pennsylvania Department of Drug and Alcohol Programs provided at a Substance Abuse Treatment Facility with the intended purpose of the cessation of a person’s use of addictive substances, such as drugs or alcohol.

SUBSTANCE ABUSE TREATMENT FACILITY:

A facility licensed by the Pennsylvania Department of Drug and Alcohol Programs which specializes in the evaluation and treatment of drug addiction and alcoholism. The services available at such a facility can be residential treatment, partial hospitalization treatment or outpatient treatment. For the purpose of this Ordinance a **Substance Abuse Treatment Facility shall include the following terms as so defined within this Ordinance:**

A Substance Abuse Detoxification Treatment Facility:

A Non-Hospital Drug Free Residential Substance Abuse Treatment Facility:

A Partial Hospitalization Treatment Facility:

Substance Abuse Detoxification Treatment Facility:

A facility licensed by the Pennsylvania Department of Drug and Alcohol Programs, which includes the overnight stay of patients, for the provision of medically-supervised detoxification and treatment of persons who have been medically diagnosed as having a dependency on a controlled substance including but not limited to drugs and alcohol.

Non-Hospital Drug Free Residential Substance Abuse Treatment Facility:

A facility licensed by the Pennsylvania Department of Drug and Alcohol Programs, representing transitional housing, which includes the overnight stay of patients, which may include psychological, social, and behavioral, counseling and supportive services designed to assist a person being treated for a substance abuse disorder to allow their gradual reentry into the community. No Substance Abuse Detoxification Treatment shall be provided at this facility.

Partial Hospitalization Substance Abuse Treatment Facility :

A facility licensed by the Pennsylvania Department of Drug and Alcohol Programs, to

provide persons with a substance abuse disorder who do not require 24-hour inpatient care, with a short-term intensive outpatient program for stabilization who do not require 24-hour inpatient care. No overnight stay of patients shall be permitted at such a facility.

SWALE (DRAINAGE):

A man-made or natural depression, which may be located within or along a right-of-way or upon private property, intended to convey stormwater runoff from streets and/or private property.

SWIMMING POOL, PRIVATE NONCOMMERCIAL:

A water-filled enclosure, having a depth of twenty-four (24) inches or greater, permanently constructed or portable, designed to be used or intended to be used for swimming purposes by any family or persons residing on the premises or their guests. The use shall not be operated for financial gain and the use shall be considered an accessory use to the dwelling on the lot thereon.

SWIMMING POOL, PORTABLE:

A pool with a depth of not greater than twelve (12) inches, having a surface area not greater than twenty-five (25) feet, which is not connected to a pool filter and/or any type of electrical device and which is capable of being relocated and stored during non-swimming seasons .

SWIMMING POOL BARRIER: A permanent wall that surrounds an above-ground swimming pool and obstructs access to the swimming pool. The wall may include the wall of the swimming pool or the wall of a building. Permanent for purposes of this definition means that it is not able to be removed, lifted, or relocated without the use of a tool.

TATTOO PARLOR/BODY-PIERCING STUDIO:

An establishment whose principal business activity is the practice of one or more of the following:

- (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin;
- (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

TAVERN:

A place where alcoholic beverages are served as a primary or substantial portion of the total trade, which may or may not include the sale of food and/or live entertainment. Facilities offering live entertainment require approval as a special exception.

TINY HOUSE:

A single-family residential structure not greater than five hundred (500) square feet of gross floor area that is intended for permanent, non-transitory occupancy. Any wheels upon a Tiny House, must be removed and the structure must be placed upon a permanent foundation to be considered a single-family residential structure. A Tiny House shall meet the applicable standards of the PA Uniform Construction Code, the 2018 International Residential Code and the Manufactured Housing (HUD) National Safety Standards. A tiny house that does not

meet the above applicable standards shall be considered a recreational vehicle as defined by this Ordinance.

Some examples of Tiny Houses are depicted in the following photographs.



TRANSITIONAL HOUSING:

Temporary housing for persons who may or may not have traditional or permanent housing but are capable of living independently within a reasonable period of time. Such housing is designed to facilitate persons eligible for such housing into independent living arrangements outside the structure used to provide temporary housing, excluding transitional housing for persons recovering from a substance abuse addiction, homeless shelters and persons released from judicial incarceration.

TRUCKING FACILITY:

A structure, building and/or land consisting of a storage area, management and dispatch office and loading and unloading facilities connected with receipt of delivery of freight shipped by truck.

TRUCK REPAIR & STORAGE:

A building and/or land used primarily for the maintenance and storage of large commercial vehicles.

TURBINE HEIGHT:

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

UNIFORM CONSTRUCTION CODE (UCC):

The version of the statewide building code adopted by the municipality, applicable to new construction in all municipalities whether administered by the municipality, a third party of the Department of Labor and Industry applicable to residential and commercial buildings, the Code adopted by the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

USE:

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

VARIANCE:

A waiver granted by the Zoning Hearing Board from the terms and requirements of this Ordinance in accordance with Section 1409 of this Ordinance.

WAREHOUSING AND DISTRIBUTION:

A use engaged in storage, wholesale and distribution of manufactured products, supplies and equipment, excluding the bulk storage of materials that are inflammable, explosive, hazardous, or commonly recognized as offensive. This term does not include trucking facilities.

WATER SUPPLY SYSTEM, CENTRALIZED:

A public or privately owned system, under the jurisdiction of the Pennsylvania Public Utility Commission, designed to transmit potable water from a common source to users and in compliance with the governing standards of all applicable State agencies.

WATER SUPPLY SYSTEM, ON-LOT

An on-lot water potable supply system, is a private on-site well, and the owner is responsible for the operation and maintenance of the well which must comply with all applicable state regulatory agencies, including but not limited to DEP. The water service feed pipe is the main pipeline that connects the on-site water well to the distribution system within a structure or structures.

WATERCOURSE:

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

WATERCOURSE, NATURAL:

Any stream, creek, river, channel or similar waterway in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks. A drainage swale as so defined in this Ordinance shall not be considered or deemed to be a watercourse.

WETLANDS:

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

WELDING SHOP:

The use of land, or building, or structure where pieces of metal are welded.

WIND ENERGY CONVERSION SYSTEM (“WECS”):

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

WIND ENERGY FACILITY: PRINCIPAL WIND ENERGY FACILITY (“PWEF”)

An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines primarily for off-site use.

WIND ENERGY CONVERSION SYSTEM (SMALL) - (“Small WECS”):

A wind energy conversion system that is incidental and subordinate to another use on the same parcel and supplies electrical power solely for on-site use, which is intended to primarily reduce consumption of utility power at that location and not for resale.

WIND TURBINE:

A wind energy conversion system that converts wind energy into electricity through the use of wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any. ((SEE APPENDIX – EXHIBIT F)

WIRELESS COMMUNICATIONS FACILITY (WCF)

FOR SPECIAL DEFINITIONS APPLICABLE TO WIRELESS COMMUNICATION FACILITIES. (SEE APPENDIX - EXHIBIT G)

A Facility for the provision of personal wireless services for See commercial communications See purposes as defined by the Telecommunications Act of 1996, and any amendments thereto, Such a facility, typically consists of one or more antennas or group of antennas, a tower or attachment support structure, transmission cables and other transmission equipment, and an equipment enclosure or cabinets. Types of Wireless Communications Facilities include:

1. **TOWER-BASED WIRELESS COMMUNICATIONS FACILITY** (*Tower-Based WCF*)—any structure that is used for the primary purpose of supporting one or more *Antennas*, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, and the accompanying *Antenna* and *Accessory Equipment*.
2. **NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF)**—*Wireless Communications Facilities* that are *Collocated* on existing structures, such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower.
3. **SMALL WIRELESS COMMUNICATIONS FACILITY**— a Wireless Communications Facility that meets the following criteria:
 - a. The *Wireless Support Structure* on which *Antenna* facilities are mounted—
 - (i) is 50 feet or less in height, or

- (ii) is no more than 10 percent taller than other adjacent structures, or
 - (iii) is not extended to a height of more than 50 feet or by more than 10 percent above its height prior to the *Collocation* of any *WCF* as a result of the *Collocation* of new *Antenna* facilities; and
- b. Each *Antenna* associated with the deployment (excluding the *Accessory Equipment*) is no more than three cubic feet in volume; and
 - c. All *Accessory Equipment* associated with the *Wireless Support Structure* including the wireless equipment associated with the *Antenna* and any pre-existing associated equipment on the *Wireless Support Structure*, is cumulatively no more than 28 cubic feet in volume.
 - d. The *Wireless Communications Facility* does not require *Antenna* structure registration under 47 CFR Part 17;
 - e. The *Wireless Communications Facility* is not located on Tribal lands, as defined under 36 CFR 800.16(x); and
 - f. The *Wireless Communications Facility* does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

Examples of Small Wireless Communications Facility



WINERY:

An agricultural processing facility for the fermenting and processing of grape juice into wine. A winery may sell and market wine, not just produce it, but such marketing activity must be accessory (incidental and subordinate) to production, and all accessory

uses must be contained in less than 25% of the winery's footprint.

WINERY, LIMITED:

A winery that produces less than 200,000 gallons per year of alcoholic ciders, wines, meads, wine coolers and fermented fruit beverages with a limited winery state license issued by the Pennsylvania Liquor Control Board (LCB). A limited winery is permitted to sell wine and food for consumption on or off the licensed premises subject to state licensing requirements. A limited winery may also acquire a direct wine shipper license from the LCB, which allows it to accept orders by mail, telephone and the internet and ship their products to individual consumers.

YARD:

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

YARD, FRONT: (SEE APPENDIX – EXHIBIT D)

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

YARD, REAR: (SEE APPENDIX - EXHIBIT D)

The principal building and the rear lot line and measured perpendicular to the building at the closest point to the rear lot line.

YARD, SIDE: (SEE APPENDIX - EXHIBIT D) A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building.

YARD, REQUIRED SETBACK: EXHIBIT E)

The minimum open space between a lot line and the yard line within which no structure is permitted to be located except as otherwise provided for in this Zoning Ordinance.

ZONING DISTRICT:

A portion of Pittston Township as illustrated upon the Official Zoning Map, within which certain uniform regulations and requirements apply under the provisions of the Zoning Ordinance.

ZONING HEARING BOARD:

The Zoning Hearing Board of Pittston Township, Luzerne County, Pennsylvania.

ZONING MAP:

The official map which is part of the Zoning Ordinance which indicates and delineates the zoning districts of Pittston Township, Luzerne County, Pennsylvania.

EXHIBIT A

EXAMPLES FOR MEASUREMENT OF BUILDING HEIGHT

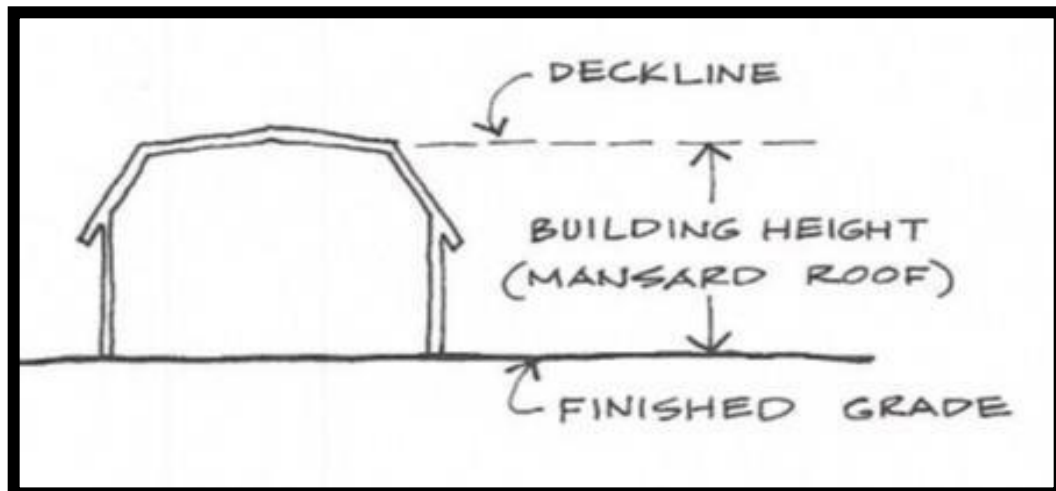
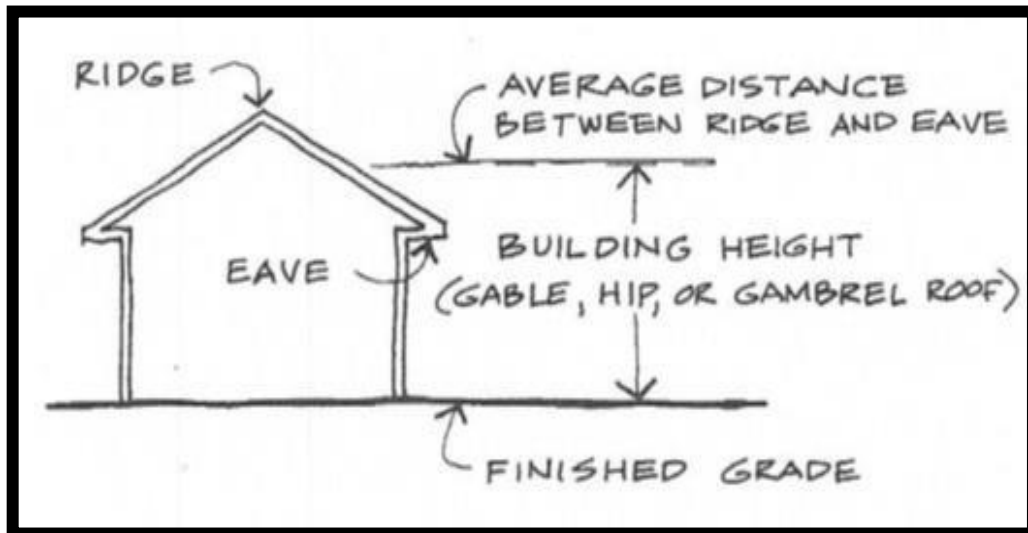
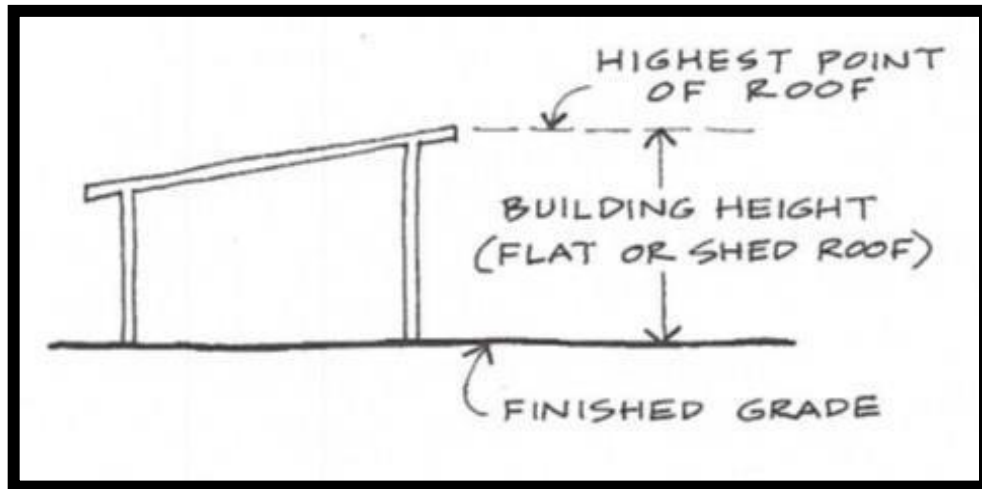


EXHIBIT B

PHOTOGRAPHS OF DWELLING TYPES



SINGLE-FAMILY DWELLING



TWO-FAMILY DWELLING (TWIN)



TWO-FAMILY DWELLING (DUPLEX)



MULTI-FAMILY DWELLING (APARTMENT BUILDING)



MULTI-FAMILY DWELLING (TOWNHOUSES OR ROWHOUSES)



MULTI-FAMILY DWELLING (GARDEN APARTMENTS)



MANUFACTURED HOME ON PERMANENT FOUNDATION

EXHIBIT C

DIAGRAMS OF TYPES LOTS

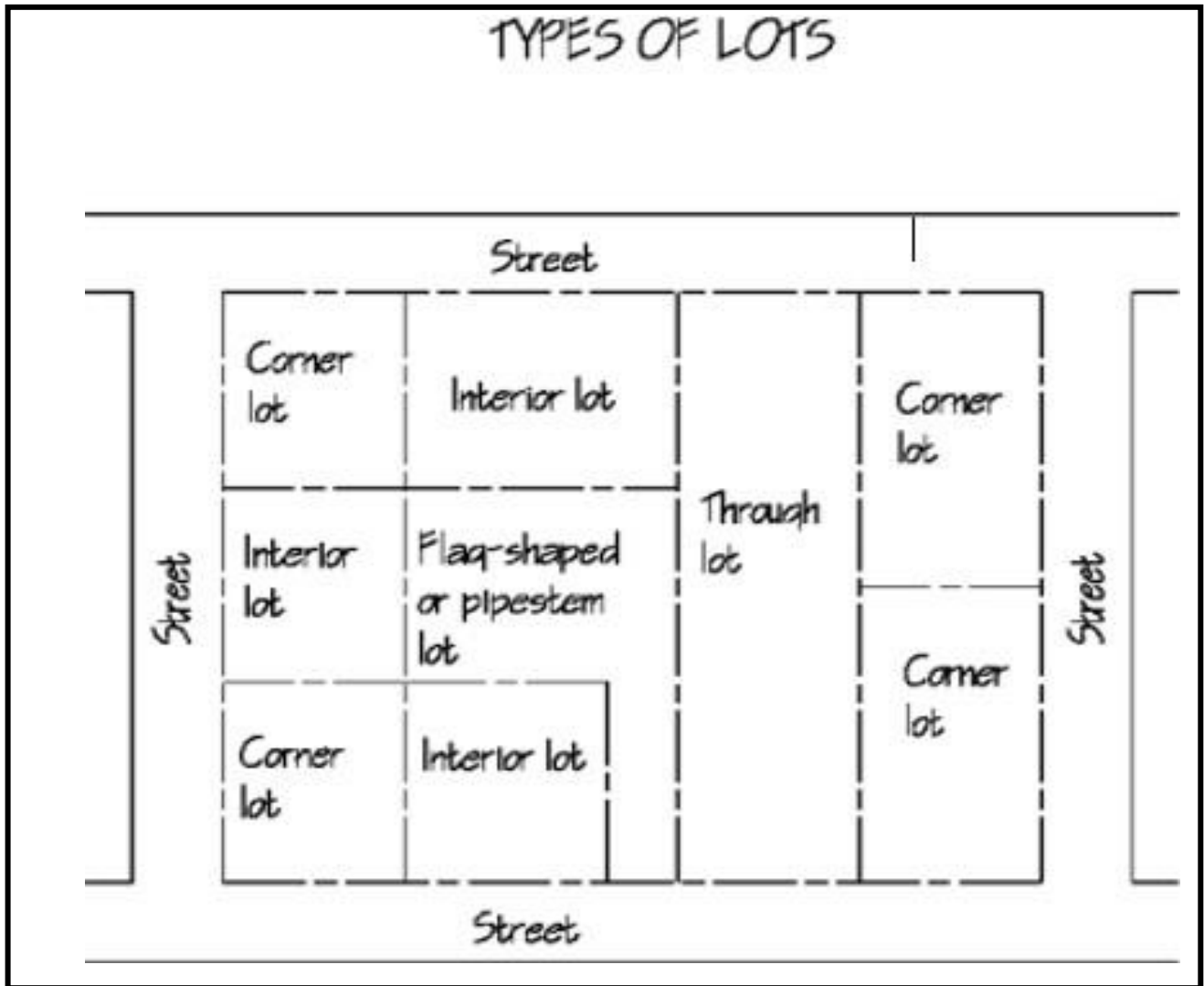


EXHIBIT D
DIAGRAMS OF YARD AREAS BY LOT CONGIGURATION

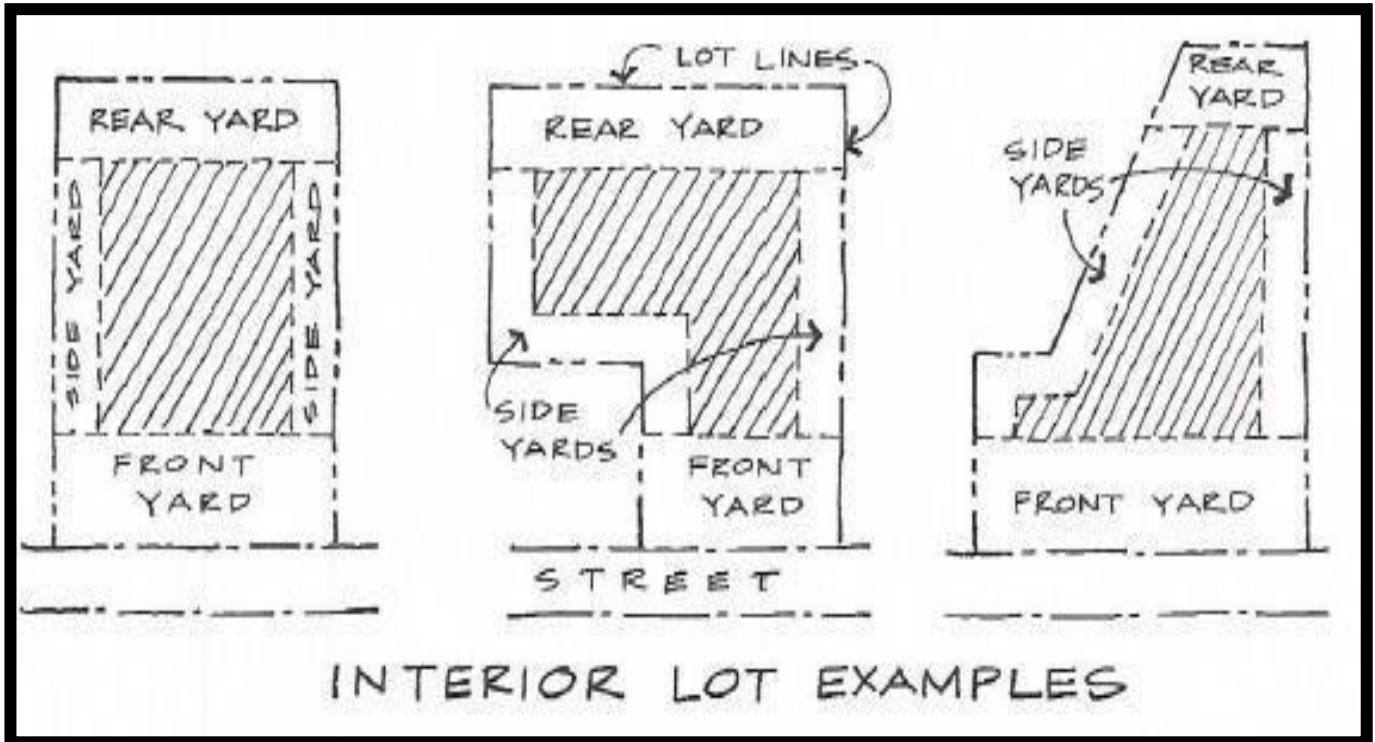
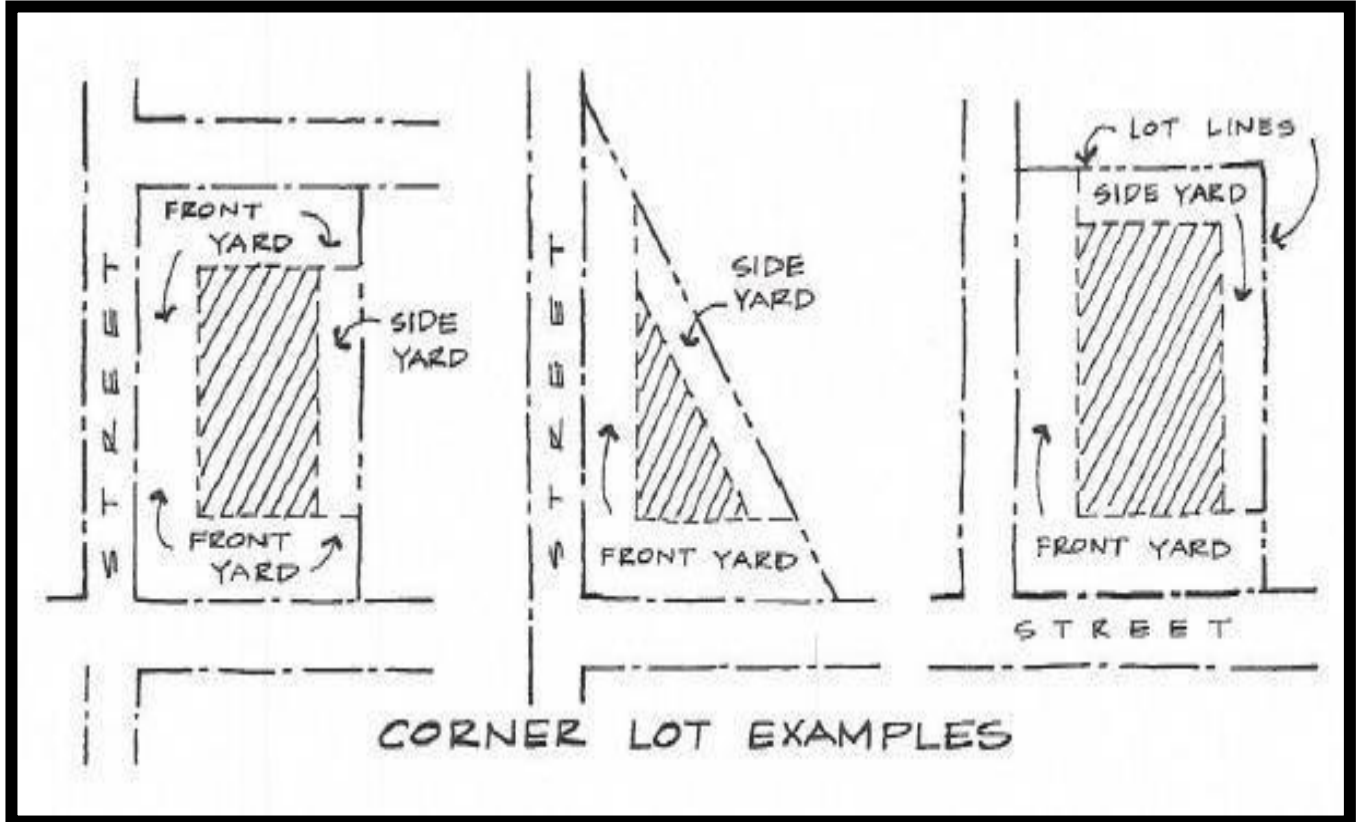


EXHIBIT D
DIAGRAMS OF YARD AREAS BY LOT CONFIGURATION

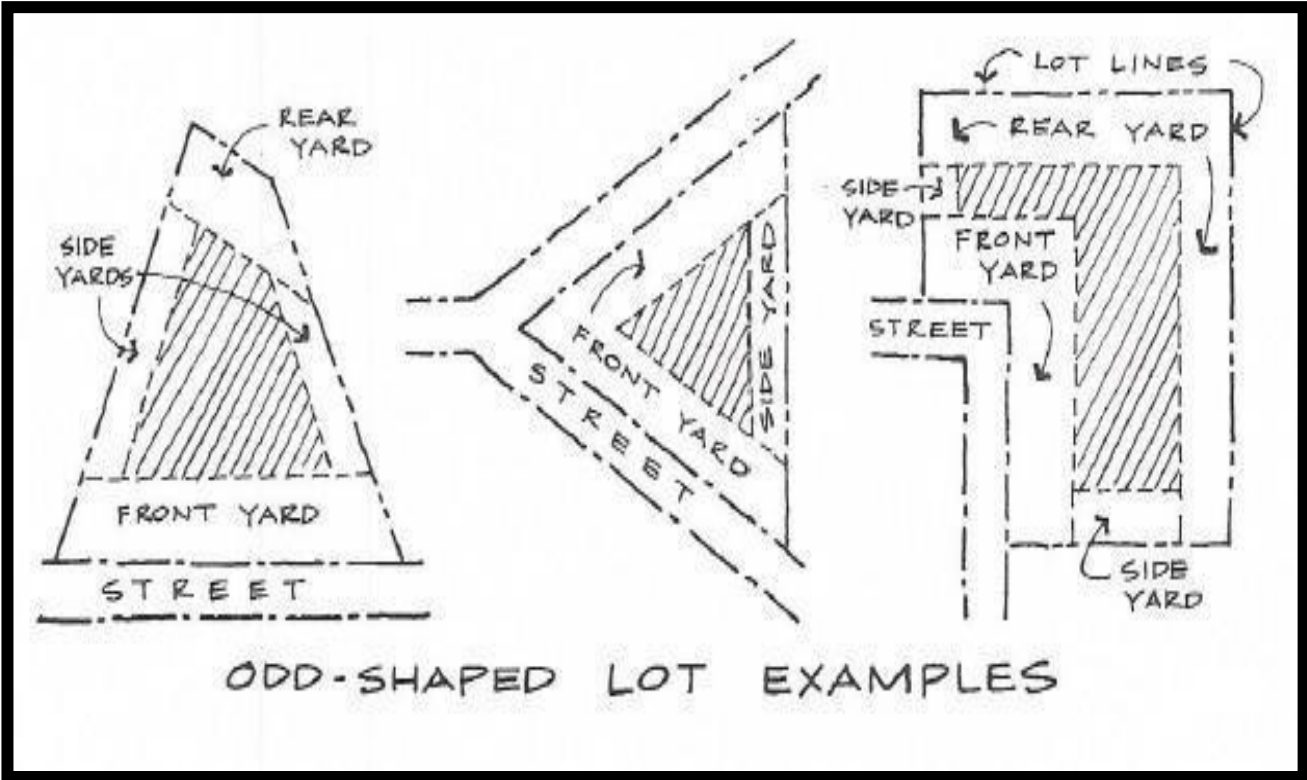
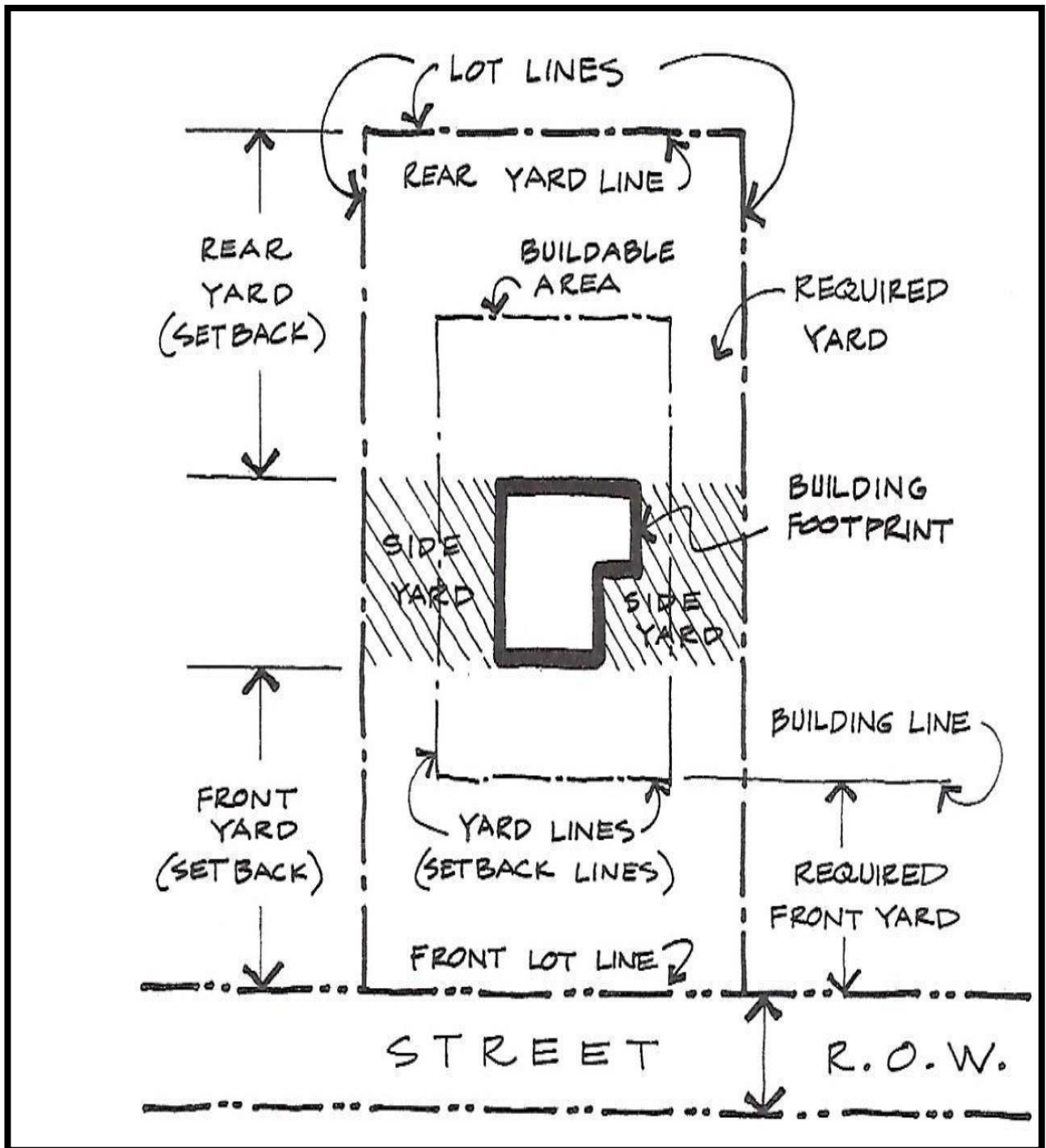


EXHIBIT E

REQUIRED YARD SETBACKS



WIND TURBINE DIAGRAM

EXHIBIT F

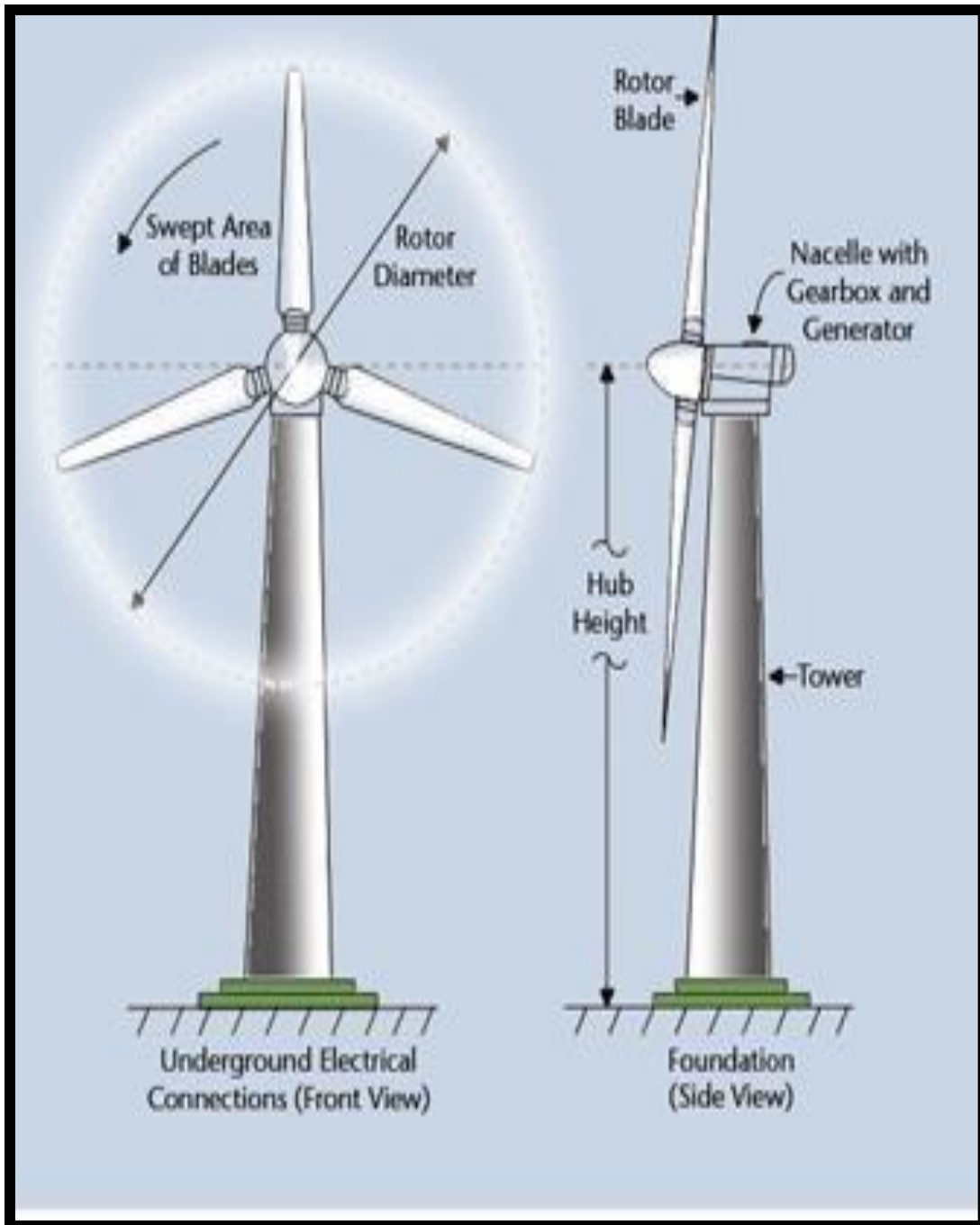


EXHIBIT G

DEFINITIONS APPLICABLE TO WIRELESS COMMUNICATION FACILITIES

- A. *Accessory Equipment*—any equipment serving or being used in conjunction with a *Wireless Communications Facility* or *Wireless Support Structure*, including but not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.
- B. *Antenna* — an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.
- C. *Collocation*—the mounting of one or more *WCFs*, including *Antennas*, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a *WCF* on that structure.
- D. *Equipment Compound*—an area surrounding or adjacent to a *Wireless Support Structure* within which base stations, power supplies, or *Accessory Equipment* are located.
- E. *FCC*—Federal Communications Commission.
- F. *Modification* or *Modify*—the improvement, upgrade or expansion of existing *Wireless Communications Facilities* or base stations on an existing *Wireless Support Structure* or the improvement, upgrade, or expansion of the *Wireless Communications Facilities* located within an existing *Equipment Compound*, if the improvement, upgrade, expansion or replacement does not *Substantially Change* the physical dimensions of the *Wireless Support Structure*.
- G. *Non-Tower Wireless Communications Facility (Non-Tower WCF)*—*Wireless Communications Facilities* that are *Collocated* on existing structures, such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower.
- H. *Replacement of a Wireless Communications Facility (Replacement of a WCF)* -- the replacement of existing *Wireless Communications Facilities* on an existing *Wireless Support Structure* or within an existing *Equipment Compound* due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the *Wireless Communications Facilities* initially installed and that does not substantially change the physical dimensions of the existing *Wireless Support Structure*.

I. *Small Wireless Communications Facility* – a *Wireless Communications Facility* that meets the following criteria:

(1) The *Wireless Support Structure* on which *Antenna* facilities are mounted—

(i) is 50 feet or less in height, or

(ii) is no more than 10 percent taller than other adjacent structures, or

(iii) is not extended to a height of more than 50 feet or by more than 10 percent above its height prior to the *Collocation* of any *WCF* as a result of the *Collocation* of new *Antenna* facilities; and

(2) Each *Antenna* associated with the deployment (excluding the *Accessory Equipment*) is no more than three cubic feet in volume; and

(3) All *Accessory Equipment* associated with the *Wireless Support Structure* including the wireless equipment associated with the *Antenna* and any pre-existing associated equipment on the *Wireless Support Structure*, is cumulatively no more than 28 cubic feet in volume.

(4) The *Wireless Communications Facility* does not require *Antenna* structure registration under 47 CFR Part 17;

(5) The *Wireless Communications Facility* is not located on Tribal lands, as defined under 36 CFR 800.16(x); and

(6) The *Wireless Communications Facility* does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

J. *Stealth Technology* — Camouflaging methods applied to *Wireless Communications Facilities* and *Accessory Equipment* which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted *Antennas*, building-mounted *Antennas* painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

K. *Substantial Change* – A modification substantially changes the physical dimensions of a support structure if it meets any of the following criteria:

1. For support structures other than towers in the public rights-of-way, if it increases the original height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other existing

- towers or base stations, if it increases the original height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances.
2. For support structures other than towers in the public rights-of-way, if it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other existing towers or base stations, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
 3. For any eligible support structure, if it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
 4. If it entails any excavation or deployment outside the current site.⁹
- L. *Technically Feasible* – By virtue of engineering or spectrum usage, the proposed placement for a small wireless facility or its design or site location can be implemented without a material reduction in the functionality of the *Small Wireless Communications Facility*.
- M. *Tower-Based Wireless Communications Facility (Tower-Based WCF)*—any structure that is used for the primary purpose of supporting one or more *Antennas*, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, and the accompanying *Antenna* and *Accessory Equipment*.
- N. *Wireless Communications Facility (WCF)*— an *Antenna* facility or a *Wireless Support Structure* that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.
- O. *Wireless Communications Facility Applicant (WCF Applicant)* -- Any person that applies for a *Wireless Communications Facility* building permit, zoning approval and/or permission to use the public ROW or other Township-owned or third-party land or property.

P. *Wireless Support Structure*—a pole, tower, base station, or other building, whether or not it has an existing *Antenna* facility, that is used or to be used for the provision of wireless service (whether on its own or comingled with other types of services).

ARTICLE 3
GENERAL REGULATIONS

SECTION 301 COMPLIANCE REQUIRED

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

SECTION 302 INTERPRETATION AND CONFLICT

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

A. PUBLIC PROVISIONS

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

B. PRIVATE PROVISIONS

The regulations of this Ordinance are not intended to interfere with or abrogate or annul any easement, covenant or other form of private agreement or restriction, provided that where the provisions of this Ordinance impose a greater restriction, the requirements of this Ordinance shall govern. Where the provisions of any easement, covenant or other form of private agreement or restriction imposes obligations, duties and/or requirements which are more restrictive and/or impose higher standards than the requirements of this Ordinance, and such private provisions are not inconsistent with the requirements of this Ordinance, then such private provisions shall be operative and supplemental to the requirements of this Ordinance.

SECTION 303 REQUIRED ACCESS

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

SECTION 304 REQUIRED AREA OR SPACE CANNOT BE REDUCED

The area or dimension of any zone lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Ordinance and if already less than the minimum required.

by this Ordinance, said area or dimension may be continued and shall not be further reduced.

SECTION 305 ACCESSORY STRUCTURES

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

305.1 TYPES OF UNATTACHED RESIDENTIAL ACCESSORY STRUCTURES

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

305.2 UNATTACHED ACCESSORY STRUCTURES

A. Residential Accessory Structures: When the principal structure is residential, unattached accessory structures shall only be erected within the rear yard or side yard areas of the lot subject to the following requirements:

1. The maximum height shall not exceed twenty (20) feet.
2. Unless stated otherwise, an accessory structure shall not be located less than five (5) feet from a side lot line or rear lot line; in cases where it abuts a street or alley a setback of ten (10) feet shall be required.
3. An accessory structure having a gross floor area of not greater than one hundred (100) square feet and a height not exceeding a height of twelve (12) feet may be located not less than two (2) feet from a side lot line or rear lot line. In cases where it abuts a street or alley, a setback of ten (10) feet shall be required.
4. An accessory structure shall not be located less than ten (10) feet from the principal structure.
5. The maximum square foot area of any accessory structure, other than a swimming pool, shall not exceed the square foot area of the footprint of the principal structure.
6. In cases when a residential structure is a nonconforming use, located in a nonresidential zone, the proposed erection of an accessory residential structure shall be deemed exempt from classification as an expansion of a nonconforming use, but shall be subject to all other applicable regulations contained within this Ordinance.

B. Nonresidential Accessory Structures

1. When the principal use or structure is nonresidential, an unattached accessory structure shall comply with the front yard setback and side yard requirements applicable to the principal structure or use for the zoning district in which it is located.
2. An unattached accessory structure to a nonresidential principal use and/or structure which is classified as a special exception use, shall be exempt from the otherwise applicable special exception use regulations when the proposed construction, establishment or use of the accessory structure does not exceeds seven hundred fifty (750) square feet of gross floor area and complies with the required setback distances set forth above under Item 1.
3. An accessory structure shall not be located less than ten (10) feet from the principal structure.

305.3 OUTDOOR WOOD-FIRED BOILER

An Outdoor Wood-Fired Boiler, as defined in Article 2, shall be deemed to be an accessory residential structure permitted as a Special Exception Use, thereby requiring approval from the Pittston Township Zoning Hearing Board in accordance with the procedures set forth in Article 6 and also subject to the supplemental standards as set forth in Section 801.36 of this Ordinance. An Outdoor Wood-Fired Boiler shall only be used and/or connected as a heating source to a residential structure.

305.4. SOLAR ENERGY SYSTEMS, ACCESSORY

A free-standing Accessory Solar Energy System shall be deemed to be an accessory structure permitted as a Special Exception in all zoning districts, thereby requiring approval from Pittston Township Zoning Hearing Board in accordance with the procedures set forth in Article 6 and subject to the supplemental standards as set forth in Section 801.46 of this Ordinance.

A roof mounted Accessory Solar Energy System shall be permitted by right in all zoning districts, subject to not exceeding the maximum height requirement for the District in which it is located,

305.5 WIND ENERGY CONVERSION SYSTEM (SMALL)

A free-standing Small Wind Energy Conversion System, as defined in Article 2, shall be deemed to be an accessory structure permitted as a Special Exception Use, thereby requiring approval from the Pittston Township Zoning Hearing Board in accordance with the procedures set forth in Article 6 and also subject to the supplemental standards as set forth in Section 801.53 of this Ordinance.

A roof mounted Small Wind Energy Conversion System shall be permitted by

right in all zoning districts, subject to not exceeding the maximum height requirement for the District in which it is located.

305.6 INSTALLATION AND USE OF ACCESSORY STRUCTURES

Accessory structures, including any related equipment, shall be installed, operated and used in accordance with the manufacturer's written instructions and/or recommendations.

SECTION 306 CORNER LOT (PROPERTY) - ORIENTATION OF FRONT YARD

On a corner lot, the front yard area for the principal structure shall be based upon the mailing address for the subject property established by the U.S. Postal System and/or Luzerne County 911. Other yard areas having road frontage shall be deemed to be side yard.

SECTION 307 NONCOMMERCIAL SATELLITE DISH ANTENNA

A freestanding non-commercial satellite dish or standard antenna including amateur television and radio antennas, shall be deemed an accessory use, permitted by right in all zoning districts. Granting approval for the establishment and/or construction of a satellite dish antenna shall not restrict or imply to restrict the use or development of another zoning lot. The height of a noncommercial satellite dish antenna, including any supporting device, measured from ground level to its highest point of elevation, shall not exceed the maximum height restriction of the zoning district in which it is located. A ground-mounted satellite dish antenna must be in the side or rear yard not less than fifteen (15) feet from a rear yard property line and ten (10) feet from a side yard property line and cannot exceed an overall diameter of twelve (12) feet and an overall height of fifteen (15) feet.

A Noncommercial Satellite Dish Antenna when attached to a structure, with a diameter not greater than thirty-six (36) inches, shall be exempt from securing zoning approval, subject to not exceeding the height limitation for the Zoning District in which it is located.

SECTION 308 PRIVATE NONCOMMERCIAL SWIMMING POOLS

A private noncommercial swimming pool capable of containing water to a depth of twenty-four (24) inches or greater shall be permitted as an accessory use in any zone subject to the following:

308.1 Yard Area and Setback Requirements

A private swimming pool, including spas and hot tubs shall be located in either a side yard or rear yard with a minimum side yard and rear yard setback of not less than five (5) feet from all property lines. The setback distance shall include the deck, pad, or apron around the pool.

308.2 In-Ground Pools

The pool or the entire property on which the pool is located, shall be enclosed with a permanent fence not less than four (4) feet in height, but not greater than six (6)

feet which includes an access gate secured with a lock. The gate providing access to the pool shall be locked when the pool is not in use or unattended.

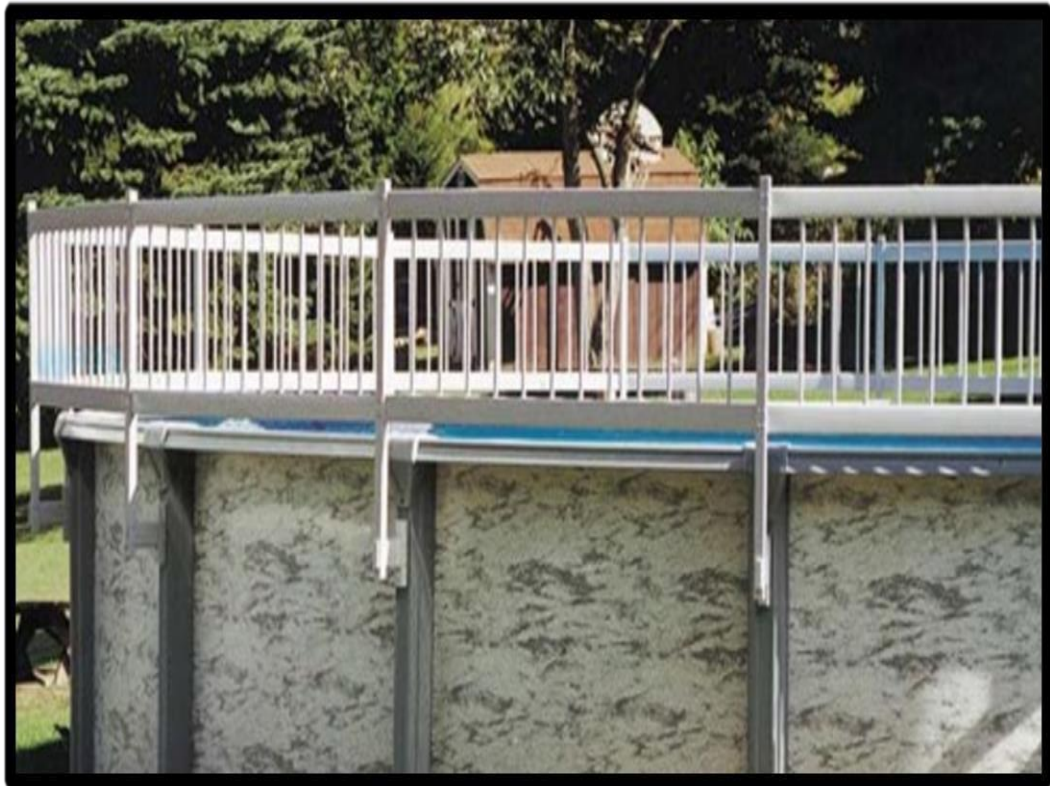
The required fencing for an in-ground pool must be installed upon the completion of the excavation work for said pool.

The fence shall not have any openings, holes, or gaps larger than four (4) inches in any dimension, and if a picket fence is erected or maintained, the horizontal or vertical dimension of space between pickets shall not exceed four (4) inches. A dwelling house or accessory building may be used as part of the enclosure.

Above Ground Pools

A. Pools With Exterior Supports

An above ground pool which is manufactured, designed and erected with supporting devices around and/or within the outer wall or edge of a pool shall be enclosed with a permanent fence not less than four (4) feet in height, but not greater than six (6) feet in height which includes a gate secured with a lock in accordance and subject to all the above requirements of Section 307.2, or in lieu of a fence, a barrier not less than four (4) feet in height, but not greater than six (6) feet in height is required. Said barrier may include the pool wall and any extension thereto.



If a ladder is used for access into the pool, it shall have a roll guard barrier, or its equivalent, with a lock to secure access when the pool is not in use or unattended.

ROLL GUARD BARRIER FOR ABOVE GROUND POOLS



If access to the pool is provided by a deck, there shall be a gate not less than four (4) feet in height, secured by a lock upon the deck which prevents direct access into the pool, when the pool is not in use or unattended.

B. Inflatable Pools without Exterior Supports

An above ground pool which may be inflated and used without supporting devices around and/or within the outer wall or edge of a pool, capable of containing water to a depth of twenty-four (24) inches or greater, shall be subject to the requirements set forth in above in either Section 308.2 or 308.3

SECTION 309 LOTS DIVIDED BY ZONING BOUNDARIES

If a zoning district boundary line divides a lot which does not exceed twenty thousand (20,000) square feet in size and held in single and separate ownership prior to the effective date of this Ordinance, placing ninety (90%) percent or more of the lot area in a particular zoning district, the location of such district boundary line may be construed to include the remaining ten (10%) percent or less of the lot so divided.

SECTION 310 PROJECTIONS INTO REQUIRED YARDS

The following projections shall be permitted into required yards and shall not be considered in the determination of yard setback requirements or building coverage:

- A. Terraces or Patios: provided that such terraces or patios are located in the rear yard or side yard, are not under roof, without walls or other forms of enclosure and are not closer than five (5) feet to any adjacent lot line.
- B. Projecting Architectural Features: such as bay windows, cornices, eaves, fireplaces, chimneys, window sills, stairways, balconies, canopies or other similar architectural features provided that any of the aforementioned features do not extend more than three (3) feet into any required setback.
- C. Porches and Decks: provided such porches or decks are not under roof, are located in the rear yard or side yard, and do not exceed four and one-half

(4^{1/2}) feet in depth and five (5) feet in length as extended from the principal structure, including access stairs to porch or deck.

- D. Handicapped Ramps: The installation of a handicapped ramp in any zone, designed to provide access to handicapped persons, shall be exempt from meeting any applicable front yard or rear yard setback requirements, but shall have a minimum side yard setback of not less than five (5) feet.
- E. No projections shall be permitted within and/or over a public right-of-way.
- F. Retaining walls shall be set back not less than five (5) feet from any adjacent right-of-way.

SECTION 311 LIMITED EXEMPTIONS FROM YARD REQUIREMENTS

311.1 EXISTING STRUCTURES

In all zoning districts any area of an existing residential structure which is part of the principal structure that is already under roof can be enclosed and shall be exempt from meeting the front, side and/or rear yard requirements for enclosing the structure subject to not exceeding the extent of the existing roof and or footprint of the structure.

311.2 EXEMPTIONS UNDER PROPOSED SUBDIVISIONS

Any structure, proposed to be subdivided, containing two (2) or more units, residential or nonresidential, shall be exempted from the governing side yard setback requirements under the Zoning Ordinance relative only to interior side yards where such units are physically connected. When a side yard of a proposed subdivision is directly attached to another unit within the structure, subdivision approval shall be exempt the property from requiring and/or securing an interior side yard variance from the Zoning Hearing Board.

SECTION 312 SETBACK EXEMPTION FOR STRUCTURAL REPLACEMENTS

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

- A. The use of the building represents a use permitted by right in the district in which it is located.
- B. There are no outstanding zoning or building code violations against the owner of the property.
- C. The structural replacement shall be at the exact same location and structural replacement shall be the same size and height, or less, than that which is being replaced.

- D. A photograph of the subject property, taken prior to the start of work, must be submitted to the Zoning Officer with a completed zoning permit application, along with any other information deemed necessary by the Zoning Officer to process the application.

SECTION 313 LAND DEVELOPMENT APPROVAL REQUIRED

In addition to zoning approval, the improvement of one (1) or more contiguous lots, involving a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential or commercial building on a lot or lots regardless of the number of occupants or tenants, in addition to the applicable provisions of this Ordinance, shall also be governed by the applicable provisions of Pittston Township Subdivision and Land Development Ordinance.

SECTION 314 SUPPLEMENTAL HEIGHT REGULATIONS

314.1 PERMITTED HEIGHT EXCEPTIONS

Height limitations in this Ordinance as so specified for each Zoning District shall not apply to church spires, belfries, cupolas and domes, monuments, water towers, wind energy conversion systems, wireless communication towers, chimneys, smokestacks, flag poles, radio towers, masts, farm structures and aerials, accessory mechanical appurtenances usually located above the roof level or to parapet walls extending not more than four (4) feet above the roof line of the principal building, but may be subject any supplemental height regulation associated with a specific use.

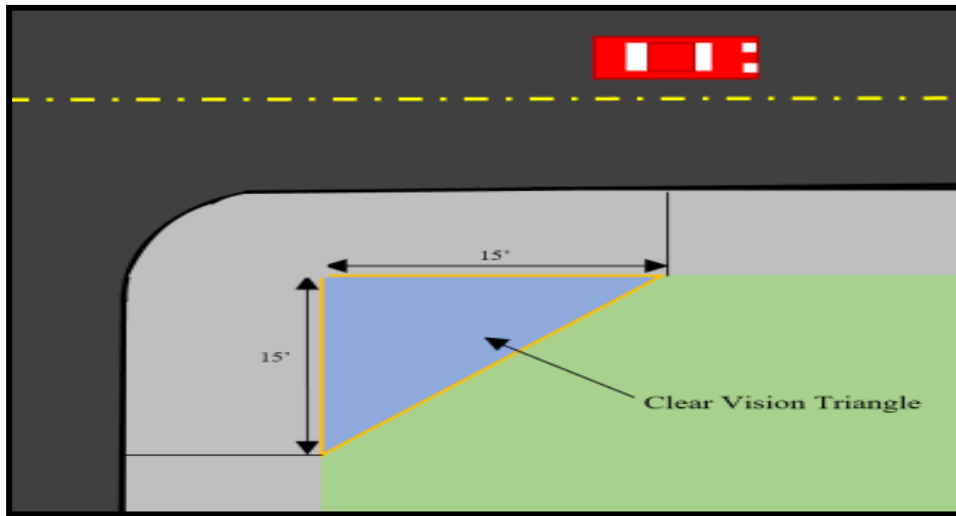
314.2 AIRPORT DISTRICT OVERLAY ORDINANCE

Properties within the Airport Overlay Zones shall be governed by height restrictions that will preclude development which will interfere with the safety of the take-off or landing of any aerial aircraft which uses a flight pattern authorized by the FAA as it relates to any airport in or near Pittston Township. Height limits that shall apply to properties in these areas of the Township that are within the Airport Overlay Zones (Conical, horizontal Transitional, and Approach Surfaces + Zones) shall be subject to the provisions of the Township's Airport District Overlay Ordinance.

SECTION 315 VISIBILITY AT INTERSECTIONS AND PRIVATE DRIVEWAYS

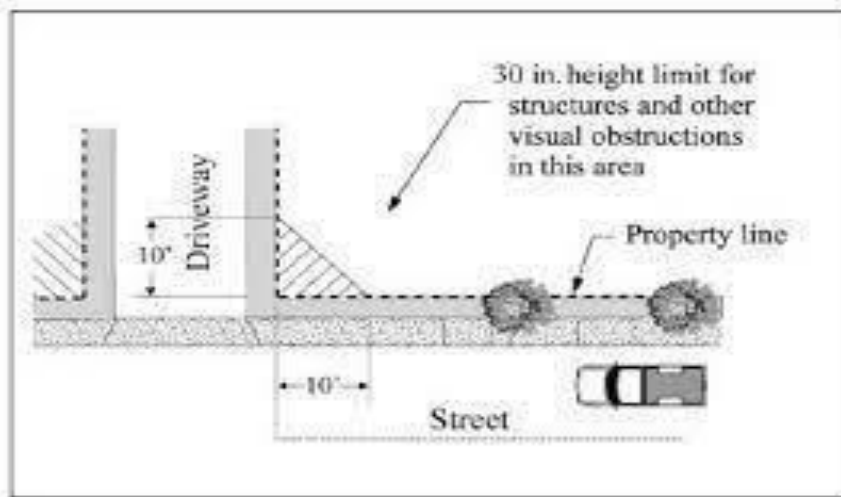
315.1 INTERSECTION OF STREETS

Unless superseded by PennDOT regulations, on any corner lot no visual obstruction, including but not limited to fences, structures and/or vegetation, exceeding a height of thirty (30) inches, excluding street signs, utility poles or traffic signs, shall be erected, planted and/or maintained within the triangle formed by a line projected between two points measured at a minimum distance of fifteen (15) feet from the point of intersection of the two (2) streets which border both yard lot lines of the property which abut the public rights-of-way.



315.2 PRIVATE DRIVEWAYS

No visual obstruction including but not limited to fences, structures and/or vegetation, exceeding a height of thirty (30) inches, shall be erected or maintained within the triangles formed by a line projected between two (2) points measured at a minimum distance of ten (10) feet from the outer edge of each side of the driveway in each direction to a depth of ten (10) feet along the centerline of the driveway.



SECTION 316 FENCES, WALLS AND DECORATIVE STONE COLUMNS

The posts and/or structural supports of a fence shall be located within the interior yard space to be enclosed. Height measurements for compliance with this Section shall be based upon the ground elevation directly below the fence. A fence shall not be subject to any setback distances, however, the applicant shall be responsible to having knowledge of the location of accurate property boundaries to ensure no portion of the fence, including but not limited to, the fence, posts and/or structural supports, do not extend beyond the property boundary.

316.1 RESIDENTIAL

Fences and walls to be constructed within a residential zoning district or upon a lot in any other type of zoning district which contains a residential property, shall be permitted according to the following subsections:

A. FRONT YARD

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

B. REAR AND SIDE YARDS

The maximum height of any fence or wall located in a side yard or rear yard shall not exceed six (6) feet in height.

C. MATERIALS

All fences shall be constructed with materials recognized by the American Fencing Association, specifically manufactured to be used as components for the erection, installation and/or construction of a fence as defined in Article 2 and designed to provide a permanent enclosure. No barbed wire or other potentially injurious material shall be contained upon the fence or as part of the material to construct the fence.

316.2 NONRESIDENTIAL ZONES

- A. No barbed wire or other potentially injurious material shall be contained upon the fence or as part of the material to construct a fence.
- B. Fences to be constructed within a commercial zoning district shall not exceed eight (8) feet in height above the adjacent ground level.
- C. Fences to be constructed within any industrial zoning district shall not exceed ten(10) feet in height above the adjacent ground level.

316.3 EXEMPTIONS

The provisions of this Section shall not be applied to prevent the construction of a fence, in excess of the maximum height requirements in any Zoning District, for the purpose of enclosing a public property, a public park, a public playground or similar outdoor recreational facility, including those which are owned and operated by a nonprofit organization.

316.4 RETAINING WALLS

All retaining walls shall be designed and constructed in compliance with all applicable requirements of the UCC.

- A. Retaining walls shall be subject to the height limitations provided for under Section 316.1 and Section 316.2.
- B. Any retaining wall which has a height in excess of four (4) feet shall be designed and certified by a licensed Pennsylvania Engineer prior to the issuance of a zoning permit or building permit. The applicant shall be responsible for the submission of the drawings which provide the proposed design and construction of the retaining wall to assure its structural

integrity. The applicant shall be responsible for all engineering costs incurred by Pittston Township for the review of the drawings.

316.5 DECORATIVE STONE COLUMNS

Decorative stone columns often used as a point of entrance to a property shall be subject to the height limitations provided for under Section 316.1 and Section 316.2. Decorative stone columns must also comply with all applicable requirements of the UCC.



SECTION 317 PUBLIC UTILITIES

With the exception of storage yards, the provisions and regulations of this Ordinance shall not apply to any existing or proposed building or extension thereof, used or to be used as or by a public utility corporation deemed necessary for the convenience or welfare of the public in accordance with Section 619 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 318 MANUFACTURED HOMES ON PERMANENT FOUNDATIONS

A manufactured home, when constructed and anchored to a permanent foundation, as defined in Article 2 of this Ordinance, shall be deemed to be a single-family residence.

SECTION 319 MANUFACTURED HOMES WITHOUT PERMANENT FOUNDATION

A manufactured home when not anchored to a permanent foundation shall be Set on a concrete frost-free footer with skirting made of brick, block or concrete wall, and any towing tongues, wheels and axles shall be removed from the mobile home and the home must be secured with a safety strap or cable to the concrete footer or steel cross support. The specifications of the footer and its depth shall be as required under the applicable Pennsylvania UCC.

SECTION 320 CONVERSION OF NONRESIDENTIAL STRUCTURES

The conversion of the building not constructed for residential use which is located in a Residential Zone may be converted to a residential use as a Special Exception use by the Zoning Hearing Board in accordance with the applicable standards contained in Article 6 and Article 15 of this Ordinance and subject to the following:

- A. A ratio of one (1) dwelling unit for every five thousand (5,000) square feet of lot area,

provided that not more than four (4) dwelling units shall be created in the conversion of any such building in an R-1 District.

- B. A ratio of one (1) dwelling unit for every four thousand (4,000) square feet of lot area, provided that more than six (6) dwelling units shall be created in the conversion of any such building in an R-2 District.
- C. All other applicable requirements of this ordinance are met, including but not limited to the provision of two (2) off-street parking spaces for each dwelling unit created.

SECTION 321 RECREATIONAL VEHICLE AND WATERCRAFT – PARKING

A. RECREATIONAL VEHICLE

A maximum of one (1) uninhabited recreational vehicle in transportable condition may be located, placed and/or stored on a lot outside of an enclosed structure provided that the following conditions are met:

1. A Recreational Vehicle, or any portion thereof, shall not be located, placed and/or stored in a front yard area of the property upon which off-street is located.
2. A Recreational Vehicle shall not be used as and/or considered to be a dwelling.
3. A Recreational Vehicle must be owned by the occupants of the property upon which the Recreational Vehicle is located.
4. A Recreational Vehicle shall not be located, placed and/or stored in any yard area abutting a street that would obstruct the clear-sight triangle.
5. A Recreational Vehicle may be only located, placed and/or stored in the side or rear yard of a property provided that such location has a minimum setback distance of not less than five (5) feet from any side and/or rear yard line.
6. A Recreational Vehicle shall not be in a state of disrepair to be classified as a Junk Vehicle as defined in Article 2 of this Ordinance.

B. WATERCRAFT

A maximum of one watercraft may be located, placed and/or stored on a lot outside of an enclosed structure provided that the following are met:

1. Any type of watercraft, or any portion thereof, shall not be located, placed and/or stored in a front yard area upon of the property upon which it is located.
2. The watercraft must be owned by the occupants of the property upon which it is located.
3. The watercraft shall not be stored in any yard area abutting a street that would obstruct the clear-sight triangle.

SECTION 322 HIGHWAY OCCUPANCY PERMIT

Zoning approval for any proposed use and/or development of a property, which includes the construction and/or relocation of a driveway onto a State Legislative Route shall

require a Highway Occupancy Permit from PennDOT.

SECTION 323 STORMWATER MANAGEMENT

Any proposed development or use of property which results and/or requires a land disturbance shall be undertaken in compliance with all applicable Ordinances of Pittston Township governing required stormwater management practices.

SECTION 324 FLOOD PLAIN MANAGEMENT

Any improvements to structures or land located within a flood prone area as established by FEMA shall be in compliance with all applicable provisions and regulations of both this Ordinance (Article 12) and with all applicable Ordinances of Pittston Township regulating the use and/or development of properties located within a flood prone area.

SECTION 325 RIPARIAN BUFFER

Excluding stormwater detention facilities, floodproofing structures and/or similar devices, a minimum setback of twenty-five (25) feet from any watercourse and/or wetlands, (as defined in Article 2) shall be required in all Zoning Districts for any form of development and/or improvements, unless a greater setback distance is required by this Ordinance or by a State or Federal Agency.

SECTION 326 STEEP SLOPE LAND

Land having a slope of 25% or greater shall be deemed steep slope land. Any proposed development and/or use of such land shall require that the applicant prepare and submit a Soil Erosion and Sedimentation control plan to the Luzern County Conservation District.

SECTION 327 KEEPING OF EXOTIC ANIMALS PROHIBITED

It shall be prohibited to keep, house and/or raise any exotic animals as so defined by this Ordinance within and/or upon any property within Pittston Township.

SECTION 328 REGULATIONS FOR KEEPING OF LIVESTOCK OR FOWL

The keeping of livestock and/or fowl for noncommercial purposes or that is not part of an agricultural operation as so defined in Article 2 of this Ordinance shall only be permitted within the C-1 Zoning District. The following supplemental regulations shall apply to properties upon which fowl and/or livestock are intended to be kept.

Zoning Regulation	Fowl	Livestock, including Swine
Permitted Zoning District	C-1	C-1
Minimum Size ¹	None	5 Acres
Setback distance for animal structures	100 feet	100 feet

- 1 Five (5) acres is required for one piece of livestock, including swine, and one (1) acre for each additional piece of livestock and/or swine, exclusive of woodlands, forested areas wetlands and/or land otherwise unsuited for tillage were grazing/endure plant on otherwise unsuited for tillage or grazing.

SECTION 329 CUSTOMARY HOUSEHOLD PETS

Customary household pets as defined in Article 2 shall be permitted in all zoning districts.

SECTION 330 SEWAGE DISPOSAL

The provision of sewage service to any proposed use and/or development shall be consistent with the Township's Act 537 Sewage Facility Plan. Any use or development which proposes to utilize on-lot sewage disposal shall secure approval from the Township's Sewage Enforcement Officer in accordance with the applicable regulations of the Pennsylvania Department of Environmental Protection. The use of a holding tank shall be expressly prohibited to service any use and/or development.

SECTION 331 OUTDOOR LIGHTING

- A. All outdoor lighting shall be directed away from public right of ways and adjoining properties so that the lighting does not present a hazard to drivers or pedestrians by impairing their ability to safely traverse (disabling glare), and so as not to create a nuisance by projecting or reflecting objectionable light onto neighboring uses or properties (nuisance glare).
- B. An outdoor lighting plan shall be required with a zoning permit application when outdoor lights are proposed or required. If the proposed use is permitted by special exception or conditional use, the applicant shall present the outdoor lighting plan as part of the application for a special exception or conditional use. If the proposed use is permitted as of right but requires subdivision or land development approval, the applicant shall submit the outdoor lighting plan with the subdivision or land development plan for approval as part of the subdivision or land development plan. Outdoor lighting plans shall include a detailed grid of illumination levels, a calculation as to the average illumination levels, the number of lighting fixtures, the height and location of the mounting fixtures, including the underside of any canopies, details as to how lighting will be recessed, shielded, and angled, when required, as well as details of any building or canopy-mounted lighting to show compliance with this section.
- C. In no case shall illumination exceed 0.5 foot-candles measured at the lot line and 0.2 foot-candles at ten (10) feet from the lot line onto an adjoining lot. The amount of illumination projected onto a residentially zoned or used lot from another lot may not exceed 0.2 foot-candles at the lot line.
- D. No luminaire, spotlight or other light source that is within two hundred (200) feet of a lot line of an existing dwelling unit or approved residential lot shall be placed at a height exceeding twenty-five (25) feet above the average surrounding ground level. This limitation does not apply to lights needed for air safety, lights intended solely to illuminate an architectural feature of a building, or lighting of outdoor public recreation facilities.
- E. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings, and adjacent lots.
- F. All light sources, including signs, shall be shielded around the light source, and

carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings or persons enjoying outdoor passive recreation areas, and to prevent the lighting from shining into the eyes of passing motorists.

SECTION 332 SUPPLEMENTAL REQUIREMENTS

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

SECTION 333 USES NOT ADDRESSED WITHIN ORDINANCE

Whenever, in any district established under this Ordinance, a use is neither specifically permitted nor denied and an application is made by a landowner to the Zoning Officer for such use, the Zoning Officer shall refer the application to Pittston Township Board of Supervisors to hear and decide such request as a conditional use. Pittston Township Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications. The proposed use may be permitted if it is determined to be similar to and compatible with permitted uses in the district and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use would meet the standards and criteria for a conditional use as contained in Article 7 of this Ordinance and would not be detrimental to the public health, safety and welfare and/or environmental features and characteristics of the site and/or surrounding areas.

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ARTICLE 4
ZONING MAP AND ZONING DISTRICTS

SECTION 401 OFFICIAL ZONING MAP

Pittston Township is hereby divided into eight (8) zoning districts, as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance, together with all future notations, references and amendments.

401.1 OVERLAY ZONES

In addition to the above-referenced eight (8) districts, there shall also be overlay districts, including a Flood Plain Conservation (FP) Overlay District and several Airport (AP) Overlay Zoning Districts, including an Approach Surface Zone, a Transitional Surface Zone, a Conical Surface Zone, a Horizontal Surface Zone and a Primary Surface Zone. A separate Airport Overlay Zoning District Map is hereby adopted, incorporated herein and made part of this ordinance.

401.2 UNDERLYING ZONES

Permitted uses and building regulations in the overlay zoning districts shall be subject to the same requirements as the underlying zoning districts over which the overlays are placed and the supplementary regulations of the Township's Flood Plain regulations and the Airport District Overlay Ordinance.

SECTION 402 CHANGES TO OFFICIAL ZONING MAP

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

SECTION 403 INTERPRETATION OF BOUNDARIES

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

403.1 ZONING HEARING BOARD

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

403.2 GUIDELINES

- (A) Zoning district boundary lines are intended to follow or parallel the center line of streets, streams and railroads; and the lot or property lines as they exist on a

recorded deed or plan in the Luzerne County Recorder of Deeds Office at the time of adoption of this Ordinance, unless such zoning district boundary lines are fixed by dimensions as shown on the Official Zoning Map.

- (B) Where a zoning district boundary is not fixed by dimensions and where it approximately follows lot lines and does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- (C) If the guidelines as stated above fail to provide and establish the boundary of a zoning district, a survey of the property or area of land in question shall be made by a registered surveyor, with the cost of the survey paid by the party who is questioning or contesting the boundary location.

SECTION 404 CLASSES OF ZONING DISTRICTS

For the purpose of this Ordinance, Pittston Township is hereby divided into eight (8) Zoning Districts as designated below:

- R-1 SINGLE FAMILY RESIDENCE DISTRICT
- R-2 TWO FAMILY RESIDENCE DISTRICT
- C-1 CONSERVATION DISTRICT
- B-1 COMMUNITY BUSINESS DISTRICT
- B-2 HIGHWAY BUSINESS DISTRICT
- I-1 INDUSTRIAL DISTRICT
- I-2 INDUSTRIAL FLEXIBLE DISTRICT
- I-3 INDUSTRIAL REDEVELOPMENT DISTRICT

ARTICLE 5
ZONING DISTRICT REGULATIONS AND DIMENSIONAL REQUIREMENTS

SECTION 501 PERMITTED USES, CONDITIONAL USES, SPECIAL EXCEPTION USES, NONPERMITTED USES AND ACCESSORY USES AND/OR ACCESSORY STRUCTURES

- (1) Permitted Uses. The letter “P” designated under any of the zoning districts in the Use Table of this Ordinance indicates a permitted use in that district, which use is permitted by right within that zoning district, thereby not requiring approval of the Township Board of Supervisors or Zoning Hearing Board approval, but only a determination by the Zoning Officer.
- (2) Conditional Uses. The letters “C” designated under any of the zoning districts in the Use Table of this Ordinance indicates a conditional use in that district, which use requires the Township Board of Supervisors approval. The Township Board of Supervisors may either approve or deny a conditional use in accordance with the provisions of this Ordinance. The Zoning Officer has no discretion to approve any permit where the use is classified as requiring a conditional use approval.
- (3) Special Exception Uses. The letters “SE” designated under any of the zoning districts in the Use Table of this Ordinance indicates a special exception use in that district, which use requires Zoning Hearing Board approval. The Zoning Hearing Board may either approve or deny a special exception use in accordance with the provisions of this Ordinance. The Zoning Officer has no discretion to approve any permit where the use is classified as requiring special exception approval.
- (4) Non-Permitted Uses. The letter “N” designated under any of the zoning districts in the Use Table of this Ordinance indicates a use not permitted in that particular district.
- (5) Accessory Use and/or Structure: The letter “A” designated under any of the zoning districts in the Use Table of this Ordinance is for an accessory use of land and/or structures, customarily appurtenant to a principal permitted use and/or structure on the same lot. Subject to compliance with all applicable regulations such uses shall be treated the same as a Permitted Use.

Symbol Key

P - Permitted Use

SE - Special Exception Use

C - Conditional Use

N - Non-Permitted Use

A - Accessory Use and/or Accessory Structure

**TABLE 502
PITTSTON TOWNSHIP
LAND USE CLASSIFICATIONS**

RESIDENTIAL AND OTHER USES (1)	ZONING DISTRICTS								SUPPLEMENTAL REGULATIONS
	C-1	R-1	R-2	B-1	B-2	1-1	1-2	1-3	
Accessory Uses and Structures (2)	P	P	P	P	P	P	P	P	
Assisted Living Facilities	P	N	N	SE	SE	N	N	N	Section 801.06
Bed and Breakfast	SE	N	N	SE	SE	N	N	N	Section 801..09
Conversions into Residential	SE	N	N	SE	SE	N	N	N	
Continuing Care Facility	N	N	N	P	P	N	N	P	
Dormitory	N	N	P	P	P	P	P	P	
DWELLING TYPES									
Single-Family, Detached	P	P	P	P	P	N	N	N	
Two- Family	P	P	P	P	P	N	N	N	
Multi-Family, Including Condominiums	N	N	SE	SE	SE	N	N	N	
Apartment Building	N	N	SE	SE	SE	N	N	N	Section 801.05
Garden Apartment	N	N	SE	SE	SE	N	N	N	
Townhouses	N	N	SE	SE	SE	N	N	N	Section 801.50
Manufactured Home, with permanent Foundation	P	P	P	P	P	P	P	P	
Manufactured Home, without Permanent Foundation	P	N	N	N	N	N	N	N	
Dwelling Unit over or attached to a Business	P	N	N	P	P	N	N	N	Section 801.16
Manufactured Home Park	C	N	N	N	N	N	N	N	
Planned Residential Development	C	N	N	N	N	N	N	N	
Group Homes For Disabled Individuals	P	P	P	P	P	N	N	N	Section 801 . 22
Halfway House	N	N	N	N	N	C	C	C	
Home Occupations	SE	SE	SE	SE	SE	N	N	N	Section 801 . 23
Home Office (3)	P	P	P	P	P	N	N	N	
Mixed Use Structure	P	N	N	P	P	N	N	N	
Manufactured Home Park	C	N	N	N	N	N	N	N	
No-impact Home Based Business	P	P	P	P	P	N	N	N	Section 801.33
Nursing Home	N	N	N	N	SE	SE	SE	SE	
Personal Care Home	N	N	N	N	N	N	SE	SE	
Recovery House and/or Sober House	N	N	N	N	N	SE	SE	SE	Definition of Term
Recovery House and/or Sober House	N	N	N	N	N	SE	SE	SE	
Rooming House	N	N	N	SE	SE	N	N	N	Section 801.41
Short-Term Home Rental	SE	SE	SE	SE	N	N	N	N	Section 801.45
Short-Term Transient Rental	SE	N	N	N	N	N	N	N	Section 801.45
Temporary Use, Residential	N	SE	SE	N	N	N	N	N	
Tiny House	P	N	N	N	N	N	N	N	Definition of Term
Transitional Housing	N	N	N	N	N	N	C	N	Definition of Term

**TABLE 503
PITTSTON TOWNSHIP
LAND USE CLASSIFICATIONS**

NONRESIDENTIAL AND OTHER USES (1)	ZONING DISTRICTS								SUPPLEMENTAL REGULATIONS
	C-1	R-1	R-2	B-1	B-2	1-1	1-2	1-3	
Accessory Uses and Structures (2)	P	N	N	P	P	P	P	P	
Agricultural Operation	P	N	N	N	N	N	N	N	Section 801.01
Agricultural Uses, Accessory (3)	P	N	N	N	N	N	N	N	
Airports	C	N	N	N	N	N	N	N	
Amusement Machine Complex	N	N	N	N	N	N	P	P	
Amusement Park	N	N	N	N	N	N	SE	SE	
Animal Day Care	P	N	N	P	P	N	N	N	
Animal Hospital	N	N	N	N	P	N	P	P	Section 801.02
Animal Kennel	SE	N	N	N	N	N	P	P	Section 801.03
Animal rescue Shelter	SE	N	N	N	N	N	N	N	Section 801.04
Appliance Stores/Repairs	N	N	N	P	P	N	N	N	
Asphalt, Batch or Concrete Plant	N	N	N	N	N	SE	N	N	Section 801.31
Automotive Repair Garage, Major	N	N	N	N	N	P	P	P	Section 801.07 (A)
Automotive Repair Garage, Minor	N	N	N	P	P	P	P	P	Section 801.07 (B)
Automotive Sales	N	N	N	SE	SE	SE	SE	SE	Section 801.02 (C)
Automobile Service/Filling Station	N	N	N	SE	SE	SE	SE	SE	Section 801.02 (D)
Automobile Storage Yard: (Also See Junk or Salvage Yard)	N	N	N	N	N	N	N	C	Section 807.07 (F)
Automotive Supply Store	N	N	N	P	P	P	P	P	
Bank or Financial Institution	N	N	N	P	P	P	P	P	Section 801..08
Bakery (Retail)	N	N	N	P	P	N	P	P	
Bakery (Wholesale)	N	N	N	N	P	P	P	P	
Billiard/Pool Rooms	N	N	N	P	P	N	N	N	
Beauty Salon or Barber Shop	N	N	N	P	P	P	P	P	
Bottle Club	N	N	N	N	N	N	C	C	
Bowling Alley	N	N	N	P	P	N	N	N	
Bulk Fuel Storage	N	N	N	N	N	SE	SE	SE	Section 801.10
Business Offices, Including Corp. Headquarters	N	N	N	N	N	P	P	P	
BYOB Establishment	N	N	N	SE	SE	N	N	N	
Campgrounds	C	N	N	N	N	N	N	N	Section 801.11
Car Wash:	N	N	N	P	P	P	P	P	Section 801.07 (E)
Catering Establishments	N	N	N	P	P	N	P	P	
Cemeteries & Mausoleums	SE	N	N	N	N	N	N	N	
Charitable Organization	N	N	N	SE	SE	SE	SE	SE	
Civic & Cultural Facilities-Theatre, Auditorium	N	N	N	SE	SE	N	N	N	
Clothes Cleaning, Neighborhood	N	N	N	P	P	P	P	P	
Clothes Cleaning, Industrial	N	N	N	P	N	SE	SE	SE	
Common Open Space: (3)	P	P	P	P	P	P	P	P	
Community Center	N	SE	SE	SE	SE	N	N	N	
Construction Trade	N	N	N	N	N	P	P	P	Definition of Term
Contractor's Office	N	N	N	N	N	P	P	P	Definition of Term

TABLE 503 (continued)
PITTSTON TOWNSHIP
LAND USE CLASSIFICATIONS

Contractor's Storage Yards and/or Outdoor Storage as a Principal Use	N	N	N	N	N	P	P	P	Section 801.12
Contractor's Shop	N	N	N	N	N	P	P	P	Definition of Term
Convenience Stores	N	N	N	P	P	N	P	P	
ConvenienceStores with Gas Sales	N	N	N	SE	SE	N	P	P	
Convention Center, Banquets, and Similar Places	N	N	N	N	N	N	SE	SE	
Country Club-Public/Private Golf, Tennis, etc.	SE	N	N	N	N	N	N	N	
Crematoriums	SE	N	N	N	N	N	N	N	
Dance, Gymnastic, Martial Arts, Yoga Studio, Health and Fitness Training	N	N	N	P	P	N	P	P	
Data Processing and Record Storage	N	N	N	N	P	P	P	P	
DAY CARE FACILITIES									Section 801.13
Adult Day Care Center	N	N	N	N	P	P	P	P	
Child Day Care Center	N	N	N	N	P	P	P	P	
Family Day Care Home	P	N	SE	SE	SE	N	N	N	
Group Day Care Home	P	N	SE	SE	SE	N	N	N	
Detention Facility	N	N	N	N	N	C	C	C	Section 801.14
Distributed Antenna Systems DAS (3)	N	N	N	N	P	P	P	P	
Distribution Center	N	N	N	N	N	P	P	P	
Drive-in/Drive Through Commercial Uses	N	N	N	SE	SE	SE	SE	SE	Section 801.15
Electric Vehicle (EV) Charging Stations (3)	P	P	P	P	P	P	P	P	
Emergency Services Facility	SE	SE	SE	SE	SE	SE	SE	SE	Section 801.17
Entertainment Facilities	N	N	N	P	P	N	N	N	Section 801.18
Essential Public Services	SE	SE	SE	SE	SE	SE	SE	SE	
Excavation/Extraction Uses	SE	N	N	N	N	N	N	N	Section 801.19
Exotic Animals	N	N	N	N	N	N	N	N	
Farm Animals	P	N	N	N	N	N	N	N	
Feed and Grain Sales	N	N	N	P	P	P	P	P	
Field House And Arena	C	N	N	N	N	C	C	C	
Financial Institution	N	N	N	N	P	P	P	P	
Fitness Club or Health Spa	N	N	N	P	P	P	P	P	
Flea Market	N	N	N	SE	SE	SE	N	N	
Food Processing Establishment	N	N	N	N	N	P	P	P	Section 801. 20
Forestry	P	P	P	P	P	P	P	P	
Funeral Home	N	N	N	SE	SE	N	N	N	Section 801. 21
Game Propagation Farm And Wildlife	P	N	N	N	N	N	P	P	
Garage, Public Parking	N	N	N	SE	SE	SE	SE	SE	
Hazardous Substance Facility	N	N	N	N	N	N	N	C	
Heliport	N	N	N	N	N	N	N	C	
Hospital	N	N	N	N	N	SE	SE	SE	
Hotel (See Motel)	N	N	N	N	SE	SE	SE	SE	
Hookah Lounge or Bar	N	N	N	N	SE	SE	SE	SE	
Industry, Heavy	N	N	N	N	N	SE	SE	SE	Section 801.24
Industry, Light	N	N	N	N	N	P	P	P	Section 801.24
Institutional Use	N	N	N	SE	SE	SE	N	N	
Junkyard: (Also See Automobile Storage	N	N	N	N	N	C	N	N	Section 807.07 (F)
Laundromat, Self-Service	N	N	N	P	P	N	N	N	

**TABLE 503 (continued)
PITTSTON TOWNSHIP
LAND USE CLASSIFICATIONS**

NONRESIDENTIAL AND OTHER USES (1)	ZONING DISTRICTS								SUPPLEMENTAL REGULATIONS
	C-1	R-1	R-2	B-1	B-2	1-1	1-2	1-3	
Library	N	N	N	P	P	N	N	N	
Live Entertainment (5))	N	N	N	SE	SE	SE	SE	SE	Definition of Term
Lumber Yard	N	N	N	N	P	P	N	N	
Machine Shop	N	N	N	N	N	P	N	N	Section 801.26
Medical Clinic/Center	N	N	N	P	P	N	N	N	
Medical Marijuana Dispensary	N	N	N	P	P	P	P	P	Section 801.29
Medical Marijuana Grower/Processor Facility	N	N	N	N	N	C	C	C	Section 801.30
Methadone Treatment Facility	N	N	N	N	N	N	C	C	Section 801.28
Membership Club, including Nonprofit Social Hall and Civic Organizations	P	N	N	P	P	N	N	N	Section 801.27
Methadone Treatment Facility	N	N	N	N	N	N	C	C	Section 801.28
Micro-Brewery	N	N	N	P	P	N	N	N	
Millwork and Other Wood Products	N	N	N	N	N	SE	N	N	
Miniature Golf	N	N	N	P	P	P	N	N	
Mineral Extraction Uses	N	N	N	N	N	N	N	C	Section 801.19
Mineral Extraction with an Asphalt, Batch or Concrete Plant	N	N	N	N	N	N	N	C	Section 801.31
Mixed Use Structures (Retail & Residential)	N	N	N	P	P	N	N	N	Section 801.16
Motel/Hotel)	N	N	N	P	P	N	P	P	Section 801.32
Night Club	N	N	N	P	P	N	N	N	
Nursery/Garden Center	P	N	N	P	P	N	N	N	
Nonprofit Social Halls and Clubs	P	N	N	P	P	N	N	N	Section 801.34
Office, Professional:	N	N	N	P	P	P	P	P	
Office, Service	N	N	N	P	P	P	P	P	
Oil and Gas Compressor Station	C	N	N	N	N	N	N	N	Section 801.35
Open Space	P	P	P	P	P	P	P	P	
Outdoor Storage as a Principal Use	SE	N	N	N	N	P	N	N	
Outdoor Wood-Fired Boiler (3)	SE	SE	SE	SE	SE	SE	SE	SE	Section 801.36
Personal Services	N	N	N	P	P	N	N	N	
Places of Worship	SE	N	N	SE	SE	N	N	N	Section 801.37
Photography Studio	N	N	N	P	P	N	N	N	
Print Shop	N	N	N	P	P	P	P	P	
Public Building and/or Facility	SE	N	N	SE	SE	SE	SE	SE	
Public Utility Facilities (Essential)	P	P	P	P	P	P	P	P	Section 801.38
Radio/TV Studios	N	N	N	N	P	P	P	P	
Recreational Facilities, Commercial	SE	N	N	N	SE	SE	SE	SE	
Recreational Facilities, Private	P	N	N	N	N	N	N	N	
Recreational Facilities, Public	SE	SE	SE	SE	SE	SE	SE	SE	
Recreational Facilities Outdoors as a Principal Use	SE	N	N	N	N	SE	SE	SE	Section 801.39
Recreation Vehicle or Boat Sales	N	N	N	N	N	P	P	P	
Recycling Collection Center	N	N	N	N	N	SE	SE	N	
Recycling Plant	N	N	N	N	N	C	C	C	

**TABLE 503 (continued)
PITTSSTON TOWNSHIP
LAND USE CLASSIFICATIONS**

NONRESIDENTIAL AND OTHER USES(1)	ZONING DISTRICTS								SUPPLEMENTAL REGULATIONS
	C-1	R-1	R-2	B-1	B-2	1-1	1-2	1-3	
Research Laboratory	N	N	N	N	N	P	P	P	
Restaurant and/or Taverns	N	N	N	P	P	N	N	N	Section 801.40
Restaurant, Fast-Food (4)	N	N	N	P	P	N	N	N	Section 801.40
Retail Sale Establishments	N	N	N	P	P	P	P	P	Definition of Term
Retail Establishment, Large	N	N	N	N	C	C	C	C	Section 801.25
Riding Academy	P	N	N	N	N	N	N	N	
Satellite Dish Antenna (3)	P	P	P	P	P	P	P	P	Section 801.42
School, Public, Private, Vocational and Technical	SE	N	N	N	N	SE	SE	SE	Section 801.48
Self-Storage Facility	P	N	N	N	N	P	P	P	Section 801.43
Sexually Oriented Uses	N	N	N	N	N	N	C	N	Section 801.44
Shopping Center	N	N	N	N	SE	SE	SE	SE	
Shooting Range, Commercial	SE	N	N	N	N	N	N	N	
SOLAR ENERGY									
Solar Energy System, Accessory (ASES:) Roof-Mounted (3)	P	P	P	P	P	P	P	P	Section 801.46
Solar Energy System, Accessory (ASES:) Free Standing (3)	SE	SE	SE	SE	SE	SE	SE	SE	Section 801.46
Solar Energy System, Principal (PSES:)	C	N	N	N	N	C	C	C	Section 801.47
Solid Waste Facility	N	N	N	N	N	C	N	N	
Solid Waste Transfer Facility	N	N	N	N	N	C	N	N	
Stable, Commercial	P	N	N	N	N	N	N	N	
Storage, Heavy Equipment	N	N	N	N	N	P	P	P	
SUBSTANCE ABUSE FACILITIES									Section 801.49
Substance Abuse Detoxification Treatment Facility	N	N	N	N	N	N	C	N	Section 801.49
Non-Hospital Drug Free Residential Substance Abuse Treatment Facility	N	N	N	N	N	N	C	N	Section 801.49
Partial Hospitalization Treatment Facility	N	N	N	N	N	N	C	N	Section 801.49
Tanneries	N	N	N	N	N	N	SE	SE	
Tattoo Parlor/Body-Piercing Studio	N	N	N	P	P	N	N	N	
Tavern	N	N	N	P	P	P	P	P	Section 801.40
Tavern with Live Entertainment	N	N	N	SE	SE	SE	SE	SE	Section 801.40
Temp Trailers for Offices and/or Material Staging	N	N	N	N	N	P	P	P	
Tire Retreading/Recapping	N	N	N	N	N	N	SE	SE	
Truck Repair & Storage Facility	N	N	N	N	P	P	P	P	Section 801.51
Visitors Center	N	N	N	N	P	P	P	P	

**TABLE 503 (continued)
PITTSTON TOWNSHIP
LAND USE CLASSIFICATIONS**

NONRESIDENTIAL AND OTHER USES (1)	ZONING DISTRICTS								SUPPLEMENTAL REGULATIONS
	C-1	R-1	R-2	B-1	B-2	1-1	1-2	1-3	
Warehouse and Distribution Facilities	N	N	N	N	N	P	P	P	Section 801.52
Welding Shop	N	N	N	N	N	SE	N	N	
Wholesale Offices and Showrooms	N	N	N	N	P	P	P	P	
WIND ENERGY CONVERSION SYSTEMS									
Principal Wind Energy Facility: (“PWEF”)	C	N	N	N	N	N	N	N	Section 801.54
Small Wind Energy Conversion System: (“WECS”): (3)	P	N	N	N	N	N	P	P	Section 801.53
WIRELESS COMMUNICATIONS FACILITIES									
Tower-Based Wireless Communications Facility	SE	N	N	SE	SE	SE	SE	SE	Section 801.57
Non-Tower Wireless Communications Facility	SE	N	N	SE	SE	SE	SE	SE	Section 801.56
Small Wireless Communications Facility	SE	N	N	SE	SE	SE	SE	SE	Section 801.58
Winery	P	N	N	N	N	N	N	N	
Winery, Limited	P	N	N	N	N	N	N	N	
Woodland And Game Preserve, Fish Hatchery, Etc.	P	N	N	N	N	N	N	N	

FOOTNOTES

- (1) Any nonresidential use permitted by right or by special exception, excluding agricultural uses and forestry, shall be deemed a conditional use if it involves either of the following:
 - A. the initial or cumulative earth disturbance activity or use of property which equals or exceeds 80,000 square feet of surface area.
 - OR
 - B. the initial or cumulative construction, placement or installation of a building, structure and/or development which equals or exceeds 30,000 square feet.
- (2) Uses may be subject to supplemental regulations contained in Article 3, Article 6, Article 7 and/or Article 8.
- (3) Accessory Use.
- (4) Special exception approval required for any use providing drive-through/drive-in services as defined in Article 2.
- (5) Special exception approval required for any use providing live entertainment as defined in Article 2.

SECTION 504
AGRICULTURAL USES

AGRICULTURAL USES

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

Principal Permitted Uses

Agricultural uses as defined herein
Farm residences and accessory structures
Roadside stands for the sale of farm products grown or produced on premises
Tree farms and harvesting
Truck gardening

Accessory Uses

Accessory uses and structures customarily appurtenant to a principal permitted use

Special Exceptions

None.

Conditional Uses

Processing agricultural products produced on the premises, excluding meat products
Processing milk products, produced on premises, including bottling.

**SECTION 505
DIMENSION REGULATIONS
RESIDENTIAL AND CONSERVATION ZONES**

<u>FEATURES REGULATED</u>	<u>R-1 1-FAMILY</u>	<u>R-2 2-FAMILY</u>	<u>C-1 CONSERVATION</u>
MIN. LOT SIZE (S.F.)			
W. CENTRAL SEWER	10,000	6,000	2 ACRES
ON-LOT SEWAGE	40,000	40,000	2 ACRES
MIN. LOT AREA PER D.U. (S.F.)			
W. CENTRAL SEWER	10,000	5,000	2 ACRES
ON-LOT SEWAGE	40,000	20,000	2 ACRES
MIN. LOT WIDTH (FT)			
W. CENTRAL SEWER	80	60	200
ON-LOT SEWAGE	150	150	200
MIN. LOT DEPTH			
W. CENTRAL SEWER	100	100	200
ON-LOT SEWAGE	200	200	200
MIN. FRONT YARD (FT)	25	25	50
MIN. REAR YARD (FT)	40	30	50
MIN. SIDE YARD (EACH)			
W. CENTRAL SEWER	10	8	25
ON-LOT SEWAGE	15	15	25
MAX. LOT COVERAGE (%)			
-BUILDING			
W. CENTRAL SEWER	30	40	20
ON-LOT SEWAGE	20	20	20
IMPERVIOUS			
W. CENTRAL SEWER	60	50	30
ON-LOT SEWAGE	30	30	30
MAX. BUILDING HEIGHT			
STORIES	2.5	2.5	2.5
FEET	35	35	35

**SECTION 506
DIMENSION REGULATIONS
MULTI-FAMILY DWELLING STRUCTURES (1)**

<u>FEATURES REGULATED</u>	<u>GARDEN APARTMENT</u>	<u>TOWN HOUSE (2)</u>	<u>OTHER MULTI-FAMILY</u>
MIN. LOT SIZE	1 Acre		1 Acre
MIN. LOT AREA PER D.U. (S.F.)	5,000		5,000
MIN. LOT WIDTH (FT)	150		200
MIN. LOT DEPTH	200		200
MIN. FRONT YARD (FT) (5)	25		25
MIN. REAR YARD (FT) (5)	40		40
MIN. DISTANCE BETWEEN PRINCIPAL BUILDINGS (FT)	30		30
MIN. SIDE YARD (EACH) (5)	20		25
MAX. LOT COVERAGE (%)			
BUILDING	20		40
IMPERVIOUS	40		60
MAX. BUILDING HEIGHT			
STORIES	3		4.0
FEET	35		50

NOTES:

- (1) Central sewage disposal required.
- (2) See Section 801.50 of this Ordinance.

SECTION 507
DIMENSION REGULATIONS
NONRESIDENTIAL ZONES

FEATURES REGULATED	B-1 COMMUNITY BUSINESS	B-2 HIGHWAY BUSINESS	1-1 INDUSTRIAL	I-2 INDUSTRIAL FLEXIBLE	I-3 INDUSTRIAL REDEVELOPMENT
MINIMUM LOT AREA			20,000 S F	40,000 S F	40,000 S F
with central sewage disposal	5,000 s f	20,000 sf			
with on-lot sewage disposal	40,000 sf {6}	40,000 sf			
MINIMUM LOT WIDTH		100 ft {10}	100 FT	100 ft	100 ft
with central sewage disposal	50 ft				
with on-lot sewage disposal	100 ft				
FRONTYARD	20 ft	50 ft	25 FT	50 FT.(1)	50 FT.(1)
REAR YARD	20 ft {7}	40 ft	30 FT.	NONE(2)	NONE(2)
SIDE YARD, EACH	5 ft {8}	5ft {11}	20 {4}	NONE (3)	NONE (3)
MAXIMUM LOT COVERAGE				NONE	NONE
buildings	60%	60%	50%		
impervious	90%	90%	90%		
MAXIMUM BUILDING	25 ft {9}	120ft{12}	70 FT {5}	100 FT	100 FT

NOTES:

- {1} The front yard may be reduced to 20 feet if the adjacent property affected is not in a residential zone.
- {2} 50 feet are required if the adjacent property affected is in a Residential zone.
- {3} 50 feet each is required if the adjacent property affected is in a Residential zone.
- {4} 35 feet each is required if the adjacent property affected is in a Residential or a C-1 zone.
- {5} 5 stories or 70 feet, whichever is less.
- {6} 40,000 sf is applicable to any use that generates waste water in excess of 2 dwelling units per DEP standards.
- {7} 35 ft are required if rear property line adjoins a dwelling use or a residential zone.
- {8} 10 ft are required if side property line adjoins a dwelling use or a residential zone.
- {9} 2 stories or 25 feet, whichever is less.
- {10} 60 ft for dwellings
- {11} 15 feet each when adjoining a dwelling use or a residential zone.
- {12} 10 stories or 120 feet, whichever is less.

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**ARTICLE 6
SPECIAL EXCEPTIONS**

SECTION 601 PURPOSE

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

SECTION 602 GENERAL PROVISIONS

The authority for approving or denying applications for uses permitted by special exception shall be vested in the Zoning Hearing Board in accordance with the provisions contained in Article 14. Applications which address a Special Exception use which addresses new construction or changes to nonconforming uses shall be referred to the Planning Commission for its review, comments and recommendations it may wish to render prior to final action by the Board. Decisions by the Zoning Hearing Board shall be made pursuant to the standards and criteria set forth in Section 1410.2, the respective zoning district in which the use is located, all other applicable regulations of this Ordinance, including but not limited to Supplemental Standards as set forth in Article 8 of this Ordinance, other ordinances of Pittston Township and any applicable State and/or Federal regulations.

SECTION 603 PLANS, INFORMATION AND PROCEDURES FOR A SPECIAL
EXCEPTION USE

Uses classified as a special exception shall be required to file a Zoning Permit Application, an Application for Hearing before the Zoning Hearing Board, a copy of the deed to the property that includes the Property Identification Number, of the subject parcel and a site plan drawn at a scale of not greater than:

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

OR

One (1) inch equal twenty (20) feet for uses/developments located upon properties having dimensions of two (2) acres or less.

Such plan shall include, as applicable:

1. The location and size of all buildings and structures, both principal and accessory, both existing and proposed.
2. The location of all off-street parking areas and/or loading and unloading areas.
3. The location of all open space areas, including buffer areas and fencing, as applicable.

4. Traffic access to the site and internal traffic circulation including the width and pavement of traffic lanes, and aisle widths.
5. All streets, both public and private, within one hundred (100) feet of the site, including right-of-way and cartway widths.
6. Streams, ponds, watercourses, wetlands, or any other types of bodies of water, including natural or man-made drainage swales, located on the site or within one hundred (100) feet of the site.
7. Any areas of the property that are subject to flooding including but not limited to the most recent boundaries of any FEMA designated 100 Year Flood Plain or flood prone areas of the Township.
8. The location, nature and terms of any existing or proposed easements on the site, and any easements both on-site and off-site which are used or intended to be used for access to the site, including the name and address of the owner or owners granting such easement.
9. A location map at a scale of not greater than one (1) inch equals two thousand (2,000) feet, indicating the relation of the site to its geographic proximity within the Township.
10. In cases when a proposed use includes new construction and/or grading of the site, the applicant, in addition to compliance with the Township Stormwater Management Ordinance, shall provide upon the site plan the contours of the site at vertical intervals of:
 - not more than five (5) feet for land with an average natural slope of five (5%) percent or less.
 - not more than ten (10) feet for land with an average natural slope exceeding five (5%) percent.
 - not more than twenty (20) feet for land with an average natural slope exceeding fifteen (15%) percent.

Topography data shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.

11. If applicable, the applicant shall submit a Soil Erosion and Sedimentation Plan and/or NPDES Permit for review and approval by the Luzerne County Conservation District.
12. The applicant shall submit with the site plan, a narrative that outlines and fully describes all proposed uses or development of the site, along with all pertinent operational aspects, features and/or activities related to the proposed uses or development of the site.
13. The applicant shall supply any other information required by the Pittston

Township Zoning Hearing Board for determining the conformance of the special exception use with the applicable regulations for that particular use.

SECTION 604 IMPACT ANALYSIS

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

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ARTICLE 7
CONDITIONAL USES

SECTION 701 PURPOSE

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

SECTION 702 GENERAL PROVISIONS

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

SECTION 703 PLANS, INFORMATION AND PROCEDURES FOR CONDITIONAL USES

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

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

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

OR

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

Such plan shall, at minimum, indicate:

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

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

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

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

If the Board of Supervisors fails to conduct or complete the required hearing as provided for under Section 1406 (D) of this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.

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

- F. The Board of Supervisors may grant an approval for a Conditional Use upon its

determination that adequate evidence and information has been provided, which indicates the applicant's proposal meets the general and specific requirements for the type of Conditional Use in question, and any additional conditions and safeguards deemed necessary to protect the public health, safety and general welfare.

SECTION 704 GENERAL STANDARDS

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

- A. The proposed use shall demonstrate its consistency with the Community Development Objectives of the Township's Comprehensive Plan
- B. Public services and facilities such as streets, sewers, water, police, and fire protection shall be adequate for the proposed use and/or development.
- C. Existing streets and proposed access to the site shall be adequate regarding the width and pavement for emergency service vehicles.
- D. The proposed use shall not adversely affect the public health, safety and welfare due to changes in traffic conditions. Existing streets and proposed access to the site shall be adequate to accommodate anticipated traffic volumes in a manner that avoids undue traffic congestion and provides for the safety and convenience of pedestrian and vehicular traffic. The proposed use shall not result in unsafe or dangerous traffic conditions.
- E. The proposed use shall be compatible with adjoining development and the character of the zoning district and neighborhood in which it is proposed to be located. The nature and intensity of the operation of the proposed use shall be considered regarding its compatibility or lack thereof.
- F. The proposed use shall not adversely affect neighborhood property values and aesthetic characteristics in the neighborhood where it is proposed to be located, nor hinder any existing uses and/or activities.
- G. The proposed use shall not adversely affect the public health, safety and welfare as related to drainage, air quality, noise and natural features of the land. The proposed use and/or development shall not be more objectionable in its operations in terms of noise, fumes, odors, vibration, or lights than would be the operations of any permitted use in the subject Zoning District.
- H. The submission of any reports and/or studies, required by the Board of Supervisors within the context of the definition "Impact Analysis" as contained defined in Article 2 of this Ordinance, which conclusively demonstrates that the proposed use or development will not have a negative impact upon the particular subject or subjects as defined by the Board of Supervisors, in requiring such reports and/or studies.
- I. The proposed use and/or development shall not be injurious to the public interest.

In granting approval, the Board of Supervisors may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the

SECTION 705 ENVIRONMENTAL IMPACT ANALYSIS

In addition to all other requirements, an Environmental Impact Analysis, as defined in Article 2 shall be required for any use/development which is classified as a Conditional Use. The Board of Supervisors at its sole discretion, may exempt a use from the submission of an Environmental Impact Analysis, in whole or in part. Consideration of an exemption must be preceded by a written request submitted by the applicant identifying the natural and social environment which addresses the basis for the requested exemption. The purpose of the Environmental Impact Analysis is to disclose the consequences of a proposed action upon the natural environment of the Township. This requirement is designed to protect the natural environment with respect to water quality, water supply, soil erosion, pollution of any kind, flooding and waste disposal. The intent is to preserve trees and vegetation, to protect water courses, air quality, aquifers and the aesthetic quality of life throughout Pittston Township and its environs. An Environmental Impact Analysis shall require a site plan which illustrates the applicable information for following items and/or a written response to the following items for said proposed use/development which is classified as a Conditional Use.

Expert Credentials. The qualifications of experts who provide information or testimony regarding compliance with technical standards of this Section shall be provided to the Board of Supervisors. The Board of Supervisors shall have the authority to determine the credibility of the testimony and reports of various experts and may weigh the value of the testimony and reports as a result.

705.01. SOIL TYPES

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

705.02 SURFACE WATERS

- a. Distance of site from the nearest surface water and head waters of streams.
- b. Sources of runoff water.
- c. Rate of runoff from the site.
- d. Destination of runoff water and method of controlling downstream effects.
- e. Chemical additives to runoff water on the site.
- f. Submission of a Soils Erosion and Sedimentation Control Plan meeting the requirements of the Luzerne County Conservation District.
- g. A Storm Water Management Plan which shall be developed in coordination with the Soils Erosion and Sedimentation Plan.

705.03 GROUND COVER INCLUDING TREES

- a. Extent of existing impervious ground cover on the site.
- b. Extent of proposed impervious ground cover on the site.
- c. Extent of existing and type of vegetative cover on the site, including mature stands of trees of native vegetation.
- d. Extent of proposed and type of vegetative cover on the site.
- e. Area and extent of vegetative cover on the site to be removed on the site including mature stands of trees of native vegetation. Development activities that include removal of trees or vegetation that equal or exceed five (5) acres shall be require the submission of a Forestry Management Plan prepared by a qualified forester or forest technician, with a four-year degree from and accredited college.

705.04 TOPOGRAPHY

- a. Maximum existing elevation of site.
- b. Minimum existing elevation of site.
- c. Maximum proposed elevation of site (if subject to any proposed alteration).
- d. Minimum proposed elevation of site (if subject to any proposed alteration).
- e. Description of the topography of the site and all proposed changes in topography.

705.05 GROUND WATER

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

705.06 WATER SUPPLY

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

705.07 SEWAGE SYSTEM

- a. Sewage disposal system (description and location on the site of system).

- b. Expected content of sewage effluents (human waste, pesticides, detergents, oils, heavy metals, and other chemicals).
- c. Projected daily volumes of sewage.
- d. Affected sewage treatment plant's present capacity and design capacity.

705.08 SOLID WASTE

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

705.09 AIR QUALITY

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

705.10 NOISE

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

705.11 WILDLIFE AND WILDLIFE HABITAT

- a. A written pre-construction inventory of wildlife and wildlife habitats on the proposed site and environs.
- b. A written assessment of direct and indirect impacts to wildlife and wildlife habitats.
- c. A description of the impacts on the environment and mitigating measures shall be provided for the following:
 - Existing plant species and effects thereon.
 - Existing animal species and effects thereon.
 - Existing wild fowl and other birds and effects thereon.

705.12 IMPACT OF PROPOSED USE/DEVELOPMENT

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

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

705.13 OTHER GOVERNMENTAL JURISDICTION

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

705.14 REVIEW PROCEDURE OF ENVIRONMENTAL IMPACT ANALYSIS

- A. Upon receipt of an Environmental Impact Analysis, the Board of Supervisors shall promptly forward the Environmental Impact Analysis to the Pittston Township Planning Commission, to and any other agency, firm or individual which the Board of Supervisors may desire for their consultation and input.
- B. The Planning Commission shall review the applicant's Environmental Impact Analysis and provide the Board of Supervisors with its comments and recommendations within thirty (30) days from the date of its submission to the Planning Commission.
- C. The Board of Supervisors shall have the discretion to retain the expertise of appropriate parties in their review of the Environmental Impact Analysis.
- D. In the event that any information, data, and/or "Impact Analysis" indicate

a projected and/or potential adverse impact, the applicant shall fully mitigate such impact. A written plan addressing proposed mitigation measures shall be submitted by the applicant. A determination of a potential adverse impact which may result based upon the Environmental Impact Analysis or the Board of Supervisors' review of the same shall constitute sufficient basis for the denial of a Conditional Use permit.

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ARTICLE 8
SUPPLEMENTAL REGULATIONS

SECTION 801 PURPOSE AND INTENT

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

801.01 AGRICULTURAL OPERATION

The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and the necessary accessory uses for farm homes and packing, treating, or storing the product; provided, however, that the operation of any accessory uses shall be secondary to that of normal agricultural activities. Animal and/or poultry husbandry, including the raising or keeping of livestock or poultry shall require a minimum lot size of not less than five acres. Any operation regulated under the Pennsylvania Nutrient Management Act shall provide evidence that the use will comply with the applicable provisions of the Act. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.02 ANIMAL HOSPITAL

An animal hospital shall maintain all activities within a completely enclosed soundproof building, and no objectionable odors shall be vented outside the building. No animal hospital shall be located less than one hundred (100) feet from any property line. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.03 ANIMAL KENNELS

The minimum lot size shall be not less than five (5) acres. Any buildings, runways, fenced enclosures and similar structures shall be located not less than one hundred fifty (150) feet from all property and street lines. Where the property abuts a zoning district having residences as a principal permitted use, all buildings runways, fenced enclosures, and similar structures shall be located not less than two hundred (200) feet from such property lines. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.04 ANIMAL RESCUE SHELTER

The minimum lot size shall be not less than two (2) acres. An animal rescue shelter shall maintain all activities within a completely enclosed sound proof building, and no objectionable odors shall be vented outside the building. No rescue shelter shall be located less than one hundred (100) feet from any property line. Where the property abuts a zoning district having residences as a principal permitted use, all buildings, runways, fenced enclosures and similar structures shall be located not less than two hundred(200) feet from such property lines. An animal shelter shall not house any exotic animals as defined in Article 2. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.05 APARTMENT BUILDING

The minimum lot size shall be not less than twenty thousand (20,000) square feet. The maximum height building for an apartment building height shall not exceed three (3) stories or forty (40) feet. The maximum percentage of building coverage on a lot per dwelling unit, exclusive of common or public open areas, shall be forty-five (45%) percent. A lot area of two thousand (2,000) square feet shall be required for each dwelling unit. A minimum lot width of not less than one hundred (100) feet shall be required for an apartment building. Fire escapes, when required, shall be located in the rear of the building and shall not be located on any side of the building that faces a street. Service entrances, trash and garbage storage areas shall be enclosed, and screened from public view by a solid fence six (6) feet in height. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.06 ASSISTED LIVING FACILITIES AND/OR NURSING HOMES

The minimum lot size shall be not less than one (1) acre. All buildings shall be located not less than twenty-five (25) feet from any property line. A minimum of ten (10%) percent of the lot shall be designed, developed, used, and maintained for outdoor recreational activities limited to one (1) or more of the following: garden areas, sitting areas, picnic areas and/or pedestrian walkways. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.07 AUTOMOBILE RELATED ACTIVITIES

A. AUTOMOTIVE REPAIR GARAGE (MAJOR)

Activities including the repair of automobiles, trucks, snowmobiles, and motorcycles shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize noise, vibrations, fumes, and glare. All paint work shall be performed within a paint booth within the building. The paint booth shall meet the design criteria of Occupational Safety and Health Administration of the U.S. Department of Labor, with a ventilation system that directs fumes away from adjacent properties and buildings. Temporary outdoor parking of vehicles intended to be repaired is permitted in the side or rear yard areas only, and those vehicles shall be licensed and inspected at all times. Only vehicles to be repaired on the premises or picked up by the vehicle owner may be stored in the yard area. Storage of vehicles shall be permitted for no longer than thirty (30) days. Service bays shall face the front yard property line whenever possible. Where the operation abuts on the side or rear property line of a district having residences as a principal permitted use, a solid wall or substantial attractive fence six (6) feet in height shall be constructed and maintained in good condition along such boundary. Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

B. AUTOMOTIVE REPAIR (MINOR):

Includes repairs other than major automobile repairs limited to oil changes, tune-ups, tire changing, servicing of spark plugs and batteries, adjustment of brakes, greasing, lubrication, radiator cleaning and flushing, replacement of mufflers, tail pipes, hoses, belts, lights, brakes and transmission and radiator fluids, wipers and emergency wiring repairs, and the installation of automobile radios and electric car starters.

C. AUTOMOTIVE SALES:

The outdoor display of new or used automobiles, boats, recreational vehicles, motorcycles, manufactured homes, or mobile homes shall meet the required principal building setback requirements. Where an automotivesales use abuts a rear or side lot line of any district having residences as a principal permitted use, a solid wall or substantial, attractive fence six (6) feet inheight shall be constructed and maintained in good condition along such boundary. Outdoor trash dumpsters shall be concealed within an area surroundedby solid opaque fencing not less than six (6) feet in height. All exterior lighting shall be directed away from adjacent properties and shall utilize cutoff shields or otherwise be designed to conceal the light source from adjoining properties andstreets.

D. AUTOMOBILE SERVICE OR FILLING STATION, (ALSO INCLUDES CONVENIENCE STORES WITH GASOLINE SALES):

Where such use abuts on the rear or side lot line of a district having residences as a principal permitted use or a property being used for residential purposes, the following requirements shall apply to the side and rear yard property boundaries: Construction of a solid wall or solid opaque fencing eight (8) feet in height,designed to conceal and screen the property from adjoining properties. Within a required rear yard or side yard setback, there shall be a landscaped planting strip not less than four (4) feet in depth, planted with shrubs or treeswhich are not less than three (3) feet high at the time of planting and which are of a type that may be expected to form a year-round dense screen at leastsix (6) feet high within three (3) years. The landscaped planting strip shall bemaintained in good condition at all times, including the replacement of any shrubs or trees which are damaged, die or otherwise fail to grow. Outdoor trash dumpsters shall be concealed within an area surrounded bysolid opaque fencing not less than six (6) feet in height.

Gasoline pumps or other service appliances and canopies may be located in the required front yard subject to having a setback of not less than twenty-five (25) feet from the right-of-way line of the adjoining street. All repair services, storage, or similar activities in connection with the use shall be conducted within the building where adequate measures shall be taken to minimize noise, fumes, and glare.

The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

E., CAR WASH:

Appropriate drainage facilities for washing activities shall be provided wherein water

from the car wash will not flow onto sidewalks, streets or adjoining properties. The site shall be sufficiently large to queue not less three (3) cars per stall waiting washing during peak periods so that lines along public streets are avoided. Such operations shall also comply with any applicable regulations of the Pennsylvania Department of Environmental Protection. Car wash operations abutting on the side or rear property lines of a district having residences as a principal permitted use shall provide a solid wall or substantial, attractive, tight fence six (6) feet in height and well maintained along such boundary. Outdoor trash dumpsters shall be concealed within an area by a solid fence, not less than six (6) feet in height. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

F. AUTOMOTIVE STORAGE YARDS AND/OR JUNKYARDS

All new Automotive Storage Yards and/or Junk Yards or the proposed expansion of an existing Automotive Storage Yards and/or Junk Yards, shall comply with the following:

1. Such premises shall at all times be maintained so as not to constitute a nuisance or menace to the health of the community or residents nearby or place for the breeding of rodents and vermin.
2. Burning of any materials shall be prohibited.
3. No oil, grease, tires, or gasoline shall be burned at any time.
4. No garbage, organic waste, rubbish, toxic materials, and hazardous materials shall be stored on such premises.
5. Whenever any motor vehicle shall be received on such premises as junk, all gasoline, oil, grease, sludge, lubricants or other automotive shall be drained and removed said vehicle.
6. The storage of any combustible materials, such as gasoline, oil, or related items, shall be placed in fireproof containers and stored within fireproof sheds.
7. The manner of storage and arrangement of junk and the drainage facilities on the site shall be such as to prevent the accumulation of stagnant water upon the premises and to facilitate access for firefighting purposes.
8. There shall be no stockpiling of motor vehicles, nor shall there be any junk piled higher than four (4) feet.
9. Fire lanes of a minimum width of twenty (20) feet in width shall be provided for every forty (40) linear feet of junk, which shall be kept open and unobstructed for proper access for fire-fighting equipment and safety purposes.
10. Junk shall not be stored within one hundred (100) feet of any adjoining property line or nearer than one hundred (100) feet to any adjoining or abutting street.

11. All junk yards shall be completely screened from view on all sides by a solid wall or substantial fence not less than eight (8) feet in height and an evergreen hedge with such evergreens being a minimum height of at least five (5) feet at the time of planting. Said planted shall be located in front therequired wall or fence. Any fence or wall shall be no closer than five (5) feet to the property lines.
12. All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community orto the residents nearby, or a place for the breeding of rodents and vermin.
13. Such premises may be open for business or any work in connection withthe storage, processing and transportation or removal of junk only on Monday, through Saturday from 8:00 A.M. to 12:00 P.M., local time.
14. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.08 BANKS

Banks and other similar financial offices shall provide sufficient space to accommodate parking, vehicular circulation areas for access to drive-through teller service, access areas for parking lots separated from drive-through areas, and areas for pedestrian traffic separated from vehicular traffic for safety. Canopies over drive-through areas shall meet all yard setback requirements. Banks and other similar financial offices providing drive-through teller service shall provide queuing lanes to accommodate not less than eight (8) vehicles for each drive-through lane. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.09 BED AND BREAKFAST

A Bed and Breakfast shall be within an owner-occupied dwelling in which rooms are rented on a nightly basis for periods of normally not more than one (1) week. There shall not be separate cooking facilities in any guestrooms. Dining and other facilities shall not be open to the public but shall be exclusively for the use of the residents and registered guests. Two (2) off street parking spaces shall be provided for each rental unit.

No signs, show windows or any type of display or advertising shall be visible from outside the premises, except for a single wall or freestanding sign, which shall not be internally illuminated, with a maximum sign area of four (4) square feet on each of two (2) sides, if freestanding, and with a maximum height of eight (8) feet.

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

The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.10 BULK FUEL STORAGE

Bulk fuel storage shall be located on a tract of land not less than five (5) acres. Storage tanks shall be located not less than one thousand (1,000) feet from any property line and shall be not less than two thousand (2,000) feet from any dwelling, school, church, or similar use. Cylinder filling rooms, pumps, compressors, and truck filling stations shall be located not less than five hundred (500) feet from all property lines. The property shall be fenced with an eight (8) feet high industrial gauge fence. If the storage property abuts on the side or rear property line containing a residence, the fence shall be screened from view by a dense growth of evergreens at least five (5) feet in height at the time of planting. Bulk fuel storage facilities shall be developed in full compliance with all applicable federal, state and insurance regulations. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.11 CAMPGROUNDS

Floodplain: No campground shall be located or constructed in a manner or at a location that is inconsistent with the Pittston Township Floodplain regulations

- A. PA DEP Regulations. An applicant must demonstrate compliance with all the requirements of the Pennsylvania Department of Environmental Protection, including but not limited to the regulations found in 28 Pa Code. Chapter 19, regarding organized camps and campgrounds
- B. Plot Plan: In addition to the other required information, the application shall be accompanied by three copies of a plot plan drawn at a scale of one-inch equals 20 feet, prepared by a Pennsylvania licensed surveyor, engineer, architect or landscape architect, showing limits and square footage of the proposed campground and location and size of driveways, parking areas, playgrounds, campground accessory buildings, cabins and other structures, together with required setbacks from rights-of-way and property lines. All campsites shall be numbered in sequence on the plot plan.
- C. Site Demarcation. Every campsite within a campground shall be clearly defined on the ground by permanent markers.
- D. Site Numbering: There shall be posted and maintained in a conspicuous place on each campsite within a campground a number corresponding to the number of each campsite as shown on the site plan. Changes in the number of campsites within a campground shall require a new zoning approval. Upon approval, an applicant shall provide a copy of the plot plan with campsite numbering to the local fire and ambulance organizations.
- E. Dimensional Regulations
 - 1. The minimum lot size for a campground shall be 10 acres.
 - 2. All camping structures and campground accessory buildings shall be located not less than 100 feet from any property boundary line, public street or highway, or private street used by more than one lot.

3. A campground shall have no more than seven campsites per gross acre.
 4. The minimum width of a campsite within a campground shall be 35 feet.
 5. No camping structure shall be placed within 30 feet of another.
 6. Each campsite within a campground shall have an area of at least 1,500 square feet, exclusive of streets and parking areas, and shall have "back in" parking for at least one automobile, and a camping structure area.
- F. Streets: The street or driveway on which a campsite fronts shall not be less than 16 feet in width. For any dead-end street or driveway within a campground, there shall be a cul-de-sac with a minimum turning radius of 40 feet. All streets and driveways shall be paved in accordance with standards and specifications for Local Streets in the Pittston Township Subdivision and Land Development Ordinance, and any other applicable Pittston Township Ordinances. All construction material for streets and driveways shall meet all applicable Pittston Township requirements of the Pittston Township Subdivision and Land Development Ordinance. Waivers may be considered for streets and driveways to be held and maintained in private ownership.
- G. HOP: A highway occupancy permit from the State or Township, as appropriate, shall be required.
- H. Water Supply: An adequate supply of water approved by the Pennsylvania Department of Environmental Protection shall be furnished from a public water supply system or a private water supply system, which conforms to all applicable laws, regulations, resolutions, and ordinances, with supply faucets placed at convenient locations throughout the campground.
- I. Sanitary System: Each campground shall provide sanitary facilities consisting of sinks, toilets and showers, insufficient quantities for the number of campsites proposed. All waste water generated by facilities at the campground shall be directed into an approved sewer system installed in accordance with State and Township regulations.
- J. Trailer and RVs: If trailers or recreational vehicles are permitted at a campground, the campground shall include electrical connections, travel trailer sanitary connections, and trailer water taps at individual campsites within the campground.
- K. Waste: Facilities for the disposal of waste shall be provided. Waste from the campground shall be collected by a Pennsylvania licensed waste hauler and removed from the site at least once a week.
- L. Nuisances: The campground shall be maintained in a clean and sightly condition, and kept free of any condition that would constitute a nuisance or menace to any occupant of the campground or the surrounding community.

- M. Fuel Storage: Any gasoline, liquefied petroleum, gas or oil storage tanks shall be installed in compliance with all County, State, and Federal fire prevention code regulations
- P. Occupancy: Campground residents shall not occupy a site for more than 180 days in any calendar year.
- Q. Buffer: A buffer along all property lines of not less than 100 feet in depth planted with deciduous trees shall be maintained in such a manner as to obstruct the view from adjoining properties and public rights-of-way. It shall be the responsibility of the applicant and property owner to maintain all buffer yards in good condition, replacing any dying or dead plants or deteriorating landscape material.
- R. Lighting: The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.12 CONTRACTORS' STORAGE YARDS AND/OR OUTDOOR STORAGE AS A PRINCIPAL USE

Commercial and/or industrial uses utilizing outdoor storage space of more than two thousand (2,000) square feet shall be located on a tract of land of not less than two (2) acres with a complete listing of all types of items to be stored therein. No hazardous substances, as so defined in Article 2 of this Ordinance, shall be permitted upon the site. Supplies stored outdoors shall be neatly arranged and no required yard areas shall be used for storage. There shall be a roadway not less than fourteen (14) feet in width provided for every forty (40) linear feet of stored materials. The roadway shall be kept passable for fire- fighting equipment. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.13 DAY CARE FACILITIES

All day care facilities shall comply with the following:

- A. The applicant or owner shall provide evidence of certification of compliance with all appropriate regulations of any designated State agency whose approval and/or license is required by the laws of the Commonwealth.
- B. Noise and all other possible disturbing aspects connected such use shall be controlled to the extent that the operation of such use shall not unduly interfere with the use and enjoyment of properties in the surrounding area.
- C. All day care facilities shall have an outdoor recreation area which shall be completely enclosed with a fence six (6) feet in height.
- D. The applicant shall supply evidence that vehicular traffic congestion will be avoided in “pick-up and drop-off points” utilized in transporting individuals to and from the facility.

- E. One (1) off-street parking space shall be required for each employee, plus four (4) additional off-street parking spaces,
- F. One (1) off-street parking space shall be required for each vehicle used by the establishment for the purpose of transporting persons attending the facility,
- G. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.14 DETENTION FACILITY

The minimum lot size shall be 10 acres. All buildings must be setback not less than 500 feet from a property line. Where the detention facility abuts a zoning district where residences are a principal permitted use, or where an existing residential dwelling unit is located, a solid wall or substantial, attractive fence not less than ten feet in height shall be constructed and maintained in good condition along such boundary line, and a buffer area of not less than 300 feet in width must be landscaped, and maintained in good condition at all times. No structures, parking, loading, storage of any kind, or any use shall be allowed within the buffer area. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.15 DRIVE THROUGH FACILITIES.

Any use providing a drive-through services, unless stated otherwise for a particular use shall comply with the following requirements:

- H. The drive through lane or aisle shall be designed with adequate space for a for queuing a minimum of eight (8) waiting vehicles per lane or aisle, unless a greater number is specified for a particular use. There shall be a maximum of one (1) lane or aisle per drive through window.
- I. Each drive through lane or aisle shall be clearly marked and designed to prevent traffic hazards and congestion and shall minimize potential conflicts with pedestrian traffic in the parking lot.
- J. Canopies situated over drive-through areas shall meet all setbacks requirements for a principal use for the zoning district in which the property is located.

801.16 DWELLING OVER OR ATTACHED TO A BUSINESS

A dwelling unit over or attached to business establishments shall be designed as living quarters with private access, having adequate natural light and kitchen and bathroom facilities. Required residence parking and commercial parking must be provided for each use in accordance with the parking requirements of this Ordinance.

801.17 EMERGENCY SERVICES FACILITY:

Such a facility shall have a setback distance of not less than twenty (20) feet from all property lines. Where any parking area abuts the side or rear property lines of an adjoining residential use, a solid wall or solid opaque fencing eight (8) feet. In front of the fence or

wall there shall also be a landscaped planting strip at least four (4) feet wide, planted with shrubs or trees which are not less than three (3) feet high at the time of planting and which are of a type that may be expected to form a year-round dense screen at least six (6) feet high within three (3) years. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.18 ENTERTAINMENT FACILITIES

Entertainment facilities as defined in Article 2 of this Ordinance shall provide proper parking areas with vehicular circulation and access designed to minimize any potential traffic congestion. Such facilities shall not be closer than twenty-five (25') feet from any boundary of a district having residences as principal permitted use, shall provide adequate screening from any residential district, and shall be conducted entirely within an enclosed structure. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.19 EXCAVATION OF MINERALS (as defined in Article 2)

Except as performed as part of the site work for an approved land development plan, excavation and extraction of minerals, as defined in Article 2, shall be considered a temporary use, subject to the following requirements:

- A. Project Narrative: A written report shall be submitted by the applicant that includes the type of minerals proposed to be excavated, extracted, and/or removed from the site, the volume of such material and the maximum length of time associated with the proposed operation based upon the stated volume of material. Said narrative shall also describe normal, daily operational features performed upon the site, including but not limited to, proposed hours of operation, anticipated noise levels, and the type and volume of truck traffic to be generated with the proposed traffic routes to and from the site.
- B. Map: Submission of a map or maps at a scale of not greater than one (1) inch equals fifty (50) feet that outlines the entire property and the proposed area subject to excavation, extraction, and/or removal of minerals. Said map shall indicate existing contours prior to the start of work, and proposed final contours, including the proposed maximum depth of excavation at all points subject to excavation. Said map or maps shall also contain surface features showing the location of buildings, dwellings, places of worship, schools, railroads, highways, and public uses within a distance of five hundred (500) feet from the perimeter of the proposed use.
- C. Distance Provisions: The perimeter of any excavation under this Section shall not be nearer than five hundred (500) feet from any building, property line or street, except that owned by the applicant.
- D. Limitation on Land Area: At any given time, the active excavation/extraction areas shall not exceed ten (10) acres in area on any lot or tract of land. Additional areas may be approved on the completion and cessation of previous approvals.

- E. Compliance With State Requirements: Final and/or unconditional approval for excavation, extraction and/or minerals under the provisions of this Ordinance shall not be issued until the applicant documents that all required licenses and/or permits have been properly secured from the applicable State and /or Federal agencies, including but not limited to the Pennsylvania Department of Environmental Protection.
- F. Lighting: The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.20 FOOD PROCESSING ESTABLISHMENT

The processing, packaging, dressing and treatment of meat, poultry, and fish products shall be conducted wholly within a completely enclosed building. Smoke, noise, or odors affecting adjacent property shall be prohibited. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.21 FUNERAL HOMES

Sufficient area shall be provided for vehicular circulation within the lot and for the assembly area for the procession beyond the street right-of-way line. Such area shall be indicated upon the drawing submitted with the Zoning Permit Application. Points of vehicular access to the site shall not create traffic hazards on the street. Loading and unloading areas for ambulances and hearses shall be within an enclosed building or shall be screened from view from adjacent properties by a solid wall or substantial, attractive fence six (6) feet in height. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.22 GROUP RESIDENCE FOR DISABLED INDIVIDUALS

Any party wishing to establish and/or operate a “Group Residence for Disabled Individuals,” as defined in Article 2 of this Ordinance, in addition to all other applicable zoning regulations and/or requirements, shall be subject to the following supplemental requirements:

- A. The applicable requirements and standards which govern off-street parking for a single-family dwelling shall also govern for a Group Residence for Disabled Individuals; however, two (2) additional off-street parking spaces shall be provided when there is any required staffing associated with the management and operation of the facility.
- B. A Group Residence for Disabled Individuals shall be operated and maintained in the character of a residential dwelling in harmony with and appropriate in appearance with the character of the general vicinity in which it is to be located.

801.23 HOME OCCUPATIONS

A home occupation shall be subject to the following regulations:

- A. The home occupation shall be conducted entirely within the principal structure upon the subject property.

- B. No display or advertisement of products or services may be visible from outside the building. Any storage of materials associated with the home occupation shall be within the building.
- C. A sign no larger than two (2) square feet in surface area is permitted. The sign may only be lit with indirect lighting.
- D. No person other than a resident of the dwelling unit may conduct the home occupation. No more than one (1) non-occupant may be employed to perform secretarial, clerical, or other assistance.
- E. Not more than twenty-five (25%), or five hundred (500) square feet, whichever is less, of the total floor area of the building wherein the home occupation is being conducted may be devoted to the home occupation.
- F. Each home occupation shall have 2 (two) off-street parking spaces in addition to the two spaces required for the dwelling unit.
- G. The home occupation may not disturb the peace, quiet and dignity of the neighborhood by electrical interferences, dust, noise, smoke, or traffic generated by the use.
- H. There shall be no retail sales of goods except those goods that are prepared or produced on the premises.
- I. There shall be no change in the residential character of the building wherein the home occupation is being conducted.
- J. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.24 INDUSTRIAL ACTIVITIES

All activities and uses permitted within any "I" Zoning District shall comply with all regulations governing odors, fumes, dust, smoke, vibration, noise, sewage, industrial waste, fire hazards and any other of the activities and uses which side effects are deemed injurious to the public health, safety, and welfare by the United States Environmental Protection Agency (E.P.A.), the Pennsylvania Department of Environmental Protection (DEP) and the Pennsylvania Department of Labor and Industry. It shall be the responsibility of the applicant to provide the Zoning Officer with a complete listing of all State and Federal regulations governing the proposed use and written compliance from the governing agencies. All industries are required to supply the Township Emergency Management Agency and the Fire Department with all applicable MSDS sheets, emergency operations and evacuation plans. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.25 LARGE RETAIL ESTABLISHMENT

When such an establishment, as defined in Article 2 of this Ordinance, abuts on the side or rear property line of a district having residences as a principal permitted use a setback distance of not less than one hundred (100) feet shall be required. A Buffer Area as so defined in Article 2 shall be provided within the aforementioned setback distances of one hundred (100) feet. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance. Upward directed lighting is prohibited. Night lighting shall be provided for all pedestrian walkways. The maximum height of light poles in parking lots shall not exceed twenty-five (25) feet.

801.26 MACHINE SHOPS.

Where the operation abuts a zoning district where residences are a principal permitted use, or where an existing residential dwelling unit is located, a solid wall or substantial, attractive fence not less than eight feet in height shall be constructed and maintained in good condition along such boundary line, or a buffer yard of not less than fifty (50) feet in width must be landscaped and maintained in good condition. All materials shall be stored within a completely enclosed building and outdoor storage of any kind is prohibited. All operations excluding pickups or deliveries shall be conducted within the enclosed building. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.27 MEMBERSHIP CLUBS, INCLUDING NONPROFIT SOCIAL AND CIVIC ORGANIZATIONS:

Buildings utilized for such purposes shall not be less than twenty (20) feet from any property line. Where such use abuts any R District, the following requirements shall apply to the side and rear yard property boundaries:

- A. All structures shall be located not less than fifty (50) feet from any property line which abuts any R District. Construction of a solid wall or solid opaque fencing eight (8) feet in height, designed to conceal and screen the facility from adjoining properties.
- B. Within a required rear yard or side yard setback, there shall be a landscaped planting strip not less than four (4) feet in depth, planted with shrubs or trees which are not less than three (3) feet high at the time of planting and which are of a type that may be expected to form a year-round dense screen at least four (4) feet high within three (3) years. The landscaped planting strip shall be maintained in good condition at all times, including the replacement of any shrubs or trees which are damaged, die or otherwise fail to grow.
- C. Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height.
- D. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.28 METHADONE TREATMENT FACILITY

- A. Such a facility shall provide documentation in the form of state licensing and/or a permit to operate such a facility.
- B. Such a facility shall not be established and operated closer than one thousand (1,000) feet to an existing residential district, school, public playground, public park, childcare facility or church or place of worship.
- C. Any proposed methadone treatment facility shall include with its submission of a zoning permit application, an operational narrative which accurately describes the nature of medical services to be offered and the names of the medical practitioners providing said services. A licensed physician, an MD, or a DO, shall be on duty at the facility during the methadone treatment facility's hours of operation
- D. Prior to occupancy, any existing structure proposed for adaptive reuse as a methadone treatment facility shall be brought into compliance with all current building codes and all other applicable Township, County, State and Federal regulations.
- E. Any methadone treatment facility with direct access and/or frontage along a State Legislative Route shall include with its submission of a zoning permit application, a traffic impact analysis prepared by a professional licensed engineer with expertise in transportation and traffic planning. Such analysis shall address the following:
 - 1. The number of vehicle trips expected to be generated during an average weekday including both a.m. and p.m. peak hours of adjacent street traffic.
 - 2. The number and types of vehicles, with an origin or destination at the subject site, the need for which is generated by said use.
 - 3. The routes, roadways, or streets to reach the methadone treatment facility.
 - 4. The impact of the levels-of service at intersections within one half ($1/2$) mile of said methadone treatment facility.
 - 5. Recommended traffic control devices designed to mitigate any documented adverse impact on adjacent roadways.
- F. Required Off-Street Parking for such a facility shall be provided in compliance with Article 10.
- G. The provision of any outdoor lighting shall be designed and installed in compliance

with Section 331 of this Ordinance.

801.29 MEDICAL MARIJUANA DISPENSARY

Such a facility shall require documentation of a state license. The facility shall be located not less than one thousand (1,000) feet from a school, day care or child-care facility, a public park and/or residential zoning district. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.30 MEDICAL MARIJUANA GROWERS/PROCESSORS FACILITY

Such a facility shall require documentation of a state license. A minimum lot size of One (1) acre shall be required. The facility shall be located not less than one thousand (1,000) from a school, day care or child-care facility, a public park and/or residential zoning district. The property on which the facility is located shall be surrounded by a fence not less than eight (8) feet in height and constructed with industry-standard materials. There shall be no odors, fumes smoke, dust, or any other noxious pollutants discharge from the facility which exceed Federal and Commonwealth regulations. There shall be no storage of any form of marijuana or its byproducts outside the facility. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.31 MINERAL EXTRACTION WITH AN ASPHALT, BATCH OR CONCRETE PLANT

The above use shall not include the movement of and replacement of minerals or operating a batch or concrete plant on a temporary basis as part of construction or land development activities. Such facilities shall be dismantled upon the completion of construction or land development activities.

- A. The use, activity or any aspect of the operation shall be located not less than one thousand-five hundred (1,500) feet from the nearest inhabited residence, place of worship, or any public recreational activity. Furthermore, the setback distance of the use, activity, or any aspect of the operation from surface water bodies, creeks, streams, wetlands, and floodplains shall comply with the State mandated requirements.

- B. Except for approved access drives (which shall be secured by locked gates, which may only be open during business hours), the premises shall be completely screened to protect public safety with an industrial type of gauge fence eight (8) feet in height. Signs shall be conspicuously attached to the fence every seventy-five (75) feet warning the public of the nature of the operation. A yard area not less than fifty (50) feet in width shall also be maintained with natural vegetative ground cover along all exterior lot lines that are within three hundred (300) feet of an area of excavation. This yard shall include an earth berm with a minimum height of six feet and an average of one shade tree for each for each fifty (50) feet of distance along the lot lines. The shade trees shall be planted outside of the

- required berm and fence. If substantial trees, vegetation, or forest exist within the required yard area, then new plantings in those area is not necessary provided that the existing trees, vegetation, or forest are well-kept, preserved, maintained and adequately serve the purpose for which the yard was to be created.
- C. The lot and operation thereon shall at all times be maintained so as not to constitute a public nuisance, or adversely impact the public health, safety or welfare. The days and hours of operation, including excavation, blasting, and relating trucking, may be limited by the Board of Supervisors taking into consideration the characteristics of the neighborhood.
 - D. The site shall contain a minimum of two (2) access drives, each of which shall be not less than twenty-four (24) feet in width, and all of which shall be improved in accordance with the Pittston Township Subdivision and Land Development Ordinance and connect to a public street sufficient in size to accommodate the proposed traffic expected to be generated by the use. Access drives shall be located so as to prevent public safety hazards, dust and noise.
 - E. All applications shall include a plan that evidences the measures to be taken by the operator to prevent dust, dirt, stone, or other debris from escaping from the facility onto any public property/street, or private property of another.
 - F. All applications shall include an estimated life expectancy for the proposed use; a plan for the future productive use of the property once the life of the project has terminated; a proposed cost to reclaim the property and implement the future use; and a financial guarantee for implementation of that use.
 - G. All applications shall include the same information, written materials and plans that are to be submitted to the Pennsylvania Department of Environmental Protection, as part of the state permitting process.
 - H. An asphalt, batch or concrete plant or processing operations shall constitute an industrial use and shall not be considered an accessory use, but a separate and distinct use that shall require special exception approval when located on the same lot where the mineral extraction is taking place. Furthermore, if an asphalt, batch or concrete plant is proposed on a property in which mineral extraction is not taking place items A through G above shall still apply.
 - I. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.32 MOTELS AND HOTELS

A motel or hotel shall require a lot of area, of not less than two (2) acres and a lot width of not less than two hundred two hundred (200) feet and shall contain at least ten (10) sleeping rooms not less than three hundred twenty-five (325) square feet per sleeping room. The remaining floor area may be used for such uses as a restaurant, retail store, game room, ballroom, and banquet room provided that these uses are primarily designed to serve the

guests of the motel or hotel. All buildings and structures shall be not less than sixty (60) feet from a front yard line, and not less than thirty-five (35) feet from the side and rear lot lines. All areas not used for access, parking circulation, buildings, and services shall be completely and permanently landscaped and the entire site maintained in good condition. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.33 NO IMPACT HOME-BASED BUSINESS

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

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

801.34 NONPROFIT SOCIAL HALLS AND CLUBS

Buildings utilized for such purposes shall not be less than twenty (20) feet from any property line. Where such use abuts any R District, the following requirements shall apply to the side and rear yard property boundaries:

- A. All structures shall be located not less than fifty (50) feet from any property line which abuts any R District. Construction of a solid wall or solid opaque fencing eight (8) feet in height, designed to conceal and screen the facility from adjoining properties.
- B. Within a required rear yard or side yard setback, there shall be a landscaped planting strip not less than four (4) feet in depth, planted with shrubs or trees which are not less than three (3) feet high at the time of planting and which are of a type that may be expected to form a year-round dense screen at least four (4) feet high within three (3) years. The landscaped planting strip shall be maintained in good condition at all times, including the replacement of any shrubs or trees which are damaged, die or otherwise fail to grow.
- C. Outdoor trash dumpsters shall be concealed within an area surrounded by solid opaque fencing not less than six (6) feet in height.
- D. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.35 OIL AND GAS COMPRESSOR STATION

- A. The minimum lot size shall be 10 acres.
- B. A compressor station shall not be located closer than 2,500 feet from another compressor station.
- C. No compressor station shall be located closer than 1,500 feet from any dwelling or school.
- D. Compressors shall be located completely within an enclosed building. During periods of normal operations doors, windows and similar operations shall remain closed. Only electric powered compressors may be utilized.
- E. A compressor station's noise level shall be equal to or less than 55 dBA at the property line for the oil and gas compressor station's site and all adjoining properties.
- F. The application must provide the ESCGP-2 Plan and a post construction stormwater management plan prepared by a licensed professional engineer licensed in the Commonwealth of Pennsylvania.
- G. Land development approval is required under the Township's' Subdivision and Land Development Ordinance.
- H. The operator shall provide all material safety data sheets (MSDSs) for all materials produced, stored, or distributed on site to the municipality and its emergency management coordinator within 30 days prior to commencement of the use.
- I. The operator shall provide an emergency management plan to the Township at

the time of approval of the use. The plan shall be completed in coordination with the fire department.

- J. The operator shall provide and keep current a prioritized call list with names, emails, addresses and phone numbers for 24-hour emergency contact at the time of its application.
- K. The operator shall take measures to make certain that no mud, dirt, and debris is deposited onto streets.
- L. The site must be secured by a minimum eight-foot chain link fence with a locking gate that shall be kept located when employees are not on site.
- M. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.
- N. Compressor stations shall have adequate area improved with a dust-free all- weather surface which shall be provided on the site for parking.
- O. Operators shall take all measures necessary to make certain that dust does not emanate from the site.

801.36 OUTDOOR WOOD-FIRED BOILER

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

- A. The property must have a lot area of not less than five (5) acres.
- B. A safe flue or chimney shall be provided which has a minimum termination height of fifteen (15) feet above the natural ground level upon which the outdoor wood-fired boiler is located and be provided with a spark arresting device designed and approved for that purpose.
- C. A fan or blower attached to the appliance to increase the efficiency of the Outdoor Wood-Fired Boiler.
- D. An outdoor wood-fired boiler shall be located not less than three hundred (300) feet from any property line and not less than forty (40) feet to any principal structure or building located upon the property.
- E. The outdoor wood-fired boiler shall have an orange hang tag that signifies that it meets the EPA's standards for Phase 1 air emission levels of 0.60 pounds of fine particulates per million BTU heat input and qualifies for the EPS's voluntary program.
- F. All outdoor wood-fired boilers shall be installed, operated, and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder. In the event of a conflict, the regulations promulgated within this Section shall apply unless the manufacturer's instructions are more restrictive, in which case the manufacturer's instructions shall apply.

- G. The owner of the outdoor wood-fired boiler shall produce the manufacturer's instructions for all devices that do not conform to the requirements of this Section.
- H. All outdoor wood-fired boilers may only be utilized for the sole purpose of furnishing heat to a structure or building and/or providing hot water during the time period of October 1 through May 1; and subject to meeting the requirements of this Section.
- I. No homemade outdoor wood-fired boilers will be allowed.
- J. Only natural clean wood may be burned in outdoor wood-fired boiler. Regardless of the manufacturer's instructions an outdoor wood-fired boiler shall not be used to burn any of the following materials:
- Any material that does not meet the definition of clean wood.
 - Furniture
 - Garbage
 - Tires
 - Lawn clippings or yard waste
 - Wet or soggy wood
 - Material containing plastic
 - Material containing rubber
 - Waste petroleum products
 - Paints and paint thinners
 - Chemicals
 - Any hazardous waste
 - Coal
 - Glossy colored paper
 - Construction and demolition debris
 - Plywood
 - Particleboard
 - Saltwater driftwood
 - Manure
 - Animal carcasses
 - Asphalt products
- K. All storage of materials to be burnt in the outdoor wood-fired boiler shall be neatly stacked and/or stored under cover and free from insects (termites, ants, etc.) or any type of disease carrying rodents.
- L. Ashes or waste cannot be accumulated in a large area on the property. They may be dispersed on the property as long as no accumulation can be seen (for example: spread in a driveway). Any large accumulation of ashes or waste must be disposed of weekly with the owner's trash.

801.37 PLACES OF WORSHIP:

A minimum lot area of one (1) acre shall be required for the use. Religious instruction and educational rooms may be permitted within the principal building as accessory

uses. An additional minimum lot area of one (1) acre shall be required when the use consists of one or more of the following uses: primary or secondary school; day care center; and a single-family dwelling unit. Where the lot adjoins an existing residential dwelling unit, or is located within a residential zoning district, the parking area shall be screened along the side and rear lot lines with shrubbery or evergreen trees not less than four (4) feet in height at the time of planting. The landscaped area shall be kept in good condition and continuously maintained. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.38 PUBLIC UTILITY FACILITIES (ESSENTIAL)

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

- A. Access and parking shall be provided only for maintenance and servicing of such facilities.
- B. A chain-link fence and locked gate not less than eight (8) feet in height shall surround the building or structures of such facilities.
- C. A buffer area not less than ten (10) feet in depth and comprised of trees and/or shrubs designed to conceal such buildings or structures of such facilities.
- D. The provision of any outdoor lighting shall be designed and installed in Compliance with Section 331 of this Ordinance.
- E. The location, design and operation of such facilities shall not adversely affect the character of any adjacent residential properties.

801.39 RECREATIONAL FACILITIES - (OUTDOORS AS A PRINCIPAL USE)

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

- A. No outdoor recreation activity shall be conducted closer than one hundred (100) feet to any property line.
- B. A Buffer area, as defined in Article 2 shall surround the property except for access drives.
- C. Unless superseded by a PennDOT Highway Occupancy Permit, access drives shall be not greater than twenty-five (25') feet in width; parking areas shall not be located within buffer areas.
- D. Storm drainage from the site shall be controlled and provided in accordance with the Stormwater Management Pittston Township .
- E. The provision of any outdoor lighting shall be designed and installed in compliance

with Section 331 of this Ordinance.

801.40 RESTAURANTS AND/OR TAVERNS

All services, including entertainment, shall be conducted indoors. Outdoor trash dumpsters shall be concealed within an area surrounded by solid fencing not less than six (6) feet in height. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance. A restaurant and/or tavern providing drive-through service shall provide queuing lanes to accommodate not less than eight (8) vehicles for each drive-through lane. Each drive through lane or aisle shall be clearly marked and designed to prevent traffic hazards and congestion and shall minimize potential conflicts with pedestrian traffic in the parking lot.

801.41 ROOMING HOUSE

The property shall be limited to providing lodging for not more than four (4) persons, excluding the owner of the property. Off-street parking spaces shall be provided in accordance with the requirements set forth in Article 10.

801.42 SATELLITE DISH ANTENNA (NONCOMMERCIAL)

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

- A. Location on Lot: No satellite dish antenna shall be installed on a portable or moveable device.
- B. Number on Lot: Not more than one satellite dish antenna shall be permitted on a zoning lot.
- C. Size Limitations: The dimensions of a satellite dish antenna measured from its outermost edges cannot exceed twelve (12) feet in diameter.
- D. Roof-Mounted: A roof-mounted satellite dish antenna having a diameter not greater than three (3) feet and installed in accordance with the manufacturer's specifications shall be exempted from securing zoning approval.

801.43 SELF-STORAGE FACILITY

All storage shall be contained within a completely enclosed building or buildings. There shall be a minimum spacing of twenty-five (25) feet between buildings for traffic circulation, parking, and fire lane purposes. The property shall be enclosed with fencing, eight (8) feet height, with a locked gate to prevent unauthorized access. The provision of any outdoor lighting shall be designed and installed in compliance With Section 331 of this Ordinance.

801.44 SEXUALLY ORIENTED BUSINESS

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

1. A residential dwelling.
2. A place of worship
3. A public or quasi-public use or structure.
4. A zoning boundary of any zoning district in which residences are permitted as a principal permitted use.

Measurements of the required distance shall be made in a straight line, from the nearest portion of the structure or premises of a Sexually Oriented Business, to the nearest property line of the above noted uses. The structure and/or premises of a Sexually Oriented Business, including all off-street parking areas shall be completely enclosed by a fence, not less than eight (8) feet in height and screened by a variety of evergreen trees which shall be planted not more than six (6) feet apart and being not less than eight (8) feet in height at the time of planting. The owner of the property shall be responsible to maintain such screening, including the replacement of any trees which are damaged, die, removed by whatever means or otherwise fail to grow. The required evergreen trees shall be planted in front of the required fence. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.45 SHORT-TERM HOME RENTAL AND/OR SHORT-TERM TRANSIENT RENTAL

In addition to securing zoning approval, a Short-Term Home Rental and/or Short-Term Transient Rental shall be required to be licensed under the Pittston Township Short Term Rental Ordinance, Ordinance Number _____ of 2024 and operated in compliance with said Ordinance.

801.46 SOLAR ENERGY SYSTEMS, ACCESSORY (ASES)

REGULATIONS FOR ACCESSORY SOLAR ENERGY SYSTEMS (ASES)

A. PERMITTED AS AN ACCESSORY STRUCTURE

ASES shall be permitted as a use by right as an accessory structure in all zoning districts.

B. COMPLIANCE WITH INDUSTRY STANDARDS

The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers

(IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code, regulations adopted by the Pennsylvania Department of Labor and Industry, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the permit application.

C. INSTALLERS

ASES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

1. Is certified by the North American Board of Certified Energy Practitioners (NABCEP) for PV installation.
2. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
3. For residential applications, a home improvement contractor registered with the Pennsylvania Attorney General's Office.

D. MAINTAIN IN GOOD WORKING ORDER

Upon completion of installation, the ASES shall be maintained in good working order in accordance with manufacturer's standards of and any other codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by Pittston Township in accordance with all applicable ordinances.

E. UNDERGROUND REQUIREMENTS

All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.

F. SIGNAGE

The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

G. GLARE

1. All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
2. The applicant has the burden of proving that any glare produced does not have

a significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

H. SOLAR EASEMENTS

If a solar easement, intended to guarantee unobstructed solar access, is desired by the applicant and/or property owner for an ASES, such matter carried out as a civil agreement between or among all applicable parties. Pittston Township shall not be a party to any agreement designed to provide a solar easement, nor shall Pittston Township be responsible for ensuring the maintenance of any solar easement.

I. DECOMMISSIONING

1. Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by the system owner and/or operator, or upon termination of the useful life of same.
2. The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
3. The ASES owner shall, At the request of Pittston Township, provide information concerning the amount of energy generated by the ASES in then last twelve (12) months.

J. ZONING PERMIT REQUIREMENTS

1. A Zoning Permit Application shall be required and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. The applicant shall be required to secure all applicable building permits required under the PA Uniform Construction Code. All Permits shall be kept on the premises wherethe ASES is constructed.
2. A new Zoning Permit shall be required if an ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
3. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or remove the ASES.

4. Utility Notification: The owner of a proposed ASES shall provide written authorization that the public utility company has been informed of the customer's intent to install an interconnected customer owned generator and also approves of such connection.
5. Prior to the issuance of a Zoning Permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself:
 - (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or
 - (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
6. Routine maintenance or like kind replacements do not require a permit.

K. ROOF-MOUNTED AND WALL-MOUNTED ACCESSORY SOLAR ENERGY SYSTEMS

1. Location

A roof mounted or wall mounted ASES may be located on a principal or accessory building.

2. Setbacks

(a) As applicable, wall mounted ASES shall comply with the minimum setback distances for a principal or an accessory structures of the underlying zoning districts.

(b) Solar panels shall not extend beyond any portion of the roof edge.

3. Height

ASES mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for a principal or an accessory building within the underlying zoning district.

4. Code Compliance

For roof and wall-mounted systems, the applicant shall provide evidence that the plans comply with the PA Uniform Construction Code and that the roof or wall is capable of holding the load imposed on the structure. Applications for roof mounted ASES shall be accompanied by engineer stamped plans that demonstrate the structural sufficiency of the roof to hold the weight of the ASES.

L. GROUND MOUNTED ACCESSORY SOLAR ENERGY SYSTEMS

1. Setbacks

- (a) The required minimum side and rear setbacks distances applicable for a principal structure of the underlying zoning district shall apply to a ground and/or wall mounted ASES .
- (b) Ground mounted and/or wall mounted ASES are prohibited in front yards.

2. Height

Freestanding ground mounted ASES shall not exceed the maximum height of accessory structures of the underlying zoning district .

3. Coverage

- (a) The surface area of the arrays of a ground mounted ASES, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located. ASES shall not exceed the maximum lot coverage requirements of the underlying zoning district.

- (b) If applicable, the applicant shall submit a Stormwater Management Plan that demonstrates compliance with the Pittston Township stormwater management regulations.

4. Safety/Warning Signage

Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.

5. Location Restrictions

Ground-mounted ASES shall not be placed within any legal easement or right-of-way location or be placed within any stormwater conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

801.47 SOLAR ENERGY SYSTEMS, PRINCIPAL (PSES)

REGULATIONS FOR PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)

- A. A PSES shall be permitted as a Conditional Use in the C-1 (Conservation) District and in the Industrial Districts. (I-1, I-2 and I-3)

B. COMPLIANCE WITH INDUSTRY STANDARDS

The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), , Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code, regulations adopted by the Pennsylvania Department of Labor and Industry, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the permit application.

C. INSTALLERS

PSES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

1. Is certified by the North American Board of Certified Energy Practitioners (NABCEP) for solar thermal installation.
2. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited solar thermal training program or a solar collector's manufacturer's training program and successfully installed a minimum of three solar thermal systems.

D. MAINTAIN IN GOOD WORKING ORDER

Upon completion of installation, the PSES shall be maintained in good working order in accordance with manufacturer's standards of and any other codes under which the PSES was constructed. Failure of the owner to maintain the PSES in good working order is grounds for appropriate enforcement actions by Pittston Township in accordance with applicable ordinances.

E. UNDERGROUND REQUIREMENTS

All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

F. UTILITY NOTIFICATION

The owner of a PSES shall provide Pittston Township with written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.

G. SIGNAGE

No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.

H. GLARE

1. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
2. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

I. NOISE STUDY

A noise study shall be performed and included in the zoning/building permit application. The noise study shall be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 50dBA, as measured at the property line.

J. TREE AND LANDSCAPING REMOVAL

No trees or other landscaping otherwise required by the Township ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.

H. CONTACT INFORMATION

The PSES owner and/or operator shall provide current contact information to the Township which includes at minimum a phone number and identifies a responsible person for the Township or public to contact regarding emergencies, inquiries and complaints throughout the life of the project. The PSES owner and/or operator shall the Board of Supervisors a written plan outlining procedures on how complaints will be addressed. For the life of the project, the current contact information shall be conspicuously posted upon locations throughout the property

J. SOLAR EASEMENTS

1. Where a subdivision or land development proposes a PSES, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating a solar easement shall include but not be limited to:
 - (a) A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on

specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;

- (b) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
 - (c) Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
 - (d) Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
2. If required, a PSES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

K. DECOMMISSIONING

1. The PSES owner is required to notify [municipality] immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
2. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. The owner shall also restore the land to its original condition, including forestry plantings of the same type/variety and density as the original. If the owner fails to dismantle and/or remove the PSES and restore the land within the established time frames, Pittston Township may complete the decommissioning and land restoration at the owner's expense.
3. At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to Pittston Township to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original.

L. PERMIT REQUIREMENTS

1. A Zoning Permit Application shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the PSES on the property, including property lines. Permits shall be kept on the premises where the PSES is constructed.

2. PSES shall comply with the Pittston Township] zoning and subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
- 3.
4. The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.
5. Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
6. Routine maintenance or like-kind replacements do not require a permit.

M. GROUND MOUNTED PRINCIPAL SOLAR SYSTEMS

1. Lot Size

A PSES shall require a lot size of not less than ten (10) acres.

2. Setbacks

A PSES shall be setback distance of not less than 100 feet to any property line

3. Height

Ground mounted PSES shall not exceed eighteen (18) feet in height.

4. Lot Coverage

The surface area of the arrays of a ground mounted PSES, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located. The PSES shall not exceed the maximum lot coverage requirements of the underlying zoning district.

5. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the Pittston Township stormwater management regulations.

6. PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.

801.48 SCHOOLS

A school, whether public or private, primary, secondary, and/or vocational shall have a minimum lot size of three (3) acres, and any outdoor recreational or play area shall be located not less than 100 feet from any property line and not less than 150 feet from any residential lot line or existing residential dwelling unit.

801.49 SUBSTANCE ABUSE TREATMENT FACILITY

- A. Any type of Substance Abuse Treatment Facility as defined in Article 2 of this Ordinance shall require to be licensed by the Pennsylvania Department of Drug and Alcohol Programs.
- B. Maximum Number of Beds: The maximum number of beds within any type of substance abuse treatment facility which allows overnight stay of patients shall be based upon the applicable regulations of the Pennsylvania Department Drug and Alcohol Program, but in no case shall such a facility be designed and/or used to accommodate more than 15 overnight patients.
- C. Any type of substance abuse treatment facility shall provide a narrative that fully describes all services to be provided within the facility.
- D. Any type of substance abuse treatment facility shall provide a floor plan of the facility showing the use of all areas within the facility with the dimensions and square feet of each room therein and its intended purpose and use.
- E. Any type of substance abuse treatment facility shall provide its intended hours of operation.
- F. Any type of substance abuse treatment facility shall provide a copy of on-site management plan, or its equivalent, as required by the Pennsylvania Department of Drug and Alcohol Programs, which includes emergency operations and persons responsible for implementation of stated measures and/or operations.
- G. Any type of substance abuse treatment facility shall provide the maximum number of employees employed by the facility including those indirectly employed under contracted services.
- H. Insurance Coverage - No person shall operate a Non-Hospital Drug Free Residential Substance Abuse Treatment Facility unless they obtain and maintain the following liability insurance coverage:
 - 1. Comprehensive general liability insurance coverage insuring the public against bodily injury or property damage arising out of or resulting from or incidental to the operation or use of the facility.
 - 2. At a minimum, the policies shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence and two million five

hundred thousand dollars (\$2,500,000.00) per aggregate.

3. Coverage shall remain in full force during the entire time that the facility is permitted. Failure to provide such proof shall result in revocation of zoning approval.
- I. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.
- J. Off-street parking shall be provided at a ratio of one (1) vehicle parking space per each employee, including those via contracted services, plus one (1) vehicle parking space for every two (2) beds. Off-street parking shall be subject to all other applicable provisions within the Pittston Township Zoning Ordinance governing off-street parking.
- K. A substance abuse treatment facility shall not be located less than one thousand (1,000) feet from any other substance abuse treatment facility, to an existing residential zoning district, to a school, to a public playground, to a public park, to a childcare facility or to church or place of worship.
- L. If a substance abuse treatment facility is located within two hundred fifty (250) feet of a residential zoning district, all outdoor activity and/or seating areas shall be screened from public view and from the view of adjacent properties.

801.50 TOWNHOUSES

Townhouses shall be subject to the following provisions and all applicable provisions of the Pittston Township Subdivision and Land Development Ordinance:

- A. Townhouse buildings shall contain no more than six (6) single-family dwelling units. The maximum density for a townhouse development shall not exceed ten (10) dwelling units per gross acre.
- B. The property shall be served by central sewers.
- C. Minimum Lot Width shall be two hundred (200) feet.
- D. Maximum percentage of building coverage on a lot per dwelling unit, exclusive of common or public open areas, shall be forty (40%) percent.
- E. Minimum lot depth per dwelling unit shall be not less than one hundred (100) feet.
- F. Minimum lot area per dwelling unit shall be not less than 2,000 square feet.
- G. Minimum front yard setback shall be not less than thirty (30) feet.
- H. No side yard setbacks shall be required for attached interior townhouse units. A minimum side yard setback of not less than fifteen (15) feet shall be required only

- at the ends of the rows of Townhouses.
- I.
 - J. Minimum rear yard setback shall be not less than thirty (30) feet.
 - K. Minimum width of each dwelling unit shall be not less than twenty (20) feet.
 - L. Maximum building height shall be 2 ½ stories or thirty-five (35) feet.
 - M. Minimum distance between principal structures shall be not less than thirty (30) feet.
 - N. Minimum front yard setback for off-street parking areas shall be not less than ten (10) feet.
 - O. Minimum rear yard setbacks for off-street parking areas shall be not less than fifteen (15) feet.
 - P. Two (2) off-street parking spaces shall be provided for each dwelling unit.
 - Q. No dwelling unit shall have its own driveway entering onto a public street.
 - R. Unattached accessory structures such as pools, garages, carports, and sheds shall be prohibited in the front yard. Unattached accessory structures located in the side or rear yard shall have not less than five (5) feet side and rear yard setbacks. Attached accessory structures shall have the same setbacks as required for principal structures.

801.51 TRUCKING FACILITIES, INCLUDING REPAIR AND STORAGE

The minimum lot size shall not be less than four (4) acres. Access drives shall be sufficient in width to accommodate the use, but in no event exceed thirty (30) feet in width. Access drives must connect to a public street. Where the operation abuts a zoning district where residences are a principal permitted use, or where an existing residential dwelling unit is located, a solid wall or substantial, attractive fence not less than eight (8) feet in height shall be constructed and maintained in good condition along such boundary line, and a buffer yard of not less than one hundred (100) feet in width must be landscaped and maintained in good condition. Required landscaping shall be located in front of the required fencing. No parking, loading, idling, storage of any kind, or trucking use shall be allowed within the buffer yard. No junk vehicles shall be stored upon the property. All truck idling in excess of fifteen (15) minutes shall be prohibited. The provision of any outdoor lighting shall be designed and installed in compliance with Section 331 of this Ordinance.

801.52 WAREHOUSE AND DISTRIBUTION FACILITIES

All materials shall be stored within a completely enclosed building and outdoor storage of any kind is prohibited. Access drives shall be sufficient in width to accommodate the use, but in no event shall any access drive exceed thirty (30) feet in width. No activities, including off-street parking shall be allowed within 150 feet of a property line abutting a district having residences

as a principal permitted use. All truck idling in excess of fifteen (15) minutes shall be prohibited.

801.53 WIND ENERGY CONVERSION SYSTEM (SMALL)

A. DESIGN AND INSTALLATION

1. Design Safety Certification

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

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

3. Controls and Brakes

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

4. Electrical Components

a. All electrical components of a small WECS shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.

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

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

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

e. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower,

rotor, or generator where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.

- f. Anchor points for any guy wires for a small WECS shall be located within the property that the system is located on and not on or across any above ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six (6) feet high or sheathed in bright orange or yellow covering from three to eight (8) feet above the ground.

B. VISUAL APPEARANCE

1. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
2. A small WECS's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.
3. A small WECS shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible, the system:
 - shall not project above the top of ridgelines.
 - shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.

C. LOT SIZE, SETBACK AND HEIGHT REQUIREMENTS:

1. A small free standing WECS shall be located on a lot with a minimum size of not less than two (2) acres.
2. The maximum turbine height for a small WECS that is installed as a free-standing structure shall be as follows:
 - Fifty (50) feet on parcels between two and five acres.
 - Sixty-five (65) feet on parcels of five or more acres.

A roof-mounted system shall not extend more than ten (10) feet above the structure or building on which it is mounted and shall not be subject to a minimum lot size otherwise applicable to a free-standing structure.

3. Setback requirements. A small WECS that is installed as a free-standing structure shall not be located closer to a property line than two and a half (2.5) times the turbine height as measured from the center of the base and/or concrete base to which it is attached.
4. Only one small WECS per legal lot shall be allowed.

D. CLIMB PREVENTION/LOCKS

1. Towers shall be constructed to provide one of the following means of access control or other appropriate method of access:
 - Tower-climbing apparatus located no closer than fifteen (15) feet from the ground.
 - A locked anti-climb device installed on the tower.
2. A locked, protective fence at least six (6) feet in height shall enclose the tower and electrical equipment to prevent entry by non-authorized persons.

E. NUISANCE ISSUES:

1. Audible sound from a Small WECS shall not exceed forty-five (45) dBA, as measured at the perimeter of any property boundary line upon the property which it is located. Methods for measuring and reporting acoustic emissions from the operations of a Small WECS 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 the Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
2. Reasonable efforts shall be made to preclude shadow flicker to any building off-site located upon a property not owned by the owner of the Small WECS.

F. ABANDONMENT

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

801.54 WIND ENERGY FACILITY: PRINCIPAL ("PWEF")

A. COMPLIANCE STANDARDS

The design of the PWEF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL) Det Norske Veritas, Germanischer Lloyd Wind Energies, the

American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with all applicable building and electrical codes of the Township. The applicant shall submit certificate of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations. The manufacturer specifications shall be submitted with the zoning permit application.

1. To the extent applicable, the PWEF shall comply with the PA Uniform Construction Code.
2. All electrical components of the PWEF shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.

B. NOISE

1. The audible sound from a wind turbine may not exceed 45 A weighted decibels and shall also not exceed 55 C-weighted decibels, as each is measured at the lot line of a property of a non-participating landowner within one mile or less from the nearest property line on which a wind turbine is located unless a written waiver is provided by the landowner. This requirement shall be a maximum noise level using a Lmax standard, and not based upon an average. Audible tones from electrical or mechanical components are prohibited. Measurements shall comply with ANSI/ASA S12.9 Part 3, Short Term Measurements with an Observer Present; S 12.100, Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas; and Computer Modeling shall comply with ANSI/ASA S12.6 (ISO9613-2) Attenuation of sound during propagation outdoors- Part 2 General method of Calculation.
2. The above maximum noise limits shall be reduced to 42 A-weighted and 52 C-weighted decibels between the hours of 10 p.m. and 7 a.m., local time. However, the noise limits shall not be reduced below 45 A-weighted decibels where the applicant provides evidence that the current continuous background sound level without the wind turbines would be higher than 42 A-weighted decibels. The continuous background sound level shall be determined per the methods of ANSI/ASA S12.9 Part 3 and ANSI/ASA S12.100.
3. All required noise studies and testing shall be completed by a qualified independent professional having specialized expertise in noise analysis. The qualifications of the person conducting the analysis shall be included in the zoning permit application. ANSI standards shall be used for calibration of the noise meter.
4. With the zoning permit application, the applicant shall provide a written noise study that projects the maximum sound levels at the property line of the nearest five non-participating landowners, and that recommends measures that may be used to minimize noise impacts. The noise study shall document compliance with the A- and C-weighted decibels maximum level requirements of this subsection.

5. The applicant shall provide an independent written test of actual noise produced by the project upon completion, and every two subsequent years after the project is completed, to document compliance with the noise standards in this subsection. If the project involves more than 10 total wind turbines, then the noise study shall also be completed after each 10 wind turbines are put into service. If the testing finds that the noise levels in this section are being violated, then the owner of the wind turbines shall immediately take the wind turbines out of service until such modifications, replacements, or repairs are made to the wind turbines as are required or necessary to make them comply with the noise levels of this subsection.
6. In addition to the noise studies provided above, at any time when the zoning officer has reasonable cause to believe that the noise limits of this subsection is being violated the zoning officer may request that an independent third-party professional conduct tests to ascertain compliance with the noise limits. The facility operator shall assist with the tests.
7. If the Township institutes an enforcement action because of a violation of the noise limits, and if the facility owner is found liable for the violation in a civil enforcement proceeding, then in addition to any other rights or remedies available to the Township, the judgement shall require the facility owner to pay the Township's costs and expenses to prove non-compliance with the noise requirements, including the tests to determine the noise levels. Such costs shall be paid within 30 days by the facility owner after the final judgement. In the event the facility owner does not pay such costs within 30 days, the Township may pursue appropriate remedies at law or equity to recover such costs and expenses from the facility owner, including placing a municipal lien against the property upon which the project is located. Therefore, in any enforcement action, the landowner shall also be notified. By authorizing the facility owner to make an application, the landowner consents to the ability of the Township to place a lien against the land in the event of a violation.

C. VIBRATIONS

Vibrations. A wind turbine shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located. Wind turbines may not cause airborne vibrations which are perceptible to people or structures.

D. ACCESSORY BUILDINGS, STRUCTURES AND MECHANICAL EQUIPMENT

1. When an accessory building or structure is necessary, it shall comply with the principal building requirements of the zoning district in which it is located.
2. Accessory buildings, structures and equipment associated with PWEF shall be screened from any adjacent property that is residentially zoned or used for residential purposes under the buffering and screening requirements of this Ordinance. The buffer shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence or wall meeting the

requirements of this ordinance may be used.

3. The design of accessory buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening, and landscaping that will blend into the natural setting and existing environment.

E. UNDERGROUND REQUIREMENTS

On-site transmission and power lines between wind turbines shall be placed underground.

F. UTILITY NOTIFICATIONS

The owner of a PWEF shall provide the Township with written confirmation that the public utility to which the PWEF will be connected has been informed of the intent to install a grid connected system and approved of such connection.

G. SIGNAGE

PWEF shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner operator.

H. LIGHTING

PWEF shall not be artificially lit, except to the extent required by the Federal Aviation Administration, the Pennsylvania Department of Transportation Bureau of Aviation (BOA) or other applicable authority that regulates air safety.

I. COLOR

1. PWEF shall be painted a non-reflective, flat color such as white, off grey, or grey unless required to be colored differently by FAA or BOA regulations.
2. The design of buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening, and landscaping that will blend the PWEF into the natural setting and existing environment.

J. BRAKING SYSTEM

All PWEF 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 may not be considered a braking system for overspeed protection.

K. SHADOW FLICKER

1. The applicant shall provide an analysis with a map of the shadow flicker impactsof

the project upon any non-participating landowner's property that will be impacted by this effect. The analysis shall be conducted by a qualified professional using generally accepted modeling methods and shall estimate the number of hours per year that a non-participating landowner's property will be impacted by shadow flickering. No lot line of a non-participating landowner's property shall be affected by shadow flicker for a total of more than 20 hours per year, and no more than 30 minutes per day. Such analysis shall include recommendations for conditions to minimize the number of affected non-participating landowner's properties, the hours affected and the severity of the impacts from shadow flicker. This provision shall not apply to an affected property if a written and signed waiver is provided by the owner of said property.

2. A PWEF shall be designed in such a manner as to not cause shadow flicker on a roadway.

L. LOCATION

No part of any PWEF shall extend over parking areas, access drives, driveways, or sidewalks. No blade or any component part of a PWEF shall extend beyond the boundaries of the zoning district in which it is located. Wind turbines shall be separated from each other by a minimum distance of five times the diameter of the rotors.

M. INSURANCE

The PWEF owner or operator shall maintain a current general liability policy covering:

1. \$1,000,000.00 of personal or bodily injury to or death of any person.
2. \$3,000,000.00 for personal or bodily injury to or death of any number of persons arising from any one occurrence.
3. \$1,000,000.00 for any instance of property damage.
4. An umbrella liability insurance coverage shall also be maintained with coverage to be not less than \$3,000,000.00 for each occurrence and \$3,000,000.00 in the aggregate. Certificates of insurance for the above required coverage shall be provided to the municipality annually.

N. ICE THROW

The potential ice throws or ice shedding for a PWEF shall not cross the property line on which a PWEF is located nor impinge on any right-of-way or overhead utility line.

O. ELECTRONIC INTERFERENCE

The facility owner and operator shall ensure that the design and operation of any PWEF avoids any disruption or loss of radio, telephone, television, cell, Internet, VOR

signalization for aircraft, or similar signals, and shall mitigate any harm caused by the wind energy facility.

P. LOT SIZE

For a tract of land to be eligible for a PWEF, it shall have a minimum lot size of three (3) acres for each wind turbine.

Q. SETBACK DISTANCES

1. Wind turbines shall be set back from the nearest occupied building or non-occupied building on the participating landowner's property a distance not less than the setback requirements for the zoning district in which it is located for a principal building or two times the turbine height, whichever is greater. The setback distances shall be measured horizontally from the center of the wind turbine base to the nearest point on the foundation of the occupied building or non-occupied building.
2. Wind turbines shall be set back from the nearest occupied building or non-occupied building located on a non-participating landowner's property not less than five times the turbine height, or 1,500 feet, whichever is greater as measured horizontally from the center of the wind turbine base to the nearest point on the foundation of the occupied or non-occupied building.
3. All wind turbines shall be set back from the nearest property line not less than the setback requirements for a principal building in the zoning district in which it is located or two times the turbine height, whichever is greater. The setback distance shall be measured to the center of the wind turbine base.
4. All wind turbines shall be set back from the nearest public road a distance not less than the setback requirements for a principal building in the zoning district in which it is located or two times the turbine height, whichever is greater, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.
5. Each wind turbine shall be set back from above-ground power lines, public telephone lines and television cable lines a distance no less than two times its total height. The setback distance shall be measured from the center of the wind turbine base to the nearest point on such lines.
6. Wind turbines shall be set back at least 1,500 feet from important bird areas as identified by Pennsylvania Audubon and at least 500 feet from identified wetlands.
7. The base of any wind turbine shall be setback 500 feet from the centerline of a perennial waterway and 2,000 feet from the average water level of a public water supply reservoir.

R. HEIGHT

The maximum wind turbine height may not exceed 450 feet and must comply with all regulations imposed by the FAA.

S. VISUAL IMPACT AND ANALYSIS

The applicant shall provide a visual analysis of the project. The analysis shall include a three-dimensional computer-generated surface model that accurately depicts the wind turbines in proper scale and location in relationship to the surrounding terrain from not less than 10 different locations within the Township. The 10 locations shall include any combination of public roads and public and/or private properties that may experience the greatest visual impacts. The applicant shall also be required to conduct a subsequent balloon test at the 10 selected locations to confirm the visual impact of the three-dimensional computer-generated surface model. Public notice as defined under the PA MPC shall be required regarding the time and dates of balloon tests.

T. PROPERTY VALUES

The applicant shall submit an analysis by a qualified appraiser of the actual impacts upon residential property values of a similar set of wind turbines in a mostly rural community within the United States. Such analysis shall compare changes in property values of impacted dwellings to changes in property values of non-impacted dwellings over the same time period. Properties within a one-mile radius of a wind farm shall be considered, as well as properties outside that radius. The study shall be completed by an appraiser who has an active MAI, SRA or SRPA certification from the appraisal institute. The appraiser must also have a Pennsylvania appraiser license.

U. WARNINGS

1. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
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 10 feet from the ground.

V. SAFETY AND SECURITY

1. All access doors to wind turbines, including electrical equipment, outbuildings and all appurtenances thereto shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
2. The minimum distance between the ground and any part of the wind rotor blade shall be thirty (30) feet.
3. To limit climbing access, an eight (8') foot high fence with a locking gate shall be placed around the PWEF.

4. Wind turbines' climbing apparatus shall be limited to no lower than 15 feet from the ground or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.

W. USE OF PUBLIC STREETS

1. The Applicant shall identify all public streets to be used within the Township to transport equipment and parts for construction, operation, or maintenance of the PWEF.
2. The Township Engineer or a qualified third-party engineer selected by the Township and paid for by the applicant, shall document street conditions prior to construction. The documentation shall include photographs and video recordings of all approved travel routes to substantiate the report. The applicant shall ensure a Township official designated by the Township Board of Supervisors is present when photographs and video tapes are taken. Copies of the inspection report, photographs, and video tapes shall be submitted to the Township. The engineer shall document road conditions again 30 days after construction is complete or as weather permits. The applicant is responsible for all repairs and remediation of any damaged streets resulting from the installation or subsequent maintenance of a wind energy facility. Such repairs and remediation shall be completed within 30 days from the time of damage unless a greater amount of time is approved by Township Board of Supervisors.
3. Any street damage caused by the applicant, or its contractors shall be promptly repaired at the applicant's expense.
4. A bond shall be posted by the applicant to compensate the Township for any damage to Township streets in compliance with state regulations. An improvement and maintenance agreement shall also be entered into between the operator and the Township in a form acceptable to the Township solicitor to ensure that if any streets are damaged the operator shall be responsible for their replacement or repair.
5. The applicant shall demonstrate that it has appropriate financial security to ensure the prompt repair or replacement of damaged streets.
6. Every effort should be made to use existing logging roads. New deforestation and forest fragmentation must be kept to a minimum. Private entrance roads to PWEF shall be maintained in a mud-free condition.

X. LOCAL EMERGENCY SERVICE

1. The applicant shall provide a copy of the project summary and site plan to local emergency services, including Township designated emergency service providers.
2. The facility owner and operator shall abide by all applicable local, state, and federal fire code and emergency guidelines.

3. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the PWEF.
4. The facility owner and operator shall maintain a phone number and identify a responsible person for emergency contact.

Y. SALDO

All PWEF shall constitute a subdivision or land development.

Z. DECOMMISSIONING

1. The facility owner and operator shall complete, at their own expense decommissioning of the PWEF or individual wind turbines, and all related improvements, within (12) twelve months after the end of the useful life of the facility or individual wind turbines, or when the use has been discontinued or abandoned by the facility owner and operator. The PWEF or individual wind turbines will be presumed to be at the end of its useful life, discontinued or abandoned if no electricity is generated for a continuous period of 12 months.
2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, streets, foundations to a depth of 36 inches, transmission lines and any other associated facilities.
3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing and receives written approval from the Township that the access roads, or other land surface areas not be restored.
4. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). The estimates shall be submitted to the municipality after the first year of operation and every fifth year thereafter.
5. The facility owner or operator shall post and maintain decommissioning funds, representing a financial guarantee in an amount equal to net decommissioning costs, provided that at no point shall decommissioning funds be less than 110% of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth of Pennsylvania 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 of Pennsylvania and is approved by the Township.
6. Decommissioning funds may be in the form of a performance bond, surety bond, irrevocable letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.

7. If the facility owner or operator fails to complete decommissioning within the six (6) month period, then the landowner shall have six months to complete decommissioning.
8. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed above, then the Township shall have the authority to take such measures as necessary to secure and utilize decommissioning funds to complete decommissioning activities. The entry onto 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.

The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township.

801.55 WIRELESS COMMUNICATION FACILITIES (WCF)

General Requirements for All Wireless Communications Facilities.

A. STANDARD OF CARE.

1. All WCFs shall meet or exceed all applicable standards and provisions of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate Wireless Communications Facilities, the latest National Electrical Safety Code (NEC), American National Standards Institute (ANSI) Code, and the structural standards of the American Association of State Highway and Transportation Officials or any other industry standard applicable to the structure. In case of conflict, the most stringent requirements shall prevail. All necessary certifications shall be obtained by the WCF Applicant and provided to the Township.
2. If such standards or regulations are changed, the owner of the WCF shall bring such WCF into compliance with the revised standards within six (6) months of the effective date of such standards or regulations unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring such facilities into compliance shall constitute grounds for the removal of the WCF at the owner's expense.
3. The WCF Applicant shall submit proof of compliance with all applicable federal and state standards, including but not limited to those established by the Federal Communications Commission, as part of any complete WCF application.

B. ENGINEER SIGNATURE

All plans and drawings included in an application for a WCF shall contain a seal and signature of a professional engineer, licensed in the Commonwealth of Pennsylvania and certifying compliance with all local, state, and federal laws and

regulations applicable to the proposed WCF.

C. ELIGIBLE FACILITIES REQUESTS.

1. WCF Applicants proposing a Modification to an existing WCF shall be required only to obtain zoning approval permits from the Township. In order to be considered for such permits, the WCF Applicant must submit permit applications to the Township in accordance with the requirements of the Township's Zoning Ordinance. Such permit applications shall clearly state that the proposed modification constitutes an Eligible Facilities Request pursuant to the requirements of 47 CFR §1.6100. The permit applications shall detail all dimensional changes being made to the WCF and Wireless Support Structure.
2. Timing of Approval.
 - (a) Within thirty (30) calendar days of receipt of an application for the Modification of an existing WCF, the Township Zoning Officer shall notify the WCF Applicant in writing of any information that may be required to complete such application.
 - (b) Within sixty (60) days of receipt of a complete and compliant application for the Modification of an existing WCF, the Township Zoning Officer shall issue the required zoning permits authorizing construction of the WCF.

D. WIND AND ICE.

All WCFs shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.

E. NON-CONFORMING WIRELESS SUPPORT STRUCTURES. WCFs shall be permitted to Collocate upon existing non-conforming Wireless Support Structures. Collocation of WCFs upon existing Wireless Support Structures is encouraged even if the Wireless Support Structure is non-conforming as to use within a zoning district.

F. INSPECTIONS; REPORTS. Inspection reports shall be submitted to the Township upon request to ensure structural integrity and compliance with applicable federal, state, and local codes and regulations.

- G. PERMIT FEES. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a WCF, as well as related inspection, monitoring, and related costs. Such permit fees shall be established by the Township fee schedule.
- H. INDEMNIFICATION. Each person that owns or operates a WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the WCF. Each person that owns or operates a WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of a WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
- I. NON-COMMERCIAL USAGE EXEMPTION. Township residents utilizing satellite dishes, citizen and/or band radios, and Antennas for the purpose of maintaining television, phone, and/or internet connections at their residences shall be exempt from the regulations enumerated in this Section.
- J. HISTORIC BUILDINGS. No Non-Tower WCFs may be located within one hundred (100) feet of any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, located within a historic district, or is included in the official historic structures list maintained by the Township.
- K. ABANDONMENT; REMOVAL. In the event that use of a WCF is to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. A WCF not operated for a period of twelve (12) months shall be considered abandoned. Discontinued or abandoned WCFs, or portions of WCFs, shall be removed as follows:
1. All abandoned or unused WCFs and Accessory Equipment shall be removed within ninety (90) days of the cessation of operations at the site or receipt of notice that the WCF has been deemed abandoned by the Township unless a time extension is approved by the Township.
 2. If the WCF or Accessory Equipment is not removed within ninety (90) days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner

of the WCF regardless of the owner’s or operator’s intent to operate the WCF in the future.

The Township reserves the right to pursue all available remedies under the law to ensure removal of the WCF and restoration of the site at the expense of the owner. Any delay by the Township in taking action shall not invalidate the Township’s right to take action.

3. Where there are two or more users of a single WCF, this provision shall not become effective until all users have terminated use of the WCF for a period of twelve (12) months.

L. MAINTENANCE. The following maintenance requirements shall apply:

1. All WCFs shall be fully automated and unattended on a daily basis and shall be visited only for maintenance, repair or replacement.
2. Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the Township’s residents and in accordance with all applicable Township, state and federal regulations
3. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents. Maintenance logs will be provided to the Township upon request.

M. TIMING OF APPROVAL. The following table details the applicable time frame of approval for each type of WCF application:

Type of WCF/Application	Notice of Incompleteness	Final Decision
Eligible Facilities Request	30 calendar days from receipt of application	60 calendar days.
<i>Small WCF (Collocated)</i>	10 calendar days from receipt of initial supplemental application.	60 calendar days.
<i>Small WCF (New or Replacement Wireless Support Structure)</i>	10 calendar days from receipt of initial or supplemental application.	90 calendar days.
<i>Non-Tower WCF</i>	30 calendar days from receipt of application for initial notice; 10 calendar days from receipt of supplemental application for subsequent notices.	90 calendar days.

<i>Tower-Based WCF</i>	30 calendar days from receipt of application for initial notice; 10 calendar days from receipt of supplemental application for subsequent notices.	150 calendar days.
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801.56 NON-TOWER BASED WIRELESS COMMUNICATIONS FACILITIES

Specific Requirements for Non-Tower Wireless Communications Facilities.

A. The following regulations shall apply to all *Non-Tower WCFs* that do not meet the definition of a *Small WCF*:

1. DEVELOPMENT REGULATIONS

- (a) The total height of any Non-Tower WCF shall not exceed fifteen (15) feet above the height of the Wireless Support Structure prior to the Collocation of any WCFs.
- (b) The total height of any Non-Tower WCF shall not exceed fifteen (15) feet above the height of the Wireless Support Structure prior to the Collocation of any WCFs.
- (c) In accordance with industry standards, all Non-Tower WCF applicants must submit documentation to the Township showing that the proposed Non-Tower WCF is designed to be the minimum height technically feasible and justifying the total height of the Non-Tower WCF.
- (d) If the WCF Applicant proposes to locate the Accessory Equipment in separate building, the building shall comply with the minimum requirements for the applicable zoning district.
- (e) A security fence not to exceed eight (8') feet in height shall surround any separate communications equipment building if such communications equipment building is located at ground level. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

2. DESIGN

- (a) In order to assist in evaluating the visual impact, the WCF Applicant shall provide color photo simulations showing the proposed site of the Non-Tower WCF with a photo-realistic representation of the proposed WCF as it would appear viewed from the closest residential properties, adjacent roads and from other locations as required by the Township.

- (b) Non-Tower WCF shall employ Stealth Technology and be treated to match the Wireless Support Structure in order to minimize aesthetic impact. The application of the Stealth Technology utilized by the WCF Applicant shall be subject to the approval of the Township.
- (c) Non-Tower WCFs shall, to the extent technically feasible, incorporate architectural features, materials and colors which blend with surrounding buildings, structures, terrain, or landscape.
- (d) Non-Tower WCFs and Accessory Equipment must be of a neutral color that is identical to or closely compatible with the Wireless Support Structure so as to make the WCF and Accessory Equipment as visually unobtrusive as possible. Roof-mounted Non-Tower WCFs shall match existing air-conditioning units, stairs, elevator towers or other background as nearly as possible.

3. PROHIBITED ON CERTAIN STRUCTURES

A Non-Tower WCF shall not be located on single-family detached residences, single-family attached residences, semi-detached residences, duplexes, or any residential accessory structure.

4. THIRD PARTY WIRELESS SUPPORT STRUCTURES

Where the Non-Tower WCF is proposed for Collocation on a Wireless Support Structure that is not owned by the WCF Applicant, the WCF Applicant shall present documentation to the Zoning Officer that the owner of the Wireless Support Structure has authorized Collocation of the proposed Non-Tower WCF.

5. RETENTION OF EXPERTS

The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF at its sole discretion and once approved, in reviewing and evaluating any potential violations of the terms and conditions of these WCF provisions. The WCF applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities. At the sole discretion of the Township Zoning Officer, the establishment of a Professional Services Agreement may be required.

6. INSURANCE

Each person that owns or operates a Non-Tower WCF shall annually provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Non-Tower WCF.

7. SUBSTANTIAL CHANGE

Any Substantial Change to a WCF shall require notice to be provided to the Township Zoning Officer, and possible supplemental permit approval as determined by the Township Zoning Officer.

801.57 TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES

The following regulations shall apply to all Tower-Based Wireless Communications Facilities that do not meet the definition of a Small WCF.

1. Tower-Based WCFs are permitted outside the public rights-of-way in the C-1, Conservation District as a conditional use, subject to the requirements of this Section:
2. A Tower-Based WCFs are permitted outside the public rights-of-way as a conditional use and at a height necessary to satisfy their function in the WCF Applicant's wireless communications system, but no cases shall it exceed a height of one hundred twenty (120) feet.
 - (a) It shall be incumbent upon the WCF Applicant for such approval as a conditional use to prove to the reasonable satisfaction of the Township Board of Supervisors that the WCF Applicant cannot adequately extend or infill its communications system by the use of equipment installed on existing structures, such as utility poles or their appurtenances and other available structures. The WCF Applicant shall further demonstrate that the proposed Tower-Based WCF must be located where it is proposed in order to serve the WCF Applicant's service area and that no other viable, less- intrusive alternative location exists.
 - (b) The conditional use application shall include a site plan, drawn to scale, showing property boundaries, power location, total height of the Tower-Based WCF, guy wires and anchors, existing structures, elevation drawings, typical design of proposed structures, parking, fences, landscaping, and existing uses on adjacent properties.
 - (c) The conditional use application shall include aerial photographs of the area within a one- mile radius of the proposed Tower-Based WCF and identify all existing WCFs in that area.
 - (d) The conditional use application shall be accompanied by a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF Applicant transmits, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.
 - (e) The conditional use application shall include evidence that a significant gap in wireless coverage or capacity exists in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Township Board of Supervisors' decision on an application for approval of Tower-Based WCF.

- (f) Where the Tower-Based WCF is located on a property that is not owned by the WCF Applicant, the WCF Applicant shall present evidence to the Township Board of Supervisors that the owner of the property has granted an easement or other property right, if necessary, for the proposed WCF and that vehicular access will be provided to the facility.
- (g) The conditional use application shall include a written certification by a structural engineer licensed in the Commonwealth of Pennsylvania of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure.
- (h) A conditional use application for a new Tower-Based WCF shall demonstrate that the proposed Tower-Based WCF cannot be accommodated on an existing Wireless Support Structure. The Township Board of Supervisors may deny an application to construct a new Tower-Based WCF if the WCF Applicant has not made a good faith effort to mount the Antenna(s) on an existing Wireless Support Structure. The WCF Applicant shall demonstrate that it contacted the owners of all potentially feasible structures, buildings, and towers within a one (1) mile radius of the site proposed, sought permission to install an Antenna on those structures, buildings, and towers and was denied for one of the following reasons:
 - [i] No existing support structure, building or other structure are located within the geographic area which meets the applicant's engineering requirements.
 - [ii] Existing support structures, buildings or other structures are not of sufficient height to meet the applicant's engineering requirements.
 - [iii] Existing support structures, buildings or other structures do not have the strength to support the applicant's equipment.
 - [iv] The applicant's equipment would cause electromagnetic interference with equipment on the existing support structure, building or other structure.
 - [v] Fees, costs, or contractual provisions required by the owner in order to share an existing location or to adapt for the applicant are unreasonable. Costs exceeding new construction for a support structure are presumed to be unreasonable.
 - [vi] The applicant demonstrates that there are other limiting factors that render other locations unsuitable.
 - [vii] The applicant demonstrates that an alternative technology that does not require the use of a support structure, such as cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is not suitable. Costs of alternative technology that exceed costs for the construction of a Wireless Support Structure and Antenna development shall not be presumed to render the technology unsuitable.

3. DEVELOPMENT REGULATIONS

- (a) Tower-Based WCFs shall not be located in, or within one hundred (100) feet of an area in which all utilities are located underground.
- (b) In no case shall a Tower-Based WCF be located within two hundred (200) feet of any adjacent residential zoning district or property used for residential purposes.
- (c) Combined with another use. A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
 - [i] The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the WCF.
 - [ii] Minimum lot area. The minimum lot shall be not less than one (1) acre to accommodate the Tower-Based WCF and Accessory Equipment, any guy wires, the equipment building, security fence, and applicable screening.

4. DESIGN REGULATIONS

- (a) Height. Any Tower-Based WCF shall be designed at the minimum functional height. The maximum total height of a Tower-Based WCF which is not located in the public ROW shall not exceed 120 feet, as measured vertically from the ground level to the highest point on the Tower-Based WCF, including Antennas and subsequent alterations.
- (b) Visual Appearance and Land Use Compatibility.
 - [i] Tower-Based WCFs shall employ Stealth Technology which may include the Wireless Support Structure being painted a certain color as approved by Township Board of Supervisors or utilizing a galvanized finish.
 - [ii] All Tower-Based WCFs and Accessory Equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.
 - [iii] The Township Board of Supervisors shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; prevent a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.
- (c) Anti-Climbing Device. If deemed necessary by the Township Board of Supervisors, a Tower-Based WCF shall be equipped with an anti-climbing device, as approved by the manufacturer.

- (d) **Minimum Setbacks.** The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street Right-of-Way line shall equal 120% of the proposed WCF structure's height or the applicable principal building setback, whichever is greater.

5. SURROUNDING ENVIRONS

- (a) The WCF Applicant shall ensure that the existing vegetation, trees, and shrubs located within proximity to the WCF structures shall be preserved to the maximum extent possible.
- (b) The WCF Applicant shall submit a soil report to Township Board of Supervisors complying with the standards of Appendix I: Geotechnical Investigations, ANSI/TIA-222, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

6. FENCE/SCREEN

- (a) A security fence having a height not to exceed eight (8) feet shall completely surround any Tower-Based WCF located outside the Public Rights-of-Way, as well as Accessory Equipment, guy wires, or any building housing Accessory Equipment.
- (b) Landscaping shall be required to screen as much of a newly constructed Tower- Based WCF as possible. The Township Board of Supervisors may permit any combination of existing vegetation, topography, walls, decorative fences, or other features instead of landscaping, if, in the discretion of the Township Board of Supervisors, they achieve the same degree of screening.

7. ACCESSORY EQUIPMENT

- (a) Accessory Equipment shall not intrude into the minimum setback requirements for the district in which the wireless communication facility is located or exceed a maximum height of 15 feet.
- (b) Ground-mounted Accessory Equipment associated or connected with a Tower-Based WCF shall not be located within fifty (50) feet of a lot in residential use.
- (c) Accessory Equipment associated, or connected, with a Tower- Based WCF shall be placed underground or screened from public view using Stealth Technology. All ground-mounted Accessory Equipment, utility buildings and accessory structures shall be architecturally designed to be concealed from public view to the maximum extent possible and be compatible with the architecture of surrounding buildings, structures, or landscape.
- (d) Either one single-story wireless communications equipment building not exceeding five hundred (500) square feet in area or its equivalent may be permitted for each unrelated company sharing Antenna space on the Tower-Based WCF.

8. ADDITIONAL ANTENNAS

As a condition of approval for all Tower-Based WCFs, the WCF Applicant shall provide the Township Board of Supervisors with a written commitment that it will allow other service providers to Collocate Antennas on the Tower-Based WCF where technically and economically feasible. To the extent permissible under state and federal law, the owner of a Tower-Based WCF shall not install any additional Antennas without complying with the applicable requirements of this Section.

9. FCC LICENSE

Each person that owns or operates a Tower-Based WCF shall submit a copy of its current FCC license, including the name, address, and Emergency telephone number for the operator of the facility.

10. SIGNS

All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an Emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.

11. LIGHTING

No Tower-Based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township Board of Supervisors.

12. STORAGE

The storage of unused equipment, materials or supplies is prohibited on any Tower-Based WCF site.

13. REPAIR OF NON-CONFORMING TOWER-BASED WCF

Non- conforming Tower-Based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this section. The Collocation of Antennas is permitted on non-conforming structures.

14. INSURANCE

Each person that owns or operates a Tower-Based WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the

Tower-Based WCF.

15. TIMING OF APPROVAL

- (a) Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the Township Zoning Officer, the Township Zoning Officer shall notify the WCF Applicant in writing of any information that may be required to complete such application.
- (b) Within one hundred fifty (150) days of receipt of a complete application for a Tower-Based WCF, the Township Board of Supervisors shall make a decision to approve or deny the proposed Tower-Based WCF and the Township Zoning Officer shall issue the required building and zoning permits authorizing construction of the WCF.

801.58 SMALL WIRELESS COMMUNICATIONS FACILITIES

Regulations Applicable to all Small Wireless Communications Facilities. The following regulations shall apply to Small Wireless Communications Facilities:

A. LOCATION AND DEVELOPMENT STANDARDS

Small WCF are permitted by right from the Township Zoning Officer in all zoning districts, subject to the requirements of this Section.

- 1. Small WCF in the public ROW requiring the installation of a new Wireless Support Structure shall not be located in front of any building entrance or exit.
- 2. All Small WCF shall comply with the applicable requirements of the Americans with Disabilities Act and all Township requirements applicable to streets and sidewalks.

B. TIME, PLACE AND MANNER

Once approved, the Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Small WCF in the Row based on public safety, traffic management, physical burden on the ROW, and related considerations.

C. OBSTRUCTION

Small WCF and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township.

D. GRAFFITI

Any graffiti on a Small WCF, including the Wireless Support Structure and any Accessory Equipment, shall be removed at the sole expense of the owner within ten (10) calendar days of notification by the Township.

E. TIMING OF APPROVAL

1. Within ten (10) calendar days of the date that an application for a Small WCF is filed with the Township Zoning Officer, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application.
2. Within sixty (60) days of receipt of an application for Collocation of a Small WCF on a preexisting Wireless Support Structure, the Township Zoning Officer shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.
3. Within ninety (90) days of receipt of an application for a Small WCF requiring the installation of a new or replacement Wireless Support Structure, the Township Zoning Officer shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.

F. RELOCATION OR REMOVAL OF FACILITIES

Within ninety (90) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Small WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

1. The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way.
2. The operations of the Township or other governmental entity in the Right-of-Way.
3. Vacation of a street or road or the release of a utility easement; or
4. An emergency that constitutes a clear and immediate danger to the health, welfare, or safety of the public as determined by the Township.

F. REIMBURSEMENT FOR ROW USE

In addition to permit fees as described in this section, every Small WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Small WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. Such fees shall comply with the

applicable requirements of the Federal Communications Commission.

G. DESIGN STANDARDS

1. GENERAL STANDARDS FOR ALL SMALL WCFs IN THE TOWNSHIP:

- A. All Small WCFs shall be installed in and maintained in a workman-likemanner in compliance with the National Electric Safety Code, the National Electrical Code, the structural standards of the American Association of State Highway and Transportation Officials, and any other industry standard applicable to the WCF, as applicable.
- B. All Small WCFs shall comply with the Americans with Disabilities Act, guidelines relating to streets and sidewalks.
- C. Wireless Support Structures installed or replaced in order to accommodate attached Small WCFs shall be a minimum of two (2) feet from any sidewalk, path or trail and shall not obstruct vehicular, pedestrian, or cyclist traffic or sight lines.
- D. All Small WCFs shall comply with applicable federal and state standards regarding pedestrian access and movement.
- E. All Small WCFs shall be designed and constructed in an effort to minimize aesthetic impact to the extent Technically Feasible. All applications for a Small WCF shall identify all design features intended to minimize aesthetic impact.
- F. No Small WCFs shall extend beyond the boundaries of the rights-of-way unless approved on a case-by-case basis by the Township Zoning Officer. If a Small WCF or any portion thereof is to be located on private property, the WCF Applicant shall provide to the Township evidence that the owner of such private property has granted the WCF Applicant an easement or other right to construct the Small WCF.
- G. All Small WCFs shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and Communications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.

2. ANTENNA STANDARDS

- A. Any Antenna associated with a Small WCF shall not exceed three (3) cubic feet in volume.
- B. All pole-top Antennas shall be flush-mounted as closely to the top of the Wireless Support Structure as Technically Feasible.
- C. All Antennas shall be of a design, style, and color that matches the Wireless Support Structure upon which they are attached.

- D. Any necessary pole-top extension shall be of the minimum height necessary to achieve separation from the existing pole attachments in accordance with the National Electric Safety Code and any other industry standard applicable to the WCF.
- E. Any Antenna mounted on a lateral standoff bracket shall protrude no more than necessary to meet clearances from the pole and existing pole attachments in accordance with the National Electric Safety Code and any other industry standard applicable to the WCF.
- F. If mounted on an existing Wireless Support Structure, no Antenna shall impair the function of said structure.
- G. Antenna placement shall not materially impair light, air, or views from adjacent windows.

3. ACCESSORY EQUIPMENT STANDARDS

- A. All Accessory Equipment associated with a Wireless Support Structure shall not exceed twenty-eight (28) cubic feet in volume. Equipment utilized solely for mitigation of the aesthetic impact of the Small WCF or required for utility service shall not be included in the Accessory Equipment volume calculation.
- B. Accessory Equipment shall be mounted flush to the side of a Wireless Support Structure, or as near flush to the side of a Wireless Support Structure as Technically feasible.
- C. Pole-mounted Accessory Equipment shall be mounted so as to provide a minimum of nine (9) feet vertical clearance from ground level.
- D. All Accessory Equipment shall be placed underground in residential districts.
- E. Accessory Equipment shall be of a color that matches the Wireless Support Structure upon which such Accessory Equipment is mounted.
- F. All Accessory Equipment shall be contained within a single equipment shroud or cabinet. Such equipment shroud or cabinet shall be of the smallest dimensions Technically Feasible.
- G. All Small WCFs shall post a sign with a maximum size of 1.5 square feet in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted shall be that required by the FCC or any other federal or state agency. All signage associated with a Small WCF shall be clearly shown in the application and shall be subject to approval by the Township Zoning Officer.
- H. No Accessory Equipment shall feature any visible lighting, including flashing indicator lights, unless required by state or federal law.

4. WIRING STANDARDS

- A. Exposed wiring is prohibited on any Small WCF, Accessory Equipment, or Accessory Equipment enclosure.

Transmission, fiber, power cables and any other wiring shall be contained within any Wireless Support Structure for which such concealment is Technically Feasible. If such wiring cannot be contained within the Wireless Support Structure, all wiring shall be contained within conduit or U-guard that is flush-mounted to the Wireless Support Structure.

- B. All wiring shall be installed tautly and without excessive slack or extra cable storage on the Wireless Support Structure.
- D. Any conduit or U-guard shall be of a color that matches the WirelessSupport Structure to which the Small WCF is attached.
- E. Loops of extra wiring shall not be attached to any Wireless Support Structure.

5. WIRELESS SUPPORT STRUCTURE STANDARDS

A. REPLACEMENT WIRELESS SUPPORT STRUCTURES

1. The maximum height of any proposed replacement Wireless Support Structure shall be: 1) no more than ten (10%) percent taller than the tallest existing Wireless Support Structure in the public rights-of-way within a two hundred fifty (250) foot radius of the proposed Small WCF; or 2) fifty (50) feet above ground level, whichever is less.
2. Any replacement Wireless Support Structure shall be of comparable materials and design to the existing Wireless Support Structure being replaced except as otherwise required by the pole owner.
3. Any replacement Wireless Support Structure shall be placed within a five (5) foot radius of the existing Wireless Support Structure being replaced.
4. Any replacement Wireless Support Structure shall be designed to accommodate all uses that existed on the Wireless Support Structure being replaced. As part of an application for a Small WCF, the applicant shall provide documentation from a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the replacement Wireless Support Structure, Small WCF, and prior existing uses shall be structurally sound.

B. NEW WIRELESS SUPPORT STRUCTURES

1. The maximum height of any new Wireless Support Structure shall be: 1) no more than ten (10%) percent taller than the tallest existing Wireless Support Structure in the public rights-of-way within a two hundred fifty (250) foot radius of the proposed Small

WCF; or, 2) fifty (50) feet above ground level, whichever is less.

2. Any new Wireless Support Structure shall be of comparable materials and design to adjacent Wireless Support Structures except as required by the pole owner.
3. To the extent Technically Feasible, no new Wireless Support Structure shall be installed:
 - i. In the Front Façade Area of any residential structure.
 - ii. Within ten (10) feet of the edge of any driveway; or
 - iii. In the public rights-of-way directly opposite any driveway.

C. DECORATIVE POLES

- i. Decorative Poles shall be required:
 1. For the replacement of any existing Decorative Pole;and,
 2. In any zoning district where all utilities are required to be placed underground on a non- discriminatory basis.
- ii. For any replacement Decorative Pole, the new Decorative Pole shall match the existing Decorative Pole in shape, design, color, and material to the extent Technically Feasible. The Township shall have final approval of any such replacement Decorative Pole.
- iii. No Small WCF shall be permitted on an existing Decorative Pole unless the applicant provides documentation showing that such Decorative Pole is the only Technically Feasible location for placement and that no suitable alternative sites exist. The WCF Applicant shall provide documentation from a structural engineer that said Decorative Pole can support the additional loads.

ARTICLE 9
NONCONFORMING LOTS, USES STRUCTURES AND BUILDINGS

SECTION 901 INTENT

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

SECTION 902 NONCONFORMITY – TYPES:

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

902.1 Nonconforming Use:

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

902.2 Nonconforming Structure:

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

902.3 Bulk Nonconformity:

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

902.4 Area Nonconformity:

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

902.5 Nonconforming Lot

“Nonconforming Lot” means a lot of record legally existing as of the date on which this Ordinance was adopted or amended, which does not conform to the applicable area, frontage, width, or depth requirements established by this Ordinance for the Zoning District in which it is located.

SECTION 903 NONCONFORMING LOTS OF RECORD

In any zoning district, structures, both principal and accessory, may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions or regulations of this Ordinance, even though such lots fail to meet the requirements for the area and/or width of the zoning district in which such lot is located. The erection of a structure on such a lot shall, however, conform to front, rear and side yard requirements for the zoning district in which such lot is located. Variances from the aforementioned yard requirements may be obtained only through action of the Zoning Hearing Board.

SECTION 904 CONTINUATION

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

SECTION 905 REGISTRATION OF NONCONFORMING USES AND STRUCTURES

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

SECTION 906 CHANGES OF NONCONFORMING USES AND STRUCTURES

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

906.1

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

906.2

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

906.3

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

- a. The proposed change shall be less objectionable in external effects than the previous nonconforming use and will be more consistent physically with its surroundings.
- b. There will be no increase in traffic generation or congestion including both vehicular and pedestrian traffic.
- c. There will be no increase in the danger of fire or explosion.
- d. There will be no increase in noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration or electrical disturbances.
- e. There will be no increased threat to health by reason of rodent infestation or otherwise.
- f. There will be no reduction in minimum lot area requirements as a result of the proposed change.

SECTION 907

ENLARGEMENT OF NONCONFORMING USE OR STRUCTURE

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

- a. The enlargement will not replace a conforming use.
- b. Nonconforming Structure or Nonconforming Use: The area subject to a proposed expansion shall after enlargement conform to all area and bulk requirements applicable to conforming buildings in the zone in which it is located and to all applicable off-street parking and loading requirements.
- c. The floor or land area of a nonconforming structure and/or use shall be enlarged not more than twenty-five (25%) percent of the floor or land area as it existed at the time the structure or use first became nonconforming.
- d. Not more than one enlargement of a nonconforming structure and/or use shall be permitted.
- e. A nonconforming structure or use shall not be enlarged beyond the limits of the zoning lot on which it is located. Expansion to an adjoining lot is prohibited.
- f. A structure containing residential dwelling uses, both conforming and nonconforming, shall not be enlarged to increase the number of dwelling units unless in full compliance with all other applicable provisions of this Ordinance.

SECTION 908

REPAIR AND REHABILITATION

Nonconforming structures and structures containing nonconforming uses may be normally maintained and repaired provided that there is no alteration which extends the area occupied by the nonconforming use. A structure containing nonconforming residential uses may be altered to improve interior livability, subject to no structural alterations which would increase the number of dwelling units or the bulk of the building.

SECTION 909

RESTORATION OF USE AND/OR STRUCTURE

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

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

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

SECTION 910

TERMINATION OF NONCONFORMING USE AND/OR STRUCTURE

910.1

NONCONFORMING USE AND/OR STRUCTURE

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

910.2

CHANGE OF NONCONFORMING USE

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

910.3

ABANDONMENT OF NONCONFORMING USE

The right to a nonconforming use shall be terminated and a nonconforming use shall not be resumed if a nonconforming use is abandoned. A nonconforming use shall be deemed to be abandoned if it is changed as set forth in Section 909.2 or if it is discontinued for a period of one (1) year or more.

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

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ARTICLE 10
OFF-STREET PARKING AND LOADING

SECTION 1001 PURPOSE

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

SECTION 1002 SIZE OF OFF-STREET PARKING SPACES

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

SECTION 1003 DIMENSIONS AND DESIGN

The dimension and design of off-street parking areas, including parking garages, shall comply with the following:

- A Stall width shall be not less than nine (9) feet.
- B Stall depth shall be not less than eighteen (18) feet.
- C The minimum width of aisles providing access to stalls, with one-way traffic, varying with the angle of parking shall be as follows:

<u>Angle of Parking</u>	<u>Minimum Aisle Width</u>
Parallel	Twelve (12) feet
30 degrees	Eleven (11) feet
45 degrees	Thirteen (13) feet
60 degrees	Eighteen (18) feet
90 degrees	Twenty (20) feet

- D The minimum width for aisles providing access to stalls with two-way traffic shall be twenty-four (24) feet.
- E Interior access ways and aisles shall be designed so as to prevent the blocking of vehicles entering or exiting the site.

SECTION 1004 SIZE OF OFF-STREET LOADING SPACES

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

SECTION 1005 WIDTH OF ACCESS DRIVEWAYS

Unless superseded by a PennDOT Highway Occupancy Permit, the width of a driveway intended to provide access to or from a property shall comply with the following:

- a. A minimum of nine (9) feet for all single-family dwellings.
- b. A minimum of twelve (12) feet for one-way traffic for all uses other than single-family dwellings.
- c. A minimum of twenty (20) feet for two-way traffic for all uses other than single-family dwellings.
- d. A maximum of twenty (20) feet at the street lines in residential districts, and thirty (30) feet in all other districts.

SECTION 1006 NUMBER AND LOCATION OF ACCESS DRIVEWAYS

For the purpose of providing access to a property, driveways crossing a street line shall be forty (40) feet apart and shall be limited to two (2) along each front, rear or side lot line. On all corner properties, there shall be a minimum distance of thirty-five (35) feet from any driveway to the lot line fronting on the intersecting street unless a greater distance is required for a specific use as contained within Article 8, Supplemental Regulations.

Any street under the jurisdiction of the Pennsylvania Department of Transportation shall be governed by all applicable rules, regulations and standards of PennDOT.

SECTION 1007 EXISTING USES AND STRUCTURES

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

SECTION 1008 EXPANSION OF EXISTING USE

When an existing use of a building, structure or land is expanded, off-street parking and/or loading facilities shall be provided in accordance with the applicable provisions of this Ordinance for the net increase of expansion based upon land area and/or gross floor area of the subject use. Any existing use prior to its expansion, which does not conform to the required the number of off-street spaces that would otherwise be required, shall not be required to provide said spaces as a condition for zoning approval.

SECTION 1009 CHANGE OF USE

Whenever an existing use of a building, structure or land is changed to a different use,

off-street parking and/or loading facilities shall be provided in accordance with the previous use requirements and the applicable provisions of this Ordinance based upon the proposed change in use.

SECTION 1010 LOCATION OF OFF-STREET PARKING AREAS

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

- A. The lot to be used for off-street parking and the lot on which the principal use is located shall be in the same zoning district.
- B. The lot to be used for off-street parking and the lot on which the principal use is located shall be held under the same ownership.
- C. The lot to be used for off-street parking shall be not less than two hundred (200) feet to any lot line on which the principal structure is located.

SECTION 1011 SHARED PARKING

The Zoning Hearing Board may grant a special exception approval for the joint use of parking for two or more principal uses subject to the following criteria:

- a. The total number of off-street parking spaces provided are not less than the number of the spaces required for each use individually.
- b. When the sum of off-street parking spaces required for each principal use is greater than the total amount of provided spaces, the hours of operation for the subject uses shall not be conflicting.

SECTION 1012 DRAINAGE AND SURFACING OF OFF-STREET PARKING AREAS

Any off-street parking area for five (5) or more vehicles shall be graded for proper drainage and shall be surfaced so as to provide a pavement structure of bituminous asphalt, or concrete. Excluding points of ingress or regress, the parking area shall be curbed. All stormwater shall be contained within the boundaries of the property and in accordance with the Pittston Township Storm Water Management Ordinance. Methods for containment may include:

1. The design and construction of catch basins to collect and discharge stormwater into a public storm sewer.
2. The design and construction of rain gardens or similar systems designed to retain all stormwater within the parking area for infiltration into the ground.
3. A combination of the above.

An off-street parking area for five (5) or more vehicles shall require a complete design and

layout of the proposed parking area, sealed by a licensed professional engineer attesting that the subject design and construction of the parking area shall fully comply with the above provisions. Any engineering review costs incurred by the Pittston Township shall be reimbursed by the applicant.

SECTION 1013 SCREENING AND LANDSCAPING

A. SIDEYARDS AND REAR YARDS

The side and rear yards areas of properties that contain off-street parking for ten (10) or more vehicles and/or any off-street loading areas, shall be screened by a substantial tight fence, six (6) feet along such borders and shall with a planting strip not less than five (5) feet in depth, located in front of the required fencing, containing ornamental grass, shrubbery, plants and/or a similar vegetative cover that are a minimum of three (3) feet in height at the time of planting. Said fencing and vegetative screening shall in be located in a manner that does block or otherwise encroach within the required line of sight triangle. Properties developed in the I-1, I-2 and/or I-3 District which do not border a Residential District may utilize berms not greater than six (6) feet in height, to serve as the required screening.

B. FRONT YARDS

Excluding land within an I-1, I-2 and/or I-3 which do not border a Residential District , the front yards areas of properties that contain off-street parking for ten (10) or more vehicles and/or any off-street loading areas, shall be screened along such borders as provided herein:

1. A planting strip not less than ten (10) feet in depth shall be provided between the parking areas and the abutting street right-of-way except for the location of access drives to the property and/or within the required line of sight triangle. Said planting strip shall contain ornamental grass, shrubbery, plants or a similar vegetative cover.
2. Said planting strip shall also contain one (1) shade tree for each forty (40) linear feet of planting strip. Said trees shall be not less than eight (8) feet in height at the time of planting.
3. The above required planting strips comply with the required clear line of sight triangles as set forth in Section 314.1 and Section 314.2.

C. INTERIOR LANDSCAPING

Excluding land within an I-1, I-2 and/or I-3 which do not border a Residential District off-street parking areas that contain twenty (20) or more parking spaces, in addition to the compliance with regulations contained under items A and B of this Section, shall provide interior landscaping to said parking area. Said landscaping shall be not less than five (5%) percent of the total area that is paved and utilized for parking and or loading. Interior landscaped areas shall contain ornamental grass, shrubbery, plants or a similar vegetative cover and a minimum of one (1) shade tree not less than eight (8') feet

in height at the time of planting.

SECTION 1014 SETBACK REQUIREMENTS FOR R ZONES:

- A. In any R Zone, there shall be no required front, rear or side yard setback for accessory residential off-street parking areas for two (2) or less vehicles. Accessory residential off-street parking areas for three (3) or more vehicles shall provide a front, rear and sideyard setback of not less than five (5) feet.

- B. The development and/or expansion of any nonresidential off-street parking area in any R zone shall provide a front yard, rear yard and a side yard setback of not less than ten (10) feet which shall also include.
 - 1. An opaque fence not less than six (6) feet in height along each applicable side yard and rear yard. No signs, other than those expressly permitted by this Ordinance, shall be affixed to the fencing.

 - 2. Included within the required rear yard and side setback, located in front of the fence, there shall be a landscaped planting strip at least four (4) feet wide, planted with shrubs or trees not less than three (3) feet high at the time of planting and which are of a type that may be expected to form a year-round dense screen at least four (4) feet high within three (3) years.

 - 3. The landscaped planting strip shall be maintained in good condition at all times, including the replacement of any shrubs or trees which are damaged, die or otherwise fail to grow.

 - 4. The above required planting strips and/or fencing shall comply with the required clear line of sight triangles as set forth in Section 315.1 and Section 315.2

SECTION 1015 SETBACK REQUIREMENTS FOR NONRESIDENTIAL DISTRICTS

The following setback distances for off-street parking areas shall apply:

Zone	Front	Rear	Side Yard
B-1	5 feet	5 ¹ feet	5 ² feet
B-2	10 feet	5 ¹ feet	5 ² feet
I-1	10 feet	5 ¹ feet	5 ² feet
I-2	10 feet	5 ¹ feet	5 ² feet
I-3	10 feet	5 ¹ feet	5 ² feet
C-1	10 feet	5 ¹ feet	5 ² feet
PRD	10 feet	5 ¹ feet	5 ² feet

¹ Ten (10) feet required when abutting an R Zone.

² Fifteen (15) feet required when abutting an R-Zone

SECTION 1016 LIGHTING

Any lighting used to illuminate off-street parking or loading areas shall be sized and

directed to avoid adverse impact and spillover onto adjacent properties and the public right-of-way and shall comply with the applicable lighting requirements contained under Section 331 of this Ordinance.

SECTION 1017 DRIVEWAYS

- A. Residential: All driveways shall have a minimum setback distance of five (5) feet to any side yard or rear yard property line. Townhouses, with exception of end units, shall be excluded from this provision.
- B. Nonresidential Uses: All driveways shall have a minimum setback distance of ten (10) feet to any side yard or rear yard property line.

SECTION 1018 FRACTIONAL SPACE

When required parking computation results in fractions, any fraction less than one-half ($1/2$) shall be disregarded and any fraction equal to or greater than one-half ($1/2$) shall be construed to require a full space.

SECTION 1019 MULTIPLE ACTIVITIES OR USES

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

SECTION 1020 OFF-STREET PARKING REQUIREMENTS

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

RESIDENTIAL USES

- Single-Family Detached Dwelling: Two (2) spaces for each dwelling unit.
- Two-Family Structure: Two (2) spaces for each dwelling unit.
- Multi-Family Residential:
 - Townhouses: Two Space for each dwelling unit.
 - Garden Apartments: Two Space for each dwelling unit.
 - Single Structure with three or more dwelling units: Two and one-half 2.50 spaces for each dwelling unit.
- Boarding House/Rooming House: One and one-half (1.50) spaces for each rooming unit which is rented or leased, plus all other off-street parking spaces required for any other use or uses located within the structure.
- Residential Conversion: Two (2) spaces for each dwelling unit created through conversion of existing nonresidential space.

- Bed and Breakfast: Three spaces plus one and one-half (1.50) spaces for each guest rental room.
- Short-Term Home Rental: Two (2) spaces for each dwelling unit, plus three (3) spaces for each bedroom.
- Home Occupation:
 - a. Four (4) spaces for any medical practitioner.
 - b. Two (2) spaces for all other home occupations.
- Group Residence for Disabled Individuals: Four (4) spaces plus two (2) spaces for support staff for residents of the facility.
- Personal Care Home: Four (4) spaces, plus one space (1) space for each person residing in the facility, who is not related operator of the facility or serve as support staff.
- Half-Way House: One (1) space for each staff member based upon the maximum number of staff personnel working at any given time, plus 1.50 spaces for each person allowed to reside therein based upon State licensing of the facility.

NONRESIDENTIAL USES

- Animal Hospital: Five (5) spaces for every veterinarian plus one (1) space for every employee on the maximum working shift excluding veterinarians.
- Auditorium of Similar Place of Assembly: One (1) space for every four (4) seats or one (1) space for every thirty (30) square feet of gross floor area if fixed seating is not provided.
- Automobile Sales: One (1) exterior space for every six hundred (600) square feet of gross interior floor space plus one (1) additional space per each five thousand (5,000) square feet of open sales or display area.
- Automotive Repairs (Major and Minor): One (1) exterior space each service bay for every two hundred (200) square feet of gross interior floor area.
- Car Wash and Auto Detailing: One (1) space for each employee on the maximum working shift.
- Churches and Similar Places of Worship: One (1) space for every four (4) seats in the main assembly room or one (1) space for each (12) feet of bench length, If fixed seating is not provided, one (1) space for every 30 square feet of gross floor area.
- Commercial, Business or Vocational Trade Schools: One (1) space for each staff and/or faculty member, plus one (1) space for every five (5) classroom seats, based upon the maximum capacity.

- Dance, Gymnastic Martial Arts & Yoga Studios: One (1) space for every two hundred (200) square feet of gross floor area; any such facility which also serves food and/or beverages shall also comply with the parking requirements of any eating or drinking establishment.
- Day Care Facility: One (1) space for each employee, plus one (1) space for every five (5) individuals served by the facility, based upon the maximum number of individuals which the facility is licensed to serve.
- Entertainment Facilities: One (1) space for every one hundred (100) square feet of gross floor area.
- Fast Food Restaurants: One (1) space for every eighty (80) square feet of service or dining area, with a minimum of five (5) spaces. A fast-food restaurant with a drive-in window shall, in addition to the above requirements, provide eight (8) stacking spaces for the drive-in window designated for the ordering station. Such spaces shall be designed in a manner not to impede pedestrian or vehicular circulation on the site or on any abutting street.
- Funeral Homes and Crematories: Twenty (20) spaces for each viewing parlor.
- Gasoline Service Stations: Two (2) exterior spaces for each service bay, one (1) space for each pump, plus one (1) space for every two hundred (200) square feet of gross floor area which is used for the sale of retail goods, including food and/or beverages.
- Health Spa/Clubs: One (1) space for every two hundred (200) square feet of gross floor area; any such club which also serves food and/or beverages shall also comply with the parking requirements of an eating or drinking establishment.
- Hookah Lounge or Bar: One (1) space for every two hundred (200) square feet of gross floor area; any such facility which also serves food and/or beverages shall also comply with the parking requirements of an eating or drinking establishment.
- Industrial, Manufacturing, Wholesale and Warehouse Establishments, Truck Terminals, Research and Testing Facilities: One (1) space for every two thousand five hundred (2,500) square feet of gross floor area; plus one (1) space for every two (2) employees on the maximum working shift.
- Large Retail Establishment:
 - a. Five (5) spaces for each 1,000 square feet of gross floor area.
 - b. The number of off-street parking spaces shall not exceed 110% of the required minimum number of off-street parking spaces. The above requirement may be increased to 125% when porous pavement is used in areas of the parking lot that do not receive heavy traffic, such as parking stalls, cart areas and crosswalks.

- Manufacturing /Industrial Uses: One space for every two thousand five hundred (2,500) square feet of gross floor area; plus, one space for every two employees on the maximum working shift.
- Medical or Dental Office or Clinic: Five (5) spaces for every doctor, dentist, chiropractor, or other licensed medical practitioner.
- Massage Establishment (As Defined In Article 2 of this Ordinance): Three (3) Spaces for every licensed medical practitioner.
- Methadone Treatment Facility: Five (5) spaces for every doctor, licensed medical practitioner, counselor and/or staff personnel employed at the facility, including those employed on a full-time or part time basis and/or by contractual arrangements with the facility.
- Motels and Hotels: One (1) space for each unit for guest accommodations plus one (1) space for each two (2) employees on the maximum working shift. Any such facility which also serves food and/or beverages shall also comply with the parking requirements of a restaurant or tavern.
- Nonprofit Social Hall and Clubs: One (1) space for every two hundred (200) square feet of gross floor area.
- Nursing Home/Continuing Care Facility: One (1) space for every three (3) beds, based upon the maximum number of beds permitted under its State license, plus one (1) space each employee on the maximum working shift.
- Personal Services: One (1) space for every two hundred (200) square feet of gross floor area.
- Places of Public or Private Assembly, including Auditoriums or Meeting Halls: One (1) space for every four (4) seats or one (1) space for each fifty (50) square feet of gross floor area when there is no fixed seating.
- Professional or Service Offices: One (1) space for every two hundred (200) square feet of gross floor area.
- Public Uses: One (1) space for every one hundred (100) square feet of gross floor space.
- Public Utility Facilities: Two (2) spaces per facility; if the facility includes maintenance and/or storage yards, then the required number of spaces shall be one (1) for each employee assigned to work at such facility.
- Recovery/Sober House: Based upon the permitted number of residents as licensed by Pennsylvania Department of Drug and Alcohol Programs, one and one half (1 ½) spaces for each resident, residing at the facility, and one space for each employee and/or manager which resides therein, including those which stay overnight.

- Recreational Facilities (Indoor): One space for every 100 square feet of gross floor area
- Recreational Facilities (Outdoor): In cases where such facilities include spectator seating, there shall be one (1) space for every four (4) seats, facilities which do not provide any spectator seating shall provide one (1) space for every three thousand (3,000) square feet in the recreational site, plus an additional ten (10) spaces if there is a swimming pool and an additional two (2) spaces if there is playground equipment.
- Restaurants and Taverns: One (1) space for every three (3) seats, plus two spaces for every three employees on the maximum working shift.
- Retail Businesses: One (1) space for every three hundred (300) square feet of gross floor area.
- Schools, Elementary and Secondary: One (1) space for each staff member, plus one space for every twenty (20) classroom seats, based upon the maximum capacity.
- Self-Service Coin-Operated Laundries and Dry Cleaners: Shall provide one (1) space for every two (2) washing or drying machines.
- Self-Storage Warehouse: One (1) space for every ten (10) stalls or lockers available for rental, plus one (1) for each employee on the maximum working shift.
- Sexually Oriented Businesses:
 - a. Sexually Oriented Bookstore: One (1) space for every one hundred (100) square feet of gross floor area, plus two additional (2) spaces or every three (3) employees based upon the maximum working shift.
 - b. Sexually Oriented Entertainment: One (1) space for every one hundred (100) square feet of gross floor area, plus:
 - one (1) additional space for every two (2) seats and/or, one (1) space for each fifty (50) square feet of floor area when there is no fixed seating.
 - two (2) additional spaces for every three (3) employees based upon the maximum working shift.
 - c. Massage Establishment, (Which Does Not Meet the Definition of this Term under Article 2 of this Ordinance): One (1) space for every one hundred (100) square feet of gross floor area, plus two (2) additional spaces for each employee based upon the maximum working shift.
- Shopping Center: Five (5) spaces for each one thousand (1,000) square feet of gross floor area.

- Substance Abuse Treatment Facility: One (1) space for every two (2) beds based upon State licensing regarding the maximum number of beds of the facility, plus five (5) spaces for every doctor, licensed medical practitioner, counselor and/or staff personnel employed at the facility, including those employed on a full-time or part time basis and/or by contractual arrangements with the facility.
- Substance Abuse Treatment Facility, Outpatient: Five (5) spaces for every doctor, licensed medical practitioner, counselor and/or staff personnel employed at the facility, including those employed on a full-time or part time basis and/or by contractual arrangements with the facility.
- Tattoo Parlor/Body-Piercing Studio: One (1) space for every two hundred (200) square feet of gross floor area; plus, one space for every two employees on the maximum working shift.
- Warehousing/Distribution Facility: One (1) space for every two thousand five hundred (2,500) square feet of gross floor area; plus one (1) space for every two (2) employees on the maximum working shift.

SECTION 1021 PARKING FOR OTHER COMMERCIAL USES

Any commercial use or nonresidential use of a structure, building or land, not specifically listed within Section 1020 of this Ordinance shall provide one (1) off-street parking space for every two hundred (200) square feet of gross floor area or lot area.

SECTION 1022 OFF-STREET LOADING REQUIREMENTS

The following standards shall apply for the provision of off-street loading areas.

Uses	Square Feet of Floor Area	Required Off-Street Loading Berths
Schools	15,000 or more	1
Hospitals in addition to spaces or ambulances	10,000 – 30,000, and one additional for each additional 30,000 or fraction thereof	1
Hotels and Offices	10,000 or more	1
Commercial, Wholesale, Manufacturing and Storage	10,000 - 25,000	1
	25,000 - 40,000	2
	25,000 - 40,000	3
	40,000 - 60,000	4
	60,000 - 100,000	5
	For each additional 50,000 or fraction thereof	1

In no case shall a public right-of-way be used for the loading, unloading or storage of such vehicles.

SECTION 1022 PROVISION OF PARKING SPACES FOR DISABLED PERSONS

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

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

SECTION 1023 DESIGN FEATURES FOR PARKING SPACES FOR DISABLED PERSONS

The following provisions shall apply for required handicapped parking spaces:

1. An area not less than five (5) feet in width shall be provided between each handicapped parking space. Said area shall be marked and/or designed to prevent parking therein.
2. An area not less than eight (8) feet in width shall be provided between each van accessible parking space. Said area shall be marked and/or designed to prevent parking therein.
3. Vehicular access to handicapped parking areas shall have a minimum vertical clearance of not less than nine and one half (9¹/₂) feet.
4. An off-street parking area shall be designed to provide convenient, accessible routes from the handicapped parking areas to an accessible building entrance and to public streets and sidewalks which adjoin the off-street parking area.

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

SECTION 1024 SIGNAGE FOR HANDICAPPED PARKING

Handicapped accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Parking spaces designed for vans shall have an additional sign

reading "Van-Accessible" mounted below the accessibility sign. Such signs shall be located in a manner so a vehicle cannot obscure them.

SECTION 1025 MINIMUM NUMBER OF HANDICAPPED ACCESSIBLE SPACES

When parking spaces are provided for self-parking by employees or visitors, or both, within the total number of off-street parking spaces required under Section 1020 and/or Section 1021 of this Ordinance, the following table shall be used to determine the required number of handicapped accessible spaces.

<u>TOTAL NUMBER OF SPACES</u>	<u>REQUIRED NUMBER OF ACCESSIBLE SPACES</u>
1 TO 25	1
26 TO 50	2
51 TO 75	3
76 TO 100	4
101 TO 150	5
151 TO 200	6
201 TO 300	7
301 TO 400	8

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**ARTICLE 11
SIGN REGULATIONS**

SECTION 1101 PERMITS REQUIRED

A zoning permit shall be required for the establishment, erection, reconstruction alteration and/or relocation of any sign, with the following exceptions:

1. Real Estate Sign (temporary) not greater than twenty-four (24) square feet.
2. Construction Sign (temporary) not greater than twenty-four (24) square feet.
3. Identification Sign not greater than two (2) square feet.
4. Directional Sign, not greater than six (6) square feet.
5. Political Sign (temporary), not greater than thirty-two (32) square feet.
6. Event Sign (temporary), not greater than thirty-two (32) square feet.

SECTION 1102 SIGNS

1102.1 TYPE AND USE OF SIGNS

All signs shall be classified according to type and use as provided herein with sample illustrations of the same:

- A. Billboard** and/or Off-Premise Advertising Sign means a sign which communicates information concerning a subject, business, profession, activity, commodity, service, entertainment, or development not related to, sold, offered, prepared, or manufactured on the lot where the sign is located.



- B. Business Sign** means a sign which communicates information concerning business, profession, commodity, service, or entertainment, which is sold, offered, prepared, manufactured, or conducted upon the zoning lot where the sign is located.



- A. **Construction Sign** means a temporary sign erected on property where construction is taking place, indicating the name of the person performing the construction, architectural, engineering, or inspection activities or services.



- B. **Development Sign** means or a permanent sign identifying the name of a residential subdivision or development.



- C. **Directional, informational or traffic sign-** means a sign containing no advertising material and limited to information and directions necessary for visitors entering or exiting a property, including signs marking entrances and exits, parking and no parking, circulation direction, restrooms, loading and unloading, stop, one way, right turn only, etc.



- D. Event Sign-** means a temporary sign advertising for a public and/or private not-for-profit event such as picnics, carnivals, bazaars, game nights, arts and crafts and similar types of funding raising events.



- E. Political Sign** – means a temporary sign announcing or supporting political candidates or issues in connection with any National, State, County or local election.



- F. Institutional Sign** means a sign which identifies a use pertaining to a school, church, hospital, governmental service or other institution of a similar public or semi-public nature.



- G. Name plate or identification sign** means a sign which communicates the name or address of an occupant or a permitted home occupation upon the lot on which the sign is located.



H. Real estate sign means a temporary sign which advertises the sale, rental, or development of the premises upon which the sign is located.



I. Shopping Center or Strip Mall Sign means a marquee type sign advertising a group of two or more businesses originally planned and developed as a single unit.



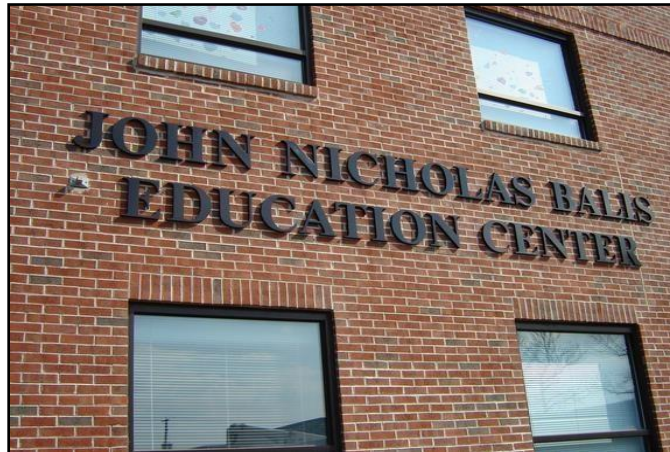
SECTION 1103 DESIGN AND CONSTRUCTION FEATURES OF SIGNS

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

- A. **FREESTANDING SIGN:** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign.
- B. **PYLON SIGN:** A freestanding sign not attached or applied to a principal building, but supported by a sign structure from the ground, which identifies a business or businesses located on the same parcel or in the same development on which the sign is located.



- C. WALL SIGN: A sign attached, painted or affixed to the wall of a principal structure or accessory structure, not projecting over any public right-of-way and not extending more than eighteen (18) inches from the building or structure.



- D. PROJECTING SIGN: A sign which projects outward or extends more than eighteen (18) inches from the building or structure.



- E. ILLUMINATED SIGN: Any sign directly lighted by any electrical light source, internal or external, except light sources specifically and clearly operated for the purpose of lighting the general area in which the sign is located rather than the sign itself.
- F. ELECTRONIC MESSAGE BOARD SIGN: A sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change are electronically programmed and can be modified by electronic processes. There shall be an interval of not less than ten (10) seconds between displayed change of messages.
- G. FLASHING SIGN: A sign, excluding an Electronic Message Board Sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a

manner to create the illusion of being on or off.

- H. **INFLATABLE MOTION SIGN:** Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement including but not limited to an inflatable moving advertising product comprising a long fabric tube with two (2) or more outlets), which is attached to and powered by an electrical fan. As the electrical fan blows air through the fabric tube, this causes the tube to move about in a dynamic dancing or flailing motion.



- I. **BANNER SIGN:** Any sign with or without characters, letters, illustrations, or ornamentalations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing.



- J. **BALLOON SIGN:** Any sign utilizing one or more balloons used as a permanent or temporary sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered, or manufactured, or to any entertainment.



- K. WINDOW SIGN: A sign painted, stenciled, or affixed on a window.



- L. AWNING SIGN: A sign that is attached to, affixed to, or painted on an awning or canopy of a building.



- M. ROOF SIGN: A sign erected upon, against, or directly above a roof or roof eaves, or on top of or above the parapet, or on a functional architectural appendage above the roof or roof eaves.



- N. PORTABLE SIGN: Any sign not permanently affixed to the ground or to a building whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include but are not limited to signs mounted upon a trailer or other non-motorized mobile structure with or without wheels. A portable sign shall be governed by the same regulations

applicable to a Free-Standing Sign.



SECTION 1104 PERMITTED SIGNS BY DESIGN AND CONSTRUCTION FEATURES BY ZONING DISTRICT

Subject to other requirements of this Ordinance, the establishment, erection or reconstruction of a sign shall be in accordance with the following table:

TYPE OF SIGN	R-1	R-2	B-1	B-2	I-1	I-2	I-3	C-1
Free Standing	X	X	X	X	X	X	X	
Pylon Sign			X	X	X	X	X	
Wall Sign			X	X	X	X	X	X
Projecting Sign:	X	X	X	X	X	X	X	
Illuminated Sign:			X	X	X	X	X	X
Electronic Message Board Sign				X	X	X	X	X
Window Sign			X	X	X	X	X	X
Inflatable Motion Sign					X	X	X	
Banner Sign			X	X	X	X	X	X
Balloon Sign ¹			X	X	X	X	X	X
Awning Sign:			X	X	X	X	X	X
Roof Sign ¹			X	X	X	X	X	
Portable Sign			X	X	X	X	X	X

X-Indicates Permitted in District

¹ Fifteen (15) Feet Maximum Height Extension above Roof Line.

SECTION 1105 PERMITTED SIGNS BY ZONING DISTRICT

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

- A. **IDENTIFICATION SIGN**: Such signs shall be permitted in all zoning districts.
- B. **BUSINESS SIGNS**: Such signs shall be permitted in the B-1, B-2, I-1, I-2, I-3, and C-1 Zoning Districts.
- C. **REAL ESTATE SIGNS**: Such signs shall be permitted in all zoning districts.
- D. **INSTITUTIONAL SIGNS**: Such signs shall be permitted in all zoning districts.
- E. **ON-SITE DIRECTIONAL AND/OR INFORMATIONAL SIGN**: Such signs shall be permitted in all zoning districts.

- F. BILLBOARD OR OFF PREMISE ADVERTISING SIGN: Such signs shall be permitted in the I-1, I-2 and I-3 Zoning Districts.
- G. SUBDIVISION/DEVELOPMENT IDENTIFICATION SIGNS: Such signs shall be permitted in all zoning districts.
- H. CONSTRUCTION SIGNS: Such signs shall be permitted in all zoning districts.
- I. EVENT SIGNS: Such signs shall be permitted in all zoning districts.
- J. POLITICAL SIGNS: Such signs shall be permitted in all zoning districts.

SECTION 1106 AREA, HEIGHT AND SETBACK REQUIREMENTS

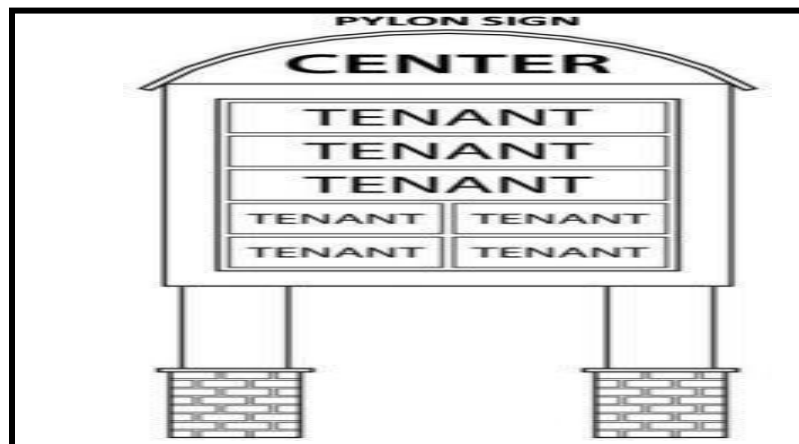
The establishment, erection or reconstruction of permitted signs shall be governed by the following regulations:

- A. IDENTIFICATION SIGN: An identification sign shall not exceed two (2) square feet in area. Such a sign shall be setback not less than ten (10') feet from the front lot line. The maximum height of an identification sign, if free standing, shall not exceed ten (10') feet in height, or if attached to a building shall not be higher than the first story of the building to which it is attached.
- B. BUSINESS SIGN: The maximum area of a business sign shall be calculated in accordance with the following Table.

Zoning District	B-1	B-2	I-1	I-2	I-3
square feet of signage per linear distance of frontage	1.5	3	3	4	4

¹ In the case of corner properties, the frontage along both sides shall be included in calculating the maximum square feet of permitted signage.

In an integrated grouping of commercial or industrial uses classified as a "Land Development," in addition to permitting each individual use to display signage, a pylon sign shall be permitted which identifies uses located on the same parcel



or in the same development on which the sign is located. Only one (1) such sign shall be permitted on the lot and such sign shall not exceed One thousand (1,000) square feet in area with a maximum height of eighteen (18) Feet. above the existing grade.

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

- C. REAL ESTATE SIGN: A temporary real estate sign shall not exceed twenty-four (24) square feet in area and shall be located on the same lot on which the property is offered for sale or rental. The sign shall be setback not less than ten (10) feet from the front lot line or if attached to a building shall not be higher than the first story of the building to which it is attached. Said sign shall be removed from the premises within thirty (30) days after the sale or rental of the property.
- D. CONSTRUCTION SIGN: A temporary construction sign shall not exceed twenty-four (24) square feet in area and shall be located upon the same property on which the construction activity is being conducted. An individual sign for each firm performing work upon the property shall be permitted. No sign shall be located within a public right-of-way or less than ten (10) feet from any public right-of-way. All construction signs shall be temporary in nature and removed within thirty (30) days following the completion of construction activity.
- F. INSTITUTIONAL SIGN: An institutional sign for public and semipublic facilities, such as schools, churches, hospitals, libraries, colleges or other institutions of a similar nature shall not exceed fifty (50) square feet in area. The maximum height of such signs shall not exceed twelve (12) feet. An institutional sign shall have a setback of not less than ten (10') feet from any property line.

An institutional sign which is constructed as a free-standing sign that is located in any R District shall not exceed ten (10') feet in height, or if attached to a building shall not be higher than the first story of the building to which it is attached. Institutional wall signs shall be exempt from said limitation subject to not extending above the uppermost edge of the wall to which the sign is attached. Religious symbols such as those mounted on a church steeple and/or belfry will be exempt from any height restrictions.

- G. ON-SITE DIRECTIONAL AND/OR INFORMATIONAL SIGN: An on-site directional and/or informational sign shall not exceed six (6) square feet in area. A front, rear or side yard setback of not less than five (5) feet shall be required for such signs when constructed as a free-standing sign. The maximum height of such signs when constructed as a Free-standing sign shall not exceed six (6') feet. An informational/directional sign may be illuminated but shall not include any attributes of a flashing light or similar motion.

H. BILLBOARD SIGN OR OFF PREMISE ADVERTISING SIGN: A Billboard Sign or Off Premise Advertising Sign shall only be permitted in an I-1, I-2 and I-3 Zoning District subject to the following regulations:

1. Area of Sign:
No Billboard Sign or Off Premise Advertising Sign shall exceed three hundred (300) square feet in surface area. The surface display area of a Billboard or Off Premise Advertising Sign shall be measured to include the entire area within a regular geometric form or combinations thereof comprising all of the display area of the sign, including all of the elements of the matter displayed. Frames and structural members, excluding necessary supports or uprights, shall be included in computation of surface display area. In the case of a sphere, spheroid, or similarly shaped sign (e.g., a ball), the total surface display area shall be divided by two for determining the maximum surface display area permitted.
2. Maximum Height:
The height of a Billboard Sign or Off Premise Advertising Sign may not exceed 35 feet above the natural grade of the ground on which the billboard is located. No sign may be located on top of, cantilevered over or otherwise suspended above any building or structure.
3. Number of Signs:
Not more than one (1) Billboard Sign or Off Premise Advertising Sign shall be permitted on a lot having a frontage of one hundred (100) feet or less. One (1) additional sign is permitted for each additional one hundred (100) feet except that no lot or contiguous group of lots shall contain more than three (3) advertising signs.
4. Setback Distances:
 - A. No Billboard Sign or Off Premise Advertising Sign may be located within 100 feet of a property line adjoining a street or 50 feet of any other boundary lines of the property on which the billboard is located.
 - B. No Billboard Sign or Off Premise Advertising Sign may be located within 500 feet of any R Zoning District.
5. Illumination: A Billboard Sign or Off Premise Advertising Sign may be illuminated, provided such illumination is consistent and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent premises.

SECTION 1107 HEIGHT RESTRICTIONS FOR FREESTANDING SIGNS

MAXIMUM HEIGHT OF FREE- STANDING SIGNS BY ZONING DISTRICT¹								
ZONING DISTRICT	R-1	R-2	B-1	B-2	I-1-	I-2	I-3	C-1
Free Standing Sign (feet)	8	8	12	12	18	18	18	8

1 Excluding a pylon sign for an integrated grouping of commercial or industrial uses classified as a "Land Development" or unless superseded by other provisions within this Article.

SECTION 1108 SETBACK FOR FREESTANDING/PYLON SIGNS

The minimum front yard, side yard setback and/or rear yard setback for any freestanding sign in all Zoning Districts shall be not less than ten (10) feet. In the case of free-standing signs, the required setback distance shall be measured from the outer most edge of the sign and not from the supporting structure. If an existing building has a front yard setback which is less than ten (10) feet, any proposed new sign shall be attached flat against the building as a wall sign.

SECTION 1109 NUMBER OF SIGNS

The number and types of business signs shall not exceed the maximum allowed square feet of signage as set forth in Section 1106 (B.) In all other cases not more than two (2) free standing signs shall be permitted on any property located in any zoning district. In the case of a property located upon a corner lot, a total of four (4) signs may be permitted. Section 1105(H)(5) shall govern billboard and/or off-premise advertising signs. On-site directional and/or informational signs and temporary signs shall not be included.

SECTION 1110 SIGNS RELATED TO NONCONFORMING USES

Identification, institutional and business signs related to nonconforming uses may be continued in use, including repair and/or replacement of the same, but shall not be enlarged. Where the nonconforming use is lawfully changed to another nonconforming use there shall be permitted a new sign, not greater than that of the previous sign. The sign may be erected at a different location provided it meets all applicable regulations for the zoning district in which it is located.

SECTION 1111 AREA COMPUTATION OF SIGNS

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

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

- B. SEPARATE SYMBOLS: Where the sign consists of individual letters or symbols attached to or painted on a surface; building, wall, awning or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
- C. DOUBLE-FACE SIGN: When computing the area of a double-face sign, only one (1) sign shall be considered, provided both faces are identical.
- D. CYLINDRICAL SIGN: The area of a cylindrical sign shall be computed by multiplying one-half (.5) of the circumference by the height of the sign.

SECTION 1112 VERTICAL CLEARANCE

A freestanding sign and a projecting sign shall have a vertical distance of not less than ten (10) feet as measured from the lowest edge or point of the sign to the highest ground elevation located beneath the sign.

SECTION 1113 ILLUMINATED SIGNS

Signs illuminated by reflected light shall have the lighting source shielded in a manner that no direct light shines onto abutting properties or in the normal line of vision of the public using nearby streets or sidewalks:

SECTION 1114 PROHIBITED SIGNS

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

- A. Signs which are located in such a position which endangers vehicular and/or pedestrian traffic by obscuring the site distance.
- B. Signs which by design and/or location may be confused with traffic signs or signals.
- C. Any sign located in or extending into a public right-of-way, including sidewalk areas, except an official street sign or traffic control sign.
- D. Any freestanding or projecting sign within an area bounded by the intersection of two (2) public or private streets, for a distance of twenty (20') feet along the centerline of the right- of-way of such streets from the point of their intersection.
- E. Signs which due to their construction and/or location would constitute a hazard or a potential danger to the community.

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ARTICLE 12
ENFORCEMENT AND ADMINISTRATION

SECTION 1201 ZONING OFFICER

1201.1 APPOINTMENT

A Zoning Officer, who shall not hold any elected office within Pittston Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall meet qualifications established by Pittston Township, which shall at minimum include a working knowledge of municipal zoning. The Pittston Township Board of Supervisors may also appoint an Assistant Zoning Officer who shall also be conferred with the same duties and powers of the Zoning Officer

1201.2 DUTIES AND POWERS OF THE ZONING OFFICER

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

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

- (H) Notify the Zoning Hearing Board and/or the Board of Supervisors of required and/or requested hearings based upon the completion of his review and processing of applications for a zoning permit. The submission of an application for a zoning permit to the Zoning Officer and his determination that a hearing before the Zoning Hearing Board or the Board of Supervisors is either required or requested shall be a prerequisite for any application being forwarded to either the Zoning Hearing Board or the Board of Supervisors for consideration.
- (J) Participate in proceedings before the Zoning Hearing Board, Planning Commission or Board of Supervisors and at their request, furnish such facts, records and similar information which may assist them in rendering decisions.
- (K) In the event of a violation of this Ordinance, provide written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct the violation. Such written notice may be served personally or by certified mail. Corrective action may include an order to cease and desist the illegal use and/or activity of land, buildings, signs, or structures; or to remove illegal buildings, structures, additions, signs, and/or structural alterations.
- (L) Render a Preliminary Opinion on a proposed development in accordance with Section 1205 of this Ordinance.

SECTION 1202 ZONING PERMIT

1202.1 ISSUANCE OF PERMIT

No building, structure or sign shall be erected, constructed, moved, added to or structurally altered, nor shall any land, structure or building be put to any use without first obtaining a zoning permit from the Zoning Officer. No application shall be submitted to or considered by the Zoning Hearing Board until the Zoning Officer has received an application for a Zoning Permit and has determined that an approval and/or review by the Zoning Hearing Board, Planning Commission or Board of Supervisors is required or requested by the applicant. No such permit shall be issued except in conformity with the provisions of this Ordinance or upon written approval from the Zoning Hearing Board in the form of a Special Exception, Variance or an Administrative Appeal, upon written approval from the Board of Supervisors in the form of a Conditional Use Permit or as otherwise provided for by this Ordinance or from any Court of proper jurisdiction. Normal and routine maintenance and repairs to a structure shall be exempt from obtaining a zoning permit; however, a building permit shall be required. Interior remodeling of a structure shall also be exempt from obtaining a zoning permit provided that such remodeling does not include structural alterations or result in a change in the use of the structure; however, a building permit shall be required.

1202.2 FORM OF APPLICATION

All applications for permits shall be made in writing by the owner, his authorized agent or equitable owner and shall be filed with the Zoning Officer on forms prescribed by the same. All applications which seek approval, involving new construction, additions, structural alterations, a change of use and/or any other form of improvements to a property

shall be accompanied by two (2) sets of plans and information which includes but is not limited to the following:

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

1202.3 PROCESSING APPLICATIONS

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

1202.4 TIME PERIOD FOR PROCESSING APPLICATION

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

1202.5 EXPIRATION OF ZONING PERMIT

An approved zoning permit shall expire one (1) year from the date of issuance, if the work described in said permit has not commenced, including permits authorized to be issued by

the Zoning Hearing Board. If the work described within the zoning permit has commenced within the prescribed one (1) year period, the permit shall expire two (2) years from the date of issuance. In such cases, should the applicant wish to pursue the work described within the expired permit, a new application shall be required with the payment of new fees.

1202.6 REVOCAION OF PERMITS

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

SECTION 1203 POSTING OF PERMITS

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

SECTION 1204 ENFORCEMENT PROCEDURES

1204.1 NOTICE OF VIOLATION

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

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

extended by an appeal to the Zoning Hearing Board, constitutes a violation, with a description of sanctions which shall result to correct or abate the violation.

1204.2 CAUSES OF ACTION

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, Board of Supervisors or, with the approval of the Board of Supervisors, an officer or agent of Pittston Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceedings to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation of this Ordinance. When such action is instituted by a landowner or tenant, notice of that action shall be served upon Pittston Township not less than thirty (30) days prior to the time the action is begun by serving a copy of the complaint to the Board of Supervisors. No action may be taken until such notice has been given.

1204.3 JURISDICTION

District Justices shall have initial jurisdiction over proceedings brought under Section 1204.1 of this Ordinance.

1204.4 ENFORCEMENT REMEDIES

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

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

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

SECTION 1205 PROCEDURE TO OBTAIN PRELIMINARY OPINION

In accordance with Section 916.2 of the Pennsylvania Municipalities Planning Code, the Zoning Officer shall be authorized to render a preliminary opinion for pending applications of development. In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposes to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run under Section 1412 of this Ordinance by the following procedure:

- A. The landowner may submit plans and other materials describing his proposed use or development to the zoning officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.
- B. If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under Section 1205 and the time therein specified for commencing a proceeding with the Zoning Hearing Board shall run from the time when the second notice thereof has been published. A favorable preliminary opinion shall in no way preclude landowner's responsibility to formally submit all required applications and gain approval of the same prior to the start of any activity related to the subject development.

SECTION 1206 SCHEDULE OF FEES, CHARGES AND EXPENSES

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

**ARTICLE 13
AMENDMENTS**

SECTION 1301 AMENDMENT PROCEDURE

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

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

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

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

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

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

SECTION 1302 APPLICATIONS FOR AMENDMENTS TO THE TEXT OR MAP

The application for a proposed amendment, which is not submitted as a curative amendment, to the text of this Ordinance or to the Zoning Map, shall be submitted in writing to the Zoning Officer, who shall process said application in accordance with Section 1301 of this Ordinance. An application shall contain the following information as applicable:

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

be affected by the proposed amendment.

SECTION 1303 CURATIVE AMENDMENTS

1303.1 INITIATED BY LANDOWNER

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

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

The public hearing before the Board of Supervisors shall be conducted in accordance with the applicable procedures contained in Section 1406 of this Ordinance and all references therein to the Zoning Hearing Board shall, for the purposes of this Section, be references to the Board of Supervisors. Public notice of the required public hearing shall include notice of the validity of those particular provisions of this Ordinance and/or the Zoning Map which are in question, along with the place where the proposed amendment, plans, drawings, explanatory material and any other pertinent information may be examined by the public.

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

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

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

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

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

1303.2 INITIATED BY THE TOWNSHIP

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

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

Within one hundred eighty (180) days from the date of the declaration and proposal as set forth in this Section, the Board of Supervisors shall enact a curative amendment to correct those portions deemed invalid or reaffirm the validity of those portions initially deemed to be invalid. Upon the initiation of procedures as set forth in this Section, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment, nor shall the Zoning Hearing Board be required to consider a substantive challenge to the validity of the Zoning Ordinance or Zoning Map, pursuant to Section 1408 (A) of this Ordinance, based upon grounds identical to or substantially similar to those specified in the Board of Supervisors resolution.

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

SECTION 1304 ENACTMENT OF AMENDMENTS

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

- (A) The Board of Supervisors shall conduct a public hearing pursuant to public notice and in accordance with the procedures as contained within Section 1301 of this Ordinance.
- (B) Public notice shall include the time, place and date of the meeting at which enactment will be considered and a place within Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.
- (C) Public notice shall include either the full text of the amendment or the title and a brief summary of the amendment as prepared by the municipal solicitor. If the full text is not included, then a copy of such shall be supplied to the newspaper in which the public notice is published, and an attested copy to the Luzerne County Law Library.
- (D) In the event substantial changes are made to the proposed amendment, before voting upon enactment, the Board of Supervisors shall, not less than ten days prior to enactment, readvertise in one newspaper of general circulation in Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the changes.

SECTION 1305 NOTIFICATION TO COUNTY

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

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ARTICLE 14
ZONING HEARING BOARD

SECTION 1401 MEMBERSHIP OF BOARD

The membership of the Zoning Hearing Board shall consist of three (3) residents of Pittston Township appointed by resolution by the Pittston Township of Supervisors. The terms of office for Board members shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall not be an employee of the Township, nor hold any office in the Township, including membership upon the Planning Commission.

SECTION 1402 ALTERNATES TO ZONING HEARING BOARD

The Pittston Township Board of Supervisors may appoint by resolution up to three (3) residents of Pittston Township to serve as alternate members of the Zoning Hearing Board. An alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for other Board Members, including specifically, when seated pursuant to the provisions of Section 1404 of this Ordinance, the right to cast a vote as a voting member during proceedings. An alternate shall not be an employee of the Township, nor hold any office in the Township, including membership upon the Planning Commission. The term of office for an alternate member of the Zoning Hearing Board shall be for three (3) years.

SECTION 1403 REMOVAL OF MEMBERS

Any Board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office or for any other just cause by the Board of Supervisors. Prior to any vote by the Board of Supervisors, the member shall receive notice fifteen (15) days in advance of the date on which it intends to take such a vote. A hearing before the Board of Supervisors shall be held in connection with the vote, if the member requests a hearing in writing.

SECTION 1404 ORGANIZATION OF BOARD

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board. The Board, however, may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 1406. If by any reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate an alternate member of the Board to be seated to establish a quorum. The alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which

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

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

SECTION 1405 EXPENDITURES FOR SERVICES

Within the limits of appropriated funds, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and technical services which they may deem necessary to augment the Board in the performance of their duties.

SECTION 1406 HEARINGS

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

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

Written notice shall be given to the following parties:

- 1. The Zoning Officer.
- 2. The Pittston Township Board of Supervisors
- 3. The applicant.
- 4. The owner of record of the subject property before the Board, if different than that of the applicant.
- 5. Any party or person who has submitted a written request to receive notification on the subject property.
- 6. The owner of record of any property which has an adjoining or contiguous property boundary with the subject property before the Board. An adjoining or contiguous property boundary shall be deemed to also include such properties which have any amount of opposite front, rear or side yard areas including those properties that are separated from the subject property before the Board by a public or private street, road, alley and/or similar right-of-way.

In cases of a corner property subject to a hearing before the Board, in addition to the owners of record with an adjoining or contiguous property boundary, notice shall also be given to any owner of record of any property which has frontage along the intersection of the public or private streets or roads in question.

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

- C. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Board in accordance with a Fee Schedule as set forth in Section 1306 of this Ordinance. Fees for said hearings may include compensation for the secretary, and if applicable, members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board or expenses for engineering, architectural or other technical consultants or expert witnesses.
- D. The first hearing shall be held within sixty (60) days from the applicant's request, unless the applicant has agreed in writing to an extension of time. The sixty (60) day time period shall not commence until the applicant has submitted a properly completed application, with all required signatures, supporting information, the names and mailing addresses of parties to receive notice of the hearing, and all required fees. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of hearings. Persons opposed to the application may, upon written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- E. Hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Board, unless the appellant or applicant, as the case may be, in addition to the Township, agree to waive any decision or findings by the Board and accept the decision or findings of the hearing officer as final. If the decision or findings of the

hearing officer are to be accepted as final, all parties to the hearing must agree to such stipulation at the outset of the hearing.

- F. The parties to the hearing shall be the Board of Supervisors, any person affected by the application who has made a timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties to the hearing enter appearances in writing on forms provided by the Board for such purpose.
- G. The presiding chairman or acting chairman of the Board or hearing officer shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties to the hearing.
- H. The parties to the hearing shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and arguments and to cross-examine adverse witnesses on all relevant issues.
- I. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- J. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer, or shall be paid by the person appealing from the decision of the Board, if such appeal is made and in the event the cost of additional copies shall be paid by the person requesting such copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- K. The Board, collectively or individually, or the hearing officer, shall not communicate directly or indirectly with any party or his representatives in connection with any issue before the Board involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from its solicitor, unless all parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- L. The Board or the hearing officer, as the case may be, shall render a written decision or, if no decision is called for, provide written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. If the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of the Ordinance or any other ordinance, rule or regulation, shall contain a reference to the provisions relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties of record within forty-five (45) days. The parties shall be entitled to make

written representations thereon to the Board prior to final decision or entry of findings, with the Board's decision entered no later than thirty (30) days after the report of the hearing officer. If the Board fails to commence, conduct or complete the required hearing as provided for under Section 1406 (D), the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. If a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided under Section 1406 (A) and written notice of the decision shall be mailed to those parties identified under Section 1406(B). If the Board fails to provide such notice, the applicant may do so. Nothing contained within this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

M. In any appeal of an enforcement notice under Section 1304.1 of this Ordinance to the Zoning Hearing Board shall require that the Zoning Officer and/or Township provide its evidence first to the Board regarding the basis, nature and supporting information regarding the subject enforcement notice. Upon the conclusion of the same, the appealing party shall provide the Board with his/her evidence in contesting the subject enforcement notice. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to said party, if Zoning Hearing Board or any subsequent Court rules in favor of the appealing party.

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

SECTION 1407 MEDIATION OPTION

1407.1

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

1407.2

Mediation shall be voluntary among all subject parties with the appropriateness of mediation determined by the particular issues of each case and the willingness among all the subject parties to negotiate. In order to supplement proceedings before the Zoning Hearing Board,

the following information shall be submitted to the Board in written form and signed by all parties to the mediation, the selected mediator, and the Zoning Hearing Board.

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

SECTION 1408 JURISDICTION OF ZONING HEARING BOARD

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

- A. Substantive challenges to the validity of any land use ordinance, except for those brought before the Board of Supervisors under Section 1403.1 of this Ordinance.
- B. Appeals from the determination of the zoning officer, including but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order, the revocation of a zoning permit or building permit or the registration or refusal to register any nonconforming use, structure or lot.

- C. Appeals from a determination by the zoning officer with reference to the administration of any flood plain provision or regulation within any land use ordinance.
- D. Applications for variances, pursuant to Section 1409 of this Ordinance.
- E. Applications for special exceptions pursuant to Section 1410 of this Ordinance.
- F. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.
- G. Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and/or stormwater management not related to development which is classified as a subdivision, land development, or a planned residential development.
- H. Appeals from the Zoning Officer's determination in rendering a Preliminary Opinion under Section 1205 of this Ordinance.

SECTION 1409 VARIANCES

1409.1 INITIAL DETERMINATION BY ZONING OFFICER

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

1. The applicant submits an application for a Zoning Permit to the Zoning Officer in accordance with Section 1202 of this Ordinance.
2. The Zoning Officer is reviewing the subject application renders a determination that the proposed development and/or use of property fails to comply with an applicable provisions and/or regulations of this Ordinance.
3. The Zoning Officer specifies the applicable Sections of this Ordinance relative to the applicant's need to secure a variance(s) from the Zoning Hearing Board.

1409.2 CRITERIA FOR GRANTING A VARIANCE

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

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally

created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

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

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

SECTION 1410 SPECIAL EXCEPTIONS

1410.1 INITIAL DETERMINATION BY ZONING OFFICER

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

1. The applicant submits an application for a zoning permit to the Zoning Officer in accordance with Section 1202 of this Ordinance.
2. The Zoning Officer shall also render a determination regarding whether the proposed development and/or use is required to secure any variances from the Zoning Hearing Board, in addition to securing a special exception approval.

1410.2 CRITERIA FOR GRANTING A SPECIAL EXCEPTION APPROVAL

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

1. The proposed use shall not jeopardize Community Development Objectives as set forth in this Ordinance and the Pittston Township Comprehensive Plan, including any updates, revisions and/or amendments thereto.

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

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

SECTION 1411 PARTIES APPELLANT BEFORE THE BOARD

Appeal and/or applications for hearings before the Zoning Hearing Board pursuant to those matters contained within Section 1408, of this Ordinance may be filed with the Board in writing by the affected landowner or by any aggrieved person or party. The Board shall not accept appeals or applications for hearings from any tenant or equitable owner of a property without the express written consent of the landowner. In such cases, the landowner's

signature shall be required upon all applicable forms, applications or documents which are to be submitted to the Board.

SECTION 1412 TIME LIMITATIONS

1412.1

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

1412.2

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

SECTION 1413 STAY OF PROCEEDINGS

1413.1

Upon filing of any proceeding referred to in Section 1408 of this Ordinance, and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the zoning officer or other appropriate agency or body. When the application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post a bond as a condition to continuing the proceedings before the Board.

1413.2

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

1413.3

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

1413.4

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

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ARTICLE 15
FLOODPLAIN MANAGEMENT REGULATIONS

SECTION 1501 STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978 as amended by Act 65 of 2022, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of the Township of Pittston does hereby order as follows.

SECTION 1502 GENERAL PROVISIONS

Section 1502.1 Intent

The intent of this Ordinance is to:

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

1502.2 Applicability

It shall be unlawful for any person, partnership, business, corporation, or government agency (land trusts, local, county, state, or federal entities are not exempt) to undertake, or cause to be undertaken, any construction or development anywhere within the Township of Pittston unless a Permit has been obtained from the Floodplain Administrator.

1502.3 Abrogation and Greater Restrictions

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

1502.4 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for

this purpose the provisions of this Ordinance are hereby declared to be severable.

1502.5 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur, or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damage.

This Ordinance shall not create liability on the part of the Township of Pittston or any officer or employee thereof for any flood damages that result from reliance on this Ordinance, or any administrative decision lawfully made thereunder.

SECTION 1503 ADMINISTRATION

1503.1 Designation of the Floodplain Administrator

The Zoning Officer is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Chairman of the Board of Supervisors.

1503.2 Permits Required

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

1503.3 Duties and Responsibilities of the Floodplain Administrator

- A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as

amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

- C. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement/substantial damage determination can be made, in accordance with FEMA's Substantial Improvement/Substantial Damage Desk Reference.
- D. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant design and construction requirements of this ordinance is required.
- E. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- F. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises, or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- G. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- H. The Floodplain Administrator shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- I. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program as

requested.

- J. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.
- K. FEMA technical bulletins and subsequent guidance publications are incorporated by reference and shall be the basis for interpretation of the applicable provisions of the Uniform Construction Code and of this Ordinance.
- L. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2018 IBC and the 2018 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.

SECTION 1504 Application Procedures and Requirements

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

water systems are located and constructed to minimize or eliminate flood damage;

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

- b. the elevation of the base flood;
- c. supplemental information as may be necessary under 34 PA Code, the 2018 IBC or the 2018 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.

4. The following data and documentation:

- a. detailed information concerning any proposed floodproofing measures and corresponding elevations.
- b. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
- c. documentation, certified by a registered professional engineer or architect, to show that the effect of any proposed development within a Floodway Area (See Section 1510.1 (A)) will not increase the base flood elevation at any point.
- d. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (See Section 1510.2 (B) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the community.
- e. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact, and uplift forces associated with the base flood.

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

- f. detailed information needed to determine compliance with Section 5.03 F., Storage, and Section 1515, Development Which May Endanger Human Life, including:
 - i. the amount, location and purpose of any materials or substances referred to in Sections 1514 (F), and 1515 which are intended to be used, produced, stored, or otherwise maintained on site.
 - ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 1515 during a base flood.

- g. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- h. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

SECTION 1505 Review of Application by Others

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

SECTION 1506 Changes

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

SECTION 1507 Placards

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

SECTION 1508 Start of Construction

Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within twelve (12) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of a development permit does not refer to the zoning approval.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. Time extensions shall be granted only if a written request is submitted by the applicant, who sets

forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinance & FIRM/FIS in effect at the time the extension is granted.

SECTION 1509 Enforcement 1

509.1 Notice of Violation

A. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give written notice of such alleged violation as hereinafter provided for under Section 1204 (ENFORCEMENT PROCEDURES) of this Ordinance.

B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator shall be subject to as hereinafter provided for under Section 1204 (ENFORCEMENT PROCEDURES) of this Ordinance.

C. Appeals

1. Any person aggrieved by any decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
2. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Municipalities Planning Code and any other local ordinance.

SECTION 1510 IDENTIFICATION OF FLOODPLAIN AREAS

Section 1510.1 Identification

The identified floodplain area shall be:

- A. any areas of Township of Pittston, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated June 20, 2024, and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

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

Section 1510.2 Description and Special Requirements of Identified Floodplain Areas

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

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

- B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
 1. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
 2. AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations.
 - i. No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted in an AE Zone without floodway, unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels of more than one foot within the entire community during the occurrence of the base flood discharge.
 - ii. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of

Environmental Protection Regional Office.

- i. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation, and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality. In the absence of any of the above data or documentation, the community may require elevation of the lowest floor to be at least three feet above the highest adjacent grade.

- D. The AO and AH Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

SECTION 1511 Changes in Identification of Area

The Identified Floodplain Area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See Section 1513.1 (B) for situations where FEMA notification is required.

SECTION 1512 Boundary Disputes

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

SECTION 1513 Jurisdictional Boundary Changes

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

SECTION 1514 TECHNICAL PROVISIONS

Section 1514.1 General

A. Alteration or Relocation of Watercourse

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

B. When Township of Pittston proposes to permit the following encroachments:

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

the applicant shall (as per 44 CFR Part 65.12):

1. apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
2. Upon receipt of the FEMA Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain

management ordinances incorporating the increased base flood elevations and /or revised floodway reflecting the post-project condition.

3. Upon completion of the proposed encroachments, the applicant shall provide as- built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

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

Section 1514.2 Elevation and Floodproofing Requirements

A. Residential Structures

1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation.
2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation determined in accordance with Section 1510.2.C of this ordinance.
3. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
4. The design and construction standards and specifications contained in the 2018 International Building Code (IBC) and in the 2018 International Residential Code (IRC) or the latest edition thereof adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

B. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:
 - a. is floodproofed so that the structure is watertight with

walls substantially impermeable to the passage of water and,

- b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
2. In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the Regulatory Flood Elevation determined in accordance with Section 1510.2.C of this ordinance.
3. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
4. Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood- Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended in EP 1165-2-314, December 1995) or the flood load, and flood- resistant construction requirements of ASCE 24. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards. There should be a statement submitted with the permit application and a statement submitted with the as-built Floodproofing Certificate prior to the issuance of the Certificate of Occupancy.
5. Any non-residential structure that will be floodproofed must submit the following to the Floodplain Administrator along with the non-residential Floodproofing Certificate and prior to the issuance of the Certificate of Occupancy:
 - a. An Inspection and Maintenance Plan detailing the annual maintenance of floodproofed components ensuring that all components will operate properly under flood conditions. Components that must be inspected include at a minimum:
 1. Mechanical equipment such as sump pumps and generators,

2. Flood shields and closures,
 3. Walls and wall penetrations, and
 4. Levees and berms (as applicable)
- b. Flood Emergency Operation Plan detailing the procedures to be followed during a flooding event and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must produce the plan. An adequate plan must include the following:
1. An established chain of command and responsibility with leadership responsibilities clearly defined for all aspects of the plan.
 2. A procedure for notification of necessary parties when flooding threatens, and flood warnings are issued. Personnel required to be at the building should have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned if the primary persons responsible are unable to complete their assigned duties under the plan.
 3. A list of specific duties assigned to ensure that all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.
 4. An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.
 5. A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community officials.
 6. The design and construction standards and specifications contained in the 2018 International Building Code (IBC) and in the 2018 International Residential Code (IRC) or the latest revision thereof as adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

C. Space below the lowest floor

1. Fully enclosed space below the lowest floor (excluding

basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space installed on two (2) separate walls.
 - b. the bottom of all openings shall be no higher than one (1) foot above grade.
 - c. openings may be equipped with screens, louvers, or other coverings or devices if they permit the automatic entry and exit of floodwaters.

D. Historic Structures

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

E. Accessory structures

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

1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. floor area shall not exceed 200 square feet.

3. The structure will have a low damage potential.
4. the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. power lines, wiring, and outlets will be elevated to the Regulatory Flood Elevation.
6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. sanitary facilities are prohibited.
8. the structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. the bottom of all openings shall be no higher than one (1) foot above grade.
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
9. For accessory structures that are 200 square feet or larger in area (footprint) and that are below the base flood elevation, a variance is required as set forth in Sections 1525.1 and 1525.2. If a variance is granted, a signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.

SECTION 1515 Design and Construction Standards

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

A. Fill

1. If fill is used, it shall:
 - a. extend laterally at least fifteen (15) feet beyond the building line from all points;

- b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- d. be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
- e. be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities

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

C. Water and Sanitary Sewer Facilities and Systems

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

D. Other Utilities

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

E. Streets

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

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 1516, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.

G. Placement of Buildings and Structures

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

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls, and Ceilings

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

J. Paints and Adhesives

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

K. Electrical Components

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

L. Equipment

1. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist floatation, collapse, and lateral movement.
2. Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.

M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood water into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems if flood water infiltration occurs.

N. Tanks

1. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
2. Above-ground tanks not elevated. Above-ground tanks that do not meet the elevation requirements of this ordinance shall:
 - a. Be permitted in flood hazard areas (Zone A) other than

coastal high hazard areas and Coastal A Zones, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

- b. Not be permitted in coastal high hazard areas (Zone V) and Coastal A Zones.
3. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the regulatory flood elevation and attached to a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
4. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
- a. At or above the regulatory flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- O. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 1510.2 (A).
- P. Pools reference ASCE 24 and FEMA guidance document.
- Q. Uniform Construction Code Coordination

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

International Building Code (IBC) 2018 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania:
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2018 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania:
Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

SECTION 1516 Development That May Endanger Human Life

A. In accordance with the Pennsylvania Flood Plain Management Act as amended, and the regulations originally adopted by the Department of Community and Economic Development, to be further adopted or amended by the Pennsylvania Emergency Management Agency in consultation with the Department of Environmental Protection as required by the Act, any new or substantially improved structure which:

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

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

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and Sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any Floodway Area, any structure of the kind described in Subsection A., above, shall be prohibited. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in

Section 1516 (A), above, shall be elevated to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation and built in accordance with Sections 1514.1, 1514.2 and 1515.

- B. Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section 1513 (A) above, shall be built in accordance with Sections 1514.1, 1514.2 and 1515 including:
1. elevated, or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation, and
 2. designed to prevent pollution from the structure or activity during a base flood.

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

SECTION 1517 Special Requirements for Subdivisions and Development

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

SECTION 1518 Special Requirements for Manufactured Homes

- A. Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
1. placed on a permanent foundation;
 2. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation;
 3. and anchored to resist flotation, collapse, or lateral movement.
- B. Equipment requirement:
1. Water heaters, furnaces, air conditioning and ventilating units, and other

electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist floatation, collapse, and lateral movement.

2. Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.
- C. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2018 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.
- D. Consideration shall be given to the installation requirements of the 2018 IBC, and the 2018 IRC or the latest revision thereto as adopted by the Commonwealth of Pennsylvania, and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

SECTION 1519 Special Requirements for Recreational Vehicles

A. Recreational vehicles in Zones A, A1-30, AH and AE must:

1. be on the site for fewer than 180 consecutive days, and
2. be fully licensed and ready for highway use which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick- disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks, and porches.

or

3. meet the permit requirements for manufactured homes in Section 1518.

SECTION 1520 ACTIVITIES REQUIRING SPECIAL PERMITS

1520.1 General

In accordance with the administrative regulations originally adopted by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act as amended, to be further adopted or amended by the Pennsylvania Emergency Management Agency in consultation Department of Environmental Protection as required by the Act.

the following activities shall be prohibited within any Identified Floodplain Area unless a Special Permit has been issued by the Township of Pittston:

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - 1. Hospitals
 - 2. Nursing homes
 - 3. Jails or prisons
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

SECTION 1521 Application Requirements for Special Permits

Applicants for Special Permits shall provide five copies of the following items:

- A. A written request including a completed Permit Application Form.
- B. A small scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - 1. north arrow, scale and date;
 - 2. topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
 - 3. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - 4. the location of all existing streets, driveways, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - 5. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;

6. the location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;
7. the location of all proposed buildings, structures, utilities, and any other improvements; and
8. any other information which the municipality considers necessary for adequate review of the application.

D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

1. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
2. for any proposed building, the elevation of the lowest floor (including basement) and as required, the elevation of any other floor;
3. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;
4. detailed information concerning any proposed floodproofing measures, including the Flood Emergency Operation Plan and the Inspection and Maintenance Plan;
5. cross section drawings for all proposed streets, driveways, other accessways, and parking areas, showing all rights-of-way and pavement widths;
6. profile drawings for all proposed streets, driveways, and vehicular accessways including existing and proposed grades; and
7. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

1. certification from the applicant that the site upon which the

activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

2. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;
3. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during a base flood, including a statement concerning the effects such pollution may have on human life;
4. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;
5. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;
6. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
7. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
8. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
9. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

SECTION 1522 Application Review Procedures

Upon receipt of an application for a Special Permit by the Township of Pittston the following procedures shall apply in addition to those of Section 1503:

- A. Within three (3) working days following receipt of the application, a

complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township of Pittston Planning Commission and Township of Pittston engineer for review and comment.

- B. If an application is received that is incomplete, the Township of Pittston shall notify the applicant in writing, stating in what respect the application is deficient.
- C. If the Township of Pittston decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Township of Pittston approves an application, it shall file written notification, together with the application and all pertinent information, with the Pennsylvania Emergency Management Agency, by registered or certified mail, within five (5) working days after the date of approval.
- E. Before issuing the Special Permit, the Township of Pittston shall allow the Pennsylvania Emergency Management Agency thirty (30) days, after receipt of the notification by the Agency, to review the application and decision made by the Township of Pittston.
- F. If the Township of Pittston does not receive any communication from the Pennsylvania Emergency Management Agency during the thirty (30) day review period, it may issue a Special Permit to the applicant.
- G. If the Pennsylvania Emergency Management Agency should decide to disapprove an application, it shall notify the Township of Pittston and the applicant, in writing, of the reasons for the disapproval, and the Township of Pittston shall not issue the Special Permit.

SECTION 1523 Special Technical Requirements

- A. In addition to the requirements of Section 1513 of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Section 1513 of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed, and maintained in a manner which will:

1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - a. the structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.
 - b. the lowest floor (including basement) will be elevated to at least one and one half (1 ½) feet above base flood elevation.
 - c. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.
2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township of Pittston and the Pennsylvania Emergency Management Agency.

SECTION 1524 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 1524.1 Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 1524.2 shall apply.

Section 1524.2 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

- A. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
- B. No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- D. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2018 IBC and the 2018 IRC or most recent revision thereof as adopted by the Commonwealth of Pennsylvania.
- E. Within any Floodway Area/District (See Section 1510.2 A), no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- F. Within any AE Area/District without Floodway (See Section 1510.2 B), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

SECTION 1525 VARIANCES

Section 1525.1 General

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

Section 1525.2 Variance Procedures and Conditions

Requests for variances shall be considered by the Township of Pittston Zoning Hearing Board in accordance with the procedures contained in Section 1409 (Variances) of this Ordinance and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
- B. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. No variances shall be granted for a proposed accessory structure that exceeds 600 square feet in size. A signed Non-Conversion Agreement is required as a condition of receiving the variance.
- D. Except for a possible modification of the Regulatory Flood Elevation requirement involved, no variance shall be granted for any of the other

requirements pertaining specifically to development regulated by Special Permit (Section 1520) or to Development Which May Endanger Human Life (Section 1516).

- E. If granted, a variance shall involve only the least modification necessary to provide relief.
- F. In granting any variance, the Township of Pittston Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- G. Whenever a variance is granted, the Township of Pittston Zoning Hearing Board shall notify the applicant in writing that:
 - 1. The granting of the variance may result in increased premium rates for flood insurance.
 - 2. Such variances may increase the risks to life and property.
- H. In reviewing any request for a variance, the Township of Pittston Zoning Hearing Board shall consider, at a minimum, the following:
 - 1. That there is good and sufficient cause.
 - 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 - 3. That the granting of the variance will
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- I. A complete record of all variance requests and related actions shall be maintained by the Township of Pittston Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one percent (1%) annual chance flood.

SECTION 1526. DEFINITIONS

Section 1526.1 General

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

Section 1526.2 Specific Definitions

1. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. ASCE 24 means a standard titled "Flood Resistant Design and Construction" that is referenced by the Uniform Construction Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.
3. Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one percent (1%) annual chance flood).
4. Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
5. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
6. Basement - any area of the building having its floor below ground level on all sides.
7. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
8. Declaration of Land Restriction (Non-Conversion Agreement) - A form signed by the property owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.
9. 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.

10. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
11. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
12. Flood - a temporary inundation of normally dry land areas.
13. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
14. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
15. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
16. Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.
17. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
18. Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

19. Historic structures – any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior or
 - ii Directly by the Secretary of the Interior in states without approved programs.

20. Identified Floodplain Area- this term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study but may include additional areas identified by the community. See 1510.1 and 1510.2 for the specifics on what areas the community has included in the Identified Floodplain Area.

21. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

22. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

23. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
24. Market value (as it pertains to the Floodplain Management Ordinance). The building value, excluding the land, as would be agreed to between a willing buyer and seller, as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted assessed tax assessment values adjusted to approximate market value by a factor provided by the County Tax Assessment Office.
25. New construction - structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after June 15, 1981, and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
26. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
27. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
28. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred on or after the community's initial Flood Insurance Rate Map (FIRM) dated June 15, 1981, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
29. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before the community's initial Flood Insurance Rate Map (FIRM) dated June 15, 1981, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

30. Recreational vehicle - a vehicle which is:
 - a. built on a single chassis;
 - b. not more than 400 square feet, measured at the largest horizontal projections;
 - c. designed to be self-propelled or permanently towable by a light-duty truck,
 - d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

31. Regulatory Flood Elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1½) feet. The freeboard safety factor also applies to utilities and ductwork.

32. Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks/ subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

33. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

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

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

35. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
36. Subdivision - the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
37. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
38. Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The rolling period of accumulation of improvements for a building or structure ends when the permit for the first improvement is finalized or closed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
39. Tanks - including those associated with utility service to a building or that are attached to or located under a building, and tanks that do not serve buildings, such as chemical and fuel tanks
40. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the

Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

41. Variance- A grant of relief by a community from the terms of a floodplain management regulation.
42. Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided

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ARTICLE 16
PLANNED RESIDENTIAL DEVELOPMENTS

SECTION 1601 PURPOSE

The provisions of this Article are intended to permit and encourage innovations in residential development through permitting a greater variety, type, design, and layout of dwellings; and by allowing the development of well-planned, higher density, residential neighborhoods or groups of residences on sites larger than normal building lots. To give the site planner maximum freedom, more intensive use of land may be permitted, and the coverage, height, setback and other requirements may be varied under circumstances which will ensure more imaginative use of a building site than can be achieved under the standard regulations of this Ordinance. This provision is intended to encourage a more efficient use of open space and public services. This development may contain individual single-family to multi-family dwellings, and common property which is planned and developed as a unit.

SECTION 1602 REGULATORY AUTHORITY

Pursuant to Section 702 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, the authority to approve or disapprove applications and plans for a planned residential development is vested with the governing body. The Pittston Township Board of Supervisors hereby retains such authority. The Board of Supervisors grants Pittston Township Planning Commission to act in an advisory capacity to review and to provide comment to the Board of Supervisors when considering a Planned Residential Development. Review and comment shall also be required by the Luzerne County Planning Commission under the same procedures applicable to a subdivision and/or land development.

SECTION 1602 USE REGULATIONS

The principal permitted uses shall include:

- A. Single-family Detached Dwellings
- B. Two-family Dwellings
- C. Townhouses
- E. Accessory Uses: Customary accessory uses and buildings to the above shall be permitted in accordance with the applicable provisions of this Ordinance.

SECTION 1603 DENSITY REGULATIONS

The following methodology shall be applicable to determine area requirements within this Article:

- A Gross Area:

All land within a parcel proposed to be developed as a PRD.

B. Net Area Available for Development:

The Gross Area minus the sum of all environmentally constrained land or other areas as listed below:

- flood plains
- wetlands that cannot be reasonably incorporated into usable common open space.
- natural bodies of water including ponds, creeks, streams or lakes,
- existing public or private street
- utility right-of ways, both subsurface and overhead
- rock outcrops
- slopes which equal or exceed twenty-five (25%) percent,
- any other areas which contain geological features and/or environmental sensitive features that may not be suitable for development.

C. Net Residential Area:

The “Net Area Available for Development” minus required open space. ,

D. Common Open Space:

Not less than twenty (20%) percent of “Net Area Available for Development” shall be designated, designed and devoted to common open space for the use and enjoyment of the residents therein.

E. Residential Density:

The permitted maximum residential density for the Net Residential Area of a PRD shall be as follows:

Zoning District	Minimum Lot Area of District	Maximum Density for PRD¹
C-1	10 acres	one unit per each 20,000 sq .ft

¹ Maximum density based upon public sewer and water, otherwise the maximum density shall be increased to one dwelling unit per acre.

SECTION 1604 DIMENSIONAL REGULATIONS

All planned residential developments shall be subject to the following:

- A. Minimum Tract Area: A planned residential development shall have a gross land area of not less than twenty-five (25) acres.
- B. Distance Between Buildings: No buildings or structure, including porches, decks or balconies shall be less than thirty (30') feet to any other building or structure.

- C. Setback Requirements: The minimum front, side and rear setbacks for a Planned Residential Development shall each be not less than fifty (50) feet to the property lines of adjoining properties. A planting strip of not less than twenty (20) feet in width shall be along all property lines at the periphery of the development where necessary to preserve the privacy of neighboring residents.

Land adjacent to a lake, pond, stream, wetlands, or watercourse shall remain as permanent open space for a distance of not less than one hundred (100') feet from the water's edge, unless superseded by more restrictive standards.

- D. Maximum Building Height: No structures within a PRD shall exceed 2¹/₂ stories, with a maximum height not to exceed forty-five (45) feet.

SECTION 1605 SPECIAL PROVISIONS

OWNERSHIP OF PROPERTY

The tract of land for a PRD may be owned, leased or controlled either by a single person, or corporation or a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in the project. In the case of multiple ownership, the approved plan shall be binding on all owners.

When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvements, operation and maintenance of common property and facilities including private streets, drives, service and parking areas and recreational and open space areas.

MAINTENANCE OF COMMON PROPERTY

In the event that the organization established to own and maintain the common property, or any successor organization, fails to maintain such property in reasonable order, the Township Supervisors may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed to maintain the common property in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice.

At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within 30 days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the development and to prevent the common property from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and

owners. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common property, call a public hearing upon notice to such organization, or to the residents and owners of the development to be held by the Township, at which hearing such organization or the residents and owners of the development shall show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year.

If the Township shall determine that such organization is ready and able to maintain said common property in a reasonable condition, it shall cease to maintain said common property at the end of said year. If the Township shall determine such organization is not ready and able to maintain said common property in a reasonable condition, the Township may at its discretion, continue to maintain said common property during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

The cost of such maintenance by the Township shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space and shall become a lien on said properties. The municipality at the time of entering upon said common open space for the purpose of maintenance shall file a notice of lien in the office of the prothonotary of the County, upon the properties affected by the lien within the planned residential development.

The decision of the Board of Supervisors shall be subject to appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals as provided for under the Pennsylvania Municipalities Planning Code, Act 247, as amended

SECTION 1606 DEVELOPMENT REGULATIONS

A Planned Residential Development shall be subject to the following standards and regulations:

- A. Requirements For Improvements and Design: All improvements, including but not limited to, streets, curbing, sidewalks, stormwater detention facilities, drainage facilities, water supply facilities, sewage disposal, street lighting, tree lawns, etc., unless otherwise exempted, shall be designed and constructed in conformance with the standards and requirements of the Pittston Township Subdivision and Land Development Ordinance.
- B. Sewage Disposal: Disposal of sanitary sewage shall be by means of centralized sewers and shall conform to the design standards of the Pittston Township Subdivision and Land Development Ordinance. The proposed sewage collection system and treatment facility shall require DEP approval as a prerequisite and/or condition to tentative approval of a development plan.
- C. Water Supply: The water supply shall be off-site system supplied by a certified public utility, a bona fide cooperative association of lot owners,

or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the planned residential development in question shall be required. Whichever form is appropriate, shall be considered as acceptable evidence.

SECTION 1607 PHASING OF DEVELOPMENT

A planned residential development may be constructed in phases subject to the following:

- A. The application for tentative approval shall cover the entire area to be developed with a schedule delineating all proposed phases, as well as the dates by which applications for final approval of each phase shall be filed. Such schedule shall be updated annually by the applicant on or before the anniversary date of the approval of the development plan, until all phases are completed and granted final approval by the Board of Supervisors. Any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors at its discretion.
- B. Not less than twenty-five (25%) percent of the total number of dwelling units to be constructed shall be included in the first phase.
- C. The second and any subsequent phases shall be completed in accordance with the tentatively approved plan, with each phase containing not less than twenty-five (25%) of the total number of dwelling units, excluding the final phase.
- D. The Board of Supervisors may impose further conditions upon the filing of any phase of a development plan, as it may deem necessary to assure the orderly development of the plan and/or to protect the public health, safety and welfare.

SECTION 1608 ENFORCEMENT AND MODIFICATION OF PROVISIONS OF PLAN

To further the mutual interest of the residents of the planned residential development and of the public in the preservation of the integrity of the development plan, as finally approved, and to insure that modifications, if any, in the development plan shall not impair the reasonable reliance of said residents upon the provisions of the development plan, nor result in changes that would adversely affect the public interest, the enforcement and modifications of the provisions of the development as finally approved, whether those are recorded by plat, covenant, easement or otherwise, shall be subject to the following:

- A. Provisions of the development plan relating to the use, bulk and location of buildings and structures; the quantity and location of common open space, except as otherwise provided herein; and the intensity of use or the density of residential units shall run in favor of the Township and

shall be enforceable in law or in equity by the Township, without limitation on any powers of regulation otherwise granted the Township by law.

- B. All provisions of the development plan shall run in favor of the residents of the planned residential development, but only to the extent expressly provided in the development plan and in accordance with the terms of the development plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by said residents acting individually, jointly or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of residents of the planned residential development except as to those portions of the development plan which have been finally approved and have been recorded.

- C. All those provisions of the development plan authorized to be enforced by the Township under this Section may be modified, removed or released by the Township, except grants of easements relating to the service or equipment of a public utility, subject to the following conditions:
 - (1) No such modification, removal or release of the provisions of the development plan by the Township shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or in equity, as provided in this Section.

 - (2) No modification, removal or release of the provisions of the development plan by the Township shall be permitted except upon a finding by the Board of Supervisors, following a public hearing pursuant to public notice, called and held in accordance with the provisions of this Section, that the same is consistent with the efficient development and preservation of the entire planned residential development, does not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or public interest, and is not granted solely to confer a special benefit upon any person.

- D. Residents of the planned residential development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan, but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this Section.

SECTION 1609 APPLICATION FOR TENTATIVE APPROVAL

The application for approval, tentative and final, of a planned residential development as provided for by this Ordinance, shall be in lieu of all other procedures or approvals

otherwise required by the Zoning Ordinance and Subdivision and Land Development Ordinance of the Township, except where specifically indicated. The procedures herein described for approval or disapproval of a development plan for a planned residential development and the continuing administration thereof are established in the public interests in order to provide an expeditious method for processing a development plan for a planned residential development and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by a multiplicity of local procedures, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property. An application for tentative approval shall be consistent with the following:

A. Informal Consultation:

The landowner and Board of Supervisors may consult informally at a public meeting or work session concerning the proposed planned residential development prior to the filing of an application for tentative approval, provided that no statement or representation by a member of the Board of Supervisors shall be binding upon the Board of Supervisors as a whole. The informal consultation is intended to allow the landowner and Township officials to exchange comments and discuss issues which may be of particular significance to the site.

B. Application and Fee:

An application for tentative approval shall be filed by or on behalf of the landowner with the Zoning Officer. An application fee of five hundred (\$500.00) dollars, plus seventy-five (\$75.00) dollars per housing unit, based upon total number of proposed housing units, shall be paid upon filing the required application.

C. Relationship to Planning, Zoning and Subdivision:

All planning, zoning and subdivision matters relating to the platting, use and development of the planned residential development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the Township, shall be determined and established by the Township Board of Supervisors.

D. Required Documentation:

The application for tentative approval shall include documentation illustrating compliance with all of the standards for a planned residential development and, where necessary, the Township shall order such documentation to aid them in their review.

An original and ten (10) copies of the application shall be submitted along with ten (20) copies of each of the following:

1. Any required study and/or report, prepared as an Impact Analysis, which may be required at the discretion of the Board of

Supervisors. A determination of the need for any such study and/or report may be made at the time of the informal consultation or during the public hearing for consideration of tentative approval of the development plan.

2. The development plan for the entire site, in addition to all other requirements shall include information and documentation noted herein:
 - (a) The location, size and topography of the site and the legal nature of the landowner's interest in the land proposed to be developed.
 - (b) The density of land use to be allocated to parts and/or phases of the site to be developed.
 - (c) The location and size of common open space and the form of organization proposed to own and maintain the common open space.
 - (d) The use and height, bulk and location of buildings and other structures.
 - (e) The means and feasibility of proposals for the disposition of sanitary waste and storm water.
 - (f) The substance of covenants, grants or easement or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.
 - (g) Provisions for parking of vehicles and the location and width of proposed streets and any other form of public right-of-ways, excluding common open space.
 - (h) The required modifications in the Township land use regulations as contained within the Township's Zoning Ordinance and Subdivision and Land Development Ordinance, otherwise applicable to the subject property.
 - (i) The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources.
 - (j) In the case of development plans, which call for development over a period of years, a schedule showing the proposed timetable within which applications for final approval of all phases of the

planned residential development are intended to be filed. This schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.

- (k) A plan map at a scale of not greater than one (1") inch equals fifty (50') feet, with contours for each two (2') feet change in elevation. A location map shall also be provided at a scale of not greater than one (1) inch equals two thousand (2,000) feet, indicating the relation of the site to its geographic proximity within the Township. The drafting standards applicable for a major subdivision and/or land development, as provided for within the Pittston Township Subdivision and Land Development Ordinance, shall apply.

E. Statement of Landowner:

The application shall also include a written statement by the landowner setting forth the reasons why, in his opinion, the planned residential development would be in the public interest and consistent with the Comprehensive Plan of the Pittston Township, including any subject amendments to said Plan.

F. Application and Approval Procedures in Lieu of Others:

The application for tentative and final approval of a development plan for a planned residential development prescribed herein shall be in lieu of all other procedures and approvals required by the Zoning Ordinance and Subdivision and Land Development Ordinance of the Township, unless otherwise expressly stated.

G. Referrals and Review of Plan:

The application for tentative approval shall be filed with the Zoning Officer, who shall be authorized to accept such applications under the Zoning Ordinance. Copies of the application and tentative plan shall be referred to the agencies and officials as required by the Township's Subdivision and Land Development Ordinance for their review and comment. Said reports shall be available prior the public hearing.

SECTION 1610 PUBLIC HEARINGS

Within sixty (60) days after the filing of an application for tentative approval of a planned residential development pursuant to this Article, a public hearing pursuant to public notice on said application shall be held by the Township Board of Supervisors in the manner prescribed in the Ordinance for the enactment of an amendment to the Zoning Ordinance.

The chairman or in his absence, the acting chairman, of the Township Board of Supervisors, may administer oaths and compel the attendants of witnesses. All testimony by witnesses shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

A verbatim record of the hearing shall be provided by the Township Board of Supervisors whenever such records are requested by any party to the proceedings, with the cost of making and transcribing such a record shall be paid by those parties wishing to obtain such copies. All exhibits accepted as evidence shall be properly identified and the reason for any exclusion shall be clearly noted in the record.

The Township Board of Supervisors may continue the public hearing as required provided that in any event, the public hearing or hearings shall be concluded within sixty (60) days following the date of the first public hearing.

SECTION 1611 FINDINGS

The Township Board of Supervisors, within sixty (60) days following the conclusion of the public hearing, or within one hundred eighty (180) days after the date of filing the application, whichever occurs first, shall by official written communication to the landowner, either:

- A. Grant tentative approval to the development plan as submitted.
- B. Grant tentative approval subject to specified conditions not included in the development plan as submitted.
- C. Deny the tentative approval to the development plan.

Failure to act within the prescribed time period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Township Board of Supervisors, notify said Board in writing of his refusal to accept all said conditions, in which case the Township Board of Supervisors shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not notify the Township Board of Supervisors in writing of his refusal to accept all said conditions within thirty (30) days after receiving a copy of the official written communication of the Township Board of Supervisors, tentative approval of the development plan, with all said conditions, shall stand as granted.

The grant or denial of tentative approval by official written communication shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the denial, and said communication shall set forth particulars in what respect the development plan would or would not be in the public interest including but not limited to findings of facts and conclusions based upon the following:

- A. Those respects in which the development plan is or is not consistent with the Comprehensive Plan, including any amendments thereto, for the

development of the Township.

- B. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use and the reasons why such departures are or are not deemed to be in the public interest.
- C. The purpose, locations and amount of common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
- D. The physical design of the development plan and the manner in which said design does or does not make adequate provisions for public services, (including but not limited to sewage, water and stormwater runoff) provide adequate control for vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
- E. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood or area of the Township in which it is proposed to be established.
- F. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents of the planned residential development in the integrity of the development plan.

In the event a development plan is granted tentative approval, with or without conditions, the Township Board of Supervisors may set forth in the official written communication, the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part or phase thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than ninety (90) days. In the case of development plans which extend over a period of years, the time between applications for final approval of each part of the plan shall not be less than one (1) year.

SECTION 1612 STATUS OF PLAN AFTER TENTATIVE APPROVAL

The official written communication provided for in this Article shall be certified by the Township Secretary and filed in his/her office; a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed as an amendment to the Zoning Map, effective and so noted upon the Zoning Map upon final approval.

Tentative approval of a development plan shall not qualify a plan of the planned residential development for recording nor authorize development or the issuance of

any zoning permit. A development plan, which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending the application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed within the periods of time specified in the official written communication granting tentative approval.

In the event that a development plan is given tentative approval and thereafter, but prior to the final approval, the landowner shall elect to abandon said development plan and shall so notify the Township Board of Supervisors in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development for which final approval has not been given shall be subject to those Township land use ordinances otherwise applicable thereto. The same shall be noted on the Zoning Map and in the records of the Township Secretary.

SECTION 1613 APPLICATION FOR FINAL APPROVAL

An application for final approval may be for all of the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made through the Zoning Officer for review by the Township Board of Supervisors and subject to approval by the Township Board of Supervisors within the time or times specified by the official written communication granting tentative approval. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing shall not be required.

The application shall include all drawings, specifications for required improvements, covenants, easements, a financial guarantee and all other such requirements as specified within the Pittston Township Subdivision and Land Development Ordinance, as well as any conditions set forth in the official written communication granting tentative approval.

In the event that the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the Ordinance and the official written communication of tentative approval, the Township Board of Supervisors shall, within forty-five (45) days of such filing, grant such development plan final approval.

In the event the development plan as submitted contains variations from the development plan given tentative approval, the Township Board of Supervisors may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one (1) or more said variations are objectionable and not in the public interest.

In the event of such refusal the landowner may either:

- A. Refile his application for final approval without the variations to which the Township Board of Supervisors deemed objectionable and not in the public interest.
- B. File a written request with the Township Board of Supervisors that it hold a public hearing on his/her application for final approval.

If the landowner wishes to take either of such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner fails to take either of these alternate actions within said time, he/she shall be deemed to have abandoned the development plan.

Any such public hearing shall be held pursuant to public notice within thirty (30) days after the request for the hearing is made in writing by the landowner. The hearing shall be conducted in the manner prescribed in this Ordinance for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the public hearing, the Township Board of Supervisors shall, by official written communication, either grant final approval to the development plan or deny final approval.

The grant or denial of final approval of the development plan shall, in cases arising under this Section, be in the form and contain findings required for an application for tentative approval as set forth in this Article.

A development plan, or any part thereof, which has been given final approval, shall be signed and certified without delay by the Township Board of Supervisors. Said development plan shall be filed of record forthwith in the Office of the Recorder of Deeds of Luzerne County before any development shall take place in accordance therewith. Upon filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion in accordance with the time provisions as provided for within the Pittston Township Subdivision and Land Development Ordinance, said planned residential development or part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat the developer shall record the plat within ninety (90) days from the date of approval and post a financial security in accordance with the Pittston Township Subdivision and Land Development Ordinance.

In the event that a development plan, or section thereof, is given final approval and thereafter the landowner shall abandon such plan or section thereof that has been finally approved, and shall so notify the Township Board of Supervisors in writing; or in the event the landowner shall fail to commence and carry out the planned residential development in accordance with the time provisions as provided within the Pittston Township Subdivision and Land Development Ordinance, after final approval has been granted, no development or further development shall take place on the property

included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to the Township Zoning Ordinance in the manner prescribed for such amendments by this Ordinance.

SECTION 1614 JURISDICTION AND LEGAL REMEDIES

A. JURISDICTION

District Justices shall have initial jurisdiction over proceedings brought under B.,
LEGAL REMEDIES

B. LEGAL REMEDIES

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

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

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