

ZONING ORDINANCE

*ENACTED MARCH 28, 1995
AMENDED SEPTEMBER 23, 1997
AMENDED MARCH 23, 2004
AMENDED FEBRUARY 8, 2011
AMENDED APRIL 10, 2012
AMENDED MAY 13, 2014 (AGRICULTURE CHANGES)*

SALEM TOWNSHIP, LUZERNE COUNTY

38 Bomboy Lane

Berwick, PA 18603

(570) 752-4399

(570) 752-4661 (fax)

www.salemtownshipluzerne.info

SALEM TOWNSHIP ZONING ORDINANCE

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ZONING MAP IS AT THE BACK OF THIS DOCUMENT

ARTICLE 1

GENERAL PROVISIONS

ARTICLE 1

GENERAL PROVISIONS

SECTION 101 TITLE

The official title of this Ordinance is: "**Salem Township Zoning Ordinance,**" as amended.

SECTION 102 EFFECTIVE DATE

This Ordinance shall take effect immediately after passage and upon being signed by the Chairman of the Board of Supervisors and being attested by the Township Secretary.

SECTION 103 CONSTRUCTION OF ORDINANCE

The provisions of this Ordinance, as far as they are the same as those of existing ordinances, are intended as a continuation of such ordinance except for those portions of the ordinance which are specifically repealed. The provisions of this Ordinance shall not affect any act done, contract executed or liability incurred prior to its effective date, or effect any suite or prosecution pending or to be instituted, to enforce any right, rule, regulation, or ordinance or against any ordinance enacted under them. All ordinances, resolutions, regulations and rules made pursuant to any ordinance repealed by this Ordinance shall continue in effect as if such ordinance had not been repealed.

SECTION 104 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 or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency management preparedness, airports and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

- 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 105 COMMUNITY DEVELOPMENT OBJECTIVES

To carry out the defined goals and objectives of the Salem Township Comprehensive Plan, including any required revisions and amendments thereto, including the following:

- A. To enhance and maintain the mixed character of rural and suburban features of the Township while allowing new growth and development.
- B. To prepare a land use plan capable of providing for the residential, commercial, industrial, transportation and public and semipublic needs of the Township in proper locations.
- C. To preserve environmental areas of scenic and natural beauty and environmentally sensitive areas from intensive or inappropriate development.
- D. To examine all proposed developments in relationship to its potential impact upon groundwater resources and air quality and to avoid all forms of pollution within the Township and surrounding regions.
- E. To provide for a variety of housing types to satisfy diverse housing markets, including those for the elderly, single persons, handicapped individuals and couples without children.
- F. To promote and encourage commercial development in appropriate locations along State Route 11, while providing appropriate land use regulations to avoid land use conflicts between new commercial development and existing residential uses .
- G. To encourage continued urban/suburban development patterns of land use in areas adjoining Berwick, for future potential benefits in the provisions of certain utilities including the provision of sewage and water.

- H. To encourage the continuation of farming and low density residential uses in the north central portion of the Township contingent upon suitable sites with consideration given to soils, topography, environmental factors and the provision of proper public utilities.
- I. To identify any recreational needs of the Township and to locate any needed facilities in coordination with existing or planned regional, County or State Parks to foster a balanced recreational system.
- J. To provide an adequate transportation system for the safe movement of people and goods within all sectors of the Township and areas beyond the Township, with through traffic separated to the greatest extent possible from local neighborhood traffic.
- K. To promote the retention of existing industrial development and to encourage new industrial development and in selected areas in accordance to the market needs of the Township and surrounding region.
- L. Insure all new development provides adequate means to control storm drainage and to undertake proper planning to prevent soil erosion and sedimentation.
- M. Provide proper land use regulations to insure that development along the Susquehanna River and streams through the Township will be consistent with flood plain management regulations and requirements of the Federal Emergency Management Agency (FEMA).
- N. To review the scope and provision of community and public services and facilities, with the intent to improve and expand such services and facilities as needed within the fiscal means and limitations of the Township.
- O. To coordinate Township plans and programs with County, State and Federal plans, policies and programs with the intent of seeking such governmental funding when applicable to the Township's plans.
- P. To support efforts to establish an a 911 system to serve the public safety needs of Township residents and to continue to cooperate with other adjoining municipalities on intergovernmental issues of mutual concern, such as police, fire and ambulance service.
- Q. To continue to conduct municipal affairs in an efficient, economical and fair manner for the welfare of all citizens and to be committed to professional planning within the administration and governing of the Township.

SECTION 106 COMPLIANCE

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of his Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

SECTION 107 INTERPRETATION AND INTENT

In interpreting and applying the provisions of this Ordinance, it shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare of Salem Township. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Salem Township except that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of a building, or requires larger open spaces than are imposed by such other rules, regulations, or ordinances, the provisions of this Ordinance shall control.


SECTION 108 REPEALING PROVISION

All Ordinance, or any parts thereof, which are inconsistent or in conflict with this Ordinance, including but not limited to the Salem Township Zoning Ordinance of June 22, 1993, including the Salem Township Zoning Map, and any amendments thereto are hereby repealed.

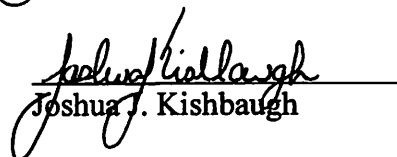
**ENACTED ON THIS 28TH DAY OF MARCH, 1995
AMENDED SEPTEMBER 23, 1997
AMENDED MARCH 23, 2004
AMENDED FEBRUARY 8, 2011**

SALEM TOWNSHIP BOARD OF SUPERVISORS

ATTEST:


Township Manager


Robert M. Pearce, Chairman


Joshua J. Kishbaugh


Joseph Siecko

ARTICLE 2

DEFINITIONS

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, individual or single proprietorship.
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 occupied.
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 DEFINITION OF TERMS

For the purpose of this Ordinance, the following words, terms, and phrases have the meaning indicated herein:

ABANDONMENT:

To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, subject to completion of the work within one year from the issuance of a 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 approach to provide physical ingress and/or egress to a property.

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.

ADULT USES:

Adult 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.

Adult Entertainment: A nightclub, bar, 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 an "Adult Use".

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. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production.

ALLEY:

A public right-of-way intended and/or used as a secondary means of access to abutting property.

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 Salem Township Zoning Ordinance, including changes to boundaries of Zoning Districts as provided upon the Zoning Map.

ANIMAL FEEDING OPERATIONS (AFOs)

An agricultural operation where animals are kept and raised in confined situations and feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland.

ANTENNA:

SEE "SATELLITE DISH ANTENNA" AND "ANTENNA, COMMERCIAL"

ANTENNA, COMMERCIAL:

A device used to collect and/or transmit telecommunication signals, radio signals, television signals, wireless phone signals or similar signals in association with a commercial enterprise, which is regulated by the FCC.

AUTOMOTIVE WRECKING YARD:

The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automotive wrecking yard.

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.

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.

BED AND BREAKFAST/GUEST HOUSE:

The use and occupancy of a detached dwelling for the accommodation of transient guests.

BILLBOARD:

A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

BOARDING HOUSE OR ROOMING HOUSE:

A structure or portion thereof which contains rooming units which are rented or leased, with the occupants of said units being non-transient, and utilizing said location as a legal place of residence. This term shall specifically exclude the following:

Dwelling	Dwelling Unit	Group Residence
Motel and/or Hotel	Bed and Breakfast Facility	

BUFFER AREA:

A method of improvements designed to separate and substantially obstruct the view of two (2) or more adjacent land uses, properties and/or Zoning Districts from one another. Unless specified otherwise, for the purpose of this Ordinance when a buffer area is required it shall be deemed to represent a fence or stone wall with cork fitting, eight (8) feet in height with two (2) staggered rows of evergreen trees planted in front of the fence or wall with the spacing distance between trees not greater than six (6) feet. Said trees

shall be not less than eight (8) feet in height at the time of planting. The type of evergreen trees selected for planting shall be subject to the approval of the Board of Supervisors or the Zoning Hearing Board in cases where the approval sought is under the jurisdiction of either of the aforementioned entities.

BUILDING:

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

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.

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

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

Building Height: The vertical distance of a building measure from the average elevation of the proposed finished grade within twenty (20) feet of the structure to the highest point of the roof for flat roofs; to the deck line of mansard roofs and to the average height between eaves and the ridge for gable, hip and gambrel roofs.

BULK FUEL STORAGE:

The storage of liquid and/or gaseous chemicals, including but not limited to acetylene, gasoline, natural gas, propane, and any petroleum based products, for subsequent distribution to customers or retail users.

CAMPGROUND:

A plot of ground upon which two (2) or more campsites are located, established or maintained for occupancy by camping structures as temporary living quarters for recreation, education or vacation purposes.

CAMPSITE:

A portion of a campground dedicated for the temporary placement of a single camping structure and the exclusive use of its occupants.

CAMPING STRUCTURE:

Any tent, trailer, recreational vehicle or cabin located on a campsite, maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.

CAMPGROUND ACCESSORY BUILDING:

A building or structure used as part of the permanent facilities of the campground, including office, bathroom/shower facilities, and laundry facilities.

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 accessory structure or part of the principal structure.

CELLAR:

The portion of any building which is located partly underground, but having one-half or more 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.

CERTIFICATE OF ZONING COMPLIANCE:

The certificate (sometimes called "occupancy permit") issued by the Zoning Officer after he has inspected any structure, building, sign and/or land or portion thereof for which a zoning permit was issued in order to determine compliance with the terms of the permit and the zoning ordinance before the structure, building, sign, and or land or portion thereof can be lawfully used and/or occupied.

CHANGE OF USE:

Any use which differs from the previous use of a building, structure or land.

CHIMNEY:

Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a heating appliance.

CHURCH: (SEE PLACE OF WORSHIP)

CHILD CARE FACILITY:

"Child Care Services" means the provision of out-of-home care for children for part of a 24 hour day, excluding the care provided by relatives.

"Group Child Care Home" means a structure in which child care services are provided for seven (7) or more children at any one time, where the child care areas within the structure are not jointly used as a portion of a family residence.

"Family Child Care Center" means a residential structure in which child care services are provided for more than six (6) but less than twelve (12) children, at any one time, where the child care areas are also used as a portion of a family residence.

CLEAR SIGHT TRIANGLE

An area of unobstructed vision at street intersections 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.

CLINIC (MEDICAL):

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

CLUB:

Buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.

COMMERCIAL USE:

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

COMMERCIAL WIRELESS COMMUNICATION SITE:

A tract or parcel of land containing a commercial antenna, its support structure, accessory building(s) and parking.

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.

COMMUNITY CENTER:

A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

COMPRESSOR STATION:

A facility designed and constructed to compress natural gas and/or oil that originates from a gas and/or oil well, or collection of such wells, operating as a midstream facility for delivery of gas and/or oil to a transmission pipeline, distribution pipeline, processing plant or underground storage field, including one or more natural gas and/or oil compressors, associated buildings, pipes, valves, tanks and other equipment.

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs)

An agricultural operation which meets the definition of an Animal Feeding Operation (AFOs) and also meets certain criteria as established under legislation known as the Pennsylvania Nutrient Management Act, as amended

CONDITIONAL USE:

A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a zoning district subject to approval by the Board of Supervisors and subject to special requirements, different from those usual requirements for the zoning district in which the conditional use may be located.

CONDOMINIUM:

A building or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

CONTRACTOR'S STORAGE:

A lot, building, or part thereof, used to store materials used by a contractor in the construction of a road, highway, structure or building, landscaping or utilities.

CONVENIENCE STORE:

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

CONVENIENCE STORE WITH GAS SALES:

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

CONVERSION APARTMENT:

A dwelling unit created by the conversion of an existing single-family dwelling into a two (2), three (3), or four (4) family dwelling.

CONVERTED SINGLE FAMILY DWELLING:

A single family dwelling converted into conversion apartments.

COUNTY PLANNING COMMISSION:

The Planning Commission of Luzerne County.

CRITICAL AREAS

An area with one or more of the following characteristics: stream corridors, streams, flood plain areas, wetlands, slopes which equal or exceed fifteen (15%) percent, soils classified as highly acidic or highly erodible, soils classified as having a high water table, land and associated soils which display poor percolation, mature stands of native vegetation and aquifer recharge and discharge area.

DENSITY:

The number of dwelling units permitted per net unit of land.

DECISION:

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

DEVELOPMENT:

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

DETERMINATION:

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

1. the governing body;
2. the zoning hearing board
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.

DISTRICT: (ALSO SEE ZONING DISTRICT)

DWELLING:

A building or portion thereof used exclusively for residential purposes, including one-family, two-family, and multiple-family dwellings, but not including hotels and boarding houses and dormitories.

DWELLING, MULTIFAMILY:

A detached residential building containing three or more dwelling units, including what is commonly known as an apartment building.

DWELLING, SINGLE-FAMILY, ATTACHED (GROUP, ROW, AND TOWNHOUSES):

One of two or more residential buildings having a common or party wall separating dwelling units.

DWELLING, SINGLE-FAMILY, DETACHED:

A residential building containing not more than one dwelling unit.

DWELLING, TWO FAMILY:

A residential building containing two (2) dwelling units, entirely separated from each other by vertical walls or horizontal floors, excluding possible common access to enter/exit the building or for access to a common cellar or basement.

DWELLING UNIT:

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

EASEMENT:

A 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.

EASEMENT, DRAINAGE:

An easement required for the installation of storm water sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

ELECTRICAL POWER GENERATING PLANT:

A facility whose primary purpose is for the production of electricity.

ENVIRONMENTAL IMPACT STATEMENT:

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

ENTERTAINMENT FACILITIES:

Commercial establishments engaged in providing entertainment for a fee or an admission charge, such as an arcade, bowling alley, billiard hall, roller skating rink or similar facilities.

EXCAVATION, EXTRACTION AND/OR REMOVAL OF MINERALS:

Removal or recovery by any means whatsoever of minerals, as so defined in this Ordinance, from land or water on or beneath the surface thereof, whether exposed or submerged.

FAMILY:

One or more persons occupying a dwelling unit and living together as a single nonprofit housekeeping unit. Foster children placed into the care and custody of a family shall be deemed to be a member of the family. A group in excess of four (4) individuals who are not related by blood, marriage or legal adoption, shall not be deemed to constitute a family.

FORESTRY ACTIVITIES:

The management of forests and timberland, 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.

FLOOD:

The temporary inundation of normally dry land.

FLOOD FRINGE

The portion of a One Hundred Year Flood Plain which is beyond the delineated limits of the Floodway, based upon the most current Flood Insurance Study and Flood Maps.

FLOOD, ONE-HUNDRED YEAR:

A flood that on the average is likely to occur once every one hundred (100) years, i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year.

FLOODPLAIN:

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 water from any source.

FLOODPROOFING:

Any combination of structural and non-structural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to property, structures, and contents of buildings.

FLOODWAY:

The channel of a river, stream, or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood within cumulatively increasing the water surface elevation more than one foot at any point.

FLOOR AREA, GROSS:

The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls.

FLOOR AREA RATIO:

Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

FRONTAGE:

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

GARAGE, PRIVATE:

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

GARAGE, REPAIR: (ALSO SEE SERVICE STATION)

A commercial building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work.

GENERAL NUISANCE:

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

GOVERNING BODY:

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

GROUP RESIDENCE:

A dwelling unit which is shared under congregate living arrangements by more than four (4) 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 or their licensed or certified agents, a governmental agency or their licensed or certified agents, a responsible corporation 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 following shall not be deemed to constitute a Group Residence:

A boarding home and/or a personal care boarding home.

A facility providing shelter and/or rehabilitative care or treatment of persons for alcoholism and/or an addiction to a controlled substance.

A facility for persons released from or under the jurisdiction of a governmental bureau of corrections or similar institution.

HAZARDOUS SUBSTANCES:

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

1. cause, or significantly contribute to, an increase in mortality or an increase in a serious irreversible or incapacitating reversible illness.
2. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

This definition shall be deemed to include radioactive material and medical waste.

HIGHWAY OCCUPANCY PERMIT:

A permit, issued by the Pennsylvania Department of Transportation, the Luzerne County Road and Bridge Department or Salem Township which authorizes access from a parcel of land onto a highway, road or street which is under the respective jurisdiction of the above entities.

HEALTH/RECREATION FACILITY:

An indoor facility including uses such as game courts, exercise equipment, locker rooms, and related facilities.

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 existing residential character of the neighborhood.

HOSPITAL:

An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice.

HOTEL: (ALSO 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.

IMPACT ANALYSIS:

A study and/or report, which may be required at the discretion of the Board of Supervisors prior to approval of a conditional use or by the Zoning Hearing Board prior to approval a special exception use, to determine the potential impact of the proposed use on activities, utilities, traffic generation and circulation, surrounding land uses, community facilities, environmental features, critical areas, the public health, safety and welfare and other factors directly, indirectly or potentially affected. The applicant shall be responsible for all costs related to the any and all reports and/or studies required by the Governing Body or Zoning Hearing Board under or within the context of the term "IMPACT ANALYSIS." The landowner and/or applicant shall also be responsible to fully reimburse Salem Township for any and all engineering and or other consulting fees which are incurred for the review of any required impact studies or reports for a conditional use.

IMPERVIOUS SURFACE:

Any material and/or development that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surfaces shall include, but may not be limited to, buildings, roofs, surfaced, graveled or compacted parking areas, streets, sidewalks, driveways and similar vehicular and/or pedestrian right-of-ways.

INDUSTRY, HEAVY:

A use engaged in the basic processing and manufacturing of materials or products predominately 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.

INDUSTRY, LIGHT:

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

INSTITUTIONAL USE:

A structure or facility which provides medical, health, educational, social and/or rehabilitative 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.

JUNK:

Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, and parts thereof

JUNK VEHICLE:

Any motor vehicle, without limitation to the type, which does not bear current license and inspection stickers or is incapable of being moved under its own power, and 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:

- a. Rusted and/or jagged metal on or protruding from the body of the vehicle;
- b. Broken glass or windows on or in the vehicle;
- c. Leaking of any fluids from the vehicle;
- d. Unsecured and/or unlocked doors, hood or trunk;
- e. Storage or placement of the vehicle in an unbalanced condition, such as on concrete blocks;
- f. Harboring of rodents, insects or other pests.

JUNKYARD:

An open area where wastes or used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials shall include but are not limited to scrap iron and other metals, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, rubber tires, and junk vehicles. An automotive wrecking yard is also considered a junkyard.

LAND DEVELOPMENT:

The improvement of one lot or two 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, a single nonresidential building on a lot or lots with two (2) or more occupants regardless of their tenure, or a single nonresidential building, designed or intended for a single occupant, with a minimum gross floor area of not less than eight thousand (8,000) square feet and/or located upon a lot or parcel containing a minimum land area of not less than one acre.
- (B) Any nonresidential use of land, with or without structures, which encompasses five (5) or more acres of land, excluding agricultural use of land.
- (C) 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.
- (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, which results in not more than three (3) residential units, shall be deemed as a land development if the units are intended to be a condominium.
- (E) 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.
- (F) a single residential structure containing five (5) or more residential units.

The development of any accessory building, including farm buildings, on a lot or lots which are subordinate to an existing principal building shall not be classified as a "Land Development."

LANDOWNER:

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

LOT:

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

LOT AREA:

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

LOT, CORNER:

A lot abutting on and at the intersection of two 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 DEPTH:

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

LOT, FLAG:

A lot the principal portion of which does not adjoin a street but is connected thereto by an access strip of no less than fifty (50) feet in width. Minimum lot area and lot depth and other dimensional requirements of the applicable zoning district shall be met on that portion of the lot exclusive of the access strip.

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. A lot bounded by only three lot lines will not have a rear 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 minimum front setback line.

MANUFACTURED HOME:

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

MANUFACTURED HOME PARK:

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

MEDIATION:

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

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.

NATURAL GAS PROCESSING PLANT:

A facility designed and constructed to remove materials such as ethane, propane, butane and other constituents or similar substances from natural gas, to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

MINERALS:

Any aggregate or mass of mineral matter, whether or not coherent. The term shall include but 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.

MOBILE HOME:

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

MOBILE HOME LOT:

A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK:

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

MOTEL (ALSO SEE 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 of buildings is designed, intended, or used primarily for the accommodations of automobile travelers and provides automobile parking conveniently located on the premises.

MUNICIPALITY:

The Township of Salem, Luzerne County, Pennsylvania.

NIGHTCLUB:

A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing is permitted, including the term "cabaret."

NO IMPACT HOME-BASED BUSINESS:

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

NONCONFORMING LOT:

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

NONCONFORMING STRUCTURE:

A structure or part of a structure manifestly not designed to comply with the applicable use or extent 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.

OFFICE:

A building or portion of a building, wherein services are performed involving predominantly administrative, professional, or clerical operations.

OIL AND GAS DEVELOPMENT:

The well site preparation, well site construction, drilling, hydraulic fracturing and/or site restoration associated with an oil and/or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and, the installment and use of all associated equipment, including tanks, meters and other equipment and structures, whether permanent or temporary. This also includes the site preparation, construction, installment, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. This does not include compressor stations and natural gas processing plants or facilities performing the equivalent functions that operate as midstream facilities that are only authorized consistent with Salem Township Zoning Ordinance as a conditional use.

OPEN SPACE:

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

OUTDOOR STORAGE:

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

PARCEL:

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

PARKING SPACE:

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

PERSONAL SERVICES:

Any enterprise conducted for gain, which primarily offers services to the general public, such as shoe repair, valet service, watch repairing, barber shops, beauty parlors, and related activities.

PLACE OF WORSHIP:

A building used for religious services, including churches, synagogues, mosques and similar edifices.

PLANNING COMMISSION:

The Planning Commission of Salem Township.

PLANNED RESIDENTIAL DEVELOPMENT:

An area of land, controlled by a landowner, to be developed as a 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.

PRINCIPAL USE:

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

PRIVATE:

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

PROTECTED STRUCTURE:

Any occupied residence, commercial, business, school, religious institution or other public building located within 1,000 feet of the surface location of an oil or gas well, including structures such as garages and barns or other accessory buildings and structures which may be impacted by noise generated from drilling or hydraulic fracturing activity at a well site. The term shall not include any structure owned by an oil or gas lessor who has signed a lease with the operator granting surface rights to drill the subject well, or whose owner (or occupants) has (have) signed a waiver relieving the operator from implementation of the measures established in Section 608.9.N of this Ordinance for the owner's (occupant's) benefit.

PUBLIC:

Something owned, operated and supported by the community or the residents for the use and benefit of the general public.

PUBLIC HEARING:

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 MEETING:

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

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 USES:

Public schools, parks and administrative cultural and service buildings excluding public land or buildings primarily devoted to the storage and maintenance of equipment and materials.

PUBLIC UTILITIES FACILITIES:

Telephone, electric and cable television lines, equipment and structures; water or gas pipes, mains, valves, or structures, pumping stations; telephone exchanges and all other facilities, equipment and structures necessary for conducting a service by public utility.

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 as a nonprofit enterprise by a governmental entity or a nonprofit organization, and open to the general public.

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 as a recommendation and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceedings upon request, with copies thereof provided at the cost of reproduction.

RESTAURANT:

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

RIGHT-OF-WAY:

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or other special use.

ROOMING HOUSE OR BOARDING HOUSE:

A structure or portion thereof which contains rooming units which are rented or leased, with the occupants of said units being non-transient, and utilizing said location as a legal place of residence. This term shall specifically exclude the following:

Dwelling	Dwelling Unit
Motel and/or Hotel	Bed and Breakfast Facility
Group Residence	

ROOMING UNIT:

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

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.

SEWAGE DISPOSAL, CENTRALIZED

A sanitary sewage collection system, approved by the Pennsylvania Department of Environmental Resources, 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 Resources.

SCHOOL:

A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

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.

SEATING CAPACITY:

The actual seating capacity of an area based upon the number of seats or one seat per 18 inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the most recent BOCA Code.

SELF-SERVICE 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 which are leased to individuals for the storage of the individual's property, possessions or wares.

SERVICE STATION: (ALSO SEE GARAGE, REPAIR)

Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication and minor repairs are conducted. Service stations shall not include service and maintenance activities which include or are comparable to those provided for under the definition of a "Repair Garage."

SELF-SERVICE STATION:

An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products, subject to the sales of other retail products being secondary and incidental to the principal use.

SETBACK:

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

SIGN:

A structure or device designed or intended to convey information to the public in written or pictorial form.

SIGN AREA:

The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than 24 inches apart.

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.

SPECIAL EXCEPTION:

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

SOCIAL HALL, CLUB OR LODGE:

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

SOLID WASTE OR WASTE:

Any garbage, refuse, industrial, lunchroom or office waste 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 or waste, as so defined by this Ordinance.

STAGING AREA:

Any area where vehicles containing solid waste are parked, stored or located prior to depositing said solid waste at a solid waste facility. Said use shall be classified and regulated as a "Solid Waste Facility."

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 of the 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.

STRUCTURE:

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

SUBDIVISION:

The division or redividing 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.

- A. Subdivision; Major: Any subdivision which does not qualify or classify as a minor subdivision, including but not limited to a proposed subdivision of a tract of land, which resulted from a minor subdivision, approved within seven (7) years preceding the adoption of this Ordinance.
- B. Subdivision; Minor: A subdivision of a parcel of land into not more than five (5) lots, excluding the original lot of record, which has frontage along an existing street, which does not adversely affecting the remainder of the parcel or adjoining property, does not conflict with the Comprehensive Plan, or any portion thereof, and not involving or requiring any of the following:

- (a) The extension or improvement of any street.
- (b) The extension of any municipal facilities or public utilities or improvements.
- (c) the construction of any improvements required in the subdivision of land or to service or otherwise provide access to lots within a proposed subdivision.

Any proposed subdivision of a lot of record, which resulted from a minor subdivision shall be classified as a major subdivision, when the cumulative number of lots, from the original lot of record and/or any resulting lot, exceed six (6) lots within seven (7) years from date of its approval under a minor subdivision classification. Information stating the above requirement shall be included upon all deeds for lots created under a minor subdivision.

TEMPORARY STORAGE TRAILER:

A structure standing on wheels that may be towed or hauled by another vehicle, for short-term use, excluding any type of residential use, and used for carrying or storage of materials, goods or objects, or used as a temporary office.

TEMPORARY STRUCTURE:

A structure without a foundation or footings that is capable of being readily removed from a property when the designated time period, for the activity or use for which the temporary structure was erected has ceased. A trailer shall be deemed to be a temporary structure.

TEMPORARY USE:

A use established for a limited duration with the intent to discontinue the use upon the expiration of the designated approved time period.

TENT:

A portable lodging unit usually made of skins, canvas, plastic or strong cloth stretched and usually sustained by poles, and dependent upon separate toilet and lavatory facilities.

TOWERS AND ANTENNA SUPPORT STRUCTURES, COMMERCIAL:

A tower, pole, mast or similar structure which supports equipment used to transmit and/or receive telecommunication signals, radio signals, television signals, wireless phone signals or similar signals in association with a commercial enterprise.

TOWNHOUSE:

An attached residential building containing not less than three (3) single family dwelling units, but not more than six (6) single family dwelling units, having separate front and rear access to the outside, with no dwelling unit located above any other. Each dwelling unit is separated from one another by one or more common walls.

TOWNSHIP:

Township of Salem, Luzerne County, Pennsylvania.

TRAILER:

A vehicular portable structure built on, or designed to be mounted, on a chassis or wheels, or constructed as an integral part of a self-propelled vehicle for use as a temporary dwelling for travel, recreation and vacation and commonly known as travel trailers, pick-up coaches, motor homes or camping trailers.

TRANSFER STATION:

A facility which receives and temporarily stores solid waste at a location other than the generation site, which facilitates the bulk transfer of accumulated solid waste to another facility or site for further processing and/or disposal of said solid waste. Said use shall be classified and regulated as a "Solid Waste Facility."

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 or delivery of freight shipped by truck.

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. Pipes, water lines, stormwater basins and conveyance systems, and other supporting infrastructure, whether supporting a use located on the same lot or parcel or on a different lot or parcel, are not a "use" as that term is defined in this Ordinance.

VARIANCE:

A waiver granted by the Zoning Hearing Board from the terms and requirements of this Ordinance in accordance with Section 1509 of this Ordinance.

WAREHOUSE:

A building used primarily for storage of goods and material.

WAREHOUSING AND DISTRIBUTION:

A use engaged in storage, wholesale and distribution of manufactured products, supplies and equipment, excluding the bulk storage of material that are inflammable, explosive, hazardous or commonly recognized as offensive.

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. Any water supply system not deemed as a centralized water supply system shall be deemed to be an on-site water supply system.

WELL SITE:

A graded pad designed and constructed for the drilling of one or more oil and/or gas wells.

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. The term includes but is not limited to wetland areas listed in The State Water Plan, The United States Forest Service Wetlands Inventory of Pennsylvania, The Pennsylvania Coastal Zone Management Plan and any wetland area designated by a river basin commission.

WIND ENERGY FACILITY:

A commercial electric power generating facility consisting of one or more wind turbines under common ownership or operating control, including substations, meteorological towers, electrical infrastructure, cables/wires and other building accessories to such facility, whose main purpose is to supply electricity to off-site customer(s).

WIND TURBINE:

A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacell, rotor, tower, and pad transformer, if any. Wind Turbine, Turbine Height: The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

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

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:

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

YARD, REAR:

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

YARD, SIDE:

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

ZONING DISTRICT:

A portion of Salem Township 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 Salem Township, Luzerne County, Pennsylvania.

ZONING MAP:

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

ZONING OFFICER:

The administrative officer appointed by the Governing Body to administer and enforce the Zoning Ordinance of Salem Township, Luzerne County, Pennsylvania.

ARTICLE 3

GENERAL REGULATIONS

ARTICLE 3

GENERAL REGULATIONS

SECTION 301 ATTACHED ACCESSORY STRUCTURES

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

SECTION 302 UNATTACHED ACCESSORY STRUCTURES

302.1 NONRESIDENTIAL

When the principal use or structure is nonresidential, an unattached accessory structure shall comply with the front yard setback requirements applicable to the principal structure or use for the zoning district in which it is located and shall not be less than ten (10') feet from any side yard lot line or rear yard lot line.

302.2 RESIDENTIAL

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:

- (A) The maximum height shall not exceed one and one-half (1.5) stories or fifteen (15') feet, whichever is the lesser.
- (B) An accessory structure shall not be located less than five (5) feet from a side lot line or the rear lot line; except that on a corner lot Section 303 shall apply.

302.3 LOT COVERAGE

A detached accessory structure shall not occupy more than thirty (30) percent of the required yard area for the applicable Zoning District in which it is located.

SECTION 303 CORNER LOT RESTRICTION

On a corner lot there shall be provided on each side thereof, adjacent to a street, a yard setback equal in depth to the required front yard setback of the prevailing Zoning District in which the corner lot is located.

SECTION 304 ACCESSORY STRUCTURES ON RESIDENTIAL LOTS

For residential lots, permitted accessory structures shall include noncommercial greenhouses, tool or lawn sheds, private garages or carports, private noncommercial swimming pools and noncommercial satellite antenna dishes.

SECTION 305 PRIVATE NONCOMMERCIAL SWIMMING POOLS

Swimming pools shall be located in either the rear yard or side yard of the property on which it is an accessory use. The swimming pool and any accessory structures thereto, shall have a minimum setback of ten (10') feet from any rear or side yard lot line. All swimming pools, capable of containing water to a depth, at any point, in excess of twenty-four (24) inches shall be enclosed in accordance with the following subsections:

305.1 IN-GROUND POOLS

The pool or the entire property on which the pool is located, shall be enclosed with a permanent fence not less than four (4) feet in height, which includes a gate secured with a lock.

305.2 ABOVE GROUND POOLS

The pool shall be fenced in accordance with Section 305.1 or in lieu of a fence, a barrier not less than four (4') feet in height. Said barrier may include the pool wall and any extension thereto which equals or exceeds a height of four (4') feet. Access into a pool which includes a deck shall be secured by a gate with a lock. Pools without access from a deck, shall include retractable steps or any similar device which prohibits uncontrolled access into the pool when not in use. Shrubbery is not to be considered as a barrier. Decks which are attached to the pool shall not project into any required yard setback for the pool.

SECTION 306 LOTS DIVIDED BY ZONING BOUNDARIES

If a Zoning District boundary line divides a lot held in single and separate ownership prior to the effective date of this Ordinance, placing eighty-five (85%) 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 fifteen (15%) percent or less of the lot so divided.

SECTION 307 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 unroofed, without walls or other form of enclosure and are not closer than ten (10') feet to any adjacent lot line.
- (B) Projecting Architectural Features: such as bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other similar architectural features provided that any of the aforementioned features do not extend more than two feet into any required yard.

- (C) Porches and Decks: provided that such does not exceed four and one-half (4.5) feet in depth as extended from the structure.
- (D) Handicapped Ramps: may be constructed without meeting any applicable front and/or rear yard setback requirements in any Zoning District, but shall have a minimum side yard setback of not less than five (5) feet.

SECTION 308 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes, chimneys, flagpoles, water towers, skylights; nor to silos, barns and other farm buildings or structures; nor to any accessory mechanical appurtenances usually located above the roof level.

SECTION 309 REQUIRED ACCESS

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

SECTION 310 MORE THAN ONE BUILDING OR USE PER LOT

The construction of more than one (1) principal structure, building and/or use shall be permitted provided the lot area, yard area and other requirements of this Ordinance shall be met for each structure, building and/or use as though each were located upon an individual lot, and shall further comply with the applicable provisions of the Salem Township Subdivision and Land Development Ordinance, as amended.

SECTION 311 VISIBILITY AT INTERSECTIONS AND PRIVATE DRIVEWAYS

311.1 INTERSECTION OF STREETS

On any corner lot no obstruction exceeding two and one-half (2.5') feet in height, except street signs, utility poles or traffic signs, shall be erected or maintained within the triangle formed by the intersection of centerlines of intersecting street right-of-way lines adjacent to the corner lot and a line projected between points on each of those adjacent centerlines for a minimum distance of fifty (50') feet from their intersection.

311.2 PRIVATE DRIVEWAYS

No obstruction exceeding two and one-half (2.5') feet in height shall be erected or maintained within the triangle formed between the intersection of centerlines of a street right-of-way line and a depth of twenty (20') feet along the centerline of the street right-of-way and a depth of twenty (20') feet along the centerline of a private driveway.

SECTION 312

FENCES AND WALLS

The posts and/or structural supports of a fence shall be located within the interior yard space to be enclosed.

312.1 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 in a front yard shall not exceed four (4') feet in height above the adjacent ground level. When a lot extends from one street to another parallel street or alley, the front yard shall be determined by the street listed as the legal address for the lot.

B. SIDE AND REAR YARDS

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

C. MATERIALS

All fences shall be constructed with materials recognized by the fencing industry 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.

D. No fence or wall shall be erected in the right-of-way of any roadway, street and/or alley.

312.2 NONRESIDENTIAL

Fences to be constructed within any commercial zoning district shall not exceed eight (8') feet in height above the adjacent ground level. Fences to be constructed within any industrial zoning district shall not exceed ten (10') feet in height above the adjacent ground level.

312.3 EXEMPTIONS

The provisions of this Section shall not be applied to prevent the construction of a chain link in excess of ten (10') feet in height, designed as an enclosure to a public park, a public playground or similar outdoor recreational facility.

The maximum height of any fence or wall in a front yard shall not exceed four (4') feet in height in any R Zoning District. No height limitations shall be imposed upon such structures when located behind the front yard setback line or in rear yards.

SECTION 313 PUBLIC UTILITIES

The provisions and regulations of this Ordinance shall not apply to any existing or proposed building or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public and in accordance with Section 619 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 314 VALIDITY/INVALIDITY PRIOR APPROVALS AND/OR PERMITS

314.1 VALID APPROVALS AND/OR PERMITS

Any use of land, structure and/or building approved prior to the enactment of this Ordinance shall be governed by the provisions and terms of approval under the Salem Township Zoning Ordinance of June 22, 1993, as amended, when all of the following conditions are met:

A. WORK IN PROGRESS

1. The approved use of land, structure and/or building displays conclusive visible evidence that the physical installation, development and/or construction of the use in question had commenced prior to the date of adoption and enactment of this Ordinance.
2. The physical installation, development and/or construction shall be completed in not less than eighteen (18) months from the date of adoption and enactment of this Ordinance.

Failure to comply with the above two requirements shall render any such prior approval and/or zoning permit as null and void. Any further consideration for the approval of such use shall be fully governed by the terms and provisions of this Ordinance.

B. WORK NOT STARTED

1. The approval and/or zoning permit for the use of land, structure and/or building in question was granted not more than three (3) years prior to the date of the adoption and enactment of this Ordinance.
2. The physical installation, development and/or construction of the use in question shall commence within one hundred fifty (150) days from the date of adoption and enactment of the Ordinance and shall be completed in not less than eighteen (18) months from the date of adoption and enactment of this Ordinance.

Failure to comply with the above two requirements shall render any such prior approval and/or zoning permit as null and void. Any further consideration for the

approval of such use shall be fully governed by the terms and provisions of this Ordinance.

314.2 INVALIDITY OF PRIOR APPROVALS AND/OR PERMITS

Any use of land, structure or building approved under the Salem Township Zoning Ordinance of 1993, as amended, including the provisions and terms of such approval, shall be deemed null and void when all of the following conditions exist:

1. The approval and/or zoning permit for the use in question was granted more than three years prior to the date of adoption and enactment of this Ordinance.
2. The approved use of land, structure and/or building fails to display conclusive visible evidence that the physical installation, development and/or construction of the use in question had commenced prior to the date of adoption and enactment of this Ordinance.

The above two conditions for the deemed invalidity of such approvals and/or zoning permits shall apply to all and any which may have been granted by the Zoning Officer, the Zoning Hearing Board and/or the Governing Body. Any further consideration for the approval of such use shall be fully governed by the terms and provisions of this Ordinance.

SECTION 315 SEWAGE DISPOSAL

The provision of sewage service to any proposed use and/or development of property shall be consistent with the Township's Act 537 Sewage Facility Plan. Any use or development of property which proposes to utilize on-lot sewage disposal shall secure approval from the Township's Sewage Enforcement Officer in accordance with the applicable governing standards of the Pennsylvania Department of Environmental Resources prior to the issuance of a zoning permit.

SECTION 316 AGRICULTURE - SALE OF PRODUCE

Any roadside stands for the seasonal sale of agricultural products shall be permitted in a district zoned A-1, C-1 or B-3 zoning district as a temporary use subject to the following:

The stands, structures or vehicles from which products are sold are located/erected at least 50 feet back from the edge of the public right-of-way.

At least three parking spaces are provided off the public right-of-way.

SECTION 317 SOIL EROSION AND SEDIMENTATION CONTROL PLAN

In accordance with the requirements of the Pennsylvania Code, Title 25, Chapter 102, any proposed development having a cumulative land disturbance equal to or in excess of five

thousand (5,000) square feet and/or located upon a site having a slope of twenty-five (25%) percent or greater shall be required to prepare a Soil Erosion and Sedimentation Control Plan, in accordance with the most recent edition of the Department of Environmental Protection Erosion and Sedimentation Control Manual. The owner or developer of the subject property shall be responsible to implement and maintain said plan to minimize the potential of accelerated erosion and sedimentation.

For stormwater discharges from construction activities, for any proposed development that will disturb between one (1) and up to five (5) acres of land over the life of the project, and has a point source discharge to surface waters shall be required to secure a National Pollutant Discharge Elimination System Permit (NPDES) from the Luzerne County Conservation District. No zoning permit for development shall be issued by the Township until written notification is received from the Luzerne County Conservation District verifying compliance in securing the NPDES Permit.

SECTION 318 PERFORMANCE STANDARDS

All commercial and industrial land uses shall comply with the following standards. In order to determine whether a proposed use will conform to the requirements of this Section, the Zoning Officer or the Zoning Hearing Board may require a plan of the proposed construction or development, and a description of machinery or techniques to be used during operations of the proposed use.

Fire Protection: Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

Electrical Disturbance: No activity shall cause repetitive or continuous electrical disturbance adversely affecting the operation of other electrical equipment in the vicinity.

Noise: Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

Smoke: The maximum amount of smoke emission permissible shall be determined by use of the Standard Ringelman chart issued by the U.S. Bureau of Mines. No smoke of a shade darker than No. 2 will be allowed.

Air Pollution: No pollution of air by fly ash, dust, vapors, or other substance shall be permitted which is potentially harmful to health, animals, vegetation or other property.

Glare: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

Erosion: No erosion by wind or water shall be permitted which will carry soil or other material on to adjoining properties.

Water Discharge: Water discharge of materials and substances shall be subject to the governing standards established by the State Department of Environmental Resources.

SECTION 319 PRIVATE STABLES

A private stable may be permitted in A-1 or C-1 districts only provided it meets the minimum area standards.

- A. The proposed stable or any enlargement or addition to an existing stable shall be of substantial construction and be architecturally compatible with the neighborhood where it will be built. No stable shall be located at a distance of less than fifty (50) feet from any adjacent lot or street line.
- B. The number of horses to be kept in the proposed private stable shall not exceed one (1) for every one (1) acre in the lot or parcel, provided that not more than two (2) colts less than 12 months in age may be added to the numbers of horses derived from the above calculation.

SECTION 320 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, a County road or a Township Road shall be conditioned upon the applicant securing a Highway Occupancy Permit from the applicable governing body and/or agency.

SECTION 321 REPLACEMENT OF MOBILE HOMES

The removal of a mobile home as a nonconforming use upon a property with the intent to replace it with another mobile home may be permitted in accordance with the following standards:

- A. The property owner shall provide the Zoning Officer with written notice of his intent to replace the structure and the date on which the current mobile home will be removed from the lot.
- B. The placement of the new mobile home upon the lot shall be in conformance with all applicable setback requirements and area requirements for the zoning district in which it is located.
- C. A new mobile home shall be located upon the lot on a permanent foundation and connected with all utilities, including sewage, and ready for occupancy within one hundred and eighty (180) days from the date on previous mobile home was removed.

SECTION 322 CONFLICTING REGULATIONS

If in any instance where the use and/or development of a property is subject to any conflicting regulations, the more restrictive shall apply.

SECTION 323 TEMPORARY STRUCTURE AND/OR TEMPORARY USE

A temporary structure and/or a temporary use shall be allowed in all zoning districts subject to the following requirements:

- a. A temporary structure and/or temporary use shall meet all applicable setback requirements for the Zoning District in which it is to be located.
- b. The use of a temporary structure and/or temporary use shall be directly related to the principal use of the property. Trailers placed upon a property as a field office during the construction activities for a permanent principal use shall be exempt.
- c. The size of the gross floor area of a temporary structure shall not exceed that of the principal structure.
- d. Required off-street parking and/or loading shall be provided for a temporary structure and/or temporary use in accordance with the applicable provisions contained in Article 10, Off-Street Parking and Loading.
- e. In addition to the requirements contained within this Section, a proposed temporary structure and/or temporary use for an existing nonconforming use, may only be granted approval by the Zoning Hearing Board as a special exception approval in accordance with Section 1510.2, Provisions For Granting a Special Exception approval and the applicable provisions contained in Section 906, Enlargement of Nonconforming Uses and Structures.
- f. Existing agricultural operations shall be exempt from the time limitations as provided for within item (h) of this Section.
- g. Approval of a temporary structure and/or temporary use for a residential property proposed to be located within an R-1, R-2 or R-3 District shall be valid for a period of one (1) year from the date on which the Zoning Permit was approved by the Zoning Officer. The twelve- (12) month time limitation for a temporary structure and/or use shall be cumulative in nature. Any intermittent cessation and subsequent resumption of a temporary structure and/or use shall be included within twelve- (12) month time limitation from the date on which approval was originally issued. On or before the expiration date of the twelve- (12) month period, the owner of the property the may:
 - submit a Zoning Permit to renew or extend the subject temporary structure and/or temporary use as originally approved for an additional twelve- (12) month period.

or

- submit a Zoning Permit to establish a new temporary structure and/or temporary use subject to the above requirements with the ability to renew or extend the temporary structure and/or temporary use for an additional twelve- (12) month period.
- h. Not more than one (1) temporary structure and/or temporary use shall be permitted upon a residential property during any twelve- (12) month period.
- i. Approval of a temporary structure and/or temporary use for a non-residential property proposed to be located upon a property within an A-1, B-2, B-3, I-1, I-2, I-3 or C-1 District shall be valid for a period of one (1) year from the date on which the Zoning Permit was approved by the Zoning Officer. The twelve- (12) month time limitation for a temporary structure and/or use shall be cumulative in nature. Any intermittent cessation and subsequent resumption of a temporary structure and/or use shall be included within twelve- (12) month time limitation from the date on which approval was originally issued. Any time extension beyond said twelve- (12) month time limitation shall require approval by the Board of Supervisors.

ARTICLE 4

ZONING MAP AND ZONING DISTRICTS

ARTICLE 4

ZONING MAP AND ZONING DISTRICTS

SECTION 401 OFFICIAL ZONING MAP

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

SECTION 402 CHANGES TO OFFICIAL ZONING MAP

Any changes to the location of zoning district boundaries or other matters portrayed upon the Official Zoning Map shall be undertaken in accordance with the applicable provisions contained within Article 14 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 Salem Township Board of Supervisors.

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, Salem Township is hereby divided into Zoning Districts as designated below:

R-1	SINGLE FAMILY RESIDENTIAL DISTRICT
R-2	TWO FAMILY RESIDENTIAL DISTRICT
R-3	MULTIFAMILY RESIDENTIAL DISTRICT
B-2	GENERAL BUSINESS DISTRICT
B-3	HIGHWAY BUSINESS DISTRICT
A-1	AGRICULTURAL DISTRICT
C-1	CONSERVATION DISTRICT
I-1	LIGHT INDUSTRIAL DISTRICT
I-2	HEAVY INDUSTRIAL DISTRICT
I-3	SPECIAL INDUSTRIAL DISTRICT
PRD	PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

ARTICLE 5

ZONING DISTRICT REGULATIONS

ARTICLE 5

ZONING DISTRICT REGULATIONS

SECTION 501 - A-1 (AGRICULTURAL) ZONING DISTRICT

501.1 PERMITTED USES IN A-1 DISTRICTS

Single Family Dwellings	Mobile Homes on a Permanent Foundation
Agricultural Operation	Fish Hatchery
Greenhouses	Parking Lot for Storage of Equipment
Bed and Breakfast Home	Place of Worship
Public Uses	Public Utilities Facilities
Private or Public Water Reservoir	Game Lands and Wildlife Preserves
Public Recreational Facilities	Private Recreational Facilities
Educational Institutions	Golf Courses
Kennel or Stable	Veterinarian, Hospital or Clinic
Child Care Facility	No Impact Home-Based Business
Forestry Activities that encompass less than two (2) acres in area.	
Accessory uses to the above	

Planned Residential Development (SEE ARTICLE 16)

501.2 SPECIAL EXCEPTION USES IN A-1 DISTRICTS

Rooming or Boarding House	Home Occupations
Group Residence	Social Hall, Clubs and Lodges
Agricultural Supply Sales	Farm Equipment Sales
Two-Family Dwellings	Commercial Recreational Facility
Nursing Home	Cemeteries
Radio or TV Transmission Station	Self-Service Storage Facility
Warehousing	Contractor's Storage Facilities
Sewage Treatment Plant	Outdoor Storage
Campground	Bed and Breakfast/Guest House
Accessory Uses to the Above	

501.3 CONDITIONAL USES IN A-1 DISTRICTS

- A. Extraction, excavation, and/or removal of minerals.
- B. Any use which is directly or indirectly involved with processing and/or treating any type of organic, inorganic and/or inert material for the purpose of changing and/or altering the composition of certain chemical properties within the material and/or the quantity of certain chemical levels within the material, regardless of whether or not the processing and/or treatment alters the physical composition of the subject material.

- C. The use, reuse, deposit and/or disposal of material following the processing and/or treatment of the same as provided for under Item B of this Section, regardless of whether or not the subject material originated from Salem Township and/or was processed/treated in Salem Township. The backfilling of any land with such material, with or without any proposed further development of the site, shall be deemed to be included within the context of the use, reuse, deposit and/or disposal of material.
- D. Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative disturbance which equals or exceeds 87,120 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 20,000 square feet of buildings, structures and/or other impervious surface area.
- E. Airports, heliports, helipads and related facilities (both public and private)
- F. Commercial Wireless Communication Site.
- G. Forestry Activities that equal or exceed two (2) acres in area.
- H. Wind Energy Facility
- I. Oil and Gas Development and associated Natural Gas Processing Plants and Compressor Stations.
- J. Animal Feeding Operation (AFOs) - Also refer to related requirements under Sections 604, 606 and 608.9
- K. Concentrated Animal Feeding Operations (CAFOs) - Also refer to related requirements under Sections 604, 606 and 608.9

501.4 DIMENSIONAL REGULATIONS

Each principal building, structure and/or use shall be governed by the following regulations, unless more restrictive standards are applicable, including but not limited to State regulations and supplementary regulations contained in Article 8 of this Ordinance.

- A. Minimum Lot Area: Each principal building or use shall be located upon a lot having a minimum lot area of not less than one (1) acre
- B. Minimum Lot Width: One Hundred and Fifty (150) feet

- C. Front Yard: The minimum front yard shall be not less than fifty (50) feet in depth as measured from the front lot line.
- D. Rear Yard: The rear yard shall be not less than fifty (50) feet in depth as measured from the rear lot line.
- E. Side Yard: The side yard shall be not less than twenty-five (25) feet on each side.
- F. Lot Coverage: Not more than twenty (20%) percent of the lot area shall be covered with buildings or structures.
- G. Building Height: The maximum height of any building shall not exceed two and one-half (2¹/₂) stories or thirty-five (35) feet.

501.5 SUPPLEMENTARY REGULATIONS (SEE ARTICLE 8)

501.6 SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development", as provided in Article 2 of this Ordinance, shall also be subject to the governing regulations and provisions of the Salem Township Subdivision and Land Development Ordinance.

SECTION 502 - R-1 (SINGLE FAMILY) ZONING DISTRICT

502.1 PERMITTED USES IN R-1 DISTRICTS

Single-family Dwellings Public Utility Facilities (excluding storage yards)
No Impact Home-Based Business
Forestry Activities that encompass less than two (2) acres in area.
Conversion Apartment
Accessory Uses to the Above

Planned Residential Development (SEE ARTICLE 16)

502.2 SPECIAL EXCEPTION USES IN R-1 DISTRICTS

Home Occupations Two Family Dwelling
Public Uses Public Recreational Facilities
Child Care Facility Place of Worship
Bed and Breakfast/Guest House
Accessory Uses to the Above

502.3 CONDITIONAL USES IN R-1 DISTRICTS

- A. Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
- (a) the initial or cumulative disturbance which equals or exceeds 87,120 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 20,000 square feet of buildings, structures and/or other impervious surface area.
- B. Forestry Activities that equal or exceed two (2) acres in area.

502.4 DIMENSIONAL REGULATIONS

Each principal building, structure and/or use shall be governed by the following regulations, unless more restrictive standards are applicable, including but not limited to State regulations and supplementary regulations contained in Article 8 of this Ordinance.

- A. Minimum Lot Area: Each principal building or use shall be located upon a lot having a minimum lot area of not less than:
- 1. Ten Thousand (10,000) square feet when serviced by central sewers.

2. One (1) acre when serviced by on-lot sewage disposal and governed by the applicable standards of the Pennsylvania Department of Environmental Protection.

B. Minimum Lot Width:

Seventy-five (75) feet for lots serviced by central sewers.

One Hundred and Fifty (150) for lots with on-lot sewage disposal.

- C. Front Yard: The minimum front yard shall be not less than thirty (30) feet in depth as measured from the front lot line.

- D. Rear Yard: The rear yard shall be not less than forty (40) feet in depth as measured from the rear lot line.

- E. Side Yard: The side yard shall be not less than twelve (12) feet on each side.

- F. Lot Coverage: Not more than forty (40%) percent of the lot area shall be covered with buildings or structures.

- G. Building Height: The maximum height of any building shall not exceed two and one-half (2¹/₂) stories or thirty-five (35) feet.

502.5 SUPPLEMENTARY REGULATIONS (SEE ARTICLE 8)

502.6 SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development", as provided in Article 2 of this Ordinance, shall also be subject to the governing regulations and provisions of the Salem Township Subdivision and Land Development Ordinance.

SECTION 503 - R-2 (TWO FAMILY RESIDENTIAL) ZONING DISTRICT

503.1 PERMITTED USES IN R-2 TWO RESIDENTIAL DISTRICTS

Single-Family Dwellings	Places of Worship
Two-Family Dwellings	Public Uses
No Impact Home-Based Business	Public Utilities Facilities
Forestry Activities that encompass less than two (2) acres in area.	
Conversion Apartment	
Accessory Uses	

503.2 SPECIAL EXCEPTION USES IN R-2 DISTRICTS

Nursing Homes	Child Care Facilities
Hospitals and Medical Clinics	Home Occupations
Bed and Breakfast/Guest House	
Accessory Uses to the Above	

503.3 CONDITIONAL USES IN R-2 RESIDENTIAL DISTRICTS

- A. Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
- (a) the initial or cumulative disturbance which equals or exceeds 87,120 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 20,000 square feet of buildings, structures and/or other impervious surface area.
- B. Forestry Activities that equal or exceed two (2) acres in area.

503.4 DIMENSIONAL REGULATIONS

Each principal building, structure and/or use shall be governed by the following regulations, unless more restrictive standards are applicable, including but not limited to State regulations and supplementary regulations contained in Article 8 of this Ordinance.

- A. Minimum Lot Area: Each principal building or use shall be located upon a lot having a minimum lot area of not less than:
- 1. Twenty Thousand (20,000) square feet when serviced by central sewers.
 - 2. One (1) acre when serviced by on-lot sewage disposal and governed by the applicable standards of the Pennsylvania Department of Environmental Protection.

B. Minimum Lot Width:

One Hundred (100) feet for lots serviced by central sewers.

One Hundred and Fifty (150) for lots with on-lot sewage disposal.

C. Front Yard: The minimum front yard shall be not less than thirty (30) feet in depth as measured from the front lot line.

D. Rear Yard: The rear yard shall be not less than forty (40) feet in depth as measured from the rear lot line.

E. Side Yard: The side yard shall be not less than twenty-five (25) feet on each side.

F. Lot Coverage: Not more than forty (40%) percent of the lot area shall be covered with buildings or structures.

G. Building Height: The maximum height of any building shall not exceed two and one-half (2¹/₂) stories or thirty-five (35) feet.

503.5 SUPPLEMENTARY REGULATIONS (SEE ARTICLE 8)

503.6 SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development", as provided in Article 2 of this Ordinance, shall also be subject to the governing regulations and provisions of the Salem Township Subdivision and Land Development Ordinance.

SECTION 504 - R-3 (MULTIFAMILY RESIDENTIAL) ZONING DISTRICT

504.1 PERMITTED USES IN R-3 RESIDENTIAL DISTRICTS

Single-Family Dwellings	Places of Worship
Two-Family Dwellings	Public Uses
No Impact Home-Based Business	Public Utilities Facilities
Forestry Activities that encompass less than two (2) acres in area	
Conversion Apartment	
Accessory Uses	

504.2 SPECIAL EXCEPTION USES IN R-3 DISTRICTS

Multifamily Dwellings	Single Family Attached Dwellings
Nursing Homes	Child Care Facilities
Hospitals and Medical Clinics	Home Occupations
Group Residence	Personal Services
Rooming House/Boarding House	Home Occupations
Bed and Breakfast/Guest House	
Accessory Uses to the Above	

504.3 CONDITIONAL USES IN R-3 RESIDENTIAL DISTRICTS

- A. Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
- (a) the initial or cumulative disturbance which equals or exceeds 87,120 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 20,000 square feet of buildings, structures and/or other impervious surface area.
- B. Mobile Home Parks, including the expansion of existing mobile home parks.
- C. Forestry Activities that equal or exceed two (2) acres in area.
- D. Methadone Treatment Facility
- E. Adult Uses

504.4 DIMENSIONAL REGULATIONS

Each principal building, structure and/or use shall be governed by the following regulations, unless more restrictive standards are applicable, including but not limited to State regulations and supplementary regulations contained in Article 8 of this Ordinance.

- A. Minimum Lot Area: Each principal building or use shall be located upon a lot having a minimum lot area of not less than:
1. One (1) acre when serviced by central sewers.
 2. Two (2) acres when serviced by on-lot sewage disposal and governed by the applicable standards of the Pennsylvania Department of Environmental Protection.
- B. Minimum Lot Width:
- One Hundred and Fifty (150) feet for lots serviced by central sewers.
- Two Hundred (200) feet for lots with on-lot sewage disposal.
- C. Front Yard: The minimum front yard shall be not less than sixty (60) feet in depth as measured from the front lot line.
- D. Rear Yard: The rear yard shall be not less than forty-five (45) feet in depth as measured from the rear lot line.
- E. Side Yard: The side yard shall be not less than twenty-five (25) feet on each side.
- F. Lot Coverage: Not more than fifty (50%) percent of the lot area shall be covered with buildings or structures.
- G. Building Height: The maximum height of any building shall not exceed three stories or forty-five (45) feet.

504.5 SUPPLEMENTARY REGULATIONS (SEE ARTICLE 8)

504.6 SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development", as provided in Article 2 of this Ordinance, shall also be subject to the governing regulations and provisions of the Salem Township Subdivision and Land Development Ordinance.

SECTION 505 - B-2 (GENERAL BUSINESS) ZONING DISTRICT

505.1 PERMITTED USES IN B-2 GENERAL DISTRICTS

A. RETAIL BUSINESS, INCLUDING OR SIMILAR TO THE SALE OF:

Food
Drugs
Clothing and Clothing Accessories
Convenience Stores
Convenience Stores with Gas Sales
Newspapers, Books and Stationery
Dry Goods
Hardware, Paint
Variety Goods
Household Goods and Appliances
Garden Supplies
Florist Shops
Building or Plumbing Supplies
Office Equipment and Supplies
Sporting Goods
Artist, Music and Hobby Supplies
Automotive Supplies
Automotive and Boat Sales
Forestry Activities that encompass less than two (2) acres in area.
Accessory Uses to the Above

B. SERVICE-ORIENTED BUSINESS INCLUDING OR SIMILAR TO:

Personal Services
Professional Offices
Gasoline Service Stations
Transportation Services and Related Facilities
Restaurants
Taverns
Public Uses
Medical Offices and Medical Clinics
Day Care Centers
Health Clubs
Public Utility Facilities (excluding storage yards)
Accessory Uses to the Above

C. RECREATION AND ENTERTAINMENT RELATED BUSINESS INCLUDING OR SIMILAR TO:

Commercial Recreational Facilities
Private Recreational Facilities
Public Recreational Facilities

Entertainment Facilities
Nonprofit Social Halls, Clubs and Community Centers
Accessory Uses to the Above

D. RESIDENTIAL USES

Single-family Detached Dwellings
Single-family Attached
Two-family Dwellings
Dwelling over and/or attached to Business
Conversion of Nonresidential Building into Residences
No Impact Home Based Business
Accessory uses to the above

505.2 USES PERMITTED BY SPECIAL EXCEPTION

Public Uses
Multifamily Dwellings
Group Residences
Boarding Homes
Funeral Homes
Bed and Breakfast/Guest House
Accessory uses to the above

505.3 CONDITIONAL USES:

- A. Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
- (a) the initial or cumulative disturbance which equals or exceeds 87,120 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 20,000 square feet of buildings, structures and/or other impervious surface area.
- B. Forestry Activities that equal or exceed two (2) acres in area.

505.4 DIMENSIONAL REGULATIONS

Each principal building, structure and/or use shall be governed by the following regulations, unless more restrictive standards are applicable, including but not limited to State regulations and supplementary regulations contained in Article 8 of this Ordinance.

- A. Minimum Lot Area: Each principal building or use shall be located upon a lot having a minimum lot area of not less than:
- 1. Twenty Thousand (20,000) square feet when serviced by central sewers.

2. One (1) acre when serviced by on-lot sewage disposal and governed by the applicable standards of the Pennsylvania Department of Environmental Protection.

- B. Minimum Lot Width: One Hundred and Twenty-Five (125) feet.
- C. Front Yard: The minimum front yard shall be not less than forty (40) feet in depth as measured from the front lot line.
- D. Rear Yard: The rear yard shall be not less than twenty (20) feet in depth as measured from the rear lot line.
- E. Side Yard: The side yard shall be not less than twenty (20) feet on each side.
- F. Lot Coverage: Not more than fifty (50%) percent of the lot area shall be covered with buildings or structures.
- G. Building Height: The maximum height of any building shall not exceed three stories or forty-five (45) feet.

505.5 SUPPLEMENTARY REGULATIONS (SEE ARTICLE 8)

505.6 SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development", as provided in Article 2 of this Ordinance, shall also be subject to the governing regulations and provisions of the Salem Township Subdivision and Land Development Ordinance.

SECTION 506 - B-3 (HIGHWAY BUSINESS) ZONING DISTRICT

506.1 PERMITTED USES IN B-3 HIGHWAY BUSINESS DISTRICTS

A. RETAIL BUSINESS, INCLUDING OR SIMILAR TO:

Food
Drugs
Clothing and Clothing Accessories
Convenience Stores
Convenience Stores with Gas Sales
Newspapers, Books and Stationery
Dry Goods
Hardware, Paint
Variety Goods
Household Goods and Appliances
Garden Supplies
Building, Lumber or Plumbing Supplies
Sporting Goods
Hobby, Music, Artist Supplies and Studios
Furniture or Office Supplies and Equipment
Automotive Supplies
Automotive Sales
Sale of Agricultural Produce
Forestry Activities that encompass less than two (2) acres in area.
Accessory uses to the above

B. SERVICE-ORIENTED BUSINESS INCLUDING OR SIMILAR TO:

Personal Services
Professional Offices
Service Offices
Banks, Credit Unions and similar uses
Greenhouses and Nurseries
Gasoline Service Stations
Bed and Breakfast Establishments
Restaurants
Taverns
Transportation Services and Related Facilities
Nursing Homes
Medical Clinics
Veterinary Hospitals
Day Care Centers
Health Clubs
Public Utility Facilities (excluding storage yards)
Accessory uses to the above

C. RECREATION AND ENTERTAINMENT RELATED BUSINESS INCLUDING OR SIMILAR TO:

Entertainment Facilities
Nonprofit Social Halls, Clubs and Community Centers
Accessory uses to the above

D. RESIDENTIAL USES

Single-Family Detached Dwellings
Two Family Dwellings
Dwelling over and/or attached to Business
No Impact Home-Based Business
Accessory uses to the above

506.2 USES PERMITTED BY SPECIAL EXCEPTION

Public Uses
Home Occupations
Hotels/Motels
Commercial Recreational Facilities
Television, Radio and/or Telephone Towers
Trucking Facilities
Funeral Homes
Car Wash
Automobile Repair Shops
Bed and Breakfast/Guest House
Accessory uses to the above

506.3 CONDITIONAL USES:

A. Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:

- (a) the initial or cumulative disturbance which equals or exceeds 87,120 square feet of surface area.
- (b) the initial or cumulative construction, placement or installation which equals or exceeds 20,000 square feet of buildings, structures and/or other impervious surface area.

B. Forestry Activities that equal or exceed two (2) acres in area.

506.4 DIMENSIONAL REGULATIONS

Each principal building, structure and/or use shall be governed by the following regulations, unless more restrictive standards are applicable, including but not limited to State regulations and supplementary regulations contained in Article 8 of this Ordinance.

- A. Minimum Lot Area: Each principal building or use shall be located upon a lot having a minimum lot area of not less than one acre.
- B. Minimum Lot Width: One Hundred and Fifty (150) feet.
- C. Front Yard: The minimum front yard shall be not less than fifty (50) feet in depth as measured from the front lot line.
- D. Rear Yard: The rear yard shall be not less than fifty (50) feet in depth as measured from the rear lot line.
- E. Side Yard: The side yard shall be not less than twenty-five (25) feet on each side when the adjoining lot contains a nonresidential use; a side yard setback of not less than thirty-five (35) feet shall be required for any side yard when adjoining lot contains a residential use or where it abuts a residential zoning district.
- F. Lot Coverage: Not more than fifty-five (55%) percent of the lot area shall be covered with buildings or structures.
- G. Building Height: The maximum height of any building shall not exceed three stories or forty-five (45) feet.

506.5 SUPPLEMENTARY REGULATIONS (SEE ARTICLE 8)

506.6 SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development", as provided in Article 2 of this Ordinance, shall also be subject to the governing regulations and provisions of the Salem Township Subdivision and Land Development Ordinance.

SECTION 507 - I-1 (LIGHT INDUSTRIAL) ZONING DISTRICT

507.1 PERMITTED USES IN I-1 LIGHT INDUSTRIAL DISTRICTS

Professional Offices
Service Offices
Repair Garages
Automotive Sales
Print Shops
Kennels
Veterinarian Hospitals
Equipment Sales and Repairs
Light Industry (as defined in Article 2)
Lumberyards
Contractors' Offices, Shops and Storage Yards (for commercial uses which sell products such as: lumber, building, heating, plumbing, electrical, masonry, fencing and related material).
Outdoor Storage as defined in Article 2
Self-Storage Facilities
Public Utility Facilities
Public Uses
Gasoline Service Stations
Forestry Activities that encompass less than two (2) acres in area.
Accessory Uses to the Above

507.2 SPECIAL EXCEPTION USES IN I-1 DISTRICT

Warehousing and Distribution Facilities
Truck Terminals
Public Utilities Building
Bulk Fuel Storage
Accessory Uses to the Above

507.3 CONDITIONAL USES IN I-1 DISTRICTS

- A. Any use which is directly or indirectly involved with processing and/or treating any type of organic, inorganic and/or inert material for the purpose of changing and/or altering the composition of certain chemical properties within the material and/or the quantity of certain chemical levels within the material, regardless of whether or not the processing and/or treatment alters the physical composition of the subject material.
- B. The use, reuse, deposit and/or disposal of material following the processing and/or treatment of the same as provided for under Item C of this Section, regardless of whether or not the subject material originated from Salem Township and/or was processed/treated in Salem Township. The backfilling of any land with such material, with or without any proposed further

development of the site, shall be deemed to be included within the context of the use, reuse, deposit and/or disposal of material.

- C. Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative disturbance which equals or exceeds 87,120 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 25,000 square feet of buildings, structures and/or other impervious surface area.
- D. Commercial Wireless Communication Sites.
- E. Extraction, excavation and/or removal of minerals
- F. Forestry Activities that equal or exceed two (2) acres in area.

507.4 DIMENSIONAL REGULATIONS

Each principal building, structure and/or use shall be governed by the following regulations, unless more restrictive standards are applicable, including but not limited to State regulations and supplementary regulations contained in Article 8 of this Ordinance.

- A. Minimum Lot Area: Each principal building or use shall be located upon a lot having a minimum lot area of not less than twenty-five thousand (25,000) square feet.
- B. Minimum Lot Width: One Hundred and Twenty-Five (125) feet.
- C. Front Yard: The minimum front yard shall be not less than thirty-five (35) feet in depth as measured from the front lot line.
- D. Rear Yard: The rear yard shall be not less than twenty-five (25) feet in depth as measured from the rear lot line.
- E. Side Yard: The side yard shall be not less than twenty (20) feet on each side.
- F. Lot Coverage: Not more than sixty (60%) percent of the lot area shall be covered with buildings or structures.
- G. Building Height: The maximum height of any building shall not exceed three stories or forty-five (45) feet.

507.5 SUPPLEMENTARY REGULATIONS (SEE ARTICLE 8)

507.6 SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development", as provided in Article 2 of this Ordinance, shall also be subject to the governing regulations and provisions of the Salem Township Subdivision and Land Development Ordinance.

SECTION 508 - I-2 (HEAVY INDUSTRIAL) ZONING DISTRICT

508.1 PERMITTED USES IN I-2 HEAVY INDUSTRIAL DISTRICTS

Professional Offices
Service Offices
Repair Garages
Automotive Sales
Print Shops
Kennels
Veterinarian Hospitals
Equipment Sales and Repairs
Light Industry (as defined in Article 2)
Lumberyards
Extraction, excavation and/or removal of natural resources.
Contractors' Offices, Shops and Storage Yards (for commercial uses which sell products such as: lumber, building, heating, plumbing, electrical, masonry, fencing and related material).
Outdoor Storage as defined in Article 2
Self-Storage Facilities
Public Utility Facilities
Public Uses
Gasoline Service Stations
Warehousing and Distribution Facilities
Truck Terminals
Public Utilities Building
Forestry Activities that encompass less than two (2) acres in area
Accessory Uses to the Above

508.2 SPECIAL EXCEPTION USES IN I-2 DISTRICTS

Sewage Treatment Plant
Junk Yards
Bulk Fuel Storage
Accessory Uses to the Above

508.3 CONDITIONAL USES IN I-2 DISTRICTS

- A. Any use which is directly or indirectly involved with processing and/or treating any type of organic, inorganic and/or inert material for the purpose of changing and/or altering the composition of certain chemical properties within the material and/or the quantity of certain chemical levels within the material, regardless of whether or not the processing and/or treatment alters the physical composition of the subject material.
- B. The use, reuse, deposit and/or disposal of material following the processing and/or treatment of the same as provided for under Item C of this Section, regardless of whether or not the subject material originated from Salem

Township and/or was processed/treated in Salem Township. The backfilling of any land with such material, with or without any proposed further development of the site, shall be deemed to be included within the context of the use, reuse, deposit and/or disposal of material.

- C. Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative disturbance which equals or exceeds 87,120 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 40,000 square feet of buildings, structures and/or other impervious surface area.
- D. Solid Waste Facilities
- E. Transfer Station
- F. Staging Area
- G. Heavy Industry (as defined in Article 2)
- H. Any use which directly or indirectly includes Hazardous Substances as defined in Article 2 of this Ordinance.
- I. Wireless Commercial Communication Site.
- J. Forestry Activities that equal or exceed two (2) acres in area.

508.4 DIMENSIONAL REGULATIONS

Each principal building, structure and/or use shall be governed by the following regulations, unless more restrictive standards are applicable, including but not limited to State regulations and supplementary regulations contained in Article 8 of this Ordinance.

- A. Minimum Lot Area: Each principal building or use shall be located upon a lot having a minimum lot area of not less than Two Hundred Thousand (200,000') square feet.
- B. Minimum Lot Width: Two Hundred and Fifty (250) feet.
- C. Front Yard: The minimum front yard shall be not less than seventy-five (75) feet in depth as measured from the front lot line.
- D. Rear Yard: The rear yard shall be not less than fifty (50) feet in depth as measured from the rear lot line.

- E. Side Yard: The side yard shall be not less than fifty (50) feet on each side.
- F. Lot Coverage: Not more than forty-five (45%) percent of the lot area shall be covered with buildings or structures.
- G. Building Height: The maximum height of any building shall not exceed three stories or forty-five (45) feet.

508.5 SUPPLEMENTARY REGULATIONS (SEE ARTICLE 8)

508.6 SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development", as provided in Article 2 of this Ordinance, shall also be subject to the governing regulations and provisions of the Salem Township Subdivision and Land Development Ordinance.

SECTION 509 - C-1 (CONSERVATION) ZONING DISTRICT

509.1 PERMITTED USES IN C-1 CONSERVATION DISTRICTS

Agricultural Operations
Forestry Activities that encompass less than two (2) acres in area
Greenhouses and Nurseries
Animal Kennels
State Game Lands and State Parks
Single-family Detached Dwellings
Public Uses
No Impact Home-Based Business
Public Utility Facilities (excluding storage yards)
Intake and outfall structures, whether they support a use located on the same lot or parcel or located on a different lot or parcel
Accessory Uses to the Above

509.2 SPECIAL EXCEPTION USES IN C-1 DISTRICTS

Home Occupations
Outdoor Storage as defined in Article 2
Television, Radio and Telephone Towers
Cemeteries
Bed and Breakfast/Guest House
Campgrounds
Accessory Uses to the Above

509.3 CONDITIONAL USES

- A. Private Recreational Facilities
- B. Public Recreational Facilities
- C. Commercial Recreational Facilities
- D. Commercial Wireless Communication Site
- E. Forestry Activities that equal or exceed two (2) acres in area.
- F. Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
- G. Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative disturbance which equals or exceeds 87,120 square feet of surface area.

- (b) the initial or cumulative construction, placement or installation which equals or exceeds 40,000 square feet of buildings, structures and/or other impervious surface area.

H. Wind Energy Facility

I. Oil and Gas Development and associated Natural Gas Processing Plants and Compressor Stations

509.4 DIMENSIONAL REGULATIONS

Each principal building, structure and/or use shall be governed by the following regulations, unless more restrictive standards are applicable, including but not limited to State regulations and supplementary regulations contained in Article 8 of this Ordinance.

- A. Minimum Lot Area: Each principal building or use shall be located upon a lot having a minimum lot area of not less than Two Acres
- B. Minimum Lot Width: Two Hundred (200) feet.
- C. Front Yard: The minimum front yard shall be not less than fifty (50) feet in depth as measured from the front lot line.
- D. Rear Yard: The rear yard shall be not less than forty (40) feet in depth as measured from the rear lot line.
- E. Side Yard: The side yard shall be not less than twenty-five (25) feet on each side.
- F. Lot Coverage: Not more than ten (10%) percent of the lot area shall be covered with buildings or structures.
- G. Building Height: The maximum height of any building shall not exceed two and one-half (2¹/₂) stories or thirty-five (35) feet...

509.5 SUPPLEMENTARY REGULATIONS (SEE ARTICLE 8)

509.6 SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development", as provided in Article 2 of this Ordinance, shall also be subject to the governing regulations and provisions of the Salem Township Subdivision and Land Development Ordinance.

SECTION 510 - I-3 SPECIAL INDUSTRIAL DISTRICT

510.1 PERMITTED USES IN I-3 SPECIAL INDUSTRIAL DISTRICTS

Professional Offices
Service Offices
Repair Garages
Automotive Sales
Print Shops
Kennels
Veterinarian Hospitals
Equipment Sales and Repairs
Light Industry (as defined in Article 2)
Lumberyards
Extraction, excavation and/or removal of natural resources
Contractors' Offices, Shops and Storage Yards (for commercial uses which sell products such as: lumber, building, heating, plumbing, electrical, masonry, fencing and related material).
Outdoor Storage as defined in Article 2
Self-Storage Facilities
Public Utility Facilities
Public Uses
Gasoline Service Stations
Warehousing and Distribution Facilities
Truck Terminals
Public Utilities Building
Forestry Activities that encompass less than two (2) acres in area
Single-family Dwellings
Sewage Treatment Plant
Accessory Uses to the Above

510.2 SPECIAL EXCEPTION USES IN I-3 SPECIAL INDUSTRIAL DISTRICTS

Junk Yards
Bulk Fuel Storage
Accessory Uses to the Above

510.3 CONDITIONAL USES IN I-3 SPECIAL INDUSTRIAL DISTRICTS

- A. Any use which is directly or indirectly involved with processing and/or treating any type of organic, inorganic and/or inert material for the purpose of changing and/or altering the composition of certain chemical properties within the material and/or the quantity of certain chemical levels within the material, regardless of whether or not the processing and/or treatment alters the physical composition of the subject material.

- B. The use, reuse, deposit and/or disposal of material following the processing and/or treatment of the same as provided for under Item A of this Section, regardless of whether or not the subject material originated from Salem Township and/or was processed/treated in Salem Township. The backfilling of any land with such material, with or without any proposed further development of the site, shall be deemed to be included within the context of the use, reuse, deposit and/or disposal of material.
- C. Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative disturbance which equals or exceeds 87,120 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 40,000 square feet of buildings, structures and/or other impervious surface area.
- D. Solid Waste Facilities
- E. Transfer Station
- F. Staging Area
- G. Heavy Industry (as defined in Article 2)
- H. Wireless Commercial Communication Site
- I. Forestry Activities that equal or exceed two (2) acres in area
- J. Electrical Power Generating Plants other than Wind Energy Facilities
- K. Scientific or Industrial Research, Testing or Experimental Laboratories or Product Development
- L. Cold Storage Plants, Frozen-Food Plants and Lockers and Catering Plants

510.4 DIMENSIONAL REGULATIONS

The dimensional regulations for Electrical Power Generating Plants other than Wind Energy Facilities, and the dimensional regulations for single-family dwellings in the I-3 District, are contained in Article 8 of this Ordinance. For all other principal buildings, structures and/or uses in this District, the following regulations apply, unless more restrictive standards are applicable, including but not limited to State regulations and supplementary regulations contained in Article 8 of this Ordinance.

- A. Minimum Lot Area: Each principal building or use shall be located upon a lot having a minimum lot area of not less than Two Hundred Thousand (200,000) square feet.

- B. Minimum Lot Width: Two Hundred and Fifty (250) feet.
- C. Front Yard: The minimum front yard shall not be less than seventy-five (75) feet in depth as measured from the front lot line.
- D. Rear Yard: The rear yard shall not be less than fifty (50) feet in depth as measured from the rear lot line.
- E. E. Side Yard: The side yards shall not be less than fifty (50) feet on each side.
- F. Lot Coverage: Not more than forty-five percent (45%) of the lot area shall be covered with buildings or structures.
- G. Building Height: The maximum height of any building shall not exceed three stories or forty-five (45) feet.

510.5 SUPPLEMENTAL REGULATIONS (SEE ARTICLE 8)

510.6 SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of "Subdivision" or "Land Development," as provided in Article 2 of this Ordinance, shall also be subject to the governing regulations and provisions of the Salem Township Subdivision and Land Development Ordinance.

ARTICLE 6

CONDITIONAL USES

ARTICLE 6

CONDITIONAL USES

SECTION 601 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 602 GENERAL PROVISIONS

The authority for approving or denying applications for uses permitted as a conditional use shall be vested in the Board of Supervisors, with the 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, the respective zoning district in which the use is located, all other applicable regulations of this Ordinance, other ordinances of the Township and any applicable State and/or Federal regulations.

SECTION 603 PROCEDURE FOR SUBMISSION AND DECISIONS

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

SECTION 603 PROCEDURE FOR SUBMISSION AND DECISIONS

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

- (b) One (1) inch equals twenty (20) feet for properties that are equal to or less than two (2) acres.

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. 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.
8. 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.
9. 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.
10. 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.
11. In cases when a proposed use includes new construction and/or grading of the site, contours of the site for each five (5) feet of change in elevation, based upon a field survey of the site, with the name of the person or firm who conducted the survey and the date of the survey shall be required. As applicable, the applicant shall be required to submit a Soil Erosion and Sedimentation Control Plan 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 Salem 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 Township Planning Commission not less

than thirty (30) days prior to the public hearing to allow for the submission of recommendations from the Planning Commission

- C. The public hearing shall be held and conducted in accordance with the same procedural guidelines which govern the Zoning Hearing Board under Section 1506 of this Ordinance. The term "Board of Supervisors" shall replace the term "Zoning Hearing Board" in relevant passages of said Section.
- D. The Board of Supervisors shall convene a hearing on a conditional use application within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time. The sixty (60) day time period shall not commence until the applicant has submitted a properly completed application, with all required signatures and all required fees. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing unless otherwise agreed to by the applicant in writing or on the record.

The Board of Supervisors shall render a final decision on a conditional use application within forty-five (45) days following the conclusion of the last public hearing. If the Board of Supervisors fails to render a final decision within forty-five (45) days following the conclusion of the last public hearing the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time

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

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

- E. The Board of Supervisors shall 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.

SECTION 604 GENERAL STANDARDS

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

- A. The proposed use shall not jeopardize the "Community Development Objectives" of this Ordinance or the public health, safety and welfare.

- B. Public services and facilities such as streets, sewage disposal, water, police and fire protection shall be adequate for the proposed use.
- C. Existing and future streets and access to the site shall be adequate for emergency services, for avoiding undue congestion, and for providing for the safety and convenience of pedestrian and vehicular traffic.
- D. The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of location and size relative to the proposed operation and the nature and intensity of the operation involved.
- E. The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the character and height of buildings, walls and fences, so that the use, development and value of adjacent property is not impaired.
- F. The proposed use shall not be more objectionable in its operation in terms of noise, fumes, gases, smoke, vapors, heat, glare, odors, vibration, lighting or electrical disturbances than would be the operations of any permitted use in the district.
- G. The submission of any reports and/or studies within the context of the definition "Impact Analysis" as defined within 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 their review of an Impact Analysis, the Board of Supervisors shall have the discretion to retain the services of firms or agencies which have expertise within the subject or subjects addressed therein. All fees and costs incurred for such consultation shall be paid by the applicant.
- H. Any other reasonable conditions and safeguards, in addition to those expressed in this Ordinance, may be imposed by the Board of Supervisors in the interest of protecting the health, safety and welfare of the public.

SECTION 605 **USES/DEVELOPMENTS CLASSIFIED AS CONDITIONAL**
USES

The following uses/developments are classified as conditional uses

1. Solid Waste Facilities
2. Transfer Stations
3. Staging Areas
4. Airports, heliports, helipads and related facilities (both public and private)
5. Commercial Wireless Communication Site.

6. Adult Uses.
7. Heavy Industry, as defined in Article 2 of this Ordinance.
8. Any use which directly or indirectly includes Hazardous Substances as defined in Article 2 of this Ordinance.
9. Mobile Home Park, including the expansion of existing mobile home parks
10. Any use which is directly or indirectly involved with processing and/or treating any type of organic, inorganic and/or inert material for the purpose of changing and/or altering the composition of certain chemical properties within the material and/or the quantity of certain chemical levels within the material, regardless of whether or not the processing and/or treatment alters the physical composition of the subject material.
11. The use, reuse, deposit and/or disposal of material following the processing and/or treatment of the same as provided for under Item # 8 of this Section, regardless of whether or not the subject material originated from Salem Township and/or was processed/treated in Salem Township. The backfilling of any land with such material, with or without any proposed further development of the site, shall be deemed to be included within the context of the use, reuse, deposit and/or disposal of material.
12. A. Within an A-1, R-1, R-2, R-3, B-2, or B-3 District, any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative disturbance which equals or exceeds 87,120 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 20,000square feet of buildings, structures and/or other impervious surface area.
- B. Within an I-1, District, any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative disturbance which equals or exceeds 87,120 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 25,000 square feet of buildings, structures and/or other impervious surface area.

- C. Within an I-2 or C-1, District, any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
- (a) the initial or cumulative disturbance which equals or exceeds 87,120 square feet of surface area.
 - (c) the initial or cumulative construction, placement or installation which equals or exceeds 40,000 square feet of buildings, structures and/or other impervious surface area.
- 13. Extraction, excavation, and/or removal of minerals.
 - 14. Forestry Activities that equal or exceed two (2) acres in area.
 - 15. Methadone Treatment Facility
 - 16. Electrical Power Generating Plants other than Wind Energy Facilities
 - 17. Scientific or Industrial Research, Testing or Experimental Laboratories or Product Development
 - 18. Cold Storage Plants, Frozen-Food Plants and Lockers and Catering Plants
 - 19. Wind Energy Facilities
 - 20. Oil and Gas Development and associated Natural Gas Processing Plants and Compressor Stations

SECTION 606 ENVIRONMENTAL IMPACT STATEMENT

In addition to all other requirements, an Environmental Impact Statement shall be required for any use/development which is classified as a conditional use. The Board of Supervisors, at their sole discretion, may exempt uses and/or developments which are residential in character. The purpose of the Environmental Impact Statement is to disclose the environmental consequences of a proposed action. This requirement is designed to protect the natural environment with respect to water quality, water supply, soil erosion, pollution of any kind, flooding and waste disposal. The intent is to preserve trees and vegetation, to protect water courses, air quality, aquifers and the quality of life throughout Salem Township and its environs. An Environmental Impact Statement shall include a response to the following items and said proposed use/development shall further comply with all other applicable standards and requirements of this Ordinance:

606.1. 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.

606.2. SURFACE WATERS

- a. Distance of site from the nearest surface water and head waters of streams.
- b. Sources of runoff water from the site.
- c. Rate of runoff from the site.
- d. Destination of runoff water and method of controlling down stream 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.

606.3. GROUND COVER INCLUDING TREES

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

606.4. TOPOGRAPHY

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

606.5. 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.

606.6. 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.

606.7. SEWAGE SYSTEM

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

606.8. 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.

606.9. 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.

606.10. NOISE

- a. Noise levels, above existing levels, anticipated to be generated at the site, (source and magnitude), for pre-construction, during construction and post-construction.

- b. Proposed method for control of additional noise on-site during and after construction.

606.11. IMPACT OF PROPOSED USE/DEVELOPMENT

A written report, which describes in full detail, the impact of the proposed use/development on the environment and any proposed mitigating action in relation to the following:

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

606.12. IMPACT UPON CRITICAL AREAS

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

606.13. OTHER GOVERNMENTAL JURISDICTION

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

SECTION 607 REVIEW PROCEDURE OF ENVIRONMENTAL IMPACT STATEMENT

607.1 Upon receipt of an Environmental Impact Statement, the Board of Supervisors

shall promptly forward the Environmental Impact Statement to the Township Planning Commission, the Township Engineer and any other agency, firm or individual which the Board of Supervisors may desire for their consultation and input.

607.2 The Planning Commission shall review the applicant's Environmental Impact Statement and provide the Board of Supervisors with its comments and recommendations within thirty (30) days from the date of its submission to the Planning Commission.

607.3 The Board of Supervisors shall have the discretion to retain the expertise of appropriate parties in their review of the Environmental Impact Statement. All fees and costs incurred for such consultation shall be paid by the applicant.

607.4 A determination of a potential adverse impact which may result, based upon the Environmental Impact Statement or the Board of Supervisors' review of the same shall constitute a sufficient basis for the denial of a conditional use permit.

SECTION 608 SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES

608.1 SOLID WASTE FACILITY

The following regulations are supplementary in nature, separate and distinct from other applicable requirements of Section 606 of this Ordinance, and are applicable to any use/development which is classified as a solid waste facility in accordance with the definition of the same as contained in Article 2 of this Ordinance. A solid waste facility must demonstrate compliance and/or conformance with the following:

- A. The applicant shall provide a comprehensive soil analysis and ground water report which shall conclusively demonstrate that the proposed design, construction and operation of the facility shall not pollute surface or ground water, nor otherwise cause any potential health or environmental hazard. Said report shall be jointly signed and certified by the applicant and the consultant who prepares the report, attesting to the accuracy of information and the validity of said report.
- B. The applicant shall sign an agreement, prepared by the Township's Solicitor, prior to final approval of the application for a Conditional Use Permit which shall specify all the terms and conditions of approval, including the Township's authority to revoke the permit for the violation of any terms and/or conditions under which the application was approved. Prior to formal action to revoke the Conditional Use Permit, the Board of Supervisors shall convene a public hearing, pursuant to public notice, to consider testimony and evidence relative to the alleged violations. Based upon the testimony and evidence provided, the Board of Supervisors shall render a decision.
- C. The applicant of a proposed solid waste facility shall provide conclusive evidence, based upon a mining report, soil analysis, test boring and other appropriate technical data, which conclusively demonstrates that the subsurface conditions beneath any area to be used as a landfill is safe and capable of sustaining the

bearing load of projected and/or planned quantities of material to be deposited and/or disposed of upon the site. The applicant and the person, party or firm providing such evidence shall jointly sign and certify the accuracy and validity of the information and data which is provided as conclusive evidence.

- D. A solid waste facility may conduct and operate all approved functional aspects of their operation within the facility from the hours of 7:00 A.M. to 3:00 P.M. from Monday through Friday. Said facility shall not conduct and/or operate any approved functional aspects associated with the facility on Saturdays, Sundays and all legally recognized holidays by the Federal Government and/or the Commonwealth of Pennsylvania.
- E. A solid waste facility shall be completely enclosed by an industrial gauge chain link fence not less than ten (10') feet in height. All gates shall be closed and locked at the end of business hours. There shall be no advertising of any kind displayed upon the fence.
- F. No operation and/or activities permitted within a solid waste facility shall be permitted within 1,000 feet of any property line, boundary and/or within 2,500 feet of any residences and/or zoning districts in which residences are permitted.
- G. The area or areas upon which any permitted operations and/or activities within a solid waste facility are conducted shall be entirely screened. Such screening shall consist of a variety of evergreen trees, approved by the Board of Supervisors, planted not more than six (6') feet apart and being not less than eight (8') feet in height at the time of planting. Said screening shall be located not greater than 300 feet from the operations and/or activities which are subject to be screened. The owner and/or operator of the facility shall be responsible to maintain such screening, including there placement of any trees which are damaged, die, removed by whatever means or otherwise fail to grow.
- H. All solid waste facilities and staging areas which store the solid waste at any stage prior to disposal at an approved facility shall maintain the aforesaid solid waste within a completely enclosed building. Storage of materials, supplies or solid waste in motor vehicles, trucks, trailers or other containers normally used to transport the materials shall not be permitted unless the aforesaid motor vehicles, trucks, trailers or other containers shall be stored within a completely enclosed building.
- I. A solid waste facility shall provide for treatment and disposal of all liquid effluent and discharges generated by the facility due to the storage, washing or other process used in treating and/or processing the solid waste. Any water discharge from the facility after being treated by the waste water treatment system shall meet all applicable regulations and requirements of the Pennsylvania Department of Environmental Resources.
- J. All storm water collected on the site shall be treated by the facility's waste water treatment system. Parking of motor vehicles containing solid waste or motor vehicles which have not been properly cleaned and washed shall only be permitted

in completely enclosed buildings with handling areas or parking areas in which containment of spillage, leakage or other contaminants is provided.

- K. The owner and/or operator of any solid waste facility shall be required to monitor the ground and surface water in the vicinity of the facility. Water testing shall be conducted every three (3) months on any stream within 500 feet of any areas used for the storage, treatment or disposal of solid waste, if water drainage from the facility is discharged into said stream. For each testing period two (2) testing samples shall be collected: one sample shall be taken from the stream at a point upstream of the facility drainage area and one sample shall be taken from the stream at a point below the facility drainage area. In addition, the well location, if applicable, located on the premises shall also be sampled every three (3) months. All water samples shall be collected and analyzed by an independent party which is a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Board of Supervisors, and the results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Resources, the facility shall immediately cease operation until such time as the source of the contamination has been identified and totally corrected. The cost of testing water samples shall be borne by the developer.
- L. The owner/operator of a solid waste facility shall provide a detailed narrative which fully describes the daily operations of all permitted functions and activities within the proposed facility, including the projected daily volumes and tonnage of solid waste being accepted for processing, storage and/or disposal. Said narrative shall address the type and classification of solid waste proposed to be accepted by the facility.
- M. The applicant shall submit to the Board of Supervisors a copy of their commercial policy of liability insurance covering third party claims for property damage and personal injury.
- N. The owner and or operator of a solid waste facility shall provide an emergency response plan to address potential hazards associated with its operations. Said plan shall be submitted for review and comment to the local fire companies which serve Salem Township.
- O. All vehicular access for ingress, egress and regress to a solid waste facility shall be solely limited to private access roads, constructed in accordance with appropriate PennDOT Standards related to the anticipated type and volume of traffic.

608.2 ADULT USES

No adult use, 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 residential zoning district.

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

SECTION 608.3 MOBILE HOME PARKS

The standards and regulations provided herein shall apply to both the development of new mobile home parks and the expansion of existing ones. The development of a mobile home park, including the expansion of an existing one, shall also be deemed as a subdivision or land development and shall be subject to applicable regulations of the Township's Subdivision and Land Development Ordinance. Customary accessory residential uses shall be permitted, along with common areas for use by residents of the mobile home park.

- A. All mobile home parks shall have a total land area of not less than ten (10) acres.
- B. All mobile home parks shall be located on well drained land with the average natural slope not exceeding ten (10%) percent.
- C. All mobile home parks shall have access to public streets or roads.
- D. All mobile home parks shall be serviced by an off-site sewage disposal system and a central water supply and distribution system.
- E. Mobile homes shall not be located on sites so that any portion of any mobile home is closer than thirty (30) feet to any portion of any other mobile home or permanent building within the mobile home park.
- F. Access to mobile home sites shall be from interior driveways, access drives, or private streets and shall not be from public street or roads. Entrance roads shall have a paved cartway width of at least twenty-four (24') feet.
- G. Every mobile home site shall be provided with a minimum of two (2) off-street parking spaces.
- H. All mobile home parks shall be provided with pedestrian walkways on at least one side of every street.

- I. Each mobile home site shall have a minimum area of not less than 5,000 square feet and a minimum lot width of not less than fifty (50) feet. The minimum front, rear and side setback for any mobile home shall be fifteen (15') feet.
- J. Every mobile home park shall provide a defined recreational site or sites which shall contain an area of land not less than five (5%) percent of the total gross land area within the boundaries of the mobile home park. All recreational sites shall be located in areas which are readily accessible to all residents of the mobile home park. A recreational development plan shall be provided which identifies passive and active recreational features to be provided upon the site, including recreational equipment, play apparatus, benches, and all other features and facilities to be incorporated into the design of the recreational site. The location of the recreational site and the recreational development plan shall be subject to the review and approval of Board of Supervisors. The recreational site must be identified and approved by the Board of Supervisors prior to final approval of the development or expansion of a mobile home park. To guarantee the installation of all improvements to the site, the applicant shall be required to complete the installation of all such improvements prior to receiving an unconditional final approval or to post an irrevocable letter of credit in the amount of 110% of the estimated cost of improvements. The procedures and standards contained within Section 509 of the Pennsylvania Municipalities Planning Code, Act 247, as amended shall apply to posting the aforementioned irrevocable letter of credit. The procedures and standards within Section 510 of Act 247, as amended, shall apply to the release of the irrevocable letter of credit upon the completion of the required improvements. The applicant shall be required to reimburse the Township for any engineering fees associated with the inspection of improvements to the site. Said reimbursement must be paid at the same meeting of the Board of Supervisors at which the applicant seeks final and unconditional approval of said improvements.
- K. Each mobile home site shall be provided with a stand or pad consisting of two (2) concrete strips to accommodate the supporting base or foundation of the mobile home.
- L. Every mobile home in the park shall be enclosed from the bottom of the mobile home to the ground or stand using industry-approved skirting material compatible with the home.
- M. Every mobile home shall be securely anchored or tied-down on at least the four (4) corners and/or in accordance with the manufacturer's recommendations furnished with each home.
- N. The owner/operator of each mobile home park shall provide a refuse disposal plan.
- O. An approved soils erosion and sedimentation plan and a stormwater management plan shall be required prior to the unconditional approval for the development or expansion of a mobile home park.

- P. An approved Department of Environmental Resources Planning Module shall be required prior to the unconditional approval for the development or expansion of a mobile home park.

SECTION 608.4 AIRPORTS, HELIPORTS, HELIPADS AND RELATED FACILITIES (Both Public and Private)

Airports, heliports, helipads, their landing fields, hangars, and related facilities shall be permitted provided that the subject plans are approved by the Federal Aviation Administration and the Pennsylvania Department of Transportation and further subject to the use not interfering with surrounding land uses in terms of low altitudes over residences, excessive noise to activities in the vicinity, and blowing dust, dirt, stones or other debris onto adjoining property and streets. The following additional standards shall apply:

- A. Minimum Lot Size: A lot size of not less than ten acres shall be required.
- B. Landing/Take-off Area: The side and the end of runways and/or landing area shall be not less than five hundred (500) feet from adjacent property lines, a public park, an outdoor recreational facility or a public right-of-way of a street.
- C. Licenses and/or Approval: Licenses and/or approval shall be issued in accordance with the Federal Agency Administration regulations and/or the Bureau of Aviation, Pennsylvania Department of Transportation regulations.
- D. Limitations and Additional Requirements: Limitations on the number and/or frequency of flights, as well as ingress and egress routes and any other conditions or determinations which the Federal Aviation Administration or the Pennsylvania Department of Transportation considers appropriate shall govern.
- E. Fuel Storage: All DEP fuel storage rules and regulations shall govern.

In addition to the above requirements, the following regulations shall apply to landing/takeoff areas for helicopters:

- (1) Every landing/take-off area shall be so located and designated as to provide clearance of all obstructions above rotor height for a distance of fifty (50') feet in each direction of the landing area.
- (2) No permit shall be issued for a heliport and/or helipad, without the acoustical testing to determine if any negative impact will occur upon adjoining residential uses or any other type of property within a 500 feet radius of any proposed landing/take-off area. The applicant shall be responsible for all costs necessary for acoustical testing.

SECTION 608.5 COMMERCIAL WIRELESS COMMUNICATION SITE

The following general provisions shall apply to all commercial towers and commercial antenna support structures:

STRUCTURAL INTEGRITY AND SAFETY

- A. A commercial tower and/or commercial antenna support structure shall be designed and constructed to meet or exceed all applicable standards of the American National Standards Institute, ANSI/EIA-222-E manual, as amended and also to FAA standards for marking and lighting requirements of obstructions to air navigation as set forth within the most recent edition of Advisory Circular AC 70/7460-1H, including any amendments thereto
- B. A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222-E manual, as amended, shall be submitted to document and verify the design specifications of the foundation for a commercial tower and/or a commercial antenna support structure, and anchors for the guy wires, if used.
- C. The operational use of a commercial tower and/or commercial antenna, as so defined within this Ordinance, including those mounted upon a support structure or to an existing structure, shall comply with all applicable rules and regulations of the FCC and the FAA.
- D. The applicant or owner of a commercial tower and/or a commercial antenna support structure shall provide the following information and material:
 - 1. A design certificate from the manufacturer of a commercial tower and/or a commercial antenna support structure which certifies that the subject tower and/or antenna support structure meets or exceeds the minimum standards set forth in ANSI/EIA-222-E manual, as amended.
 - 2. "As-built" drawings and written certification from a professional engineer which certifies the construction of a commercial tower and/or a commercial antenna support structure in compliance with the manufacturers' recommended construction and/or installation standards

HEIGHT AND SETBACK REQUIREMENTS

- A. A commercial antenna which mounted upon an existing structure, including an existing building, shall not exceed the height of the existing structure by more than eight (8) feet.
- B. A commercial tower and/or a commercial antenna support structure shall be setback from any property line to a distance that is not less than one hundred (100%) percent of the height of the antenna support structure measured in linear feet.
- C. Any building utilized by a commercial enterprise as a component of a commercial tower, a commercial antenna support structure or a commercial antenna in the collection and/or transmission telecommunication signals, radio signals, television signals, wireless phone signals or similar signals

shall be completely enclosed by a fence, eight feet in height, with such building meeting the setback requirements for the zoning district in which it is located.

- D. A commercial tower, a commercial antenna support structure or an antenna mounted upon an existing structure, shall be removed by the owner of the same with six (6) months of the discontinuance of its use. The owner shall provide Salem Township with a copy of the notice to the FCC of intent to cease operations. The six month period for the removal of a commercial antenna support structure or an antenna mounted upon an existing structure shall commence on the date indicated for ceasing operations.

SITE PLANS

- A. A site plan, in conformance with Section 603 of the Salem Township Zoning Ordinance, as amended, shall be required for the development of a commercial tower and/or a commercial wireless communications site, including a commercial antenna mounted to an existing structure.
- B. A site plan in conformance with the governing standards of the Salem Township Subdivision and Land Development Ordinance, as amended, shall also be required when the location of commercial tower and/or a commercial antenna support structure represents a described parcel of land subject to a lease and/or a licensing agreement within an existing deed of record.

SUPPLEMENTAL STANDARDS AND CRITERIA

- A. A commercial wireless communication site shall comply with the General Standards of Section 604 of the Salem Township Zoning Ordinance, as amended.
- B. The applicant shall provide documentation to verify the commercial wireless communication site is designed in compliance with the standards addressed this Section with respect to the structural integrity and safety requirements and height and setback requirements.
- C. The applicant shall demonstrate that the proposed commercial antenna support structure complies with all applicable state and federal standards.
- D. The applicant shall demonstrate that a proposed commercial antenna and the its support structure and/or tower are safe and the surrounding properties will not be negatively affected by support structure failure, falling ice or other debris. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
- E. A commercial tower and/or a commercial antenna support structure shall be designed with excess capacity beyond the initial intended use in order to encourage secondary users to lease the balance of the capacity at reasonable

rates. When a new commercial tower and/or a new commercial antenna support structure is proposed, the applicant must demonstrate that all alternatives to the construction of a new commercial tower and/or commercial antenna support structure have been exhausted.

- F. The applicant shall provide information on a proposed design of a commercial tower and/or a commercial antenna support structure which shall minimize the visual impact for those residents in an immediate area and for those in the larger community who view it from a distance.
- G. The applicant shall provide a copy of its current operating license from the FCC as related to the proposed wireless communications site.

**SECTION 608.6 ANY ACTIVITIES RELATED TO THE EXTRACTION,
EXCAVATION AND/OR REMOVAL OF MINERALS**

Any activities related to the extraction, excavation, and/or removal of minerals 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, or removed from the site and/or stored at the site and the volume of such material. Said narrative shall also describe normal, daily operational features performed upon the site, including but not limited to anticipated noise levels and the type and volume of truck traffic to be generated with the proposed traffic routes to and from the site. In addition to the above information the applicant shall also address the following items:
 - Plans to control airborne dust, dirt and noise from adjacent properties.
 - Proposed hours of operation.
 - Number of years and/or months to complete all activities.
 - Statement of proposed reuse of site upon completion of all activities.
- 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 the extraction, excavation, removal and/or storage 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. A Soil Erosion and Sedimentation Control Plan, approved by the Luzerne County Conservation District.
- D. Areas of the property subject to excavation and/or extraction of minerals shall be screened by a Buffer Area, as defined in Article 2. All areas used for processing

minerals and/or vehicle loading operations for such minerals shall also be screened by a Buffer Area.

- E. Copies of any and all applications and/or permits, approved or pending approval from any state or federal agency having jurisdiction related to the activities.
- F. Bond, Backfilling and Fees: The applicant shall provide documentation that all applicable State requirements relative to providing a bond that guarantees the restoration and backfilling of any land proposed to be excavated or otherwise disturbed has been secured.
- G. Insurance: That a Certificate of Insurance with limits of \$500,000 per person and \$1,000,000 per accident for personal injuries, and \$1,000,000 for property damage, be filed with the Township Board of Supervisors both for the benefit of all persons who might be injured or suffer property damage as a result of the operations, and to hold Salem Township and its Officials harmless from any and all claims, suits or demands caused by any operations of the subject use.
- H. Distance Provisions: The perimeter of any excavation under this Section shall not be less than five hundred (500) feet from any building, property line or street, except that owned by the applicant.
- I. Timing: If blasting is proposed to be included as part of the excavation/extraction process, such approval must be specifically granted by the Salem Township Board of Supervisors as an element of the Conditional Use approval. Blasting, if permitted by the Board of Supervisors, shall occur only between the hours of 9:00 A.M. and 4:00 P.M. local time and in accordance with regulations promulgated by and under the supervision of a representative of the Pennsylvania Department of Environmental Protection. The applicant shall provide the Township with not less than a seventy-two (72) hours advance notice.
- J. Location of Processing Equipment: To reduce airborne dust, dirt and noise, all structures for sorting, crushing, grinding, loading, weighing, washing and other operations shall be not less than five hundred (500) feet from the right-of-way of any public street, and/or five hundred (500) feet from any residential building or the boundary of a residential zoning district.
- K. Drainage: All excavations both during operations and after completion shall be adequately drained to prevent the formation of pools of water. Adequate measures shall be taken prior to any excavation and fully documented prior to approval of the operation.
- L. Limitation on Land Area: At any given time, the active excavation, extraction, and/or storage areas shall not exceed five (5) acres in area on any lot or tract of land. Additional areas may be approved on the completion and cessation of previous approvals.
- M. Compliance With State Requirements: Final and/or unconditional approval for

excavation, extraction, removal and/or storage of 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.

SECTION 608.7 METHADONE TREATMENT FACILITY

- A. A methadone treatment facility shall be located upon a lot having an area of not less than one (1) acre, applicable for either new construction or for adaptive reuse of an existing structure.
- B. Any proposed methadone treatment facility shall include with its submission of a zoning permit application, a development 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, a MD or a DO, shall be on duty at the facility during the methadone treatment facility's hours of operation
- C. 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 prior to occupancy.
- D. 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 demonstrate the following:
 - 1. The number of vehicle trips expected to be generated during an average weekday and during 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 (1) mile of said methadone treatment facility.
 - 5. Recommended traffic control devices designed to mitigate any documented adverse impact on adjacent roadways.
- E. A methadone treatment facility shall demonstrate its compliance with supplying the required number of off-street parking spaces as provided for in Article 11 of this Ordinance. All off-street parking areas shall be adequately lighted, with a lighting plan included within the submission of the required site plan.

F. A methadone treatment facility, as so defined in Article 2 of this Ordinance, shall be located not less than five hundred (500) feet from any of the following uses:

1. School
2. Public playground
3. Public Park
4. Zoning Districts in which residences are permitted by right as principal use
5. Child-care Facility
6. Church
7. Meetinghouse, or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.

Measurements of the required distance shall be made in a straight line, from the nearest portion of the structure or premises of a methadone treatment facility, to the nearest property line of the above noted uses.

If a methadone treatment facility is proposed to be located less than five hundred (500) feet from any of the above uses, the following procedure shall apply:

1. At least fourteen (14) days prior to voting on the conditional use application, one (1) or more public hearings regarding the proposed methadone treatment facility shall be convened by the Board of Supervisors subject to public notice.
2. Not less than thirty (30) days prior to the date of the public hearing, the Board of Supervisors shall provide written notice of said public hearing to all owners of real property located within five hundred (500) feet of the proposed location of the methadone treatment facility.

SECTION 608.8 WIND ENERGY FACILITIES

The following regulations shall apply to all Wind Energy Facilities:

A. INFORMATION TO BE SUBMITTED.

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

1. The applicant and landowner's name and contact information
2. The tax map numbers, existing use and acreage of the site parcel
3. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the generating capacity of the Wind Energy Facility; the number, representative types and height of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

4. A survey map at an appropriate scale showing the proposed location of the Wind Energy Facility (including access roads) as it relates to the boundaries of the parcel, adjacent ownerships and existing residences, schools, churches, hospitals, libraries, federal, state, county or local parks, and recognized historic or heritage sites within a distance of 2,000 feet or less from any property boundary.
5. Standard drawings of the wind turbine structure, including the tower, base and footings, drawings of access roads, and including an engineering analysis and certification of the wind turbine, showing compliance with the applicable building code.
6. The make, model, picture and manufacturer's specifications, including noise decibels. Data pertaining to the wind turbine's safety and stability, including safety results from test facilities. The design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
7. A completed Environmental Impact Statement in accordance with Section 606 of this Ordinance.
8. A project visibility map, based on a digital elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three miles from the center of the project. The scale used shall depict the three-mile radius as no smaller than 6 inches, and the base map used shall be a published topographic map showing man-made features, such as roads and buildings.
9. No fewer than four, and no more than the number of proposed individual wind turbines, plus three color photos, no smaller than 8" by 10", taken from locations within a three-mile radius from the site and to be selected by the Board of Supervisors, and computer enhanced to simulate the appearance of the as-built site facilities as they would appear from these locations.
10. Copies of all proposed leases required to be secured by the applicant, shall be provided, if the applicant is not the sole owner of the parcel or parcels on which the wind energy facility is proposed to be constructed. Boundaries of said leases shall be clearly illustrated upon the site plan.
11. Copies of all easements, existing and proposed upon the site shall be provided by the applicant. Said easement shall be clearly illustrated upon the site plan.
12. Identification of the properties on which the proposed wind energy facility will be located, and the properties adjacent to where the wind energy facility

will be located, including the names and mailing address of the owners of record.

B. APPROVAL STANDARDS

In addition to all other applicable criteria and requirements for approval of a conditional use as set forth in Article 6, the following standards shall apply:

1. The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
2. To limit unauthorized access, a fence eight (8) feet high with a locking portal shall be placed around the base of the tower of a wind turbine.
3. Wind energy facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
4. All wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components. Mechanical brakes shall be operated in a fail-safe mode. Stall regulations shall not be considered a sufficient braking system for overspeed protection.
5. All power transmission lines from a wind turbine to on-site substations shall be underground.
6. Prior to the issuance of a building permit, the applicant shall provide the Township proof of a level of insurance to be determined by the Board of Supervisors in consultation with the Township's insurer, to cover damage or injury that might result from the failure of a tower or towers of a wind turbine or any other part of parts of the generation and transmission facility. Said insurance must be maintained for the life of the wind energy facility, until such time that all components of the wind energy facility are decommissioned and/or removed.
7. Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of fence around each wind turbine or group of towers and any building, containing emergency contact information, including a local telephone number with 24 hour, 7 day a week coverage.
8. Any wind energy facility found to be unsafe by the local enforcement officer or agent of the Township shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. If any wind energy facility is not operated for a continuous period of 12 months, the Township will notify the landowner by registered mail requesting the status of the wind energy facility and provide 45 days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a

reasonable timetable for corrective action. If the Township deems the timetable for corrective action as unreasonable, the Township must notify the landowner and such landowner shall remove the turbine within 120 days of receipt of notice from the Township.

9. The owner of a wind energy facility shall have it inspected at least every two years for structural and operational integrity by a licensed professional engineer, and shall submit a copy of the inspection report to the Township. If such report recommends that repairs or maintenance area to be conducted, the owner shall provide written notice to the Township with a written schedule for the repairs and maintenance.

10. A wind energy facility shall comply with all applicable provisions under the Pennsylvania Uniform Construction Code and shall secure a building permit from Salem Township.

C. SITING AND INSTALLATION

A wind energy facility shall:

1. Use existing roads to provide access to the facility site, or if new roads are needed, minimize the amount of land used for new roads and locate them so as to minimize adverse environmental impacts.
2. Combine transmission lines and points of connection to local distribution lines.
3. Connect the facility to existing substations, or if new substations are needed, minimize the number of new substations.
4. All wiring between wind turbines and the wind energy facility substation shall be underground.
5. The wind energy facility, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to wind power generation facilities and shall provide evidence of a signed interconnection agreement, or letter of intent, with the interconnecting utility company.

D. SETBACKS

1. The minimum setback distance between each wind turbine and overhead utility or transmission lines, other wind turbine, electrical substations, meteorological towers, and public streets shall be equal to no less than 1.1 times the sum of proposed structure height plus the rotor radius.
2. The minimum setback distance for each wind turbine to any property line shall be not less than 1,500 feet.

3. The minimum setback distance for each wind turbine to off-site structures shall be not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of an off-site structure of 1,500 feet, whichever is greater.
4. All wind turbines shall be set back from the nearest public street a distance of not less than 1.1 times the wind turbine height, as measured from the right-of-way line of the nearest public street to the center of the wind turbine base.
5. Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of no less than 1/1 times its total height, determined from the existing power line or telephone line.

E. NUISANCE ISSUES

1. Individual wind turbines shall be located so that the level of noise produced by wind turbine operation shall not exceed 55 dBA, measured at all points of the site's property line. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1-1989 title Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.
2. No individual wind turbine shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.

F. ENVIRONMENTAL AND VISUAL

1. Wind energy facilities shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
2. The design of the wind turbines, buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
3. Where wind characteristics permit, wind turbines shall be set back from the tops of visually prominent ridgelines to minimize the visual contrast from any public access.
4. The maximum turbine height, as so defined in this Ordinance, shall not exceed 400 feet.

5. Wind turbines shall be designed and located to minimize adverse visual impacts from neighboring residential areas, to the greatest extent feasible.
6. Avoid, to the extent practicable, the creation of artificial habitat for raptors or raptor prey, such as a) electrical equipment boxes on or near the ground that can provide shelter and warmth; b) horizontal perching opportunities on the towers or related structures; or c) soil where weeds can accumulate.
7. A wind turbine shall be set back at least 1,000 feet from any bodies of water including, but not limited to, lakes, ponds, streams, creeks and rivers.
8. All reasonable efforts shall be made to avoid development of sites which contain wetlands. Wind turbine shall be set back not less than 1.1 times the turbine height, from identified wetlands and their delineated boundaries.
9. Wind energy facilities shall provide conclusive documentation that the location and operation of the proposed facility will not adversely affect the wild life habitat, including but not limited to bats and birds of the region and associated migration routes. Comments from any State and/or Federal Agency having a jurisdictional review or stewardship over the protection of wildlife shall be required.

G.

TRAFFIC ROUTES

1. The applicant shall identify all state, county and Township roads to be used within Salem Township that are intended for use to transport equipment and parts for construction, operation or maintenance of the wind energy facility.
2. Construction of wind energy facilities poses potential risks because of the large size construction vehicles and their impact on traffic safety and their physical impact on local roads. Construction and delivery vehicles for wind energy facilities shall use traffic routes established as part of the application review process. Factors in establishing such corridors shall include: 1) minimizing traffic impacts from construction and delivery vehicles; 2) minimizing wind energy facilities-related traffic during times of school bus activity; 3) minimizing wear and tear on local roads; and 4) minimizing impacts on local business operations. Permit conditions may limit wind energy facilities-related traffic to specified routes, and include a plan for disseminating traffic route information to the public.
3. The Township shall hire a licensed professional engineer to document the condition of Township roads prior to the start of construction. The engineer shall document the road conditions again within thirty (30) days from the completion of construction or as weather permits. Completion of construction shall be deemed to be the date on which final approval is

granted by the Salem Township Road Master. The applicant shall be responsible to reimburse the Township for the subject engineering fees.

H.

DECOMMISSIONING AND RESTORATION REQUIREMENTS

1. The applicant shall include the following information regarding decommissioning of the project and restoring the site:
 - a. the anticipated life of the project;
 - b. the estimated decommissioning costs in current dollars
 - c. the method and schedule for updating the costs of decommissioning and restoration.
 - d. the method of ensuring that funds will be available for decommissioning and restoration; and
 - e. the anticipated manner in which the project will be decommissioned and the site restored.
2. The Board of Supervisors shall require the applicant to provide an appropriate and adequate demolition bond for purposes of removing the wind energy facility in case the applicant fails to do so as required above. Proof of this bond shall be provided each year and shall be a continuing condition for the life of the project.
3. The sufficiency of the demolition bond shall be confirmed at least every five years by an analysis and report of the cost of removal and property restoration to be performed by a licensed professional engineer, the cost of same to be borne by the applicant. If said analysis and report determines that the amount of the bond in force is insufficient to cover the removal, disposal and restoration costs, the bond shall be increased to the amount necessary to cover such costs within 10 days of the applicant's receipt of such report.

SECTION 608.9 OIL AND GAS DEVELOPMENT, COMPRESSOR STATIONS,
NATURAL GAS PROCESSING PLANTS

Oil and Gas Development, Compressor Stations and Natural Gas Processing Plants, as defined herein, are hereby declared to be a conditional use with specific conditions in the A-1 and C-1 districts, subject to the standards and criteria and all other applicable provisions of the Salem Township Zoning Ordinance and the following additional provisions and requirements:

- A. No portion of any drilling device, equipment or facility of any kind, including storage, shall be closer than 500 feet to an adjacent property line.

- B. The Township reserves the right to set hours of development/site work and the use of trucking and heavy equipment.
- C. Operator shall comply with any applicable bonding and permitting requirements for Township roads that are to be used by overweight vehicles and equipment for Development activities. Notwithstanding the foregoing, the Operators/Applicant shall take all necessary corrective action and measures as directed by the Township to ensure the roadways are repaired within seven (7) days of partial destruction.
- D. Operator shall take all necessary safeguards as directed by the Township to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from Development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur, as directed by the Township.
- E. Operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). As directed by the Township, during periods of anticipated heavy or frequent truck traffic associated with Development, Operator will provide flagmen to ensure the safety of children at or near schools and school bus stops, and includes adequate signs and/or other warning measures for truck traffic and vehicular traffic.
- F. Prior to Development, Operator shall provide to the Township's First Responders, including Fire Department, Police Department and Ambulance, and to the Zoning Officer, a copy of its Preparedness, Prevention and Contingency ("PPC") Plan.
- G. Before drilling, the Township shall ascertain whether the Township's First Responders have secured adequate training to deal with any potential dangerous conditions that may result due to Development activities. First Responders shall have a minimum of five hours of training per year to meet this standard. Upon request from the Township, Operator will, prior to drilling of its first oil and gas well in the Township, make available, with at least 30 days notice, at its sole cost and expense, one appropriate group training program of up to five hours for First Responders. Such training shall be made available at least annually during the period when the Operator anticipates drilling activities in the Township. The Township shall indemnify, hold harmless and defend Operator, its employees and agents from any claims asserted against Operator related to any such training program, except as to gross negligence by the Operator and its agents, servants, subcontractors or employees.
- H. The Township recognizes that the specific location of equipment and facilities is an important and integral part of Oil and Gas Development. As part of the planning process, Operator shall, at the direction of the Township, locate its temporary and permanent operations, so as to minimize interference

with Township residents' enjoyment of their properties, and future Township Development activities, as authorized by the Township Zoning Ordinance.

- I. The Township recognizes that adequate and appropriate lighting is essential to the safety of those involved in the Development of Oil and Gas. The Operator shall, with the approval of Township, direct site lighting downward and inward toward the drill site, wellhead, or other area being developed, so as to attempt to minimize glare on public roads and adjacent buildings within three hundred (300) feet of the drill site, wellhead, or other area being developed.
- J. Prior to drilling an Oil/Gas well or multiple Oil/Gas wells at a location, the Operator shall provide the following information to each resident within 1,000 feet of the planned surface location of the well(s), with a copy to the Salem Township Zoning Officer:
 1. A copy of the well survey plat showing the location (s) of the planned well (s).
 2. A general description of the planned operations at the planned wells(s) and associated equipment used in the Development of the well(s),
 3. The contact information for the Operator, and
 4. The availability of the Operator to hold a meeting with such residents to present Operator's plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to well site construction.
- K. As part of the initial application, the Operator/Applicant shall provide to the Township the following:
 1. A map showing the planned access route to the Well Sites on public roads.
 2. Information on the status of road bonding.
 3. The Operator's Erosion & Sedimentation Plan.
 4. The well survey plat showing the planned surface location (s) of the well(s).
 5. The contact information for the Operator.
 6. A general description of the planned operations at the planned well (s) and associated equipment used in the Development of the wells (s)
- L. At least ten (10) days prior to commencement of drilling, the Operator shall provide to the Township Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection ("DEP").
- M. Prior to the commencement of drilling activities, no construction activities involving excavation of, alteration to, or repair work on any access road or Well Site shall be performed during the hours of 10:00 p.m. to 6:00 a.m.

- N. Noise. No operation or activity shall cause or create noise in excess of the sound levels prescribed below:
1. Agricultural, Conservation and Residential districts: at no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 60 dBA for more than four hours during a twenty-four-hour equivalent period.
 2. Commercial districts: at no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 65 dBA for more than eight hours during a twenty-four-hour equivalent period.
 3. Industrial districts: at no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 75 dBA for more than eight hours during a twenty-four-hour equivalent period.
 4. Where two or more zoning districts in which different noise levels are prescribed share a common boundary, the more restrictive noise level standards shall govern.
 5. The following uses or activities shall be exempted from the noise regulations:
 - (a) Noises emanating from construction or maintenance activities between 7:00 a.m. and 8:00 p.m.
 - (b) Noises caused by safety signals, warning devices and other emergency-related activities or uses.
 6. In addition to the above regulations, all uses and activities within the Township shall conform to all applicable County, State and Federal regulations contained herein, and if they are at variance with any other lawfully adopted rules or requirements of the Township, the more restrictive shall govern.
 7. The Township reserves the right to require the temporary or permanent erection and use of sound barriers.
- O. If a complaint is received by the Township from any person, using a Protected Structure for any lawful purpose, within one thousand (1,000) feet from the wellhead or equipment regarding noise generated during drilling or hydraulic fracturing activities, the Operator shall, within 48 hours of receipt of the complaint from the Township, continuously monitor for a forty-eight (48) hour period at a point which is the closer to the complainant's building of:

1. The complainant's Protected Structure property line nearest to the well site or equipment generating the noise, or
 2. One hundred (100) feet from the Protected Structure.
 3. In order for the Township to appropriately enforce the conditions imposed by this Ordinance, to make certain that the health, safety and welfare of its citizens are met and to determine if the use remains compatible with various zoning districts in the Township; if the Operator engages in any noise testing as required by this Ordinance, he will provide the final results to the Township within 10 business days of the Operator's receipt of those final results.
- P. Any internal combustion engine or compressor used in connection with the drilling of any well, or for use on any production equipment used in Development, shall be equipped with (1) an exhaust muffler or (2) an exhaust box. The exhaust muffler or exhaust box shall be constructed of non-combustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.
- Q. The operator shall provide to the Township the sum of \$5,000.00, which represents a fund from which the Township may draw from/be reimbursed for administrative inspection and engineering costs and fees for review and inspections to ensure compliance with this Ordinance. This amount may be adjusted from time to time by Resolution of the Board of Supervisors. Any costs and fees over and above the aforesaid initial amount of \$5,000.00 shall be reimbursed to the Township along with a 10% administrative and overhead charge within thirty (30) days of invoicing by the Township.
- R. All activities conducted in association with, and as a part of, oil and gas wells shall be in accordance with the Commonwealth of Pennsylvania Oil and Gas Act, as amended, and any other applicable Federal, State, County and Township statutes.
- S. The applicant shall have obtained, from appropriate State and other applicable regulatory agencies or authorities, permits issued in accordance with all applicable laws and regulations for the proposed use. In the event such permits have not been issued at the time Township conditional use approval is requested, the applicant's zoning approval shall be expressly conditioned on the granting of necessary permits as required by the above agencies or authorities. At the time of making application to such authorities, the applicant shall file with the Township Zoning Officer a copy of each State and Federal application with supporting documentation for the proposed use.
- T. The application shall provide a description of plans for the transportation of materials and equipment to construct the facility, and measures that will be taken to maintain all roads within the Township that are used to transport

materials and equipment, and to repair any damages to the roads that may occur as a result.

- U. Any material stored outside an enclosed structure being used as an incidental part of the primary operation shall be screened by opaque ornamental fencing, walls or evergreen plant material in order to minimize visibility, if the storage area is readily visible from adjoining occupied residential properties. Such materials shall not be deemed to include operable vehicles.
- V. An emergency response plan shall be submitted addressing methods to handle the following:
 - 1. Well leakage.
 - 2. Spill containment.
 - 3. Vandalism creating unknown conditions.
 - 4. Defective casing or cementing.
 - 5. Potential contamination between the well and private wells and the public water supply.
- W. The applicant shall provide certification that a bond is held by the PA DEP (Pennsylvania Department of Environmental Protection) to ensure proper plugging when the well is classified as inactive by the PA DEP.
- X. The applicant shall provide a schedule indicating the following dates:
 - 1. Anticipated site preparation beginnings and endings.
 - 2. Anticipated drilling activity beginnings and endings.
 - 3. Anticipated completion (perforating) work to begin and end.
 - 4. Anticipated stimulation (fracturing) work to begin and end.
 - 5. Anticipated production work to begin and end.
 - 6. Anticipated plugging date.
 - 7. Anticipated date for restoration of the site upon completion of drilling activities.
- Y. Adequate security measures shall be proposed to protect wellheads that are in a remote location.
- Z. The access road to the well site shall be improved with a dust-free, all weather surface in such a manner that no water, sediment or debris will be carried onto any public street.
- AA. An off-street area for maintenance vehicles to stand while gaining entrance to the access road shall be provided that does not disrupt the normal flow of traffic on the public street.
- BB. Only essential safety and emergency personnel shall be permitted to occupy any trailer or structure at a site overnight and/or for any type of living quarters.

Section 608.10

Animal Feeding Operations (AFOs) and Concentrated Animal Feeding Operations (CAFOs)

1. The minimum parcel size shall not be less than one hundred (100) acres.
2. Buildings used for housing of animals shall not be less than two thousand five hundred (2,500) feet from any existing dwelling not located on the applicant's property. Manure storage facilities shall meet the setbacks established by the Nutrient Management Act.
3. Excluding points of access, a buffer shall be provided consisting of two (2) staggered rows of evergreen trees planted around buildings used for housing of animals and structures for the storage of manure. The spacing distance between said trees shall not be greater than six (6) feet. Said trees shall be not less than eight (8) feet in height at the time of planting. The type of evergreen trees selected for planting shall be subject to the approval of the Board of Supervisors. The applicant 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.
4. A complete Nutrient Management Plan approved by the Commonwealth of Pennsylvania shall be submitted, along with all supporting material and/or information that were submitted as part of said Plan.
5. A complete Odor Management Plan approved by the Commonwealth of Pennsylvania shall be submitted, along with all supporting material and/or information that were submitted as part of said Plan.
6. In addition to the above requirements, the applicant shall comply with all other applicable provisions of the Salem Township Zoning Ordinance
7. The applicant shall provide copies of all written applications, filings, plans and materials that are required (Township, State and or Federal) as related to the proposed use and/or operation of an Animal Feeding Operation (AFOs) or a Concentrated Animal Feeding Operation (CAFOs).
8. No buildings associated with a CAFO or CAO operation shall be located within a Special Flood Hazard Area.

ARTICLE 7

SPECIAL EXCEPTIONS

ARTICLE 7

SPECIAL EXCEPTIONS

SECTION 701 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 702 GENERAL PROVISIONS

The authority for approving or denying applications for uses permitted by special exception shall be vested in the Zoning Hearing Board in accordance with the provisions contained in Article 15. Decisions by the Zoning Hearing Board shall be made pursuant to the standards and criteria set forth in this Article (Section 1504), the respective zoning district in which the use is located, all other applicable regulations of this Ordinance, other ordinances of the Township and any applicable State and/or Federal regulations.

SECTION 703 SITE PLAN

Uses classified as a special exception shall file, in addition to a zoning permit, a site plan at a scale of not greater than one (1") inch equal fifty (50') feet, which shall be submitted to the Zoning Officer. Such plan shall provide all information required for the Zoning Hearing Board to render a decision, including but not limited to the following:

- A. The location and size of all buildings and structures, both principal and accessory.
- B. The location of all off-street parking areas and/or loading areas.
- C. The location of all open space areas, including buffer areas and fencing, if applicable.
- D. Traffic access to the site and internal traffic circulation within the site.
- E. All streets, both public and private, within five hundred (500') feet of the site.
- F. Contours of the site for each five (5) feet of change in elevation, based upon a field survey of the site, with the name of the person or firm who conducted the survey and the date of the survey.
- G. 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.

- H. Streams, ponds, watercourses, wetlands or any other type bodies of water, including natural or man-made drainage swales, located on the site or within five hundred (500) feet of the site.
- I. The location of any residential structure within five hundred (500') feet of any property boundary line of the subject site.
- J. The Map, Block and Lot Number of the subject parcel.
- K. 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.
- L. A narrative outline which fully describes the proposed use of the site and the pertinent operational aspects and features of the proposed use.

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 special exception:

- A. The proposed use shall not jeopardize the objectives of the "Community Development Objectives" of this Ordinance nor shall it adversely affect the health, safety and welfare of the public and/or the environment.
- B. Public services and facilities such as streets, sewage disposal, water, police and fire protection shall be adequate for the proposed use.
- C. Existing and future streets and access to the site shall be adequate for emergency services, for avoiding undue congestion, and for providing for the safety and convenience of pedestrian and vehicular traffic.
- D. The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the location and size relative to the proposed use, and the nature and intensity of the operation involved.
- E. The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the character and height of buildings, walls and fences so that the use, development and value of adjacent property is not impaired.
- F. The proposed use shall not be more objectionable in its operation in terms of noise, fumes, smoke, vapors, gases, odors, heat, glare, vibration, lighting or electrical disturbances than would be the operation of any permitted use in the district nor shall it constitute a "General Nuisance" as so defined in Article 2 of this Ordinance.

- G. Any other reasonable conditions and safeguards, in addition to those expressed in this Ordinance, may be imposed by the Zoning Hearing Board in the interest of protecting the health, safety and welfare of the public.

SECTION 705 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 in accordance with the definition of said term as provided within Article 2 of this Ordinance. The cost of preparing and/or providing such information shall be borne by the app

ARTICLE 8

SUPPLEMENTAL REGULATIONS

ARTICLE 8

SUPPLEMENTAL REGULATIONS

SECTION 801 PURPOSE AND INTENT

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

SECTION 802 USE REGULATIONS

802.01 ANIMAL HOSPITAL

An animal hospital shall maintain all activities within a completely enclosed soundproof building, and no objectionable odors shall be vented outside the building. No animal hospital shall be located less than twenty-five (25) feet from any property line.

801.02 ANIMAL KENNELS

Animal kennels in which animals are kept, boarded or trained may be either enclosed buildings or a combination of buildings and open runways. If all activities are maintained within a completely enclosed building, no objectionable odors shall be vented outside the building. If open runways are used, the building and runways shall be located not less than one hundred (100) feet from all property lines. Where the property abuts a district having residences as a principal permitted use, the building and runways shall be not less than two hundred (200) feet from such property lines.

802.03 AUTOMOBILE RELATED ACTIVITIES

- A. Automotive Repairs (Repair Garage): Activities including the repair of automobiles, trucks, snowmobiles and motorcycles shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize noise, vibrations, fumes and glare. Only vehicles to be repaired on the premises or picked up by the vehicles' owner may be stored in the yard area. Where the operation abuts on the side or rear property line of a district having residences as a principal permitted use, a solid wall or substantial attractive fence six (6) feet in height shall be constructed and maintained in good condition along such boundary. Outside lighting shall be directed away from adjacent properties.
- B. Automotive Sales: The outdoor display of new or used automobiles, panel are conducted within a completely enclosed building designed and constructed to minimize noise, fumes, vibrations and glare. Where an automotive sales use abuts a rear or side lot line of any district having residences as a principal permitted use, a solid wall or substantial, attractive fence six (6) feet in height shall be constructed and maintained in good condition along such boundary. Outside lighting shall be directed away

from adjacent properties.

- C. Car Wash: Appropriate drainage facilities for washing activities shall be provided. The site shall be sufficiently large to accommodate three (3) cars per stall awaiting 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 being six (6) feet in height and well maintained along such boundary. Outdoor lighting shall be directed away from adjacent activities.
- D. Gasoline Service Stations: When a service station abuts on the rear or side lot line of a district having residences as a principal use, a solid wall or substantial attractive fence being six (6') feet in height shall be constructed and maintained in good condition along such boundary. When a service station occupies a corner lot, the access driveways shall be located at least sixty (60) feet from the intersection of the front and side street lines of the lot. All access driveways shall not exceed twenty-five (25) feet in width. Gasoline pumps or other service appliances may be located in the required front yard not to exceed fifteen (15) feet. All repairs, service, storage or similar activities in connection with the use shall be conducted within the building where adequate measures shall be taken to minimize noise, fumes and glare. Outside lighting shall be directed away from adjacent properties.

802.04 BANKS

Banks and other similar financial offices shall provide sufficient space to accommodate parking, vehicular circulation areas for drive-in tellers, access areas for parking lots separated from drive-in areas, and areas for pedestrian traffic separated from vehicular traffic for safety. Access driveways shall be no more than twenty-five (25) feet in width. Canopies over drive-through areas shall meet all yard setback requirements.

802.05 BOARDING HOUSE

The property shall maintain all yard areas for the zoning district in which it is located and shall be limited to providing lodging for not more than four (4) persons, excluding the owner of the property. Off-street parking spaces shall be provided for each boarder.

801.06 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 hundred (100') feet from any property line and shall be not less than five hundred (500') feet from any dwelling, school, church or similar use. Cylinder filling rooms, pumps, compressors and truck filling stations shall be located two hundred fifty (250) feet from all property lines. The tank storage area shall be fenced with an eight (8) feet high industrial gauge fence. If the storage property abuts on the side or rear property line containing a residence, the fence shall be screened from view by a dense growth of evergreens at least five (5) feet in height at the time of

planting. Bulk fuel storage facilities shall be developed in full compliance with all applicable federal, state and insurance regulations.

802.07 **CONTRACTORS' STORAGE YARDS**

Commercial or industrial uses utilizing outdoor storage space which exceeds an area of more than two thousand (2000) square feet shall be located on a tract of land of not less than twenty-five thousand (25,000) square feet. Supplies stored outdoors shall be neatly arranged and no required yard areas shall be used for storage. There shall be a roadway fourteen feet in width provided for in every forty linear (40) feet of stored materials. The roadway shall be kept passable for fire-fighting equipment. Where the operation abuts on the rear or side lot line of a district having residences as a principal permitted use, a solid wall or substantial fence being six (6) feet in height shall be constructed and maintained in good condition along such boundary. Outside lighting shall be directed away from adjoining properties.

802.08 **CEMETERIES**

A structure, grave or place of permanent burial shall be set back not less than fifty (50) feet from the property line. The cemetery shall be enclosed by a fence, wall or shrubbery at least three (3) feet in height. The interior roads shall have a minimum width of twelve (12) feet and shall be properly maintained with either gravel or paving.

802.09 **CONVENIENCE STORE WITH GASOLINE PUMPS**

The property shall have a lot area of not less than twenty-five thousand (25,000) square feet. The principal structure as well as the canopy over gasoline pumps shall meet all the minimum setback requirements for all yards in the district in which it is located. Where the operation abuts on the rear or side lot line of a district having residences as a principal permitted use, a solid wall or substantial fence being six (6) feet in height shall be constructed and maintained in good condition along such boundary. A parking area accommodating all spaces required by Article 11 shall be provided. Access driveways shall be no more than twenty-five (25) feet wide at the street line, and in the case of a corner lot, access driveways shall be at least sixty (60) feet from the intersection of the two streets, as measured from the right-of-way line. All lighting shall be directed away from adjoining property.

802.10 **CHILD CARE FACILITIES**

All Child Care Facilities, as so defined in Article 2 of this Ordinance, 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 is required by the laws of the Commonwealth.
- B. Noise and all other possible disturbing aspects connected with 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 outdoor play areas shall be completely enclosed with a fence being six (6) feet in height. Outdoor play activities shall be limited to the hours between 10:00 A.M. to 5:00 P.M. local time.
- D. The applicant shall provide evidence that vehicular traffic congestion will be avoided in "pick-up and drop-off points" utilized in transporting children to and from the facility.

802.11 DWELLING OVER OR ATTACHED TO A BUSINESS ESTABLISHMENT

Dwellings units may be permitted over or attached to business establishments in any zoning district. Such dwellings shall have private access and the required residence parking spaces in addition to commercial parking spaces as required by Article 11.

802.12 EATING AND DRINKING ESTABLISHMENTS (INCLUDING NIGHT CLUBS AND RESTAURANTS)

All eating and drinking establishments shall meet the parking requirements as set forth in Article 11 of this Ordinance. Access drives shall not exceed twenty-five (25) feet in width and for those establishments located on a corner lot, no access drive shall be located less than sixty (60) feet of an intersection, as measured from the right-of-way lines, from the intersection of the two abutting streets. Outside lighting shall be directed away from adjacent properties.

802.13 ENTERTAINMENT FACILITIES

Entertainment facilities as defined in Article 2 of this Ordinance shall provide proper parking areas with vehicular circulation and access designed to minimize any potential traffic congestion. Such facilities shall not be closer than twenty (20) 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.

802.14 FUNERAL HOME

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

802.15 GROUP RESIDENCE

Any party wishing to establish and/or operate a "Group Residence", in addition to all other applicable zoning regulations and/or requirements, shall be subject to the following supplemental requirements:

- A. The maximum occupancy of a Group Residence shall not exceed eight (8) persons, excluding staff. The occupancy of said Group Residence shall be governed by the standards and requirements as provided for within the most recent housing code standards of the International Building Codes.
- B. The Group Residence shall be under the jurisdictional and regulatory control of a governmental entity (County, State and/or Federal).
- C. The applicant and/or operator of Group Residence shall provide written documentation from the applicable governmental entity which certifies said Group Residence complies with the location, supervised services, operation, staffing and management of all applicable standards and regulations of the subject governing program.
- D. The applicable requirements and standards which govern off-street parking for a single family dwelling shall also govern for a Group Residence, however two additional off-street parking spaces shall be provided any if there is any required staffing associated with the management and operation of a Group Residence.

802.16 **HOME OCCUPATIONS**

A home occupation which is conducted within a dwelling unit or an existing accessory building to the dwelling shall be subject to the following provisions:

- A. The occupation shall be carried on wholly indoors, within the principal building or within a building accessory thereto.
- B. There shall be permitted a sign, not to exceed two (2) square feet in surface area, placed flat against the building as a wall sign, and shall not be permitted above the first story level. No other exterior display or exterior storage of materials or any other exterior indication of the home occupation shall be permitted.
- C. There shall be no maintenance of a stock in trade or show windows or displays or advertising visible outside the premises.
- D. No articles shall be sold or offered for sale except those which are produced on the premises.
- E. There shall be no repetitive servicing by truck.
- F. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
- G. The home occupation shall be carried on only by members of the immediate family residing in the dwelling unit, plus not more than two (2) additional employees. Licensed medical practitioners and attorneys may have more than two (2) additional employees, subject to approval by the Zoning Hearing Board.

- H. The floor area devoted to a home occupation, regardless of where located on a lot, shall be equivalent to not more than twenty (20%) percent of the floor area of the dwelling unit.
- I. Each home occupation shall have off-street parking as indicated below, in addition to that required for the dwelling unit:
 - (1) Four (4) spaces for each physician, dentist, or other licensed medical practitioner.
 - (2) Two (2) spaces for all other home occupations.

802.17 INDUSTRIAL ACTIVITIES

In addition to the applicable requirements of this Ordinance, all industrial activities and uses permitted by right, special exception and/or conditional use within an I-1 Zoning District or an I-2 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 with side effects are deemed injurious to the public health, safety and welfare by the United States Environmental Protection Agency (EPA), 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 agency.

802.18 JUNK YARDS AND AUTOMOTIVE WRECKING YARDS

All new, existing and/or proposed expansions of junkyards and automotive wrecking yards shall comply with the following:

- A. Such premises shall at all times be maintained so as not to constitute a nuisance or menace to the health of the community or residents nearby or a place for the breeding of rodents and vermin.
- B. Burning of any material shall be prohibited. No oil, grease, tires or gasoline shall be burned at any time.
- C. No garbage, organic waste, rubbish, toxic materials and hazardous materials shall be stored on such premises.
- D. Whenever any motor vehicle shall be received on such premises as junk, all gasoline and oil shall be drained and removed therefrom and disposed of in a matter consistent with the applicable rules and regulations of the Pennsylvania Department of Environmental Protection.
- E. The storage of any combustible materials, such as gasoline, oil or related items, shall be placed in fireproof containers and stored within fireproof sheds.

F. 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. A storm water management plan shall be required.

G. There shall be no stockpiling of motor vehicles, and there shall not be any junk piled higher than four (4) feet.

H. There shall be a roadway of fourteen (14) feet in width provided for every forty (40) linear feet of junk. The roadway shall be kept open and unobstructed for proper access for fire fighting equipment and safety purposes.

I. 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.

J. All junkyards shall be completely screened and completely enclosed by a buffer area to consist of a fence 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 greater than six (6) feet. Said trees shall be not less than eight (8) feet in height at the time of planting. The type of evergreen trees selected for planting shall be subject to the approval of the Salem Township Board of Supervisors, Zoning Hearing Board or the Planning Commission in cases where the approval sought is under the jurisdiction of any of the aforementioned entities. The owner of the property shall be responsible to maintain such buffer area in good condition, including the replacement of any trees which are damaged, die, are removed by whatever means, or otherwise fail to grow. The required fence shall not be closer than twenty (2) feet to any property line.

K. Such premises may be open for business for work in connection with the storage, processing and transportation or removal of junk only on Monday through Saturday from 8:00 a.m. to 5:00 p.m., local time.

802.19 MOTELS AND HOTELS

Motels and Hotels shall use shall require a minimum lot size of not less than two (2) acres with a lot width of not less than two hundred (200) feet. The following requirements shall also apply:

A. There shall be more than ten (10) sleeping rooms.

B. Fifty (50%) percent or more of the gross floor area shall be devoted to sleeping rooms.

C. There may be club rooms, ballrooms, and common dining facilities.

D. In the case of a corner lot, access drives shall be not less than sixty (60) feet from the intersection of any two streets as measured from the intersection of their right-of-way lines.

802.20 **NONPROFIT SOCIAL HALLS, CLUBS AND COMMUNITY CENTERS**

Buildings utilized for such purposes shall not be less than ten (10) feet from the property line, nor shall any designated parking area be within ten (10) feet from a property line.

802.21 **OUTDOOR STORAGE**

Outdoor storage, as defined in Article 2, when proposed as a principal use of land shall require a minimum lot size of one acre. The entire area to be utilized for storage shall be enclosed with a chain link fence being six (6) feet in height. A storm drainage plan shall be required with the submission of a site plan, zoning application and a complete listing of all types of items to be stored therein.

802.22 **PLACE OF WORSHIP:**

A parking area shall accommodate all parking spaces as required in Article 11 of this Ordinance. Access driveways shall be not greater than twenty-five (25) feet in width. In the case of a corner lot, access driveways shall be not less than sixty (60) feet from the intersection of the two streets, as measured from the intersection of their right-of-way lines. Where the parking area abuts existing residences on the side or rear property line, a buffer area, consisting of shrubbery or evergreen trees, being not less than four (4) feet in height at the time of planting, shall be provided.

802.23 **PUBLIC USES**

- A. **MUNICIPAL, POLICE AND FIRE BUILDINGS:** Where the parking area abuts the side or rear property lines of an adjoining residential use, a fence being six (6) feet in height and a buffer area consisting of shrubbery or evergreen trees shall be provided.
- B. **PUBLIC AND PRIVATE SCHOOLS:** The size of a lot shall meet the minimum requirements as prescribed by the Pennsylvania Department of Education. Access to the site shall be from an arterial or collector street. Access driveways shall not exceed twenty-five (25) feet in width. In the case of a corner lot, access driveways shall be not less than sixty (60) feet from the intersection of the two streets, as measured from the intersection of their right-of-way. Loading and unloading areas, parking areas and circulation shall be provided in accordance with Article 11 of this Ordinance.

802.24 **PUBLIC UTILITIES FACILITIES**

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

- A. Access and parking shall be provided only for maintenance and servicing of such facilities.

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

802.25 RECREATIONAL FACILITIES - (OUTDOORS)

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

- A. No outdoor recreation activity shall be conducted closer than fifty (50) feet to any property line.
- B. A buffer area, at least ten (10) feet in depth and planted with trees, shrubs or other landscaping, shall surround the property except for access drives.
- C. Access drives shall be not greater than twenty-five (25) feet in width; parking areas shall not be located within buffer areas.
- D. Storm drainage from the site shall be channeled to natural drainage courses and away from adjoining properties.

802.26 SEWAGE DISPOSAL AND SEWAGE TREATMENT PLANTS

The location and operation of a public or private sewage disposal and/or sewage treatment plant shall be in full compliance with the applicable regulations of the Pennsylvania Department of Environmental Protection. Written approval from DEP shall be secured prior to the installation of such facilities.

802.27 SINGLE RESIDENTIAL STRUCTURES, CONTAINING MULTIFAMILY DWELLING UNITS

Such structures shall contain not more than four (4) dwelling units. A lot area of four thousand (4,000) square feet shall be required for each dwelling subject to the structure being serviced by central sewers. Structures serviced by on-lot sewage shall require a minimum lot size of not less than one acre. A minimum lot width of not less than one hundred (100) feet shall be required. Each side yard shall have setback of not less than fifteen feet.

802.28 TOWNHOUSES AND GARDEN APARTMENTS

Townhouses and/or garden apartments which are not being developed as part of a Planned Residential Development, shall be serviced by central sewers and shall be

subject to the following provisions and all applicable provisions of the Salem Township Subdivision and Land Development Ordinance:

- A. Minimum lot width shall be 150 feet.
- B. Maximum percentage of building coverage on a lot per dwelling unit, exclusive of common or public open areas, shall be 30%.
- C. Minimum lot width per dwelling unit shall be 20 feet.
- D. Minimum lot depth per dwelling unit shall be 100 feet.
- E. Minimum lot area per dwelling unit shall be 2,000 square feet.
- F. Minimum front yard setback shall be 25 feet.
- G. Minimum side yard setbacks shall be 20 feet. Side yard setbacks shall be required only at the ends of rows of attached dwellings.
- H. Minimum rear yard setback shall be 25 feet.
- I. Maximum density shall be 1 unit per each 5,000 square feet of land area.
- J. Minimum width of each dwelling unit shall be 20 feet.
- K. Maximum building height shall be 3 stories or 35 feet.
- L. Minimum distance between principal structures shall be 30 feet.
- M. Minimum front yard setback for off-street parking areas shall be 15 feet.
- N. Minimum side yard setbacks for off-street parking areas shall be 15 feet.
- O. Minimum rear yard setbacks for off-street parking areas shall be 15 feet.
- P. Two (2) off-street parking spaces shall be provided for each dwelling unit.
- Q. 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 five (5) feet side and rear yard setbacks. Attached accessory structures shall have the same setbacks as required for principal structures.

802.29 TRUCKING FACILITIES

The property shall not be less than four (4) acres in area. Access drives shall be no more than twenty-five (25) feet in width; parking and loading areas shall conform to the regulations within Article 11. Where the operation abuts on the rear or side lot lines of a zoning district containing residences as a principal permitted use, 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. No truck parking or terminal

operation shall be allowed within fifty (50) feet of any lot line. Outside lighting shall be directed away from adjacent properties.

802.30 WAREHOUSE AND DISTRIBUTION FACILITIES

All materials shall be stored within a completely enclosed building and yard areas shall be kept clear of junk, trash or other types of debris. Access drives shall not exceed twenty-five (25) feet in width; parking and loading areas shall conform with the regulations of Article 11 of this Ordinance. No warehouse activities, including parking and/or loading areas, shall be allowed within twenty (20) feet of any property line abutting a zoning district which allows residences as a principal permitted use.

802.31 WAREHOUSE (SELF-STORAGE)

These facilities may be a building or group of buildings in a controlled-access and fenced compound, containing varying sizes of individual compartmentalized and controlled-access stalls or lockers for dead storage of customers' goods and personal property, with storage space available for rental to the general public. All storage shall be contained within a completely enclosed building or buildings. There shall be a minimum spacing of twenty-five (25) feet between buildings for traffic circulation, parking and fire lane purposes. No activities including off-street parking shall be allowed within twenty (20) feet of a property line abutting a district having residences as a principal permitted use. All outside lighting shall be directed away from adjacent properties.

802.32 FORESTRY ACTIVITIES

Forestry activities shall be conducted in accordance with the following requirements, conditions and/or approvals:

- A. A zoning permit shall be obtained from the Salem Township Zoning Officer prior to harvesting or otherwise removing forty (40) or more trees with a trunk diameter of three (3) inches or more at a height of three (3) feet above the average ground level on any tract of land larger than two (2) acres.
- B. Prior to the issuance of a zoning permit pursuant to Section 802.32.A above, a Forestry Management Plan shall be prepared and filed by the Applicant with the Salem Township Zoning Officer and the Luzerne County Conservation District, for approval by the Luzerne County Conservation District. The Forestry Management Plan shall be prepared by a qualified forester or forest technician.
- C. The Forestry Management Plan shall be consistent with the Timber Harvesting Guidelines of the Pennsylvania Forestry Association.
- D. Prior to the issuance of a zoning permit pursuant to Section 802.35 above, an Erosion and Sedimentation Control Plan shall be submitted by the Applicant to the Luzerne County Conservation District for review, recommendation and approval and a copy shall be submitted to the Salem Township Zoning Officer.
- E. Clear cutting shall be prohibited, except on lots less than two (2) acres.

F. Clear cutting shall be prohibited on slopes greater than fifteen percent (15%).

G. Clear cutting shall be prohibited within the one hundred (100) year floodway.

H. When harvesting or otherwise removing forty (40) or more trees on tracts larger than two (2) acres, at least thirty percent (30%) of the forest cover (canopy) shall be kept and the residual trees shall be well distributed. At least thirty percent (30%) of these residual trees shall be composed of highest value species as determined by the Forestry Management Plan; and

802.33 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%) of the habitable floor area.
- H. The business shall not involve any illegal activity.

802.34

ELECTRICAL POWER GENERATING PLANTS OTHER THAN WIND ENERGY FACILITIES

A. Electrical Power Generating Plants other than Wind Energy Facilities are required to comply with all dimensional, use and operational requirements contained in any applicable operating permit or license issued by any federal or state agency.

B. The following dimensional regulations apply to Electrical Power Generating Plants other than Wind Energy Facilities, unless more restrictive standards are applicable under any operating permit or license, as referenced in Section 802.34.A, above:

1. Minimum Lot Area: Ten (10) acres.
2. Minimum Lot Width: Five hundred (500) feet.
3. Setbacks/Yard Requirements: Each principal buildings and/or structure shall be governed by the following regulations:
 - a) Front Yard: The minimum front yard shall not be less than seventy five (75) feet as measured from the front lot line. Notwithstanding any other provision of this Ordinance, where a lot abuts more than one (1) street, the owner or developer may specify which lot line shall be the front lot line for purposes of designating one front yard, and the remaining side and rear yards.
 - b) Rear Yard: The rear yard shall not be less than fifty (50) feet in depth as measured from the rear lot line.
 - c) Side Yard: The side yards shall not be less than fifty (50) feet on each side.
4. Streets Internal to a Lot: Notwithstanding any other provision of this Ordinance, setbacks shall not be required from any street that is internal to a lot.
5. Lot Coverage: Not more than sixty percent (60%) of the lot area shall be covered with buildings or structures.

C. Temporary or permanent parking, whether permeable or impermeable, shall not be subject to the dimensional regulations of this section.

802.35

SINGLE-FAMILY DWELLINGS IN THE I-3 DISTRICT

The following dimensional regulations apply to single-family dwellings in the I-3 District:

A. Minimum Lot Area: Each principal building or use shall be located upon a lot having a minimum lot area of not less than:

1. Ten Thousand (10,000) square feet when serviced by central sewers.
 2. One (1) acre when serviced by on-lot sewage disposal and governed by the applicable standards of the Pennsylvania Department of Environmental Protection.
- B. Minimum Lot Width:
1. Seventy-five (75) feet for lots serviced by central sewers
 2. One Hundred and Fifty (150) feet for lots with on-lot sewage disposal
- C. Front Yard: The minimum front yard shall be not less than thirty (30) feet in depth as measured from the front lot line.
- D. Rear Yard: The rear yard shall not be less than forty (40) feet in depth as measured from the rear lot line.
- E. Side Yard: The side yard shall not be less than twelve (12) feet on each side.
- F. Lot Coverage: Not more than forty percent (40%) of the lot area shall be covered with buildings or structures.
- G. Building Height: The maximum height of any building shall not exceed two and one-half (2 ½) stories or thirty-five (35) feet.

802.36 – CAMPGROUNDS

- A. No campground shall be located or constructed in a manner or at a location that is inconsistent with the Salem Township Floodplain Ordinance.
- B. An applicant must demonstrate compliance with all the requirements of the Pennsylvania Department of Environmental Protection, including but not limited to the regulations found at 28 Pa. Code. Chapter 19, regarding organized camps and campgrounds.
- C. Each zoning application for a campground shall be accompanied by three (3) copies of a plot plan drawn at a scale of one (1) inch equals twenty (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 right-of-ways and property lines. All campsites shall be numbered in sequence on the plot plan.
- D. Every campsite within a campground shall be clearly defined on the ground by permanent markers.

E. 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.

F. Dimensional Regulations:

1) The minimum lot size for a campground shall be ten (10) acres.

2) All camping structures and campground accessory buildings shall be located at least fifty (50) feet from any property boundary line, public street or highway, or private street used by more than one lot.

2) A campground shall have no more than seven (7) campsites per gross acre.

2) The minimum width of a campsite within a campground shall be thirty-five (35) feet

3) No camping structure shall be placed within thirty (30) feet of another.

4) Each campsite within a campground shall have an area of at least one thousand five hundred (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.

G. The street or driveway on which a campsite fronts shall not be less than sixteen (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 forty (40) feet. All streets and driveways shall be paved in accordance with standards and specifications for Local Streets in the Salem Township Subdivision and Land Development Ordinance, and any other applicable Salem Township ordinance. All construction material for streets and driveways shall meet all applicable Salem Township requirements.

H. Where any campground has an entrance off of a State Highway, the campground property owner shall secure a driveway permit from the Township as part of the zoning approval process.

I. A campground where the sole access to the property is a private street used by more than one lot is prohibited. Lots within a campground but under separate ownership as of the date of adoption of this provision, whose sole access is a private street used by more than one lot, may be excepted provided a new driveway permit is obtained for the point of access to the public road under the current driveway permit standards.

J. 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.

K. Each campground shall provide sanitary facilities consisting of sinks, toilets and showers, in sufficient 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.

L. 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.

M. 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.

N. 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.

O. 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. Campground residents may occupy a site for not more than one hundred eighty (180) consecutive days.

Q. The Developer of a campground shall provide a minimum of two (2) deciduous trees with a caliper of no less than 3", per campsite. Preexisting trees may satisfy this requirement.

802.37 BED AND BREAKFAST/GUEST HOUSE

A. No more than six (6) guest rooms may be provided. No more than two (2) adults and three (3) children may occupy one guest room.

B. There shall be no advertising of the Bed and Breakfast/Guest House use that is visible outside of the premises other than a single, non-illuminated sign that shall not exceed twelve (12) square feet. No external alternations, additions, or changes to the exterior structure shall be permitted except as required by the Pennsylvania Department of Labor and Industry.

C. Operators of the Bed and Breakfast/Guest House use must reside on the premises, and must be a member of the immediate family of the property owner upon which the Bed and Breakfast/Guest House use is located. No more than two (2) non-resident employees of the Bed and Breakfast/Guest House shall be permitted.

D. There shall be no separate kitchen or cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast and afternoon refreshments.

E. The use of any amenities provided by the Bed and Breakfast/Guest House, such as swimming pools or tennis courts, shall be restricted to overnight guests.

802.38 **CONVERTED SINGLE FAMILY DWELLINGS/CONVERSION APARTMENTS**

A. A converted single family dwelling shall not exceed four (4) conversion apartments per structure.

B. Each conversion apartment within a converted single family dwelling shall contain a minimum of six hundred fifty (650) square feet of habitable space, except for efficiency conversion apartments, which may contain a minimum of three hundred fifty (350) square feet of habitable space.

C. The lot upon which a converted single family dwelling is situated shall have a gross area at least equal to the minimum lot size for the district in which it is located.

D. Sewage facilities shall be provided within a converted single family dwelling that are capable of treating the volume of effluent anticipated from the conversion. Certification verifying the acceptability and/or suitability of an existing sub-surface sewage disposal system or sewage permit for the installation of a new system shall be submitted as part of a zoning application for a converted single family dwelling/conversion apartments.

E. No structural alterations shall be made to the exterior of the converted single family dwelling, except as may be necessary for safety purposes.

F. Converted single family dwellings shall comply with off-street parking and other applicable requirements of this Ordinance.

803 **LOT REGULATIONS**

803.1 **FLAG LOTS**

The following standards shall apply to all flag lots:

A. Flag lots shall be permitted only in cases of single-family detached dwelling units located in residential, agricultural or conservation districts.

B. Flag lots shall be permitted only for tracts of land with limited street frontage, but with sufficient area for additional lots and where the uses of such lots would result in an improved subdivision design. Flag lots shall not be permitted in a subdivision where a street could reasonably be developed to serve the lots with each meeting the minimum lot width requirement.

C. Each flag lot shall contain its own access strip owned in fee simple as part of the lot and not by way of a grant of right-of-way, easement, license, or similar grant.

D. Each access strip shall have a minimum width of fifty (50) feet measured from the existing street line of a public street for a full length of the access strip to the point where the lot first obtains the minimum standard lot width. Minimum street lines shall not apply to flag lots that meet all other lot width requirements for the district in which the lot is located.

E. Flag lots shall contain a lot area at least equal to the minimum required lot area of the district in which the lot is located. The area of the access strip shall not be included in the calculations of the required minimum lot area.

F. The front yard for a flag lot shall be measured from the point where the lot first obtains the minimum required lot width for the district in which the lot is located. The rear yard shall be considered that lot line which runs generally parallel to and does not intersect with the front lot line.

G. Only one (1) tier of flag lots shall be permitted on the tract being subdivided. A tier shall be considered those flag lot(s) located behind the frontage lots which meet the minimum lot width requirements at the street line.

H. No more than two (2) contiguous flag lot access strips shall be formed.

I. For any subdivision of twenty (2) lots or less, there shall be no more than four (4) flag lots. In subdivisions with more than twenty (20) lots, no more than twenty percent (20%) of the total lots may be flag lots.

J. A flag lot shall not be further subdivided without the provision of direct public or private street access.

ARTICLE 9

NONCONFORMING LOTS, USES, STRUCTURES AND BUILDINGS

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 NONCONFORMING LOTS OF RECORD

In any zoning district, structures, both principal and accessory, maybe 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.

If two (2) or more adjacent lots, with continuous frontage, in single ownership, are lots of record at the effective date of the adoption or amendment of this Ordinance, and if such lots do not meet the required lot area and/or width requirements, such lots shall be considered to be an undivided parcel and no portions of such parcel shall be used or sold in a manner which further diminishes compliance with the required lot area and/or width requirement for the zoning district in which such lots are located.

SECTION 903 CONTINUATION OF NONCONFORMITY

Any lawful nonconforming use and/or nonconforming structure may be continued except as otherwise provided in this Ordinance, but any nonconforming use and/or structure shall not be enlarged, reconstructed, structurally altered or changed except as permitted by provisions of this Ordinance.

SECTION 904 REGISTRATION OF NONCONFORMING USES AND STRUCTURES

The Zoning Officer may prepare and maintain an accurate listing of all nonconforming uses and structures. The Zoning Officer or the property owner may initiate the process of certifying the nonconformity of a given property. The Zoning Officer shall issue a Certificate of Nonconformity where he finds the use or structure, although not in compliance with all applicable requirements of the zoning district in which it is located, to be a lawful nonconforming use or structure.

SECTION 905

CHANGES OF NONCONFORMING USES

The Zoning Hearing Board may grant a special exception to allow one (1) nonconforming use to be changed to another nonconforming use, if the Board finds that the proposed change in use complies with the standards and criteria provided for in 1510.2 of this Ordinance and all of the following provisions:

- A. No structural alterations are to be made.
- B. The proposed change shall be less objectionable in external effects than that of the previous or existing nonconforming use, and shall be more consistent with its physical surrounding.
- C. There shall be no increase in traffic generation or congestion, including both vehicular and pedestrian traffic.
- D. There shall be no increase in the danger of fire or explosion.
- E. There shall be no increase in noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration, lighting or electrical disturbances.
- F. There shall be no increased threat to health by any reason, including that of rodent, vermin or otherwise.

SECTION 906

ENLARGEMENT OF NONCONFORMING USES AND STRUCTURES

The Zoning Hearing Board may grant a special exception for the enlargement of a nonconforming use and/or structure, if the Board finds the following standards will be met:

- A. The enlargement will not replace a conforming use.
- B. The nonconforming structure and/or use, after enlargement, shall comply with the yard and lot coverage requirements applicable to the zoning district in which it is located.
- C. The use and/or structure, after enlargement, shall comply with all applicable off-street parking and/or loading requirements for said use and/or structure.
- D. Not more than one (1) enlargement of a nonconforming use and/or structure shall be permitted.
- E. A nonconforming structure and/or use shall not be enlarged beyond the limits of the zoning lot on which it is located. Expansion to an adjoining lot shall be prohibited, even if such adjoining lot was in the same ownership at the effective date of the adoption of this Ordinance.

- F. The enlargement shall not exceed twenty-five (25%) percent of the floor area or land area as it existed at the time the structure or use first became nonconforming.

SECTION 907 RESTORATION OF USE

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 nonconforming lot 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 908 TERMINATION OF NONCONFORMING USE AND/OR STRUCTURE

A. 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.

B. 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.

C. 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 abandoned, if it is changed as set forth in Section 808 (B) of this Ordinance or if it is discontinued for a continuous period of one (1) year with no evidence or documentation which indicates the owner's intent to resume the nonconforming use.

D. UNSAFE STRUCTURES

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

ARTICLE 10

OFF-STREET PARKING AND LOADING

ARTICLE 10

OFF-STREET PARKING

SECTION 1001 GENERAL REQUIREMENTS

In all districts, in connection with every business, institutional, recreational, residential or other use, there shall be provided, at any time any new structure is erected, any existing structure is enlarged or increased in capacity, or any new use is established, off-street parking spaces for automobiles in accordance with Section 1006 of this Ordinance and the following requirements.

- 1001.1 Each off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
- 1001.2 There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than 10 feet in width in the case of a dwelling, and not less than 18 feet in width in all other cases, leading to the parking or storage areas or loading or unloading spaces required hereunder.

SECTION 1002 USE OF OFF-STREET PARKING FACILITIES

Off-street facilities accessory to residential use and developed in any residential districts in accordance with the requirements of this article shall be used solely for the parking of vehicles owned by occupants of the dwelling structures in which such facilities are accessory, service vehicles, or by guests of said occupants.

SECTION 1003 JOINT PARKING FACILITIES

Off-street parking facilities for different buildings, structures, or uses, or for mixed uses, may be provided collectively in any zoning district in which separate off-street parking facilities for each constituent use are permitted, provided that the total number of parking spaces so located together are not less than the sum of the separate requirements for each use of which normal hours of operations coincide, and not more than three hundred (300) feet from the lot on which the main building is located.

In any case, where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereto, assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Township Solicitor, and shall be filed with the application for a building permit. Not more than fifty (50) percent of the parking spaces required for (a) theaters, and places of amusement, and up to one hundred (100) percent of the parking spaces required for a church or school may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used or operated during the same hours as those listed in (a): provided, however, that written agreement,

assuring the retention for such purposes, is properly drawn and executed by the parties concerned, approved as to form and execution by the Township Solicitor and is filed with the application for a building permit.

SECTION 1004 CONTROL OF OFF-SITE FACILITIES

When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use is located, they shall be in the same possession, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants of record filed in the office of the Township Secretary requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

SECTION 1005 NON-RESIDENTIAL PARKING IN RESIDENTIAL DISTRICTS

No parking areas accessory to a "B" or "I" use shall be located in an "R" district, except as permitted herein. Accessory off-street parking facilities serving non-residential uses of property may be permitted in any "R" District when authorized by the Zoning Hearing Board, after review and study by the Planning Commission, subject to the following requirements in addition to all other relevant requirements of this Ordinance:

- A. the parking lot shall be accessory to, and for use in connection with, one or more non-residential establishments located in adjoining districts or in connection with one or more existing professional or commercial office buildings or institutions, and within three hundred (300) feet of the non-residential use which it is to serve.
- B. The said parking lot shall be used solely for the parking of vehicles of customers, clients or patients.
- C. No commercial repair work or service of any kind shall be conducted on said parking lot.
- D. No sign of any kind other than signs designating entrances, exits, and conditions of use, shall be maintained on said parking lot, and shall not exceed twenty (20) square feet in area.
- E. Each entrance to and from said parking lot shall be at least thirty-five (35) feet distant from any adjacent property located in any residential district, except where ingress and egress to the parking lot are provided from a public alley or public way separating the residential areas from the proposed parking lot. A buffer area of fifteen (15) feet minimum width shall be provided and maintained along all lot lines which are not street lines and which abut residential use.
- F. In addition to the foregoing requirements, such parking lots shall conform to any further requirements, and conditions as may be prescribed by the Township Officials for the protection of the properties adjacent to and in the vicinity of the proposed parking lot.

SECTION 1006 REQUIRED OFF-STREET PARKING SPACES BY USES

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

1. Single-Family Detached Dwelling: Two (2) spaces for each dwelling unit.
2. Two-Family Structure: Two (2) spaces for each dwelling unit.
3. Multifamily Residential, (Townhouses and Garden Apartments): Two (2) spaces for each dwelling unit.
4. Boarding/Rooming House: One (1) space for each guest room, plus all other off-street parking spaces required for any other use or uses located within the structure.
5. Home Occupation:
 - (a) Four (4) spaces for any medical practitioner.
 - (b) Two (2) spaces for all other home occupations.
6. Residential Conversion: Two (2) spaces for each dwelling unit created through conversion.
7. Churches and Similar Places of Worship: One (1) space for every four (4) seats in the main assembly room or one (1) space for each twelve (12) feet of bench length; if fixed seating is not provided, one (1) space for every 30 square feet of gross floor area.
8. Places of Public or Private Assembly, including Auditorium 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.
9. Schools, Elementary and Secondary: One (1) space for each staff member, plus one (1) space for every twenty (20) classroom seats, based upon the maximum capacity.
10. College, 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.
11. Nursery or Day Care Schools: One (1) space for each employee, plus one (1) space for every five (5) children, based upon the maximum number of children which the facility is licensed to serve.
12. Nursing Homes/Convalescent Homes: One (1) space per each five (5) beds, based upon the designed maximum capacity, plus one (1) space for each employee.

13. Medical or Dental Office or Clinics: Five (5) spaces for every doctor, dentist, chiropractor or other licensed medical practitioner.
14. Social Halls, Clubs and Lodges: One (1) space for every two hundred (200) square feet of gross floor area.
15. Public Uses: One (1) space for every one hundred 16. square feet of gross floor area.
16. 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.
17. Outdoor Recreational Facilities: In cases where such facilities include spectator seating, there shall be one (1) space for every four 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.
18. Retail Businesses: One (1) space for every three hundred (300) square feet of gross floor area.
19. Eating and Drinking Establishments: One (1) space for every three (3) seats.
20. Fast Food Restaurant: One (1) space for every eighty (80) square feet of service or dining area, with a minimum of five 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.
21. Entertainment Facilities: One (1) space for every one hundred 16. square feet of gross floor area.
22. Personal Services: One (1) space for every three hundred (300) square feet of gross floor area.
23. Self-service Coin Operated Laundries and Dry Cleaners: Shall provide one (1) space for every two (2) washing or drying machines.
24. Health Clubs: Shall provide 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 any eating or drinking establishment.
25. Animal Hospital: Five (5) spaces for every veterinarian.
26. Group Residence: Two (2) spaces shall be provided.

27. Funeral Homes and Crematories: Twenty (20) spaces for each viewing parlor.
28. Professional Offices: One (1) space for every three hundred (300) square feet of gross floor area.
29. Motels and Hotels: One (1) space for each unit for guest accommodations; any such facility which also serves food and/or beverages shall also comply with the parking requirements of an eating or drinking establishment.
30. 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.
31. 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.
32. Automobile Car Washes: One (1) space for each employee on the maximum working shift.
33. Automotive Sales: One (1) exterior space for every six hundred (600) square feet of gross interior floor space plus one (1) additional space per each 5,000 square feet open sales or display area.
34. Automotive Repairs: One (1) exterior space for every two hundred (200) square feet of gross interior floor area.
35. Equipment Sales and Repairs: One (1) exterior space for every two hundred (200) square feet of gross floor space.
36. Shopping Center: Five (5) spaces for each 1,000 square feet of gross floor area.
37. Hospital: One space for every four beds and one additional space for each one hundred (100) square feet of office space, including medical offices.
38. Industrial, Manufacturing, Wholesale and Warehouse Establishments, Truck Terminals, Research and Testing Facilities: One (1) space for every one thousand (1000) square feet of gross floor area; plus one (1) space for every two (2) employees on the maximum working shift; or a total parking area not less than twenty-five (25%) percent of the total gross square feet of the building, which ever represents the greater total.
39. Any commercial use or nonresidential use of a structure, building or land, not specifically listed within Section 1006 of this Ordinance shall provide one (1) off-street parking space for every three hundred (300) square feet of gross floor area or lot area.
40. Methadone Treatment Facility: Ten (10) spaces for every doctor, licensed medical practitioner, and/or counselor; employed at the facility plus one (1) space for each

staff member.

41. Electrical Power Generating Plants other than Wind Energy Facilities: One (1) space for each employee on the maximum working shift during normal operations.

SECTION 1007 PROVISION OF HANDICAPPED PARKING SPACES

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

places of lodging

establishments serving food or drink

places of exhibition or entertainment

places of public gathering

sales or rental establishments

service establishments, stations used for specified public transportation.

places of public display or collection

places of recreation

places of education

social service center establishments, and places of exercise or recreation.

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

1007.1 DESIGN FEATURES FOR HANDICAPPED PARKING SPACES

In addition to complying with all other applicable provisions of this Article, the following shall apply:

- A. 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.
- B. 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.

- C. Vehicular access to handicapped parking areas shall have a minimum vertical clearance of not less than nine and one half (9.5) feet.
- D. An off-street parking area shall be designed to provide accessible routes from the handicapped parking areas to an accessible building entrance and to public streets and sidewalks which adjourn the off-street parking area.

1007.2 LOCATION

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.

1007.3 SIGNAGE FOR HANDICAPPED PARKING

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

1007.4 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 1006, 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
401 TO 500	9
501 TO 1000	2% of total

SECTION 1008 OFF-STREET LOADING

1008.1 DESIGN

- A. Description of Loading Space: An off-street loading space shall be a hard surfaced area of land, open or enclosed, other than a street or public way, used principally for the standing, loading, or unloading of motor trucks, tractors, and trailers so as to avoid undue interference with the public use of streets and alleys. A required loading space shall not be less than ten (10)

feet in width, fourteen (14) feet in height and of adequate length to suit the specific use.

- B. Location: No permitted or required loading space shall be closer than fifty (50) feet to any property in a residential district unless completely enclosed by building walls, or an ornamental fence or wall, or any combination thereof not less than six (6) feet in height. No permitted or required loading space shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets. Loading space open to the sky may be located in any required yards.
- C. Measurement of spaces: When determination of the number of required off-street loading spaces results in a requirement of a fractional space any fraction up to and including one-half ($1/2$) may be disregarded, and fractions over one-half ($1/2$) shall be interpreted as one (1) loading space.
- D. Surfacing: All open off-street loading berths shall be improved with a compacted base, surfaced with all-weather dustless material, of adequate thickness to support the weight of a fully-loaded vehicle.

1008.2 REQUIRED SPACES

Every building or structure used for business, trade, or industry shall provide space as herein indicated for the loading and unloading of vehicle off the street or public alley. Such space shall have access to a public alley or, if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space. Off-street loading and unloading space shall not be in a manner to obstruct or interfere with the free use of any street loading and unloading space requirements.

- A. Multi-story multi-family dwellings - One (1) off-street loading or unloading space at least ten (10) feet wide for every three thousand (3000) square feet of total floor area.
- B. Industrial Plants - One (1) Off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every ten thousand (10,000) square feet of total floor area.
- C. Warehouses and Wholesale Storage Facilities - One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every seventy-five hundred (7500) square feet of total floor area.
- D. Freight Terminals and Trucking Terminals - One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every five thousand (5000) square feet of total floor area.
- E. Electrical Power Generating Plants other than Wind Energy Facilities - Sufficient off-street loading and unloading spaces to allow for safe loading and unloading of materials and supplies.

ARTICLE 11

SIGN REGULATIONS

ARTICLE 11

SIGN REGULATIONS

SECTION 1101 TYPE AND USE OF SIGNS

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

- A. IDENTIFICATION SIGN: A sign which communicates the name and/or address of an occupant or a permitted home occupation upon the zoning lot on which the sign is located.
- B. BUSINESS SIGN: A sign which communicates information concerning a business, profession, commodity, service, entertainment or development which is sold, offered, prepared, manufactured or conducted upon the zoning lot where the sign is located.
- C. BILLBOARD OR OFF PREMISE ADVERTISING SIGN: A sign which communicates information concerning a subject, business, profession, activity, commodity, service, entertainment or development not related to, sold, offered, prepared or manufactured on the zoning lot where the sign is located.
- D. REAL ESTATE SIGN: A temporary sign, having an area not greater than eight (8) square feet in area which advertises the sale, rental or development of the premises upon which the sign is located.
- E. SUBDIVISION/DEVELOPMENT SIGN: A temporary real estate sign, not greater than sixty (60) square feet in area, which advertises the sale of property within an approved subdivision or planned residential development.
- F. INSTITUTIONAL SIGN: A sign which identifies a use pertaining to a school, church, hospital or other institution of a similar public or semipublic nature.
- G. ON-SITE DIRECTIONAL AND/OR INFORMATIONAL SIGN: A sign commonly associated with, and limited to, information and directions necessary for visitors entering or exiting a property, including signs marking entrance and exits, parking areas, circulation direction, restrooms and pick-up and delivery areas. Such signs shall contain no advertising material.

SECTION 1102 CONSTRUCTION TYPES

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

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

- B. WALL SIGN: A sign attached, painted or affixed to the wall of a principal structure or accessory structure, not projecting over any public right-of-way and not extending more than two (2') feet from the building or structure.
- C. PROJECTING SIGN: A sign which projects outward or extends more than two (2') feet from the building or structure.

SECTION 1103 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 B-2, B-3, I-1, I-2, I-3, C-1 and A-1 zoning districts.
- C. REAL ESTATE SIGNS: Such signs shall be permitted in all zoning districts.
- D. SUBDIVISION/DEVELOPMENT SIGNS: Such signs shall be permitted in all zoning districts and any PRD zoning district, upon the creation of such.
- E. INSTITUTIONAL SIGNS: Such signs shall be permitted in all zoning districts.
- F. ON-SITE DIRECTIONAL AND/OR INFORMATIONAL SIGN: Such signs shall be permitted in all zoning districts.
- G. BILLBOARD SIGNS: Such signs shall be permitted in B-3, I-1 and I-2 Zones.

SECTION 1104 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: A business sign shall not exceed square five feet for each foot of width of the principal building on the lot. In a shopping center or an integrated grouping of commercial or industrial uses which is classified as a "Land Development", in addition to permitting each individual business establishment to display a business sign, one (1) sign shall be permitted on the lot, which indicates the name of the shopping center and/or the names of the business establishments located therein. Only one (1) such sign shall be permitted on the lot and such sign shall not exceed two hundred and fifty (250) square feet in area.

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

The maximum height of any business sign shall not exceed twenty-eight (28) feet.

- C. REAL ESTATE SIGN: A temporary non-illuminated real estate sign shall not exceed forty-eight (48) square feet in area and shall be located on the same lot on which the property is offered for sale or rental. The sign shall be setback not less than ten (10) feet from the front lot line and shall be removed from the premises within thirty (30) days after the sale or rental of the property.
- D. SUBDIVISION/DEVELOPMENT SIGN: A subdivision/development sign shall be considered a temporary real estate sign and shall not exceed sixty (60) square feet in area. The sign shall be located on the same property on which lots and/or homes in the subdivision are offered for sale. Not more than one (1) sign shall be erected in any subdivision, and such signs shall be setback not less than thirty-five (35) feet from the front lot line. The sign shall be removed from the premises within thirty (30) days after the last lot and/or home is sold.
- E. 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 thirty (30) square feet in area. The maximum height of such signs shall not exceed the maximum height restriction established for a principal structure in the district in which the sign is located. An institutional sign shall be not less than ten (10) feet from the front lot line.
- F. 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. The maximum height of such signs shall not exceed six (6') feet.
- G. BILLBOARD SIGN OR OFF PREMISE ADVERTISING SIGN: The following regulations shall apply to any billboard and/or off-premise advertising sign:
 - 1. An advertising surface area of any panel shall not exceed 300 square feet in and not more than one double-faced panel shall be permitted on the same structure or standard.
 - 2. An advertising surface area of any panel shall not exceed 600 square feet in and not more than one double-faced panel shall be permitted on the same structure or standard.
 - 3. The above signs shall not be located within 100 feet of any residential structure or residential zoning district.

4. There shall be a minimum spacing distance of 500 feet between all such signs.
 5. Such signs shall be setback not less than 200 feet from the center line of any street and/or road right-of-way.
 6. Such signs shall not be attached to a building nor shall such signs be permitted to project above the maximum height limitation for the zoning district in which it is located.
- H. NUMBER OF SIGNS: Excluding on-site directional and/or informational signs, not more than two (2) signs shall be permitted on any property located in any zoning district. In the case of a property located upon a corner lot, a total of three (3) signs may be permitted.

SECTION 1105 SIDE AND REAR YARD SETBACK FOR FREESTANDING SIGNS

The minimum side yard setback and rear yard setback for any freestanding sign shall be the same as the minimum side yard or rear yard setback for a principal structure in the zoning district in which the sign is located.

SECTION 1106 SIGNS RELATED TO NONCONFORMING USES

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

SECTION 1107 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 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: With the exception of a billboard, 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 1108 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 1109 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. Freestanding or projecting signs over any type of public right-of-way, including sidewalk areas.
- F. Sequential, flashing or oscillating signs.
- G. Signs which due to their construction and/or location would constitute a hazard or a potential danger to the community.

SECTION 1110 PERMITS REQUIRED

A zoning permit shall be required for the erection, alteration or relocation of any sign which exceeds three (3) square feet in surface area. Real estate signs and subdivision/land development signs shall be exempt.

ARTICLE 12

FLOOD PLAIN MANAGEMENT

ARTICLE 12

FLOOD PLAIN MANAGEMENT

SECTION 1201 INTENT

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

- A. Promote the general welfare, health, 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 nature drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

SECTION 1202 SPECIAL DEFINITIONS

The definitions of terms provided herein shall apply to the enforcement and administration of the regulations contained within this Article.

1202.01 Base Flood

A flood having a one percent chance of being equaled or exceeded in any given year and also referred to as a 100 Year Flood.

1202.02 Basement

The lowest level or story of a building which has its floor subgrade (below ground level) on all sides.

1202.03 Construction

The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.

1202.04 Development

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

1202.05 FEMA

The Federal Emergency Management Agency

1202.06 Flood Maps

The most recent map prepared by FEMA which delineates the special hazard areas and risk premium zones applicable in Salem Township.

1202.07 Flood

The temporary inundation of normally dry land.

1202.08 Flood, One Hundred Year

See "Base Flood".

1202.09 Flood Insurance Study

A study prepared by FEMA, for Salem Township which includes an examination, evaluation and determination of flood hazards, and if appropriate, corresponding water surface elevations.

1202.10 Flood Fringe

The portion of a One Hundred Year Flood Plain which is beyond the delineated limits of the Floodway, based upon the most current Flood Insurance Study and Flood Maps.

1202.11 Flood Plain, One Hundred Year

The areas specifically identified as being subject to inundation by the Base Flood and/or the One Hundred Year Flood, which is comprised of a Flood Fringe Area and Floodway as delineated upon the Flood Maps.

1202.12 Floodproofing

Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate and/or improved real property, water and sanitary facilities, structures and their contents.

1202.13 Floodway

The designated area of a Flood Plain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the Floodway shall be capable of accommodating a flood of the One Hundred (100) Year magnitude.

1202.14 Freeboard

A margin of safety, expressed in feet above the flood elevation of a One Hundred Year Flood.

1202.15 Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is designed and built to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must be certified by either a registered professional engineer or architect or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square (1) inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one (1) foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

1202.16 Manufactured Home

A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

1202.17 Manufactured Home Park

A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

1202.18 Obstruction

Any structure or assembly of materials including fill above or below the surface of land or water, and any activity which might impede, retard or change flood flows.

1202.19 Recreational Vehicle

A vehicle which exhibits the following:

- (a) is built upon a single chassis;
- (b) is 400 square feet or less when measured at the largest horizontal projections;
- (c) is designed to be self-propelled or permanently towable by a light duty truck;
- (d) is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

1202.20 Substantial Improvements

Any repair, reconstruction, or improvement of a structure, the cost of which equals 50% of the market value of the structure either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either (a) any project for improvement of a structure to correct existing violations of State or municipal health, sanitary or safety code specifications which are identified by the municipal code enforcement official and which are the minimum necessary to assure safe living conditions, or (b) any alteration of a "historic structure."

SECTION 1203 ABROGATION AND GREATER RESTRICTIONS

The provisions of this Article supersede any other conflicting provisions which may be in effect in identified Flood Plain 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 among any of the provisions of this Article and Ordinance, or any other Ordinance of Salem Township, the more restrictive shall apply.

SECTION 1204 SEVERABILITY

Should any section or provision contained within this Article be declared invalid by a court of competent jurisdiction, such decisions shall not affect validity of this Ordinance as a whole, or any other part thereof.

SECTION 1205 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based upon acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside the various One Hundred (100) Year Flood District(s), or that land uses permitted within such district(s) will be free from flooding or flood damages.

The provisions and regulations contained within this Article shall not create liability on the part of Salem Township or any officer or employee thereof for any flood damages that result from reliance on this Article or of any decision lawfully made thereunder.

SECTION 1206 OVERLAY OF FLOOD PLAIN DISTRICTS

The various One Hundred (100) Year Flood Plain Districts within a One Hundred (100) Year Flood Plain shall include all areas which are subject to inundation by waters of a One Hundred (100) Year Flood. The source of delineating the boundaries of the various One Hundred (100) Year Flood Plain Districts shall be based upon the most recent Flood Insurance Study and Flood Maps as prepared by FEMA. The various One Hundred (100) Year Flood Plain Districts shall be deemed an overlay on any existing or hereafter established zones or districts upon Salem Township's Official Zoning Map.

SECTION 1207 IDENTIFICATION OF ONE HUNDRED (100) YEAR FLOOD PLAIN DISTRICTS

1207.1 ONE HUNDRED (100) YEAR FLOODWAY is the portion of a One Hundred (100) Year Flood Plain subject to inundation and designated to carry and discharge the waters of the One Hundred (100) Year Flood without any increase in the water surface elevation of that flood. The delineation of such areas shall be based upon the Flood Insurance Study and the Flood Maps.

1207.2 ONE HUNDRED (100) YEAR FLOOD FRINGE AREA is that portion of a One Hundred (100) Year Flood Plain subject to inundation which is outside of the delineated floodway. The delineation of such areas shall be based upon the Flood Insurance Study and Flood Maps. A zoning permit and approval of the same shall be required for the use of any property located within any of the above noted flood prone areas which constitutes a "development" in accordance with the definition of said term as provided under Section 1202.04 of this Ordinance.

SECTION 1208 CHANGES TO DELINEATED BOUNDARIES

The delineation of a One Hundred (100) Flood Plain as provided for under Section 1207, may be modified by the Board of Supervisors, subject to approval to FEMA, where studies and/or information documents the need for such revision. Any change shall be subject to compliance with the following:

- A. The party supplying the required documentation shall be submitted under the signature of a registered professional engineer, who is qualified to perform hydrologic and hydraulic computations.
- B. The party submitting such documentation shall confirm with FEMA that the methodology and data contained therein is consistent with that used in the preparation of the most recent Flood Insurance Study for Salem Township. Said confirmation from FEMA shall be secured in writing.

- C. All information and documentation provided for under this Article for any proposed modification of the boundaries of a One Hundred (100) Year Flood shall be submitted concurrently to both FEMA and to the Pennsylvania Department of Community Economic and Development.
- D. Prior to the Board of Supervisors' approval of any proposed modifications of the boundaries of a One Hundred (100) Year Flood Plain, written approval and concurrence of the subject modification from FEMA shall be secured.
- E. Any proposed modification of a boundary of a One Hundred (100) Year Flood Plain, shall be governed by the provisions contained in Section 1401 (Amendment Procedure) and Section 1404 (Enactment of Amendments) of this Ordinance.

SECTION 1209 INITIAL DETERMINATION OF BOUNDARIES

The Zoning Officer, in the course of reviewing proposed developments, shall be responsible for determining the applicable boundaries of a One Hundred (100) Year Flood Plain. Any party who wishes to dispute or challenge the determination of the Zoning Officer may appeal such decision to the Salem Township Zoning Hearing Board. The burden of proof shall be on the appellant.

SECTION 1210 ALTERATIONS TO WATERCOURSES

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 Salem Township or the party proposing such, and until all required permits or approvals have been first obtained from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterway Management, and FEMA. In addition, Pennsylvania Department of Community Economic and Development, shall be notified prior to any alteration or relocation of any watercourse.

Any party proposing an alteration to a watercourse must provide all necessary documentation to certify that the flood carrying capacity within the watercourse shall be maintained upon completion of the proposed alteration.

SECTION 1211 FLOODWAY RESTRICTIONS

1211.1 Within an identified Floodway no encroachment shall be permitted, including fill, new construction, substantial improvements, and other type of development, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels during the occurrence of a One Hundred (100) Year Flood. Such analysis shall be performed by a registered professional engineer, who is qualified to perform hydrologic and hydraulic computations. The applicant's engineer shall be required to:

- A. Contact the FEMA Regional Office in Philadelphia to confirm that the proposed methodology and data are consistent with those used in the preparation of the applicable Flood Insurance Study for Salem Township. Said confirmation from FEMA shall be secured in writing.
- B. Include with said analysis all necessary information including but not necessarily limited to valley cross sections, plan views, all assumptions and computations, and bridge, culvert, drainage basins and dam data, if applicable.
- C. Provide written certification that the proposed encroachment will not result in any increased flood heights during the occurrence of a One Hundred (100) Year Flood.
- D. In the event that a proposed development or encroachment includes modifications or alterations to the channel of the watercourse, as a means to offset any anticipated rise in the elevation of a base flood, Section 1209, in addition to the provisions of this Section, shall apply.

The above information shall be submitted to the Zoning Officer, the Township Engineer, FEMA and DEP for review and comment. In addition to receiving a positive review and approval from FEMA, the applicant shall be required to secure a Water Obstruction Permit from DEP under Title 25, Chapter 105 of the Pennsylvania Code. No zoning permit shall be issued until the Zoning Officer finds that all applicable requirements have been met.

SECTION 1212 ON-SITE REPLACEMENT - FLOODWAY

When a structure, which is located within a Floodway, is demolished or destroyed by fire or other casualty, a new development shall be permitted on the subject parcel of land, and shall be exempt from the provisions under Section 1210 when the following conditions are met:

- A. The maximum permitted size of a new structure or development shall not exceed the linear dimensions and the total cubic feet of the previous development or structure.
- B. The new structure or development shall not represent the replacement of a nonconforming use or a new use which is not permitted within the underlying district.
- C. The new structure or development shall be floodproofed to an elevation not less than one and one-half (1½) feet above the base flood elevation.

SECTION 1213 FLOODPROOFING

Zoning approval of any proposed use, development and/or substantial improvement, which is located within a One Hundred (100) Year Flood Plain shall be conditioned upon strict compliance with all applicable floodproofing provisions as contained within this Article, including but not limited to being floodproofed to an elevation not

less than one and one-half ($1\frac{1}{2}$) feet above the base flood elevation, i.e., a freeboard of one and one-half ($1\frac{1}{2}$) feet.

SECTION 1214 PROHIBITED USES

The development of the following uses, including their construction, expansion, enlargement, and/or substantial improvement, are hereby prohibited in any area of a designated One Hundred (100) Year Flood Plain:

- (1) Manufactured home;
- (2) Manufactured home park;
- (3) Nursing Homes (Public or Private);
- (4) Hospitals and Clinics (Public or Private);
- (5) Jails, Prisons, or any similar detention facility.

SECTION 1215 REGULATIONS FOR HAZARDOUS MATERIALS

1215.1 Classification

For the purpose of administration the following materials and substances are hereby deemed and classified as potential hazards when located in a One Hundred (100) Year Flood Plain:

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
Sulfur and sulfur products
Pesticides (including insecticides, fungicides and rodenticides)
Radioactive substances
Polychlorinated Biphenyl (PCB)
Dioxin

1215.2 Prohibited Uses

The use of any property for the production of or requiring the storage or maintenance of any quantities of radioactive substances, Polychlorinated Biphenyl (PCB) or Dioxin shall be expressly prohibited anywhere within a One Hundred (100) Year Flood Plain.

1215.3 Restrictions in Flood Fringe Areas

With the exclusion of Radioactive Substances, Polychlorinated Biphenyl and Dioxin, the use of any property which includes the storage, production or maintenance of a supply of more than 550 gallons or comparable volume of those materials and substances listed in Section 1215.1 of this Article, may be located within a Flood Fringe area, subject to the use being permitted in the underlying zoning district and further subject to being floodproofed to an elevation not less than one and one-half (1½) feet above the base flood elevation.

1215.4 Restrictions for Floodway

The use of any property which includes the storage, production or maintenance of material and substances listed in Section 1215.1 of this Ordinance shall be prohibited in a designated Floodway.

SECTION 1216 SUBSTANTIAL IMPROVEMENTS

Any modification, alteration, reconstruction or improvement of any kind to any existing structure which equals or exceeds fifty (50%) percent of its market value, shall constitute a substantial improvements and shall be permitted subject and conditioned upon full compliance with the provisions of this Ordinance including but not limited to being floodproofed to an elevation not less than one and one-half (1½) feet above the base flood elevation.

SECTION 1217 VARIANCES

In addition to the criteria contained in Section 1509 of this Ordinance, the following standards and criteria shall apply for a request for a variance:

- A. Compliance with the requirements of this Article would result in an exceptional hardship to the applicant.
- B. No variance shall be granted for any construction, development, use or activity within a Floodway that would cause any increase in the elevation of a One Hundred (100) Year Flood.
- C. Except for a possible modification of the one and one-half (1½) feet of freeboard requirement, no variance shall be granted for any other requirements

pertaining specifically to development regulated under Section 1214 and Section 1215 of this Article.

- D. A variance shall authorize the least reduction and/or modification necessary to provide relief.
- E. Approval of the variance shall not result in any additional threat to public health and safety, or result in any extraordinary public expense, or create any nuisance.
- F. Approval of the variance shall not result in any conflict with any other applicable laws or regulations of the Township, County, State or Federal Government.
- G. Approval of the variance not cause fraud on, or victimize the public.

SECTION 1218 **MODIFICATION OF FREEBOARD REQUIREMENT -
ADMINISTRATIVE PROCEDURES**

1218.1 In the event of a variance request from the required one and one-half (1 1/2) feet of freeboard, the Zoning Hearing Board shall notify the applicant in writing that approval of the request shall:

- A. result in increased premium rates for flood insurance;
- B. increase risks to the structure, its contents, and occupants.

1218.2 The Zoning Hearing Board shall maintain a complete record of all requests which have been approved authorizing reductions in freeboard and the written notification as provided in Section 1218.1 of this Ordinance.

ARTICLE 13

ENFORCEMENT AND ADMINISTRATION

ARTICLE 13

ENFORCEMENT AND ADMINISTRATION

SECTION 1301 ZONING OFFICER

1301.1 APPOINTMENT

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

1301.2 DUTIES AND POWERS OF THE ZONING OFFICER

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

- (A) Receive and review all applications for zoning permits and to approve and issue zoning permits, when warranted.
- (B) Keep an official record of all business and activities, including all complaints of zoning violations of any of the provisions of this Ordinance and the resulting action of said complaints.
- (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.
- (D) Issue permits as authorized by the Zoning Hearing Board or Governing Body pursuant to the requirements and applicable procedures of this Ordinance or by written order of a Court of proper jurisdiction.
- (E) Issue Certificates of Zoning Compliance in accordance with the terms and provisions of this Ordinance.
- (F) Issue Certificates of Nonconformity to nonconforming uses and/or structures and to maintain a listing of such as required.
- (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 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 Board is either required or requested shall be a

prerequisite for any application being forwarded to the Zoning Hearing Board for consideration.

- (I) Participate in proceedings before the Zoning Hearing Board, the Planning Commission and the Board of Supervisors, and at their request, furnish such facts, records and similar information which may assist them in rendering decisions.

SECTION 1302 ZONING PERMIT

1302.1 ISSUANCE OF PERMIT

No building, structure or sign shall be erected, constructed, moved, added to or structurally altered, nor shall 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 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 order from the Zoning Hearing Board in the form of a Special Exception, Variance or as otherwise provided for by this Ordinance or any Court of proper jurisdiction. Normal and routine maintenance and repairs to a structure shall be exempt from obtaining a zoning permit. 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.

1302.2 FORM OF APPLICATION

All applications for permits shall be made in writing by the owner, his authorized agent or equitable owner and shall be filed with the Zoning Officer on forms prescribed by the same. All applications shall be accompanied by two 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 all street right-of-ways which adjoin the property.
- (I) Any other information deemed necessary by the Zoning Officer to determine conformance with the provisions and regulations of this Ordinance.

1302.3 PROCESSING APPLICATIONS

The Zoning Officer shall return one 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 copy of the plans and accompanying information shall be retained by the Zoning Officer and kept on file.

1302.4 TIME PERIOD FOR PROCESSING APPLICATION

A zoning permit shall be approved or denied within forty-five (45) days from the date of receipt of a completed application and plans along with any additional information as required by the Zoning Officer. A zoning permit shall not be deemed complete, until all applicable and associated fees are paid in full. In cases of denial, the applicant shall be informed of his/her rights of appeal as prescribed within this Ordinance. Such notice shall be in writing under the signature of the Zoning Officer.

1302.5 EXPIRATION OF ZONING PERMIT

A zoning permit shall expire one year from the date of issuance, if the work described in said permit has not commenced, including permits authorized to be issued by the Zoning Hearing Board or Governing Body. If the work described within the zoning permit has commenced within the prescribed one year period, the permit shall expire two years from the date of issuance. An extension of time may be granted as a variance from the Zoning Hearing Board.

1302.6 REVOCATION OF PERMITS

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

SECTION 1303 CERTIFICATE OF ZONING COMPLIANCE

A Certificate of Zoning Compliance, issued by the Zoning Officer, shall be required prior to the occupation for the use or change of use of any building, structure or land. It shall be unlawful to use and/or occupy any structure, building and/or land or portions thereof in any manner until a Certificate of Zoning Compliance has been issued and obtained from the Zoning Officer. Residential accessory structures uses shall be exempt from securing a Certificate of Zoning Compliance.

1303.1 APPLICATIONS

All applications for a Certificate of Zoning Compliance shall be made in writing on forms prescribed by the Zoning Officer and shall include all information necessary for the Zoning Officer to ascertain compliance with the subject zoning permit and this Ordinance.

1303.2 ISSUANCE OF CERTIFICATE OF ZONING COMPLIANCE

A Certificate of Zoning Compliance shall not be issued until the Zoning Officer has certified the proposed use complies with all provisions and regulations of this Ordinance or upon written order from the Zoning Hearing Board or any Court of proper jurisdiction.

1303.3 TIME LIMITATION

An application for a Certificate of Zoning Compliance shall be approved or denied within thirty (30) days after the Zoning Officer has been officially notified of either the completion of construction or the request to occupy and use land where no construction is involved.

SECTION 1304 ENFORCEMENT PROCEDURES

1304.1 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 Salem 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 notice has the right to appeal the violation notice and request a hearing on the same before the Zoning Hearing Board within thirty days from the issuance of the violation notice and that 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. SECTION 1506, HEARINGS, Subsection (F) shall govern the procedures of any appeal of an enforcement 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.

1304.2 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 Salem 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 Salem Township at least 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.

1304.3 JURISDICTION

District justices shall have initial jurisdiction over proceedings brought under Section 1304.4 of this Ordinance.

1304.4 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 Salem Township or the Zoning Officer, shall pay a judgment of not more than five hundred dollars, plus all court costs, including reasonable attorney fees incurred by Salem 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, Salem 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 Salem 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 Salem Township the right to commence any action for enforcement pursuant to this Section.

SECTION 1305 SCHEDULE OF FEES, CHARGES AND EXPENSES

The Board of Supervisors shall establish by resolution a schedule of fees and collection procedures for zoning permits, certificates of zoning compliance, certificates of nonconformity, appeals to the Zoning Hearing Board, applications for conditional uses, amendments to the Zoning Ordinance, Zoning Map and any other matters pertaining to the administration of this Ordinance. The schedule of fees 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. The payment of any fee shall represent a nonrefundable expense for administrative functions on the part of the Township.

ARTICLE 14

AMENDMENTS

ARTICLE 14

AMENDMENTS

SECTION 1401 AMENDMENT PROCEDURE

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

- (A) Any proposed amendment, not initiated by the Planning Commission, shall be referred to the Planning Commission at least thirty (30) days prior to a public hearing before the Board of Supervisors to provide the 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 Planning Commission shall be submitted to the Board of Supervisors in writing.
- (D) At least 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 the required fees charged by the Luzerne County Planning Commission for its review.
- (E) Proposed action shall not be taken until the 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) If a proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by Salem Township at points deemed sufficient along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the public hearing.

In addition to posting the tract, written notice of the public hearing shall be mailed by Salem 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

for all real property located within the area proposed to be rezoned and to those properties within a distance of two hundred (200) feet of any property boundary line of the property subject to the proposed zone change. Said mailing addresses shall be based upon tax records within the Luzerne County Tax Assessment Office. It shall be the responsibility of the applicant to provide the Township with the names and mailing addresses of the true and correct owners of record required to receive such written notice. The written 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 Salem Township to provide written notice to such owners, failure to do so shall not invalidate an otherwise duly enacted ordinance that provides for a change in the Zoning Map.

SECTION 1402 APPLICATIONS FOR AMENDMENTS TO THE TEXT OR MAP

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

- (A) The applicant's name and address and/or the name and address of his authorized agent or the equitable owner.
- (B) A signed statement by the owner of record attesting to the truth of the facts of all information contained within the application.
- (C) 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 property owners within two hundred feet of the area proposed to be rezoned.
- (D) Plans, drawings and explanatory material, which describes in detail the applicant's proposed use and/or development of the property.
- (E) Specify those Sections of this Ordinance or areas upon the Zoning Map which will be affected by the proposed amendment.

SECTION 1403 CURATIVE AMENDMENTS

1403.1 INITIATED BY LANDOWNER

A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment to cure the alleged defect, be heard and decided by the Board of Supervisors. In addition to the written request and proposed amendment, the landowner shall also submit plans, drawings and explanatory material, which

describes in detail his proposed use or development. The Board of Supervisors shall commence a public hearing pursuant to public notice within sixty days of the landowner's request. The sixty day period shall not commence until all required information and material is submitted, along with all related fees.

The curative amendment and supporting information shall be referred to the Planning Commission and the Luzerne County Planning Commission for their review and comment at least thirty (30) days prior to the public hearing.

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

If the Board of Supervisors determines that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revisions, or it may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider in addition to the 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 if 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) When the Board of Supervisors fail to commence a public hearing within sixty (60) days from the date the curative amendment and request for a public hearing is filed.
- (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 days after the close of the last public hearing on the request, unless the time is extended by mutual consent by the landowner and the Board of Supervisors.

1403.2 INITIATED BY MUNICIPALITY

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 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 give a report pursuant to Section 1508(A) of this Ordinance, based upon grounds identical to or substantially similar to those specified in the Board of Supervisors' resolution.

The Board of Supervisors, having utilized the procedures as set forth in this Section, may not again utilize said procedure for a thirty-six 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 Salem Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, Salem Township may utilize the provisions of this Section to prepare a curative amendment to fulfill said duty or obligation.

SECTION 1404 ENACTMENT OF AMENDMENTS

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

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

SECTION 1405 NOTIFICATION TO COUNTY

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

ARTICLE 15

ZONING HEARING BOARD

ARTICLE 15

ZONING HEARING BOARD

SECTION 1501 MEMBERSHIP OF BOARD

The membership of the Zoning Hearing Board shall consist of five (5) residents of Salem Township appointed by the Board of Supervisors by resolution. The terms of office for Board members shall be five (5) years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township, including membership on the Planning Commission.

SECTION 1502 ALTERNATES TO ZONING HEARING BOARD

One resident of Salem Township may serve as an alternate member of the Board when appointed by the Board of Supervisors. When seated pursuant to the provisions of Section 1504 of this Ordinance, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board Members, including specifically the right to cast a vote as a voting member during proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. An alternate shall hold no other office in the Township, including membership on the Planning Commission. An alternate may participate in any proceedings or discussions of the Board, but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to Section 1504 of this Ordinance. The term of office for an alternate member of the Zoning Hearing Board shall be one (1) year with appointment made by resolution.

SECTION 1503 REMOVAL OF MEMBERS

Any Board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or for any other just cause by the Board of Supervisors. Prior to any vote by the Board of Supervisors, the member shall receive notice fifteen days in advance of the date at which it intends to take such a vote. A hearing before the Board of Supervisors shall be held in connection with the vote, if the member requests a hearing in writing.

SECTION 1504 ORGANIZATION OF BOARD

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing, and the taking of any action, a quorum shall be not less than a majority of all the members of the Board. The Board, however, may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Section 1506.

If by any reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate the alternate member of the Board to be seated to establish a quorum.

The alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case.

The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of Salem 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 1505 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 1506 HEARINGS

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

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

B. Written notice shall be given to the following parties:

the applicant;

the owner of record of the subject property before the Board, if different than that of the applicant;

to each property owner who has an adjoining or contiguous boundary with the subject before the Board, with the applicant responsible for providing the names and mailing addresses of the owners of record; to each property owner within two hundred (200) feet of the subject property before the Board, with the applicant responsible for providing the names and mailing addresses of the owners of record;

the Zoning Officer;

to any party or person who has submitted a written request to receive notification on the subject property.

The applicant shall be responsible for providing the Zoning Hearing Board with the names and addresses of the true and correct owners of record based upon the records contained in the Luzerne County Tax Assessor's Office. While it shall be the intent of the Salem Township Zoning Hearing Board to provide written notice to property owners which have a common side yard, rear yard or opposite frontage to the subject property before the

In the event a hearing is continued to a future date for the purpose of obtaining additional information, additional testimony or to render a decision, and the Zoning Hearing Board publicly announces during the course of the hearing the time and date for the resumption of the hearing, additional written notice need not be provided to the above parties

Written notice of all hearings before the Board shall also be conspicuously posted on the affected property at least one week prior to the hearing.

- C. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Board. Fees for said hearings may include compensation for the secretary, 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, may 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 by any member appointed by the Board as a hearing officer. The decision, or where no decision is called for, the findings, shall be made by the Board, unless the appellant or applicant, as the case may be, in

addition to the Township, agree to waive any decision or findings by the Board and accept the decision or findings of the hearing officer as final. If the decision or findings of the hearing officer are to be accepted as final, all parties to the hearing must agree to such stipulation at the outset of the hearing.

- F. The parties to the hearing shall be the Township, 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.

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 the Township to 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.

- 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.

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.

- H. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- I. 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 either 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.
- J. 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.

- K. The Board or the hearing officer, as the case may be, shall render a written decision or, if no decision is called for, make written findings on the application within forty-five 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 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 days after the report of the hearing officer. If the Board fails to hold the required hearing within sixty days from the date of the applicant's request for 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 a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten days from the last day it could have met to render a decision, in the same manner as provided under Section 1506 (A) and written notice of the decision shall be mailed to those parties identified under Section 1506(B). If the Board fails to provide such notice, the applicant may do so. Nothing contained within this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- L. 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 the Zoning Hearing Board or any subsequent Court rules in favor of the appealing party.
- M. The final decision or, where no decision is called for, the findings shall be rendered by the Zoning Hearing Board at a public meeting and/or public hearing. A copy of the written decision or findings shall be delivered to the applicant personally or mailed to him not later than the day following the date of the Board's decision or findings. The Zoning Hearing Board shall provide by mail or otherwise, to all persons who have filed their name and address with the Board, not later than the last day of the hearing, a statement of brief notice of the decision or findings and a statement of the place and at which a copy of the full decision or findings may be examined.

SECTION 1507 MEDIATION OPTION

1507.1 Mediation may be utilized as an aid designed to supplement, as opposed to replacing, any proceedings before and under the jurisdiction of the Zoning Hearing Board. In no case, however, shall the Board or any member of the Board, initiate the use of mediation. No member of the Board shall be allowed to participate as a mediating party or be present during any sessions of mediation. Nothing within this Section shall be interpreted as expanding or limiting municipal police powers or modifying any principles of substantive law.

1507.2 Mediation shall be voluntary among all subject parties with the appropriateness of mediation determined by the particular issues of each case and the willingness among all the subject parties to negotiate. In order to supplement proceedings before the Zoning Hearing Board, the following information shall be submitted to the Board in written form and signed by all parties to the mediation, the selected mediator, and the Zoning Hearing Board.

- A. Method and commitment of funding of mediation.
- B. The mediator shall be an attorney, a planner with AICP certification or an individual who is certified by the American Arbitration Association, who shall possess a working knowledge of municipal zoning and subdivision practices and procedures.
- C. A schedule which shall clearly prescribe the time limitations for both the start and completion of mediation. The completion date shall be adhered to even if the negotiations fail to result in a mediated agreement by said date.
- D. Suspension of the appropriate time limitations which apply to the Zoning Hearing Board in convening a hearing and/or rendering a decision, once a hearing is convened, subject to executing a document of expressed written consent by the mediating parties, and by the Zoning Hearing Board.
- E. Identification of all subject parties and affording them the opportunity to participate.
- F. A determination of whether some or all of the mediation sessions shall be opened or closed to the public, subject to governing legal constraints.
- G. An agreement among the mediating parties, that any mediated solution be in written form and subject to review and approval by the Zoning Hearing Board.

- H. Any mediation which concludes within the prescribed time limits under Item C of this Section, which does resolve in whole or in part, the issues subject to mediation, shall then proceed under the hearing process before the Zoning Hearing Board.
- I. No offer or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

SECTION 1508 JURISDICTION OF ZONING HEARING BOARD

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

- A. Substantive challenges to the validity of any land use ordinance, except for those brought before the Board of Supervisors under Section 1403.1 of this Ordinance.
- B. Challenges to the validity of any land use ordinance, based upon procedural questions or alleged defects in the process of enactment or adoption. Challenges based upon procedural questions or alleged defects shall be raised by an appeal to the Board within thirty days after the effective date of the Ordinance subject to the appeal.
- C. 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 or the registration or refusal to register any nonconforming use, structure or lot.
- D. 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.
- E. Applications for variances, pursuant to Section 1509 of this Ordinance.
- F. Applications for special exceptions pursuant to Section 1510 of this 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 storm water management not related to development which is classified as a subdivision, land development, or a planned residential development.

SECTION 1509 VARIANCES

1509.1 INITIAL DETERMINATION BY ZONING OFFICER

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

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

1509.2 PROVISIONS FOR GRANTING VARIANCES

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 impair 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.

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

SECTION 1510 SPECIAL EXCEPTIONS

1510.1 INITIAL DETERMINATION BY ZONING OFFICER

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

1. The applicant submits an application for a zoning permit and a site plan to the Zoning Officer in accordance with Section 1302.2 of this Ordinance.
2. The Zoning Officer shall initially review the site plan to determine its compliance with Items A through I under Section 1302.2 of this Ordinance.
3. The Zoning Officer shall also render a determination regarding whether the proposed development and/or use is required to secure any variances from the Zoning Hearing Board, in addition to securing a special exception approval.

1510.2 PROVISIONS 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 the objectives of the Township's Community Development Objectives as contained in Section 105 of this Ordinance, nor shall it adversely affect the health, safety and welfare of the public and/or the environment.
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. 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 substantially impair the value of other property in the neighborhood where it is proposed to be located.

7. 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 within 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 not be injurious to the public interest.

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

SECTION 1511 PARTIES APPELLANT BEFORE THE BOARD

Appeal and/or applications for hearings before the Zoning Hearing Board pursuant to those matters contained within Section 1509 of this Ordinance, may be filed with the Board in writing by the affected landowner or by any aggrieved person or party. The Board shall not accept appeals or applications for hearings from any tenant or equitable owner of a property without the express written consent of the landowner. In such cases, the landowner's signature shall be required upon all applicable forms, applications or documents which are to be submitted to the Board.

SECTION 1512 TIME LIMITATIONS

1512.1 No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for the development, preliminary or final, has been approved by an appropriate municipal officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan for a Planned Residential Development, pursuant to Section 709 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, or from an adverse decision by a zoning officer on a challenge to the validity of an ordinance or map based upon substantive grounds, pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall preclude an appeal from a final approval, except in the case where the final submission substantially deviates from the approved tentative approval.

1512.2 Any landowner wishing to appeal a decision of the Zoning Hearing Board shall be required to file such appeal to a court of competent jurisdiction within thirty (30) days after the notice of the Board's determination is

issued. Failure to do so within the prescribed thirty day time period shall preclude any further appeal of the Board's decision.

SECTION 1513 STAY OF PROCEEDINGS

- 1513.1 Upon filing of any proceeding referred to in Section 1508 of this Ordinance, and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the zoning officer or other appropriate agency or body. When the application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post a bond as a condition to continuing the proceedings before the Board.
- 1513.2 After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all the evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
- 1513.3 The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- 1513.4 If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond, and the appellate court sustains the order below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

ARTICLE 16

PLANNED RESIDENTIAL DEVELOPMENTS

ARTICLE 16

PLANNED RESIDENTIAL DEVELOPMENTS

SECTION 1601 PURPOSE

The purpose of this district, as stated in the Pennsylvania Municipalities Planning Code, Act 247 as amended, is to achieve the following:

- A. To insure that the provisions of the Salem Township Zoning Ordinance, which are concerned with the uniform treatment of dwelling type, bulk, density and open space within each zoning district, shall not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of the Ordinance.
- B. To encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings.
- C. To provide greater opportunities for better housing and recreation for all who are or may become residents of the Township.
- D. To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economies so secured may insure the benefits of those who need housing.
- E. To encourage more flexible land development which will respect and conserve natural resources such as streams, flood plains, groundwater, wooded areas, and areas of unusual attractiveness in the natural environment.
- F. In aid of the purpose stated within this Section, to provide a procedure which can regulate the type, design and layout of a residential development to the particular site and particular demand for housing existing at the time of development in a manner consistent with the preservation of property values within existing residential areas. To assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures.

SECTION 1602 REGULATORY AUTHORITY

The authority to approve or disapprove applications and plans for a planned residential development shall be vested with the Salem Township Board of Supervisors with the Salem Township Planning Commission acting in an advisory capacity to review and to provide comment to the Board of Supervisors.

SECTION 1603 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.
- F. Special Exception Uses: Home Occupations

SECTION 1604 DENSITY REGULATIONS

The density of a Planned Residential Development, based upon the existing residential zoning district in which the Planned Residential Development is proposed to be established, shall not exceed the minimum lot area per dwelling unit as provided for in the Township's Zoning Ordinance, along with the corresponding maximum lot coverage requirements and required Common Open Space requirements as set forth in Section 1605 of this Ordinance.

SECTION 1605 DIMENSIONAL REGULATIONS

All planned residential developments shall be subject to the following:

- A. Minimum Lot Area: A planned residential development shall have an area of not less than ten (10) 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. Common Open Space: Not less than twenty (20%) percent of the total area of a Planned Residential Development, excluding streets and off-street parking areas, shall be designated, designed and devoted to common open space for the use and enjoyment of the residents therein.

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 Salem 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 Salem Township Subdivision and Land Development Ordinance. The proposed sewage collection system and treatment facility shall require DER approval as a prerequisite and/or condition to tentative approval of a development plan.
- C. Water Supply: The water supply may be an on-site or off-site system. If the water is to be provided by means other than private wells, owned and maintained by individual owners of lots within the planned residential development, evidence shall be provided that the planned residential development is to be 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 LOCATION/MANAGEMENT OF COMMON OPEN SPACE

Common open space within a planned residential development shall be designed as a contiguous area which shall be easily accessible to the residents. A planned residential development must insure that the common open space shall remain as such and be properly maintained by the developer's compliance with one of the following:

- A. Dedicate such land to public use, providing the Township will accept such dedication.
- B. Retain ownership and responsibility for maintenance of such land.
- C. Provide for and establish an organization for the ownership and maintenance of such land, which includes provisions that such organization shall not be dissolved nor shall it dispose of such land, by sale or otherwise (except to an organization conceived and established to

own and maintain the common open space), without first offering to dedicate such land to the Township.

The Township shall utilize the appropriate procedures and remedies, as set forth in Article 7 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, should an organization established to own and maintain common open space fail to do so in a reasonable order and conditioned in accordance with the development plan.

SECTION 1608 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 Township Board of Supervisors. Any modification in the aforesaid schedule shall be subject to approval of the Township Board of Supervisors in its discretion.
- B. Not less than fifteen (15%) 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 fifteen (15%) of the total number of dwelling units.
- D. The Township 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 1609 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 Township Board of Supervisors, after a review by the Planning Commission, 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 1610 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, Township Board of Supervisors, and Planning Commission 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 Township Board of Supervisors or of the Planning Commission shall be binding upon the Township Board of Supervisors or Planning Commission 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 two hundred and fifty (\$250.00) 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 with prior review by the Planning Commission.

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 five (5) copies of the application shall be submitted along with twenty (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 Township 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, which shall include conformance to the requirements of Section 1604, Section 1606 and Section 1606 of this Ordinance, along with the 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 Salem 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 Salem 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 identified in Section 304.3 of the Township's Subdivision and Land Development Ordinance for their review and comment. The Township Planning Commission shall submit their report to the Township Board of Supervisors for the public hearing.

SECTION 1611 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 1612 FINDINGS

The 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 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 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 1613 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 1614 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 Planning Commission 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 under Section 1510 (D) of this Ordinance and under Section 504 and Section 505 of the Salem 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 shall fail 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 so 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 under Section 105 and Section 106 of the Salem 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 Article 7 of the Salem 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 for under Section 105 and Section 106 of the Salem 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 1615 LEGAL PROCEEDINGS AND ENFORCEMENT REMEDIES

Any person, partnership or corporation, who or which has violated the provisions of this Article, shall be prosecuted in accordance with Section 712.1 and Section 712.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 1616 DIMENSIONAL REGULATIONS

DIMENSIONAL REGULATIONS FOR PLANNED RESIDENTIAL DEVELOPMENTS

TABLE 1

<u>MINIMUM AVERAGE LAND AREA PER DWELLING UNIT</u> <u>(SQUARE FEET)</u>		
<u>RESIDENTIAL TYPE</u>	<u>A-1</u>	<u>R-1</u>
Detached Single Family	15,000	10,000
Two Family	12,000	12,000
Multifamily	10,000	8,000
Townhouse	8,000	8,000
<u>COMMON OPEN SPACE</u>	20%	20%
<u>MAXIMUM LAND COVERAGE</u>	25%	30%
<u>MAXIMUM BUILDING HEIGHT</u>	2 ¹ / ₂ STORIES	2 ¹ / ₂ STORIES

<u>RESIDENTIAL TYPE</u>	<u>A-1</u>	<u>R-1</u>
Detached Single Family	15,000	10,000
Two Family	12,000	12,000
Multifamily	10,000	8,000
Townhouse	8,000	8,000
<u>COMMON OPEN SPACE</u>	20%	20%
<u>MAXIMUM LAND COVERAGE</u>	25%	30%
<u>MAXIMUM BUILDING HEIGHT</u>	2 ¹ / ₂ STORIES	2 ¹ / ₂ STORIES

Two (2) steps are required to calculate the net residential area per dwelling unit. Subtract the amount of land to be utilized for street right-of-ways, off-street parking from the total gross acreage of the site. Divide the remaining acreage by the total number of dwelling units. Land coverage shall include all structures, buildings, off-street parking areas and any recreational facilities within the site.

ARTICLE 17

ZONING APPEALS

ARTICLE 17

APPEALS

SECTION 1701 APPEALS TO COURT

The procedures set forth in Article X-A of the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall constitute the exclusive mode for securing judicial review of any decision rendered or deemed to have been made under this Ordinance.

ZONING MAP

SCALE: 1"=800'

Chairman, Board of Supervisors.

ATTILSI.

Joseph A. La
Treasurer/Secretary

HUNTINGTON TOWNSHIP

UNION TOWNSHIP

SHIOKSHINY BORO

CONYNGHAM TOWNSHIP











COLUMBIA COUNTY

CONYNGHAM

NESCOPEX

LEGEND

- | | |
|---|-------------------|
|  | COUNTY BOUNDARY |
|  | TOWNSHIP BOUNDARY |
|  | ROAD |
|  | ROAD |
|  | BUILDINGS |
|  | WATER |

- | | | |
|---|-----|---|
|  | A-1 | AGRICULTURAL DISTRICT |
|  | B-2 | GENERAL BUSINESS DISTRICT |
|  | B-3 | HIGHWAY BUSINESS DISTRICT |
|  | C-1 | CONSERVATION DISTRICT |
|  | I-1 | LIGHT INDUSTRIAL DISTRICT |
|  | I-2 | HEAVY INDUSTRIAL DISTRICT |
|  | I-3 | SPECIAL INDUSTRIAL DISTRICT |
|  | R-1 | SINGLE FAMILY DWELLING RESIDENTIAL DISTRICT |
|  | R-2 | TWO FAMILY DWELLING RESIDENTIAL DISTRICT |
|  | R-3 | MULTI FAMILY RESIDENTIAL DISTRICT |

[illegible]

STATE ROADS - NAMES AND ROUTE NUMBERS				
MUNICIPALITY	ROUTE NO.	ROAD NAME	ROUTE NO.	ROAD NAME

NOTE: UNLESS DEPICTED OTHERWISE ON THIS 2011 ZONING MAP, THE B-3 ZONE ALONG STATE ROUTE 0011 ARE INTENDED TO REFLECT A DEPTH OF 300 FEET FROM THE RIGHT-OF-WAY LINE AND BE INTERPRETED AS SUCH FOR THE ADMINISTRATION AND ENFORCEMENT OF THE SAID ZONING ORDINANCE AND ANY AMENDMENTS THERETO. WHEN THE RIGHT-OF-WAY LINE FROM STATE ROUTE 0011, AT A MEASURED DEPTH OF 300 FEET OR LESS, INTERSECTS WITH A ROAD, STREET OR RAILROAD LINE RUNNING GENERALLY PARALLEL TO STATE ROUTE 0011, THE B-3 ZONE SHALL TERMINATE AT THE POINT OF SUCH INTERSECTION.

GRAPHIC SCALE

THIS MAP HAS BEEN PREPARED AND REVISED PER INFORMATION FROM THE FOLLOWING:

Official Zoning Map of Salem Township dated September 22, 1976,
prepared by L. Robert Kimball, and revised by R. B. Seybert on
3-93, 11-04 and 8/05 and Voral Associates on 7-94 and 9-94

Additional sources included Luzerne County Tax Maps: L3, L4, M3, M4, N3, N4, O3, O4, P3 and P4.