

**Appendix F**  
**Amending Ordinances**

**PENN TOWNSHIP  
PERRY COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2004-08**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE NO. 2003-06 OF  
PENN TOWNSHIP, BY AMENDING, DELETING, ADDING, AND  
SUBSTITUTING SECTIONS OF THE ORDINANCE AND AMENDING THE  
ZONING MAP**

**BE IT ENACTED AND ORDAINED BY** the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 of 2003 is amended to provide as follows:

**A. Zoning Map Amendment**

1. The Zoning Map is hereby amended by changing the zoning classification of a single property located parallel to SR 11/15 (State Road), Tax Parcel No. 210,134.02-001.001, from Low Density Residential (R-1)/Commercial (C), to Commercial (C).
2. The Zoning Map is hereby amended by changing the zoning classification of a single property located at 1629 State Road (SR 11/15), Tax Parcel No. 210,134.02-007.000, from Low Density Residential (R-1), to Commercial (C).
3. The Zoning map is hereby amended by changing the zoning classification of an area located along 274 and Valley Street, Tax Parcel Nos. 210,118.04-156.000, 210.118.04-155.OLT, and 210,118.04-155.001 from Commercial to Low Density Residential (R-1).

**Section 2 Severability Clause**

If any section, paragraph, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this ordinance which shall remain in full force and effect. For this purpose the provisions of this ordinance are hereby declared to be severable.

**Section 3 Effective Date**

Upon enactment by the Township Board of Supervisors, this Ordinance shall become effective as provided by law.

**Section 4**    Enactment

ENACTED, ORDAINED, AND ADOPTED this \_\_\_\_\_.day of \_\_\_\_\_, 2004, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

*PENN TOWNSHIP BOARD OF SUPER VISORS*

\_\_\_\_\_  
*Robert E. Shaffer*

\_\_\_\_\_  
*Charles H. Stoner*

\_\_\_\_\_  
*Henry A. Holman*

**CERTIFICATE OF ADOPTION**

I hereby certify the following to be an exact copy of Ordinance No. 2004- 08 adopted by the Supervisors of the Township of Petal, Perry County, Pennsylvania at a duly advertised meeting of the Board on

\_\_\_\_\_  
\_\_\_\_\_  
*Helen Klinepeter, Secretary*

**Adopted August 16, 2004**

**PENN TOWNSHIP  
PERRY COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2005-03**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF PENN  
TOWNSHIP, ORDINANCE NO. 2003-06, BY AMENDING, DELETING,  
ADDING, AND SUBSTITUTING SECTIONS OF THE ORDINANCE AND  
AMENDING THE ZONING MAP**

**BE IT ENACTED AND ORDAINED BY** the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 of 2003 is amended to provide as follows:

**Section 1** Amendments, deletions, additions and substitutions to the following sections of the Zoning Ordinance and Use Schedule.

A. Article IV, Section 402.1 shall be revised as follows:

1. Single family detached dwelling units as regulated in Article XII, Steep Slope Conservation Overlay District.

B. Article V, Section 505 - Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewage Disposal System	1.5 Acres*	150'	20	25'	15'	30'	25'	***
Public Sewer	1 Acre	150'	20	25'	15'	30'	25'	***

\* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems  
\*\*Minimum requirement unless specified elsewhere herein  
\*\*\*Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.  
SF- square feet; FT - feet

C. Article VI, Section 605 – Lot area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewage Disposal System	1.5 Acres*	150'	20	25'	15'	30'	25'	***
Public Sewer	20,000 SF	100'	25	25'	15'	30'	25'	***
Public Water and Public Sewer	15,000 SF	100'	30	25'	10'	20'	25'	***

\* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems  
 \*\*Minimum requirement unless specified elsewhere herein  
 \*\*\*Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.  
 SF- square feet; FT - feet

D. Article VII, Section 705 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewage Disposal System	1.5 Acres*	150'	20	25'	15'	30'	25'	***
Public Sewer	20,000 SF	100'	25	25'	15'	30'	25'	***
Public Water and Public Sewer	10,000 SF	80'	30	25'	10'	20'	25'	***

\* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems  
 \*\*Minimum requirement unless specified elsewhere herein  
 \*\*\*Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.  
 SF- square feet; FT - feet

E. Article VIII, Section 805 – Conditional Uses

1. Existing Item 27 is **RENUMBERED** to Item 28.
2. New Item 27 is **ADDED** as follows

27. Single Family Detached Dwellings.

F. Article VIII, Section 806 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewage Disposal System	1.5 Acres*	150'	60	50' ****	25'	50'	25'	***
Public Sewer	1 Acre	150'	60	50' ****	25'	50'	25'	***
Public Water and Public Sewer	25,000 SF	100'	70	25'	10'	20'	30'	***

\* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems  
\*\*Minimum requirement unless specified elsewhere herein  
\*\*\*Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.  
\*\*\*\* Front Building Setback can be reduced to 25' if parking is located in the rear yard.  
SF- square feet; FT - feet

G. Article IX, Section 907 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewage Disposal System	1.5 Acres*	150'	60	50' ****	25'	50'	25'	***
Public Sewer	1 Acre	150'	60	50' ****	25'	50'	25'	***
Public Water and Public Sewer	25,000 SF	100'	70	25' ****	10'	20'	30'	***
<p>* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems</p> <p>**Minimum requirement unless specified elsewhere herein</p> <p>***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.</p> <p>**** Front Building Setback can be reduced to 25' if parking is located in the rear yard.</p> <p>SF- square feet; FT - feet</p>								

H. Article X, Section 1007 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewage Disposal System	1.5 Acres*	150'	60	50' ****	25'	50'	25'	***
Public Sewer	1 Acre	150'	60	50' ****	25'	50'	25'	***
Public Water and Public Sewer	25,000 SF	100'	75	50' ****	25'	50'	25'	***
<p>* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems</p> <p>**Minimum requirement unless specified elsewhere herein</p> <p>***Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.</p> <p>**** Front Building Setback can be reduced to 25' if parking is located in the rear yard.</p> <p>SF- square feet; FT - feet</p>								

I. Article XII, Section 1203 – Permitted Uses in the Steep Slope Conservation District

1. Paragraph 1203.2.c shall be revised as follows:

- c. Grading for the minimum portion of a driveway necessary to access a single-family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding 25 %, is feasible in all zoning districts except the FC – Forest/Conservation.

2. Paragraph 1203.3.c shall be revised as follows:
- c. Single-family detached dwellings in all zoning districts except the FC – Forest/Conservation.
- J. Article XIV, Section 1401.1.b shall be revised as follows:
- b. Open parking spaces and/or parking lots shall not be located closer than five (5) feet from any side or rear property line, unless otherwise provided for elsewhere in this ordinance.
- K. Article XVI, Section 1611.2.a shall be revised as follows:
- a. The minimum lot size shall be one and one half (1.5) acres for structures with on-lot sewage disposal systems. For structures with public sewer, minimum lot size shall be one (1) acre.
- L. Article XVI, Section 1630.1 shall be revised as follows:
- 1. Minimum lot size shall be one and one half (1.5) acres with a minimum width of one hundred fifty (150) feet for facilities with on-lot sewage disposal. For facilities with public sewer, minimum lot size shall be one (1) acre with a minimum width of one hundred fifty (150) feet.
- M. Article XVI, Section 1641.4.c shall be revised as follows:
- c. The following lot and yard area regulations shall apply to any principal residential structure or any other building. The minimum lot size for proposed lots that will be utilizing individual or community on-lot sewage disposal systems shall be one and one half (1.5) acres. Proposed lots that will be utilizing public sewer facilities are not subject to minimum lot size.
- N. Article XVIII, Section 1809.03 – Conduct of Hearing
- 1. The first sentence is **REVISED** as follows:  
  
The hearing shall be held within 60 days from the date of the applicant's request unless the applicant has agreed in writing to an extension of time.
- O. Appendix C, The attached Use Schedule is revised as follows:



## **Section 2**

Amendments, deletions, additions and substitutions to the zoning map.

- A. An area approximately 3000' in length and consisting of 25 parcels along Barnett Drive as shown on the Penn Township Zoning Map, as amended, and further defined by the following Tax Numbers shall be changed from R-1 – Low Density Residential to AR – Agriculture / Rural.

1.	210,149.00-014.000	14.	210,132.00-011.002
2.	210,149.00-005.000	15.	210,132.00-011.001
3.	210,132.00-007.000	16.	210,132.00-011.003
4.	210,132.00-008.000	17.	210,132.00-013.000
5.	210,132.00-006.000	18.	210,132.00-014.000
6.	210,149.00-016.000	19.	210,132.00-012.000
7.	210,149.00-015.000	20.	210,132.00-011.000
8.	210,149.00-018.000	21.	210,132.00-009.000
9.	210,149.00-017.000	22.	210,149.00-009.000
10.	210,132.00-002.000	23.	210,149.00-013.000
11.	210,132.00-005.000	24.	210,149.00-012.000
12.	210,132.00-003.000	25.	210,149.00-006.000
13.	210,132.00-004.000		

- B. An area approximately 2500' in length and consisting of 9 parcels along Allander Drive as shown on the Penn Township Zoning Map, as amended, and further defined by the following Tax Numbers shall be changed from R-1 – Low Density Residential to AR – Agriculture / Rural.

1.	210,133.00-014.000	6.	210,133.05-013.000
2.	210,133.06-002.000	7.	210,150.00-012.000
3.	210,133.06-003.000	8.	210,150.00-013.000
4.	210,133.06-004.000	9.	210,150.00-013.001
5.	210,133.05-012.000		

- C. An area approximately 500' by 700' by 1000' by 150' of the parcel located at 6 Kamp Street as shown on the Penn Township Zoning Map, as amended, and further defined by the Tax Number 210,117.0-001.000 shall be changed from R-1 – Low Density Residential to C – Commercial.

**Section 3** Severability Clause

If any section, paragraph, section or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this ordinance which shall remain in full force and effect. For this purpose the provisions of this ordinance are hereby declared to be severable.

**Section 4** Effective Date

Upon enactment by the Township Board of Supervisors, this Ordinance shall become effective as provided by law.

**Section 5** Enactment

**ENACTED, ORDAINED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

*PENN TOWNSHIP BOARD OF SUPERVISORS*

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*Henry A. Holman, II, Chairman*

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*Charles H. Stoner, Vice Chairman*

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*Robert E. Shaffer, S., Supervisor*

**CERTIFICATE OF ADOPTION**

I hereby certify the following to be an exact copy of Ordinance No. 2005-\_\_\_\_ adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania at a duly advertised meeting of the Board on \_\_\_\_\_.

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Helen Klinepeter, Secretary

**Adopted December 28, 2005**

**PENN TOWNSHIP  
PERRY COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2007-01**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF PENN  
TOWNSHIP, ORDINANCE NO. 2003-06, BY AMENDING, DELETING,  
ADDING, AND SUBSTITUTING SECTIONS OF THE ORDINANCE IN  
REGARDS TO OPEN SPACE REQUIREMENTS**

**BE IT ENACTED AND ORDAINED BY** the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 of 2003 is amended to provide as follows:

**Section 1**      Article II

**Required Open Space** - The portion of an open space development in accordance with Section 1641 of this Ordinance and determined by calculation of a certain percentage of the parent tract that shall be set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument set forth in Section 1641 of this Ordinance.

**Section 2**      Article XVI - Section 1641 shall be revised as follows:

**Section 1641 – Open Space Development**

1.      Purpose

It is the intent of this Section to implement the Penn Township Comprehensive Plan and promote desirable community development by:

- a.      Maintaining a healthy residential environment with adequate open space and recreational amenities;
- b.      Encouraging land use and development patterns which complement and accentuate the distinctive features of the Township's landscapes and natural environment including prime agricultural soils, woodlands, wetlands, stream corridors, steep slopes, scenic views and other natural and manmade features important to the Township's rural nature;
- c.      Providing an opportunity for flexibility in lot designs and building arrangement not afforded by conventional lot-by-lot development;
- d.      Providing for a more varied, innovative, and efficient development pattern; and
- e.      Accommodating new development that is compatible with existing uses, architecture, landscapes and community character.

2. Applicability

a. Zoning Districts Permitted

Open space developments shall be permitted only by conditional use in the FC, AR and R1 Zoning Districts. The applicant shall comply with all design standards, requirements and criteria of this Section, as well as all other applicable provisions of the Zoning Ordinance.

b. Ownership

The tract of land to be developed shall be in one ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and responsibility.

c. Site Suitability As evidenced by the Existing Resources and Site Analysis Plan, Yield Plan and Open Space Development Concept Plan, the tract incorporating this Open Space Development design option shall be suitable for supporting the development in terms of environmental conditions, its size, configuration and appropriate methods of water supply and sewage disposal.

d. Sensitive Area Disturbance

The proposed open space development design shall minimize disturbance of environmentally sensitive areas, as shown on the Existing Resources and Site Analysis Plan. Lands within the one hundred (100) year floodplain, wetlands, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, and rock outcroppings constitute such environmentally sensitive areas, where disturbance shall be minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Plan and the Final Plan.

e. Water Supply and Sewage Disposal

Open space developments shall be served by water supply and sewage disposal systems in accordance with the provisions of the Penn Township Subdivision and Land Development Ordinance, Penn Township Sewage Facilities (Act 537) Plan and any state or federal regulations. The applicant shall provide an adequate water supply and adequate method for sewage disposal for the intended residential and open space uses within open space developments. The Board of Supervisors shall also require agreements and financial assurances to ensure proper long-term operation, maintenance, and ownership of the water supply and sewage disposal systems as part of the subdivision and land development approval.

f. Plan Processing

Prior to submitting a Conditional Use application for an open space development, the applicant is strongly encouraged to submit the Existing Resources and Site Analysis and the Yield Plan in to the Penn Township Planning Commission to discuss community development objectives and open space resource conservation objectives.

As part of the review and consideration for action on the Conditional Use application, the applicant shall develop and submit the following data and information:

(1) Yield Plan

(a) Maximum Number of Dwelling Units Permitted Calculation

1. To determine the maximum number of dwelling units permitted for open space developments, the applicant shall prepare a conceptual Yield Plan depicting a realistic conventional development of the parent tract according to not only the required dimensional and design standards of the applicable base zoning district, but also street and right-of-way standards and other design requirements of the Penn Township Subdivision and Land Development Ordinance.
  - a. The Yield Plan must be prepared in compliance with the ordinance including the location and siting of proposed building lots for dwelling units specifically meeting the minimum required lot area and minimum lot width requirements of the applicable base zoning district, as well as the streets, right-of-way, and other pertinent features, in accordance with the minimum requirements for Sketch Plans as stated in Article 3 of the Penn Township Subdivision and Land Development Ordinance, and any other applicable Township ordinances. These minimum required building lot area dimensions shall be exclusive of all wetlands, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, and land under high-tension electrical transmission lines (69kV or greater). No more than twenty-five (25) percent of an individual building lot's minimum required

building lot area may consist of land within the one hundred (100) year floodplain, and only then if it is free of wetlands.

- b. Although it must be drawn to scale, the Yield Plan need not be based on a field survey. However, the yield plan must be in compliance with the ordinance reflecting a conventional development pattern that could reasonably be expected to be developed, taking into account the presence of wetlands, floodplains, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal. The maximum number of dwelling units for any proposed open space development shall not exceed the final maximum number of dwelling units in the approved Yield Plan.
2. On those sites not served by central/public sewage disposal, the number of lots shall be determined by the calculation hereinafter set forth; evaluating the number of dwelling units that could be supported by individual on-lot sewage disposal systems on conventional lots. Based on the presence of important natural features and resources proposed to be preserved as part of the minimum required open space, identified as part of the existing recourses and Site Analysis Plan the Township shall select a ten (10) percent sample or at least two (2) of the lots, whichever is greater, considered to be marginal for on-lot sewage disposal. The applicant is required to provide evidence that these lots meet the standards for an individual onlot sewage disposal system in the form of probe and perc test complying with all applicable Pennsylvania Department of Environmental Protection (DEP) and Township requirements. If all lots identified for the sample meet such individual on-lot sewage disposal system standards, then the applicant shall be granted the full number of lots determined by the Yield Plan. Should any of the lots in a sample fail to meet the standard for individual on-lot sewage disposal systems, those lots shall be deducted from the final Yield Plan total, and a second ten (10) percent sample or at least two (2) of the lots, whichever is greater shall be selected by the Township and

tested for compliance. In determining the number of lots required to be tested in the second and subsequent ten (10) percent samples, only ten (10) percent of the total number of lots which have not been previously tested shall be used. This process shall be repeated until all lots in a given sample meet the standard for an individual on-lot sewage disposal system. For purposes of determining the number of lots to be tested, any fractional remainder shall be rounded up to the next highest whole number. See example below:

### EXAMPLE

Determining the maximum number of dwelling units permitted for open space developments using individual on-lot sewage disposal systems in accordance with the requirements listed in Subsection 1641.2.f.(1)(a) above.

- a. Initial Yield Plan Total:

100 Lots.

- b. Calculate First 10% Required Sample of 100 Lots to be tested (probed and perked):

100 Lots x 10% Required Sample = 10 Lots to be tested.

- c. Determine Results of First 10% Required Test Sample 10% Sample:

Of the 10 Lots = (4 pass, 6 fail).

- d. Calculate Second 10% Required Sample of the remaining number of lots to be tested:

100 Lots – 10 Lots = 90 Lots x 10% Required Sample = 9 Lots to be tested.

- e. Determine Results of Second 10% Required Test Sample:

Of the 9 lots = (5 pass, 4 fail).

- f. Calculate Third 10% Required Sample of the remaining number of lots to be tested:

90 Lots – 9 Lots = 81 Lots x 10% Required Sample = 9



Lots to be tested.

- g. Determine Results of Third 10% Required Test Sample:

Of the 9 Lots (7 pass, 2 fail).

- h. Calculate Fourth 10% Required Sample of the remaining number of lots to be tested:

81 Lots – 9 Lots = 72 Lots x 10% Required Sample = 8 Lots to be tested.

- i. Determine Results of Fourth 10% Required Test Sample:

Of the 8 Lots (8 pass).

- j. Final Yield Plan Total:

100 Lots from Initial Yield Plan total – 12 failed tests = 88 Lots.

3. The Planning Commission shall also review the Yield Plan and provide comments to the Board of Supervisors regarding compliance with this Section. Applicants are strongly encouraged to present the Yield Plan to the Planning Commission as early as possible to obtain input regarding the calculation of the maximum number of dwelling units permitted in the open space development.

(2) Existing Resources and Site Analysis Plan

- (a) For all open space development applications an Existing Resources and Site Analysis Plan shall be prepared to provide the developer and Penn Township officials with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs.

- (b) The following information shall be included in this Plan:

1. A vertical aerial photograph, taken within the last five (5) years and updated to show current features and conditions,

enlarged to a scale not less detailed than 1 inch = four hundred (400) feet, with the site boundaries clearly marked.

2. Topography, the contour lines of which shall generally be at two (2) foot intervals, determined by photogrammetry (although ten [10] foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps). The determination of appropriate contour intervals shall be made by the Board of Supervisors, which may specify greater or lesser intervals on exceptionally steep or flat sites. Steep slopes between sixteen and twenty-five (16 – 25) percent and prohibitive steep slopes those being twenty-five (25) percent shall be clearly indicated. Topography for Open Space Developments shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.
3. The location and delineation of surface water bodies, streams and springs (intermittent and perennial), ditches, drains, and natural drainage swales, as well as the one hundred (100) year floodplains and wetlands, as defined in the Zoning Ordinance. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
4. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a diameter in excess of fifteen (15) inches measured twelve (12) inches above the ground, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
5. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service, Soil Survey of Cumberland and Perry Counties, Pennsylvania, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for individual on-lot sewage disposal suitability).
6. Ridge lines and watershed boundaries shall be identified.

7. A view shed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
8. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
9. All existing manmade features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, disposal areas, utilities, fire hydrants, and storm and sanitary sewers.
10. Locations of all historical sites or cellar holes, stone walls, earthworks, public and private cemeteries or burial areas.
11. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
12. All easements and other encumbrances of property which are or have been filed and recorded with the Recorder of Deeds of Perry County shall be shown on the plan.
13. Total acreage of the tract, the maximum number of permitted dwelling units identified in the Yield Plan and the acreage open space land area with detailed supporting calculations for both acreages.
14. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Pennsylvania Natural Diversity Inventory, as well as those important natural features identified in the Penn Township Comprehensive Plan and/or Perry County Comprehensive Plan.
15. Other significant features that may affect land use and development of the property.

(3) Open Space Development Concept Plan

(a) Permitted Uses

The following uses are permitted within an open space development:

1. Within the FC and AR Districts:

- a. Single family detached dwelling units.
- b. Seasonal dwellings.
- c. Home occupations.
- d. Day care homes.
- e. Accessory uses customarily incidental to and located on the same lot as the above permitted uses.
- f. Open space uses as set forth in Subsection 1641.2.f.(3)(e)1.d.

2. Within the R1 District:

- a. Single family detached dwelling units.
- b. Home occupations.
- c. Day care homes.
- d. Accessory uses customarily incidental to and located on the same lot as the above permitted uses.
- e. Open space uses as set forth in Subsection 1641.2.f.(3)(e)1.d.

(b) Minimum Required Open Space

The minimum required open space shall not be less than the following percentage of the net acreage of the parent tract, as stipulated for the appropriate zoning district. For purposes of determining net acreage of the parent tract, the net acreage shall be exclusive of all land traversed or within existing right-of-way, easements and land under high-tension electrical transmission lines (69kV or greater). Required open space shall comply with all standards and criteria for required open space established in this Section.

<u>Zoning District</u>	<u>Minimum Required Open Space</u>
<u>FC</u>	<u>60%</u>
<u>AR</u>	<u>45%</u>
<u>R-1</u>	<u>35%</u>

(c) Residential and Building Area Design Standards

When designing the open space development, the following lot and yard area regulations shall apply to all principal dwellings or other principal buildings or structures proposed as part of the open space development. Proposed building lots are not subject to a minimum lot area. The applicant shall indicate for each permitted use, including potential accessory uses and structures, the limits of the building envelope within which compliance with these provisions is feasible:

1. The minimum required lot frontage abutting a street right-of-way shall be twenty (20) feet.
2. The minimum required lot width measured at the front building line, shall be no less than eighty (80) feet.
3. The minimum separation distance between principal buildings shall be thirty (30) feet, except that the minimum separation measured perpendicularly from the rear wall of any principal dwelling to any point on any other principal building not accessory to such residential structure, shall be fifty (50) feet.
4. The builder or developer shall consider variations in the principal building position and orientation, but shall observe the following minimum yard regulations:
  - a. Front: Twenty (20) feet;
  - b. Rear: Forty (40) feet; and
  - c. Side: Five (5) feet.
5. Accessory structures and buildings shall be setback at least five (5) feet from any property line and shall be permitted only in rear yards.
6. The maximum building heights for principal and accessory structures shall be the same as stated in the base zoning district.
7. The maximum building lot coverage (including all impervious surfaces) for all building lots shall be twenty (20) percent greater than the base zoning district according to the proposed use. The maximum lot coverage for all required open space parcels shall be ten (10) percent,

of which buildings and structures shall not occupy more than two (2) percent of total lot coverage area.

8. While conformance to these area and bulk regulations is not dependent upon any specific minimum lot area or dimensions, the applicant shall be required to comply with all the provisions of this section; regarding the appropriate size and shape relative to the establishment of suitable private yard areas for all dwellings and adequate access for the management of any adjacent open space areas.
9. Panhandle lots subject to provisions of Subsections 1649.2, 1649.3 and 1649.5 of this Ordinance may be utilized where appropriate. When two (2) or more panhandle lots are abutting one another, a joint use driveway must be utilized and subject to the following:
  - a. Cross access easements shall be required to ensure common use of, access to, and maintenance of, joint use driveways; such easement agreements shall be subject to review and approval by the Township. This agreement shall be recorded with the office of the Perry County Recorder of Deeds on the same date as the recording of the Final Plan, and depicted on the recorded subdivision plan.
10. No new dwelling units within the open space development shall have direct driveway access to surrounding existing Township or State roads. All driveways shall access internal street systems as designed for the project.
11. On street parking within the open space development may be permitted provided that such streets and parking spaces are designed in accordance with the Penn Township Subdivision and Land Development Ordinance and applicable standards of Article XIV of this Ordinance.
12. Except where this Section specifies otherwise, all design and performance standards and other regulations applicable in the base zoning district shall apply to any open space development.
13. The placement of buildings and design of internal circulation systems shall minimize the number of intersections on Township and State roads.
14. The applicant shall comply with applicable state and/or

federal regulation of streams and wetlands. For any proposed activity requiring the submission of a wetland delineation report, stream or wetland encroachment permit application or mitigation plan to the Pennsylvania Department of Environmental Protection (DEP) and/or US Army Corps of Engineers or successor agencies, a copy of all such documentation shall be submitted to Penn Township by the applicant.

15. At least three quarters (3/4) of the lots shall directly abut or face required open space land across a street.
16. All proposed dwelling units in an open space development shall be situated so that they are set back a minimum distance from the following:
  - a. All external road ultimate right-of-way: One Hundred (100) feet.
  - b. All other tract boundaries: Fifty (50) feet.
  - c. Cropland or pasture land: One hundred (100) feet.
  - d. Buildings or barnyards housing livestock: Three hundred (300) feet.
  - e. Active recreation areas such as courts or playing fields (not including tot lots): One Hundred Fifty (150) feet.
17. Existing dwellings and dwellings resulting from the conversion of existing structures shall be exempt from these requirements except that additions to such existing structures shall not further reduce required setbacks in Subsection 1641.2.f.(3)(c).
18. New residential lots shall not encroach upon Primary Conservation Areas, which include wetlands, one hundred (100) year floodplains, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, and their layout shall respect Secondary Conservation Areas as described in this Section.
19. Views of residential lots from exterior roads and abutting properties shall be minimized by the use of changes in

topography, existing vegetation, or any additional landscaping which meets the landscaping requirements of this or any applicable Township ordinance.

(d) Special Provisions for Conservation of Historic Resources

Historic resources, including historic structures, ruins or sites, historic road or other transport traces, paths and trails, and any other historic landscape features, shall be preserved to the greatest degree practicable, through incorporation into development plans and design. Applicants are encouraged to contact the Perry County Historians and/or the Pennsylvania Historical and Museum Commission for information regarding historic resources.

(e) Open Space Designation and Management Standards

1. General Standards for Open Space Designation

- a. Areas designated as required open space shall be consistent with the goals and strategies of the Penn Township Comprehensive Plan. The location and layout of required open space shall be configured so as to serve residents adequately and conveniently and to promote the conservation of the resources listed herein below. The required open space land shall consist of a mixture of Primary Conservation Areas (PCAs) and Secondary Conservation Areas (SCAs). All of the land identified as PCA must be included as part of the required open space.

PCAs comprise wetlands, one hundred (100) year floodplains, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts.

SCAs shall include special features of the property and include the following features:

- (1) Any area designated for "Conservation/Open Space" on the Future Land Use Map in the Penn Township Comprehensive Plan;
- (2) Surface water bodies, streams and springs (intermittent and perennial), ditches, drains, and natural drainage swales, as well



as the one hundred (100) year floodplains, wetlands, wet soils, and other lowland areas, including adjacent buffer areas which may be required elsewhere in the Ordinance and/or the Penn Township Subdivision and Land Development Ordinance, to insure their protection.

- (3) Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Pennsylvania State Natural Diversity Inventory.
- (4) Slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, and particularly those adjoining water courses including streams and springs (intermittent and perennial), ditches, drains, and natural drainage swales and surface water bodies where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- (5) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats and trees with a diameter in excess of fifteen (15) inches measured twelve (12) inches above the ground.
- (6) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- (7) Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetational features representing the site's rural nature.
- (8) Class I, II and III agricultural soils as

defined by the USDA Natural Resource Conservation Service.

- (9) Historic structures and sites, as well as public and private cemeteries or burial areas.
  - (10) Visually prominent topographic features such as knolls, hilltops and ridges, and scenic view sheds particularly those with historic features) as seen from public roads and trails, specifically including the Appalachian Trail, Susquehanna River Trail and the Juniata River Trail.
  - (11) Existing trails, specifically including the Appalachian Trail, Susquehanna River Trail and the Juniata River Trail connecting the tract to other locations in the Township.
- b. No portion of the designated required open space shall be measured as contributing to the minimum required open space area:
- (1) Within twenty-five (25) feet of any structure except structures devoted to permitted open space uses;
  - (2) Extending less than one hundred (100) feet in the narrowest dimension at any point;
  - (3) Stormwater management facilities. At the discretion of the Board of Supervisors, areas devoted to stormwater management facilities may be included within the minimum required open space area where the applicant can demonstrate to the satisfaction of the Board that such facilities are designed to:
    - (i) Promote recharge of the groundwater system;
    - (ii) Be available and appropriate for active or passive recreational use or scenic enjoyment; and
    - (iii) Otherwise conform to the purposes,

standards, and criteria for open space set forth in this Section.

For example, a long low berm graded to reflect natural contour could be designed to:

- 1) blend into the scenic landscape;
- 2) permit passive recreational use over the top of it; while
- 3) providing a relatively large linear area for seepage of stormwater into the groundwater system.

c. Subject to the provisions of the measurement of the minimum required open space stipulated herein, sewage service, stormwater management, and/or water supply facilities may be located entirely or partially within required open space areas. Where such facilities are so located maintenance agreements and easements satisfactory to the Board of Supervisors shall be established to require and enable maintenance of such facilities by the appropriate parties.

d. Areas designated for open space purposes may be used for any of the following, subject to any additional provisions set forth herein below, Articles XIII and XVI, or elsewhere in this Ordinance:

- (1) Conservation areas and structures for the conservation of open space, water, soil and wildlife resources.
- (2) Crop and tree farming, pasturing, truck gardening, horticulture, aviaries, hatcheries, apiaries and similar enterprises.
- (3) Raising and keeping of poultry, rabbits, goats and similar animals.
- (4) General and specialized farms, which includes the raising, keeping and breeding of

livestock for gain (such as cattle, hogs, horses, ponies, cows, sheep and similar livestock), but excluding Intensive Agricultural Operations and associated residential dwellings for all types of farming operations. General and specialized farms shall be subject to the following regulations:

- (i) No building in which farm animals are kept shall be closer than one hundred (100) feet to any adjoining lot line.
  - (ii) No storage of manure or of odor or dust producing substances or materials shall be permitted within one hundred (100) feet of any adjoining lot line.
- (5) Nurseries and greenhouses. (see Section 1635).
  - (6) General gardening.
  - (7) Roadside stands for the sale of edible produce grown on the premises when located not less than twenty (20) feet from the right-of-way of any roadway.
  - (8) Active noncommercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required open space land or five (5) acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within one hundred (100) feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces for each field use.
  - (9) Golf courses, including their parking areas and associated structures, may comprise up to one half (1/2) of the minimum required

open space land, but shall not include driving ranges or miniature golf.

- (10) Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the minimum required open space.
  - (11) Easements for drainage, access, sewer or water lines, or other public purposes.
  - (12) Underground utility right-of-way. Above-ground utility and street right-of-way may traverse required open space areas but shall not count toward the minimum required open space.
- e. Open space shall be interconnected with open space areas on abutting parcels wherever possible including, where appropriate, provisions for pedestrian pathways for general public use to create linked systems within the Township.
  - f. Open space areas shall be provided with sufficient perimeter parking, and with safe and convenient access by adjoining street frontage or other right-of-way or easement capable of accommodating pedestrian, bicycle, and maintenance and vehicle traffic, and containing appropriate access improvements.
  - g. Where open space development is planned to occur in two (2) or more development phases, a proportionate amount of designated required open space and required parking shall be permanently recorded as part of an approved final plan with each phase.

(2) Standards for Ownership of Required Open Space

Except to provide for permitted open space uses, designated open space shall be restricted from further subdivision and land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Perry County. Subject to such

permanent restrictions, required open space land in any open space development may be owned by a homeowners' association, the Township, a land trust or other conservation organization recognized by the Township, or may remain in private ownership.

a. Offer of Dedication

The Township may, but shall not be required, to accept dedication in the form of fee simple ownership of required open space land provided:

- (1) Such land is accessible to the residents of the Township;
- (2) There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance and recording fees; and
- (3) The Township agrees to and has access to maintain such lands.

Where the Township accepts dedication of required open space land that contains improvements, the Board of Supervisors may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

b. Homeowners' Association

The required open space land and associated facilities may be held in common ownership by a Homeowners' Association through the use of a Declaration and other documents approved by the Board of Supervisors. Such documents shall be in conformance with the Uniform Planned Community Act of 1996, as amended. The Association shall be formed and operated under the following provisions.

- (1) The developer shall provide a description of

the Association including its bylaw and methods for maintaining the open space.

- (2) The Association shall be organized by the developer and operating with financial subsidization by the developer, before the sale of any lots within the development.
- (3) Membership in the Association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the Association from the developer to the homeowners shall be identified.
- (4) The Association shall be responsible for maintenance and insurance on common open space land, enforceable by liens placed by the Homeowners Association. Maintenance obligations also may be enforced by the Township that may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.
- (5) The members of the Association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the Association bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).
- (6) In the event of a proposed transfer, within the methods here permitted, of common open space land by the Homeowners' Association or of the assumption of maintenance of such land by the Township, notice of such action shall be given to all property owners within the development.
- (7) The Association shall have or hire adequate

staff to administer common facilities and properly and continually maintain the common open space land.

- (8) The Homeowners' Association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:
  - (i) That the residents of the development shall at all times have access to the open space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow);
  - (ii) That the common open space land to be leased shall be maintained for the purposes set forth in this Ordinance; and
  - (iii) That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Township, at the election of the developer and/or Homeowners' Association, as the case may be.
- (9) The lease shall be subject to the approval of the Board and any transfer or assignment of the lease shall be further subject to the approval of the Board. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Perry County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Township Zoning Officer.
- (10) Homeowners' Association documentation demonstrating compliance with the provisions herein shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft



Homeowners' Association documentation with sufficient detail to demonstrate feasible compliance with this Section.

c. Condominiums

The required open space land and associated facilities may be held in common through the use of Condominium Declaration and other documents, approved by the Board of Supervisors. Such documents shall be in conformance with the Uniform Condominium Act of 1980. All common open space land shall be held as "common elements" or "limited common elements". To the degree applicable, condominium agreement(s) shall comply with the provisions of Subsection 1641.2.f. (3) (e) 2.b, set forth for Homeowners' Associations. Condominium agreement(s) shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate feasible compliance with this Section.

d. Dedication of Easements

The Township may, but shall not be required to, accept easements for public use of any portion or portions of required open space land. The title of such land shall remain in common ownership by a condominium or homeowners' association, provided:

- (1) Such land is accessible to Township residents;
- (2) There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and
- (3) A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association and the Township.

e. Transfer of Easements to a Private Conservation Organization

An owner may transfer easements to a private, nonprofit, organization recognized by the Township, among whose purpose it is to conserve open space and/or natural resources, provided that:

- (1) The organization is a bona fide conservation organization with perpetual existence;
- (2) The conveyance contains appropriate provision for proper reverter or transfer to a receiving activity which itself has such a clause in the event that organization becomes unwilling or unable to continue carrying out its functions;
- (3) A maintenance agreement shall be entered into by the developer, the organization and the Board of Supervisors.

f. Private Ownership of Required Open Space

- (1) Required open space may be retained in ownership by the Applicant or may be transferred to other private parties subject to compliance with all standards and criteria for required open space herein.
- (2) All or portions of the designated required open space, where permitted by the Board of Supervisors, may be included within or divided among one or more of the individual lots. Where deemed appropriate, the Board of Supervisors may require that responsibility for maintenance of required open space be conferred upon and/or divided among the owners of one or more individual lots.

(3) Required Open Space Management Plan

- a. All open space development plans shall be accompanied by a conceptual plan for the long-term management of the required open space that is to be created as part of the development. Such plan shall include a discussion of (1) the manner in which the required open space will be owned and by whom it will be managed and maintained; (2) the

conservation, land management and agricultural techniques and practices which will be used to maintain and manage the open space in accordance with conservation plan(s) approved by the Perry County Conservation District where applicable; (3) the professional and personnel resources that will be necessary in order to maintain and manage the property; (4) the nature of public or private access that is planned for the required open space; and (5) the source of money that will be available for such management, preservation and maintenance on a perpetual basis. The adequacy and feasibility of this conceptual management plan as well as its compatibility with the open space resource protection objectives stated in this Section shall be factors in the approval or denial of the open space development plan by the Board of Supervisors.

- b. The conceptual management plan shall be transformed into a more detailed open space management plan and presented to the Township for review and approval with the Preliminary Subdivision and Land Development Plan. The Board of Supervisors may require that the management plan be recorded, with the Final Subdivision and Land Development Plans, in the Office of the Recorder of Deeds of Perry County. In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a provision to the effect that it may be changed by written application to the Board of Supervisors, so long as the proposed change is feasible and consistent with the purposes of preservation of open space set forth in this Section and so long as the plan for such change avoids a likelihood of the obligation of management and maintenance of the land falling upon the Township without the consent of the Board of Supervisors.

(4) Open Space Performance Bond

- a. All landscape improvements, plantings, access points, and recreational facilities within designated open space areas shall be provided by the developer as applicable. A performance bond or other security shall be in the same form and adhere to the same

conditions as otherwise required for proposed improvements under the governing subdivision and land development ordinance.

- b. An appropriate portion of the performance bond or other security will be applied by the Township should the developer fail to install the planting or recreational facilities.

**Section 3** Severability Clause

If any section, paragraph, section or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this ordinance which shall remain in full force and effect. For this purpose the provisions of this ordinance are hereby declared to be severable.

**Section 4** Effective Date

Upon enactment by the Township Board of Supervisors, this Ordinance shall become effective immediately.

**Section 5** Enactment

**ENACTED, ORDAINED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

PENN TOWNSHIP BOARD OF SUPERVISORS

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Henry A. Holman, II, Chairman

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Charles H. Stoner, Vice Chairman

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Robert E. Shaffer, S., Supervisor

### **CERTIFICATE OF ADOPTION**

I hereby certify the following to be an exact copy of Ordinance No. 2007-01 adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania at a duly advertised meeting of the Board on January 31, 2007.

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Helen Klinepeter, Secretary

**Adopted January 31, 2007**

PENN TOWNSHIP  
PERRY COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2007- 05

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF PENN TOWNSHIP, PERRY COUNTY NUMBER 2003-06 BY THE AMENDINGS ARTICLE II, SECTION 201, ARTICLE III, SECTION 301 AND 308, ARTICLE XII, SECTION 1203 AND THE ADDITION OF ARTICLE XIX.

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 (The Penn Township Zoning Ordinance of 2003) originally enacted on July 23, 2003, as amended, is further amended by amending and addition of the following:

**SECTION 1**

**Article II, Section 201 – Interpretation** - These following additions shall be placed in Section 201.

**ALLUVIAL SOIL:** A soil developing from recently deposited alluvium and exhibiting essentially no horizon development or modifications of the recently deposited material.

**ALLUVIUM:** A general term for all detrital material deposited or in transit by streams, including gravel, sand, silt, clay and all variations and mixtures of these. Unless otherwise noted, alluvium is unconsolidated.

**CALIPER:** The diameter of a tree trunk, measured in inches, six inches above ground level for trees up to four (4) inches in diameter and twelve (12) inches above ground level for trees over four (4) inches in diameter.

**NATURE PRESERVE AND WILDLIFE SANCTUARIES:** An area maintained in a natural state for the preservation of both animal and plant life.

**ORDINARY WATERLINE:** The point on the bank of a stream or watercourse where the presence and/or action of surface water is so continuous as to leave a distinctive mark by erosion, destruction of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

**PARK:** A rise of land, which may include accessory buildings and structures, for active and/or passive outdoor recreation for the purpose of pleasure, leisure, fellowship or exercise, commonly involving a sporting activity, camping, hiking, jogging, bicycling, swimming, picnicking and other related activities which is open to the public. A park may include amenities such as ball fields, tennis courts, trails, playground equipment, restrooms, picnic tables, cooking grills and similar facilities. For purposes of this ordinance, parks shall not include improvements for or

permit uses considered commercial recreational rises.

PICNIC AREA: A place equipped with tables, benches, grills and trash receptacles for people to assemble, cook, eat and relax outdoors.

RAVINE: A valley with sharply sloping walls created by the action of stream waters.

RECREATION, ACTIVE: Leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, pools, courts, tracks, playgrounds or fields.

RECREATION AREAS: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. Public recreation areas are those owned and operated by a unit of local government. Private recreation areas are those owned and operated by a nonprofit organization, and open only to bona fide members and their guests. Commercial recreation areas are those operated as a business and open to the public for a fee.

RECREATION, PASSIVE: Activities that involve relatively inactive or less energetic activities such as walking, sitting, picnicking, card games, chess, checkers and similar tale games.

STREAM: A watercourse with definite bed and banks which confine and convey continuously or intermittently flowing water.

STREAM, INTERMITTENT: A natural stream carrying water during the wet seasons and having at least one critical area feature.

STREAM, PERENNIAL: A stream that is present at all seasons of the year.

WATERCOURSE: A channel for the conveyance of surface water, such as a stream or creek, or intermittent stream, having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that 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 a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)

An area restricted for the protection and preservation of natural resources and wildlife.

WILDLIFE PROPAGATION: Raising of non-domestic wildlife.

WOODLAND, MATURE: Woodlands consisting of thirty (30) percent or more canopy trees

having a twelve-inch or greater caliper, or any small concentration of trees consisting of eight (8) or more trees having a sixteen (16) inch or greater caliper.

WOODLAND, YOUNG: Woodlands consisting of seventy (70) percent or more canopy trees having a two-and-one-half (2 ½) inch caliper or greater.

WOODLANDS: Areas covered with stands of trees, the majority of which are greater than twelve-inch caliper, covering an area greater than one quarter (¼) acre; or a small concentration of mature trees without regard to minimum area consisting of substantial numbers of individual specimens.

## **SECTION 2**

**Article III, Section 301-Establishment of Districts** – This Section shall be revised as follows:

1. For the purpose of this Ordinance, the territory of Penn Township is hereby divided into the following districts:

### Base Districts

FC – Forest/Conservation District  
AR – Agriculture/Rural District  
R-1 – Low Density Residential District  
R-2 – High Density Residential District  
C – Commercial District  
I – Industrial District  
MUC – Mixed Use Commerce District

### Overlay Districts

FP – Flood Plain District  
SS – Steep Slope Conservation District  
NF – Natural Features District

## **SECTION 3**

**Article III, Section 308.1- Use Schedule** – This Section shall be revised as follows:

1. Additional requirements for the Flood Plain, Steep Slope and Natural Features (Overlay) Districts are set forth in Parts Section 1101, 1201 and 1901 respectively;

## **SECTION 4**

**Article XII, Section 1203.3.d, Uses Permitted in Areas of Precautionary Slope** – This section shall be revised as follows:



- d. Yard areas of a building not within the Steep Slope Conservation District, so long as no building other than that permitted in Section 1203 is permitted within the Precautionary Slope area.

**SECTION 5** – Article XIX shall be added as follows:

**ARTICLE XIX - NATURAL FEATURES OVERLAY**

**Section 1901- PURPOSE**

The purpose of the Natural Features Overlay District is to ensure the public health, safety and welfare through the protection of slopes, streams, wetlands, and surface waters all of which are considered some of the Township's most important natural resources. The Natural Features Overlay includes the following:

1. Stream Protection Overlay Zoning District;
2. Surface Water Protection Overlay Zoning District; and
3. Wetland Protection Overlay Zoning District.

**Section 1902 -CONFLICT**

1. In the event that the provisions of this Section and the provisions of other applicable Township ordinance standards are in conflict, the more restrictive provisions shall apply.
2. In the event that two (2) or more natural resource areas identified in this Section overlap, the resource with the most restrictive standard (the least amount of permitted alteration, regrading, clearing, or building) shall apply to the area of overlap.
3. These regulations apply only to lots being subdivided from a parcel, not to the residual lot, unless required by another section of this ordinance or unless the lots being created exceed 50% of the total original parcel acreage at the time of enactment of this ordinance.

**Section 1903 -STREAM PROTECTION OVERLAY ZONING DISTRICT**

1. **PURPOSE**

Streams and the natural areas around them are important hydrological and environmental assets. It is the intent of this overlay district to preserve natural and man-made waterways.

## 2. ESTABLISHMENT OF STREAM PROTECTION OVERLAY BOUNDARIES

The Stream Protection Overlay shall consist of a strip of land on each side of and including a perennial stream. The Stream Protection Overlay boundary shall be based on an investigation of critical environmental features that are related to the waterway. The total extent of the critical areas in or adjacent to the perennial stream shall be considered in determining the boundaries of the Stream Protection Overlay. Where critical areas do not exist, a minimum buffer of at least twenty-five (25) feet from top of the bank or in the absence of a defined top of bank, from the edge of the ordinary waterline on each side of the waterway shall be established. For purposes of this section the ordinary waterline shall be the point on the bank of a stream or watercourse where the presence and/or action of surface water is so continuous as to leave a distinctive mark by erosion, destruction of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

## 3. DETERMINING THE CRITICAL AREAS

The total extent of the critical areas adjacent to the perennial stream shall be considered in determining the boundaries of the Stream Protection Overlay. Critical areas include the following:

### A. Alluvial Soils

All alluvial soils adjacent to the perennial stream. For the purpose of this section, these areas are considered hydrologically related to the waterway.

### B. Wet Soils

Wet soil shall be all areas within 50 feet of a perennial stream, a spring, a seep, or other natural water source. For the purpose of this section, these areas are considered hydrologically related to the waterway or source.

### C. Steep Slopes

Where the base of a steep slope is fifty (50) feet or less from the top of the stream bank or in the absence of a defined top of bank, from the edge of the ordinary waterline on each side of the waterway or if the stream or watercourse is in a ravine, the critical area shall extend to the top of the steep slope(s) or ravine plus an additional twenty (20) feet of moderate or lesser slope. (Steep slopes greater than 15% in FC Zoning District and greater than 25% in all other Zoning Districts.)

### D. Wooded Areas

Where forested land having a predominance of trees of four-inch caliper or greater exists within fifty (50) feet of the top of the stream bank or in the absence

of a defined top of bank, from the edge of the ordinary waterline on each side of the waterway, the Stream Protection Overlay boundary will include those areas.

4. PERMITTED USES

The following shall be permitted uses in the Stream Protection Overlay, provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by another ordinance, and provided that they do not require building(s), fill or storage of materials and equipment.

- A. Tree farming, truck gardening, horticulture, aviaries, apiaries and similar enterprises, no-till farming, wild crop farming excluding other General and Specialized farms including Intensive Animal Operations;
- B. Nurseries, excluding greenhouses;
- C. Conservation areas for the conservation of open space, water, soil and wildlife resources;
- D. Required and common open space;
- E. Educational or scientific use;
- F. Fishing, swimming, boating and hunting;
- G. Trail access to the stream or drainageway and trails in linear parks;
- H. Parks and passive recreational areas;
- I. Accessory residential and/or commercial uses such as gardens, play areas, picnic areas or fences;
- J. Essential Services provided they are installed underground;
- K. Easements for drainage, access, sewer or water lines, or other public purposes;
- L. Underground utility rights-of-way;
- M. Nature Preserve and Wildlife Sanctuary;
- N. Private accesses and stream crossings; and
- O. Reforestation, restoration and bank stabilization.

5. STANDARDS

- A. This buffer shall contain no more than fifteen (15) percent of a pervious or impervious structural area.
- B. The buffer area along at least eighty (80) percent of the stream length shall remain in its natural state as open space.
- C. The Stream Protection Overlay shall be established at the time of the application for subdivision or land development or the application for a zoning permit if there is no subdivision or land development proposed.
- D. In all subdivision and land development applications, the Stream Protection Overlay shall be described by metes and bounds. A conservation easement covering the Stream Protection Overlay shall be provided in accordance with the Penn Township Subdivision and Land Development Ordinance.
- E. In all zoning permit applications, the Stream Protection Overlay shall be shown on a drawing indicating the location and measurements of the overlay district in accordance with the this section.

#### **Section 1904 -SURFACE WATER PROTECTION OVERLAY ZONING DISTRICT**

##### **1. PURPOSE**

Lakes and ponds and the natural areas around them are important hydrological and environmental assets. It is the intent of this Overlay District to preserve these natural and man-made assets. By protecting these assets, the Township intends to:

- A. Protect wildlife.
- B. Preserve existing vegetation along lakes or ponds.
- C. Minimize the negative effects on lakes or ponds from agriculture and development related erosion.
- D. Minimize scenic degradation.
- E. Protect the integrity of ponds and lakes as functioning wetland areas.

##### **2. ESTABLISHMENT OF SURFACE WATER PROTECTION OVERLAY BOUNDARIES**

The Surface Water Protection Overlay Zoning District shall be established as the area in or within twenty-five (25) feet of a lake or pond.

### 3. PERMITTED USES

The following shall be permitted uses in the Surface Water Protection Overlay, provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by another ordinance, and provided that they do not require building(s), fill or storage of materials and equipment.

- A. Common or required open space;
- B. Educational or scientific use not involving buildings or structures;
- C. Fishing, swimming, boating and hunting;
- D. Trail access to adjacent open space;
- E. Nature Preserve and Wildlife Sanctuary:
- F. Tree farming, truck gardening, horticulture, aviaries, apiaries and similar enterprises, no till farming, wild crop farming excluding other General and Specialized farms including Intensive Animal Operations;
- G. Nurseries, excluding greenhouses;
- H. Conservation areas for the conservation of open space, water, soil and wildlife resources, excluding structures;
- I. Trail access to streams or trails in linear parks;
- J. Parks and passive recreational areas not involving structures; and
- K. Reforestation, restoration, and bank stabilization.

### 4. STANDARDS

- A. This buffer shall contain no more than fifteen (15) percent of pervious or impervious structural areas.
- B. The buffer area along at least eighty (80) percent of the affected surface water edge shall remain in its natural state as open space.
- C. The Surface Water Protection Overlay shall be established at the time of the application for subdivision or land development or the application for a zoning permit if there is no subdivision or land development proposed.
- D. In all subdivision and land development applications, the Surface Water Protection Overlay shall be described by metes and bounds. A conservation

easement covering the Surface Water Protection Overlay shall be provided in accordance with the Penn Township Subdivision and Land Development Ordinance.

- E. In all zoning permit applications, the Surface Water Protection Overlay shall be shown on a drawing indicating the location and measurements of the overlay district in accordance with this section.

## **Section 1905 - WETLAND PROTECTION OVERLAY ZONING DISTRICT**

### **1. PURPOSE**

- A. Wetland areas are indispensable and fragile hydrological natural resources that provide:

- (1) Habitat for fish, wildlife and vegetation;
- (2) Water-quality maintenance and pollution control and ground water recharge;
- (3) Flood control;
- (4) Erosion control;
- (5) Open space;
- (6) Scientific study opportunities; and
- (7) Recreational opportunities.

- B. Damaging or destroying wetlands threatens public safety and the general welfare. Because of their importance, wetlands are to be protected from negative impacts of development and other activities. It is the intent of this Overlay District to:

- (1) Require planning to avoid and minimize damage of wetlands whenever prudent or feasible;
- (2) Require that activities not dependent upon wetlands to be located to upland sites; and
- (3) Allow wetland losses only where all practical or legal measures have been applied to reduce these losses that are unavoidable.

### **2. ESTABLISHMENT OF WETLAND PROTECTION OVERLAY BOUNDARIES**

The Wetland Protection Overlay shall apply to all lands in or within twenty-five (25) feet of a non-tidal wetland located within Penn Township. The Wetland Protection Overlay shall be based on a wetland investigation by the applicant's qualified professional. The Natural Features Map of the Penn Township Comprehensive Plan may be used as a guide for determining the general location of wetlands. Wetland delineations shall be performed in accordance with the procedures of the PA DEP as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments thereto. Wetland mitigation shall be approved by the PA DEP and the Army Corps of Engineers. Wetlands approved to be mitigated shall not be considered part of the Wetland Protection Overlay. Wetland construction that is part of the mitigation plan shall be subject to the provisions of this section.

### 3. REVIEW OF WETLAND DELINEATION

Where the applicant has provided a determination of the Wetland Protection Overlay, the Township Engineer or a person qualified by the Army Corps of Engineers shall review, and may render adjustments to, the boundary delineation. In the event that the adjusted boundary delineation is contested, the applicant may appeal to the Zoning Hearing Board for a variance.

### 4. PERMITTED USES

The following uses shall be allowed within the Wetland Protection Overlay to the extent that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinance, provided that they do not require structures, fill or storage of materials and equipment, and provided that a permit is obtained from the PA DEP and the Army Corps of Engineers, if applicable:

- A. Tree farming, truck gardening, horticulture, aviaries, apiaries and similar enterprises, no-till farming, wild crop farming excluding other General and Specialized farms including Intensive Animal Operations;
- B. Nurseries, excluding greenhouses;
- C. Conservation areas for the conservation of open space, water, soil and wildlife resources;
- D. Required and common open space;
- E. Educational or scientific use;
- F. Fishing, swimming, boating and hunting;
- G. Trail access to the stream or drainageway and trails in linear parks;
- H. Parks and passive recreational areas not involving structures;

- I. Accessory residential and/or commercial uses such as gardens, play areas, picnic areas or fences;
- J. Essential Services provided they are installed underground;
- K. Easements for drainage, access, sewer or water lines, or other public purposes; and
- L. Underground utility rights-of-way.

## 5. STANDARDS

- A. The Wetland Protection Overlay District shall be established at the time of the application for subdivision or land development or the application for a zoning permit if there is no subdivision or land development proposed. The wetland delineations shall be performed in accordance with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments thereto.
- B. In all subdivision and land development applications, a wetland investigation shall be required in accordance with the Penn Township Subdivision and Land Development Ordinance. A conservation easement covering the Wetland Protection Overlay District shall be provided in accordance with the Penn Township Subdivision and Land Development Ordinance. The Wetland Protection Overlay District and conservation easement shall be described by metes and bounds, indicating the location and measurements of the overlay district.
- C. In all zoning permit applications, the Wetland Protection Overlay District shall be shown on a drawing indicating the location and measurements of the overlay district.

## SECTION 6 – SEVERABILITY CLAUSE

If any section, paragraph, sentence or phrase of this ordinance should be declared invalid for any reason whatsoever, such decisions shall not affect the remaining portions of this ordinance which shall remain in full force and effect. For this purpose the provision of this ordinance are hereby declared to be severable.

## SECTION 7 – EFFECTIVE DATE

Upon enactment by the Township Board of Supervisors, this Ordinance shall be effective as provided by law.

## SECTION 8 – ENACTMENT



ENACTED, ORDAINED, AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
200\_, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful  
session duly assembled.

Supervisors

Penn Township Board of

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CERTIFICATE OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the  
Supervisors of the Township of Penn, Perry County, Pennsylvania, at a regular meeting of the  
Board of Supervisors on \_\_\_\_\_.

\_\_\_\_\_  
**Adopted 26, 2007**

\_\_\_\_\_  
Secretary

**PENN TOWNSHIP  
PERRY COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2008 - 02**

**AN ORDINANCE AMENDING THE PENN TOWNSHIP ZONING  
ORDINANCE OF 2003 OF PENN TOWNSHIP, PERRY COUNTY.**

**BE IT ENACTED AND ORDAINED BY** the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 (The Penn Township Zoning Ordinance) originally enacted on July 23, 2003, amended May 26, 2003, August, 16, 2004, December 28, 2005, January 25, 2007, and September 26, 2007, is further amended by adding the following section:

**Section 1 – Article II – Definitions shall be amended as follows:**

The following definitions shall be added to Section 2. Definitions

A. Industrial Uses:

1. General Industrial Use: A use:

- a. involving the processing and manufacturing of semi-finished and/or finished materials or products predominately from extracted raw materials;

and/or

- b. engaged in the storage of, manufacturing processes using, and/or shipping of flammable or explosive materials;

and/or

- c. engaged in the storage, manufacturing processes, and/or shipping of materials or products that potentially involve hazardous or commonly offensive conditions;

and

due to the nature of the processes, should not be located adjacent to residential areas.

2. Limited Industrial Uses:

- a. involving the manufacturing, predominately from previously prepared semi-finished or finished materials products or parts, finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as the repair of such finished products;

and

due to the inoffensive nature of the processes and site amenities including attractive buildings, setbacks, landscaping and screening, are compatible with neighboring residential uses.

but

- b. excluding the processing of extracted and/or raw materials.

- B. Manufacturing: The processing and/or converting of raw, unfinished, or finished materials or products or any or either of them into an article or substance of different character or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.
- C. Research and Development: Investigations in the natural, physical, technical or social science or engineering and development as an extension of such investigation with the objective of creating end products.
- D. Research Laboratory: A building or groups of buildings housing facilities for scientific research, investigation, testing or experimentation but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.
- E. Warehouse: A building used primarily for the indoor storage of products, supplies and equipment.
- F. Warehousing, Distribution and Wholesaling: A use engaged in the storage, wholesale and/or distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazard or commonly recognized offensive conditions, and also excluding any heavy equipment or truck washing, servicing and/or repair, unless such uses are specifically permitted in that zoning district. Wholesaling of products, supplies and equipment shall not be open to or accessible by the general public, unless incidental to the principal warehousing operation.
- G. Wholesale: Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

**Section 2 – Article X – MUC – Mixed Use Commerce District** shall be amended as follows: eliminating current Article X, Sections 1001 through 1010 and adding hereinafter provisions.

A. Section 1001 – Intended Purpose

The MUC - Mixed Use Commerce District is designed to promote a compatible combination of light industrial, professional, and commercial uses in an aesthetically pleasing, and planned environment where such uses can complement or support each other and the surrounding environs. It is also the intent of this district to limit the adverse effect of the uses on the existing transportation network and ensure compatibility with the surrounding zoning districts. Attractive buildings and inoffensive processes characterize such uses. To these ends, the Mixed Use Commerce District is intended to discourage and minimize air and water pollution, noise, glare, heat, vibration, fire and safety hazards and other detriments to the human and natural environment.

B. Section 1002 – Use Standards

Permitted and Conditional Uses in the Mixed Use Commerce District shall be subject to the following conditions:

1. Parking, loading or service areas used by motor vehicles shall be physically separated from all streets by a suitable barrier against unchanneled motor vehicle access or egress. All roads, driveways, parking areas and walks shall be paved and maintained in good condition with hard surface materials.
2. Illumination. All illumination shall comply with the requirements of Section 1312.
3. Landscaping and Screening. The entire lot shall be suitably landscaped pursuant to Section 1310 (except for those areas that are covered by buildings or surfaced as parking or service areas). All landscaping and screening shall be properly maintained throughout the life of any use on any lot.
4. All uses within the Mixed Use Commerce District shall be served by a public sewerage system.

C. Section 1003 – Permitted Uses

In a Mixed Use Commerce District, no building or premises shall be used and no building shall be erected, which is arranged, intended or designed to be used in whole or in part, for any purpose except those listed below, and all such uses shall be subject to Land Development Plan approval in accordance with the Penn Township Subdivision and Land Development Ordinance and those regulations specified elsewhere in this Ordinance.

1. Business services, such as banks, credit unions, loan companies and other financial institutions, real estate and insurance agencies, offices for utilities; government; medical clinics and facilities; business and professional uses, and veterinary clinics.
2. Plumbing and HVAC, carpentry, electrical, roofing and similar contracting businesses.
3. Newspaper and printing, photocopying, bookbinding, and publishing establishments.
4. Essential services buildings and structures with locational requirements. (see Section 1645)
5. Essential services buildings and structures without locational requirements. (See Section 1645)
6. Retail businesses, such as variety stores, apparel stores, drug stores, grocery stores, eating and drinking establishments with or without the sale of alcohol, liquor stores, music shops, sporting goods stores, and book, stationery, magazine, candy and tobacco shops.
7. Day care centers. (see Section 1614)
8. Personal services, such as barbershops, beauty salons, photographic studios, coin operated laundromats, tailor, dressmaking, and millinery.
9. Dry cleaners, laundries, and laundromats. (see Section 1632)
10. Indoor commercial recreation facilities. (see Section 1620)
11. Hotels and motels. (see Section 1626)
12. Animal hospitals and veterinarian clinics. (see Section 1616)
13. State, county or federal buildings. (see Section 1646)
14. Limited Industrial Uses, involving the manufacturing of (predominately from previously prepared semi-finished or finished materials products or parts), finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as the repair of finished products including:
  - a. Clocks or watches.
  - b. Toys or novelties.
  - c. Electrical appliances.
  - d. Electronic components.
  - e. Office equipment.
  - f. Sheet metal products.
  - g. Machine tools.
  - h. Food Products.
  - i. Cosmetics, toiletries and pharmaceuticals.

- j. Optical, dental and medical supplies and equipment.
  - k. Jewelry and other precious metals.
  - l. Hand tools.
  - m. Ceramics.
  - n. Furniture, cabinets, fixtures, office supplies, floor and ceiling materials, and other household appointments.
  - o. Textiles/apparel products.
  - p. Wood products.
  - q. Paper products.
  - r. Metal fabrication and forging.
  - s. Manufacture of metal dies and taps.
  - t. Scientific, specialized and technical instruments and equipment.
  - u. Hardware, software for audio-video components, computers, vending machines and video games.
  - v. Photographic, lighting and timekeeping equipment.
  - w. Household appliances.
  - x. Musical instruments and sporting equipment.
  - y. Monument production and sales.
15. Warehousing, distribution and wholesaling of products, supplies and equipment, including lumber yards, building and construction materials, nursery and garden materials, and farm supply. (see Section 1629)

D. Section 1004 - Accessory Uses and Structures

The following customary accessory uses and structures incidental to any permitted uses shall be permitted:

- 1. Uses and structures which are customarily associated with the permitted uses:
  - a. Storage buildings.
  - b. Parking and loading areas.
- 2. Uses and structures limited to servicing employees of the any permitted or conditional use allowed in this district and adjacent properties within the district:
  - a. Business services.
  - b. Retail businesses.
  - c. Personal services.
  - d. Day care centers.

e. Dry cleaners, laundries, and laundromats.

3. Signs, as provided in Article XV of this Ordinance.

E. Section 1005 - Conditional Uses

The following uses and activities may be permitted by Conditional Use upon approval of the Board of Supervisors after a public hearing and recommendation by the Planning Commission. Conditional Uses shall be subject to the requirements specified in Articles XVI and XVIII and elsewhere in this Ordinance:

1. Self-service Storage Facility (Mini Warehouse). (see Section 1630)
2. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district. In such instances, final approval of the use shall be subject to the functions and procedures as identified in Section 1805 and Section 1820 of this Ordinance.
3. Research and development, excluding animal research and testing.

F. Section 1006 – Use Limitations

1. All uses shall be provided for in accordance with standards as contained within Article XVI.
2. Outdoor storage and display, when accessory to a permitted or conditional use, shall be regulated as follows:
  - (1) Outdoor storage or display shall not occupy any part of the street right-of-way, area intended or designed for pedestrian use, required off-street parking areas, or required front yard, and shall be screened from view from adjoining public streets and residential properties. Screening shall be pursuant to Section 1310 of this Ordinance.

G. Section 1007 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, lot coverage, and yard and building setback of not less than the dimensions shown below shall be provided for every principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

Use	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
Public Sewer	1 Acre	150'	60	50' ****	15' ****	30' *****	15' *****	***
Public Water and Public Sewer	25,000 SF	100'	75	50' ****	15' *****	30' *****	15' *****	***
** Minimum requirement unless specified elsewhere herein *** Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended. **** Front building setback can be reduced to 25' if parking is located in the rear yard. SF - square feet; FT – feet ***** There shall be a minimum side and rear building setback of 50' from any such property line that is adjoining any residential property and/or residentially-zoned property								

G. Section 1008 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided for in accordance with Article XIV of this Ordinance.

H. Section 1009 - Minimum Off-Street Loading and Unloading Requirements

Off-street loading and unloading facilities shall be provided for in accordance with Article XIV of this Ordinance.

I. Section 1010 – Structural Siting and Design

In applying the provisions of this Section, particular emphasis shall be given to the siting and design of all structures.

1. All exterior building walls and structures shall be constructed with attractive, durable materials such as textured concrete, masonry stone, brick, finished wood, stucco, metal and glass, preferably a combination thereof. The façade facing a street shall have at least two (2) or more materials named above.
2. The design and siting of the building shall compliment the natural terrain and vegetation of the site.

**Section 3 – Article XIII – Performance Standards** shall be amended as follows:

A. Section 1303 Water Supply and Sewerage Facilities Required

In the interest of protecting the public health, safety and welfare, every premise, used in whole or in part for dwelling, commercial or recreational business or industrial purposes shall be provided with both a safe and sanitary water supply, a minimum of 1 bathroom per premise, and a safe and sanitary means of collection and disposal of commercial and industrial waste. Such facilities shall conform to the minimum requirements set forth by the Pennsylvania Department of Environmental Protection.

B. Section 1310 Landscaping and Screening

1. Landscaping

- a. Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with landscaping.
- b. Except for single-family detached, single-family semi-detached, two-family detached dwellings and two-family semi-detached dwellings, any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be landscaped according to an overall plan, prepared and approved as part of a Land Development Plan required under the Township's Subdivision and Land Development Ordinance.

2. Planting Strip

All nonresidential uses excluding agricultural uses shall include planting strips or buffer areas in accordance with the following:

- a. A planting strip of thirty (30) feet in width shall be required along all property lines that are adjoining any residential property and/or residentially-zoned property.

- b. At least twenty (20) feet in width of the planting strip shall be planted and screened with a dense vegetative screen planting in accordance with 1310.3 below. The remainder of the planting strip shall be grass or ground cover. Planting strips shall be kept free of all debris and rubbish.
- c. The required yard space for the zoning district in which the use is located may be considered as all or part of the required planting strip area.
- d. No structure, storage area, customer or client parking, loading/unloading area shall be permitted in the required planting strip area. Said planting strip shall only be broken by approved driveway or access drive entrances or exits

### 3. Screening

- a. Screening requirements shall be applicable under the following circumstances:
  - (1) Where proposed non-residential uses, excluding agricultural uses, abut an existing residential use or residential district.
  - (2) Where any proposed multi-family residential uses abut an existing single-family detached, single-family semi-detached, two-family detached or two-family semi-detached dwelling.
  - (3) Any other instances where screening is required by This Ordinance or by the Township.
- b. Screening shall be provided in accordance with the following requirements:
  - (1) All required screening shall be located within the required planting strip.
  - (2) Said screening shall form a solid, continuous barrier and may consist of a masonry wall, wood fence, trees, shrubs, berms or any combination thereof.
  - (3) All landscaping shall consist of massed evergreen and/or deciduous trees and shrubs of at least three and one-half (3-1/2) feet in height and of such species as will produce, within three (3) growing season, a screen at least six (6) feet in height so as to continually restrict a clear view beyond said buffer strip
  - (4) In the event a masonry wall or wood fence is used for screening purposes, vegetative landscaping set forth in Section 1310.3.b.3 above shall be placed and maintained between the wall or fence and the property line adjoining to property with residential use, residentially-zoned district or other applicable use, to form an ornamental screen.
  - (5) Said screening shall be maintained by property owner(s).

### C. Section 1314 - Outdoor Storage

- 1. No storage shall be permitted within the front yard of any lot.
- 2. Outside storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot to the rear of the front building wall of the principal building, and shall not exceed ten (10) feet in height in residential districts and twenty (20) feet in height in other districts. For any non-residential use, excluding agricultural uses, all outdoor storage areas located within any part of a yard area adjacent to a property line that is adjoining any residential property and/or residentially-zoned property shall be screened in accordance with Section 1310 of this



Ordinance during all seasons of the year. The size and the spacing requirements shall be determined and approved by the Board of Supervisors, upon recommendation of the Planning Commission, as part of an approved land development plan.

3. No flammable or explosive liquids, solids or gases shall be stored in bulk (in quantity greater than 275 gallons) above ground, except for tanks of fuel (1) directly connected to energy or heating devices or (2) used in conjunction with active agricultural, commercial or construction activities. A list of such liquids, solids or gases stored on site shall be supplied to the appropriate fire companies serving the Township.
4. No structure or land shall be used or developed, and no structure shall be located, extended, converted or structurally altered unless the applicant shall take all federal, state and local required measures and recommended measures resulting from the review of the plan to minimize the impacts of the above ground and underground storage of heating oil, gasoline, diesel fuel, chemical solutions or other substances which, if released, would constitute pollutants to soil, surface water or groundwater.

D. Section 1316 – Air Pollution

1. Odor

For all non-agricultural uses, no continuous frequent and repetitive emission of odor or odor-causing substance which would be offensive at or beyond any property line shall be permitted. The existence of an odor shall be presumed when the concentration of the odor-causing substance or substances in the air at any point at or beyond the property line of the source exceeds the lowest concentration listed as the odor threshold for such substance or substances set forth in Table III, Odor Thresholds, of Chapter 5, Physiological Effects, of the Air Pollution Abatement Manual of the Manufacturing Chemists Association, according to the latest edition of such table for the compounds therein described. For compounds not described in Table III, odor thresholds may be established by methods indicated in Chapter 5 of the manual. No odor shall be permitted at any lot line exceeding the amount determined by the application of such methods.

2. Smoke

Regarding density of smoke, it is prohibited to emit visible air contaminants into the outdoor atmosphere in such a manner that the opacity of the emission from any chimney, stack, vent, opening or combustion process is equal to, or greater than 20% for a period aggregating more than 3 minutes in any 1 hour. Emissions that have an opacity equal to or greater than, 60% are prohibited at all times. Opacity shall be measured using observers, trained and certified, to measure plume opacity with the naked eye, as per EPA Method 9, or with the aid of devices approved by Pennsylvania Department of Environmental Protection.

3. Particulate Matter

- a. The rate of particulate matter emission from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one-hour period, after deducting from the gross hourly emission per acre the correction factors set forth in the following table:

<u>Allowance for Height of Emission*</u>	
Height of Emission	Correction (Pounds
Above Grade (feet)	Per Hour Per Acre
50 – 99.99	0.01

100 – 149.99	0.06
150 - 199.99	0.10
200 - 299.99	0.16
300 - 399.99	0.30
400+	0.05

NOTE:

\*Interpolation for intermediate values not shown in table.

- b. Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:
  - (1) Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.
  - (2) From each gross hourly rate of emission derived in Subsection 3.a above, deduct the correction factor (interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
  - (3) Add together the individual net rates of emission derived in Subsection 3.b above to obtain the total net rate of emission from all sources of emission within the boundaries of the lot; such total shall not exceed one pound per acre of lot area during any one hour period.

E. Section 1317 Electromagnetic Interference

In all districts, no use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety and welfare, including but not limited to interference with normal radio, telephone or television reception and/or transmission off the premises where the activity is conducted.

F. Section 1318 Fire and Explosive Hazards

The Uniform Construction Code shall regulate hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the occupancy of a structure or premises.

G. Section 1319 Glare and Heat

Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line. No heat from any use shall be sensed at any property line to the extent of raising

the ambient temperature of air or materials more than 5° Fahrenheit. Any operation or activity that produces glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths (0.5) foot candles measured at the property line.

H. Section 1320 Toxic and Hazardous Substance Storage

Storage of toxic and hazardous substance shall meet the requirements of the Pennsylvania Department of Environmental Protection, Pennsylvania Department of Labor and Industry, and/or the United States Environmental Protection Agency.

I. Section 1321 Ground Vibration

Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the lot on which the use is located. Vibrations from temporary construction and vehicles which leave the lot (such as trucks, trains, airplanes and helicopters) are excluded.

J. Section 1322 Required Traffic Study Standards

For all uses requiring a traffic study, the applicant's professional traffic engineer conducting the required study shall meet with the Township Engineer and Road Master or Road Foreman prior to conducting the traffic study, in order to mutually agree upon the extent of the traffic study, including intersections to be studied. At a minimum, the following shall be considered:

1. A description of the traffic impact area (TIA), including its major roads and potential traffic generation rates to be determined by current references.
2. Existing 24-hour and peak hour traffic volume data for all streets which provide direct access to the proposed development, and for the collectors and arterials which will serve it, as well as any major intersection within the impact area.
3. Estimates of the total number of vehicle trips to be generated by the development for a typical 24-hour period, and including typical a.m. and p.m. peak periods.
4. Assignment of future 24-hour and peak hour volumes to the collectors and arterials, and other streets that will serve the proposed development based on the projections of increased traffic volumes within the traffic impact area, to be determined by an extrapolation of former development trends, and the amounts of usable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied, should also be factored in these future traffic volume projections.
5. Projected 24-hour and peak hour turning movement data for all access points proposed for the development.
6. Capacity/level of service analysis on major intersections which will be impacted by the additional volumes generated by the development.
7. Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.

**Section 4 – Article XVI – Supplemental Use Standards** shall be amended as follows:

- A. Section 1609.2.b - The minimum front, side and rear yard shall be 100 feet each.
- B. Section 1610.2.b - The minimum front, side and rear yard shall be 100 feet each.

- C. Section 1611.2.c - The minimum front, side and rear yard shall be 50 feet each.
- D. Section 1612.2.b - The minimum front, side and rear yard shall be 25 feet each.
- E. Section 1613.3.f - Traffic generated by the home occupation shall not exceed volumes that would normally be expected in a residential neighborhood.
- F. Section 1621.1 - Permitted Uses. Conversion of an existing residential structure to a non-residential use. The conversion can be total conversion from residential use or a conversion of a portion of the premises, with the retention of one or more dwelling units. (As in the case of a first-floor retail or office use with apartment(s) on the second and higher floors.)
- G. Section 1637.2.i - Access shall be provided to the Communications Tower and Communications equipment Building by means of a public street, or a private right-of-way twenty (20) feet in width and which shall be improved to a width of at least twelve (12) feet.
- H. Section 1639.2 – All exterior retail sales areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties.
- I. Area and Section 1629 – Warehousing, Distribution and Wholesaling
  - 1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
  - 2. All area and bulk requirements of the prevailing zoning district shall apply.
  - 3. The applicant shall provide a detailed description of the proposed use in each of the following topics:
    - a. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
    - b. The general scale of the operation in terms of its market area, associated incidental uses including storage areas, specific floor space requirements for each activity, the total number of employees on each shift and an overall needed site size.
    - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed Article 13 of this Ordinance.
  - 4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.
- J. Section 1631 - General Industrial Uses
  - 1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
  - 2. All area and bulk requirements of the prevailing zoning district shall apply.

3. The applicant shall provide a detailed description of the proposed use in each of the following topics:
  - a. The nature of the on-site processing activities and operations, the types of materials used in the process products produced, and the generation and methods for any disposal of any wastes and/or by-products, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
  - b. The general scale of the operation, the total number of employees on each shift and an overall needed site size.
  - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed Article 13 of this Ordinance.
4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.

K. Section 1633 – Trucking Terminals

Truck or motor freight terminals are subject to the following criteria:

1. Access shall be via an arterial road.
2. All area and bulk requirements of the prevailing zoning district shall apply.
3. The applicant shall provide a detailed description of the proposed use in each of the following topics:
  - a. The nature of the on-site activities and operations, the types of materials stored the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
  - b. The general scale of the operation in terms of its market area, associated incidental uses including storage areas, specific floor space requirements for each activity, the total number of employees on each shift and an overall needed site size.
  - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed Article 13 of this Ordinance.
4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.

L. Section 1644 – Flea Markets (Indoor/Outdoor)

Indoor and Outdoor Flea Markets are permitted as a conditional use in the Commercial District subject to the following criteria:

1. Minimum lot size for an outdoor market shall be two (2) acres.
2. Outdoor markets shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
3. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as a result of, but not limited to, hours of operation, noise, light, litter, dust, pollution and traffic congestion.
4. Off-street parking shall be provided pursuant to Article XIV of this ordinance. The Board of Supervisors may require an unimproved grassed overflow-parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.

M. Section 1651 – Research and Development

1. The applicant shall provide a detailed written description of the proposed use in each of the following topics:
  - a. The nature of the on-site activities and operations, the types of materials used and stored, the products produced, and the generation and methods of disposal of any wastes and/or by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
  - b. The general scale and location of any associated incidental uses including sales and storage areas, proposed products to be sold, the total number of employees on each shift and an overall needed site size.
  - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances, including but not limited to those listed in Article 13 of the Penn Township Zoning Ordinance, as amended.

N. Section 1652 - Limited Industrial Uses

1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan, or a street in a proposed commercial or industrial subdivision and/or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
2. All area and bulk requirements of the prevailing zoning district shall apply.
3. The applicant shall provide a detailed description of the proposed use(s) in each of the following topics:
  - a. The nature of the on-site processing activities and operations, the types of materials used in the process, products to be sold, and the generation and methods for any disposal of any wastes and/or by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

- b. The general scale and location of the industrial operations and any associated incidental uses including sales and storage areas, proposed products to be sold, the total number of employees on each shift, and an overall needed site size.
- c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Article 13 of the Penn Township Zoning Ordinance, as amended.

4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.

#### Section 5 - Effective Date

Upon enactment by the Township Board of Supervisors, this Ordinance shall be effective as provided by law.

#### Section 6 – Enactment

ENACTED, ORDAINED, AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

Supervisors

Penn Township Board of

\_\_\_\_\_  
Henry Holman, Chairman

\_\_\_\_\_  
Randy Plummer, Vice-Chairman

\_\_\_\_\_  
Lucinda "CeCe" Novinger

#### CERTIFICATE OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance 2008- adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania, at a regular meeting of the Board of Supervisors on \_\_\_\_\_

\_\_\_\_\_  
Secretary

Adopted June 28, 2008

PENN TOWNSHIP  
PERRY COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2009 – 02

AN ORDINANCE AMENDING THE PENN TOWNSHIP ZONING  
ORDINANCE OF 2003 OF PENN TOWNSHIP, PERRY COUNTY,  
AMENDING AND ADDING TO THE DEFINITIONS,  
AMENDING THE BUILDING HEIGHT REQUIREMENTS FOR  
ALL ZONING DISTRICTS AND AMENDING SECTION 1637.2.r  
COMMERCIAL COMMUNICATIONS TOWER

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 (The Penn Township Zoning Ordinance) originally enacted on July 23, 2003, amended May 26, 2003, August, 16, 2004, December 28, 2005, January 25, 2007, September 26, 2007, June 25, 2008 is further amended by adding the following section:

**Section 1 – Article II – Definitions**

A. The following definitions shall be amended as follows:

1. Building Height: The vertical dimensions measured from the average elevation of the finished lot grade at the building to the highest point of ceiling at the top story in the case of a flat roof, to the deck line of a mansard roof and to the average height between the top plate and ridge of a gable, hip or gambrel roof. (See Appendix A). The grade shall not be altered for the purpose of increasing the elevation of an object.
2. Story: A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, the finished ceiling or roof above it. A “split level” story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building that is more than two (2) feet below the top plate shall be counted as a story; and, if less than two feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a story if its floor level is six (6) feet or more below the level of the line of the finished floor next above it and has one-half or more of its height above the average level of the adjoining ground.
3. Story, Half: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor.

B. The following definitions shall be added to Section 2 – Definitions:

1. Habitation: Occupation of a particular place regularly, routinely, or for a period of time.
2. Occupancy: Human presence in a building or part of a building.

**Section 2 – Article IV – FC- Forest/Conservation District** shall be amended as follows:

- A. Article IV, Section 405 – Lot Area. Lot Width. Impervious Coverage. Building Setbacks. and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.



	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
All Uses	4 acres*	300	20	40'	15'	50'	25'	40'
* Lot size subject to PA DEP approval for on-lot sewage disposal systems ** Minimum requirement unless specified elsewhere herein. SF - square feet; FT - feet								

Section 3 – Article V – AR – Agriculture/Rural District shall be amended as follows:

- A. Article V, Section 505 – Lot Area. Lot Width. Impervious Coverage. Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

Use	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewer	1.5 acres*	150'	20	25'	15'	30'	25'	40'
Public Sewer	1 Acre	150'	60	50'	15'	30'	15'	40'
* Lot size subject to PA DEP approval for on-lot sewage disposal systems ** Minimum requirement unless specified elsewhere herein SF - square feet; FT - feet								

Section 4 – Article VI – R-1 Low Density Residential District shall be amended as follows:

- A. Article VI, Section 605 – Lot Area. Lot Width. Impervious Coverage. Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max (FT)
On-Lot Sewer	1.5 acres*	150'	20	25'	15'	30'	25'	40'
Public Sewer	20,000 SF	100	25	15'	15'	30'	25'	40'
Public Water and Public Sewer	15,000 SF	80'	30	25'	10'	20'	25'	40'
* Lot Size Subject to PA DEP approval for on-lot sewage disposal systems								
** Minimum requirement unless specified elsewhere herein								
SF - square feet; FT - feet								

Section 5 – Article VII – R-2 High Density Residential District shall be amended as follows:

- A. Article VII, Section 705 – Lot Area. Lot Width. Impervious Coverage. Building Setbacks. and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max (FT)
On-Lot Sewer	1.5 acres*	150'	20	25'	15'	30'	25'	40'
Public Sewer	20,000 SF	100	25	15'	15'	30'	25'	40'
Public Water and Public Sewer	10,000 SF	80'	30	25'	10'	20'	25'	40'
* Lot Size Subject to PA DEP approval for on-lot sewage disposal systems								
** Minimum requirement unless specified elsewhere herein								
SF - square feet; FT - feet								

Section 6 – Article VIII – C- Commercial District shall be amended as follows:

- A. Article VIII, Section 806 – Lot Area. Lot Width. Impervious Coverage. Building Setbacks. and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max (FT)
On-Lot Sewer	1.5 acres*	150'	60	50'***	25'	50'	25'	40'****
Public Sewer	1 Acre	150'	60	50'***	25'	50'	25'	40'****
Public Water and Public Sewer	25,000 SF	100'	70	25'	10'	20'	30'	40'****

\* Lot Size Subject to PA DEP approval for on-lot sewage disposal systems.  
 \*\* Minimum requirement unless specified elsewhere herein.  
 \*\*\* Front Building Setback can be reduced to 25' if parking is located in the rear yard.  
 \*\*\*\* Building Height can be extended to 50' if the extra height is not used for habitation or regular used workspace, under Conditional Uses.  
 SF - square feet; FT - feet

Section 7- Article IX - I- Industrial District shall be amended as follows:

Article IX, Section 907 - Lot Area. Lot Width. Impervious Coverage. Building Setbacks. and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max (FT)
On-Lot Sewer	1.5 acres*	150'	60	50'***	25'	50'	25'	40'****
Public Sewer	1 Acre	150'	60	50'***	25'	50'	25'	40'****
Public Water and Public Sewer	25,000 SF	100'	70	25'	10'	20'	30'	40'****

\* Lot Size Subject to PA DEP approval for on-lot sewage disposal systems  
 \*\* Minimum requirement unless specified elsewhere herein  
 \*\*\* Front Building Setback can be reduced to 25' if parking is located in the rear yard.  
 \*\*\*\* Building Height can be extended to 50' if the extra height is not used for habitation or regular used workspace, under Conditional Uses.  
 SF - square feet; FT - feet

Section 8 - Article X - MUC - Mixed Use-Commerce District shall be amended as follows:

Article X, Section 1007 - Lot Area. Lot Width. Impervious Coverage. Building Setbacks. and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the

dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max (FT)
On-Lot Sewer	1.5 acres*	150'	60	50'***	25'	50'	25'	40'****
Public Sewer	1 Acre	150'	60	50'***	25'	50'	25'	40'****
Public Water and Public Sewer	25,000 SF	100'	75	25'	10'	20'	30'	40'****

\* Lot Size Subject to PA DEP approval for on-lot sewage disposal systems  
 \*\* Minimum requirement unless specified elsewhere herein  
 \*\*\* Front Building Setback can be reduced to 25' if parking is located in the rear yard.  
 \*\*\*\* Building Height can be extended to 50' if the extra height is not used for habitation or regular used workspace, under Conditional Uses.  
 SF - square feet; FT – feet

Section 9 – Article XIII – Performance Standards shall be amended as follows:

A. Section 1304 - Exceptions

1. Height Exceptions.

The height limitations of this Ordinance shall be conditional use in the following applications, agriculture structures, church spires, belfries, cupolas, and domes not used for human occupancy. Chimneys, ventilators, skylights, water tanks, bulkheads and similar features, and necessary mechanical appurtenances usually carried above the roof level shall be conditional use. Such features, however, shall be erected only to such height as is necessary to accomplish the purposes that they are to serve and then only in accordance with any other government regulations.

2. Front-yard Exception

No proposed principal building shall have a set-back greater than the average of the two existing principal buildings with the greatest set-backs located within two-hundred (200) feet on each side of the said proposed principal building, on the same side of the street, within the same block, and the same district or one-half ( $\frac{1}{2}$ ) the required minimum setback distance, which ever provides the greater setback from the street right-of-way line or property line.

3. Non-Conforming Uses

Any additions to a non-conforming accessory building shall conform to the height requirements of the existing non-conforming accessory building.

Section 10 – Article XVI – Supplemental Use Standards shall be amended as follows:

A. Section 1637 - Commercial Communication Tower

2. General Requirements for Communications Towers

r. No Communications Tower shall be located closer than the height of tower, including antennas above the top of the tower, plus twenty (20) feet to any of the following:

- (1) The nearest inhabited or occupied building;
- (2) Playground;
- (3) Ballfield;
- (4) Other area used for active recreation;
- (5) Activities such as, but not limited to, flea markets or farmer markets.

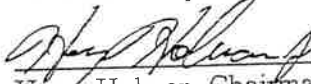
Section 11 - Effective Date

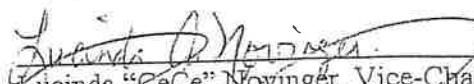
Upon enactment by the Township Board of Supervisors, this Ordinance shall be effective as provided by law.

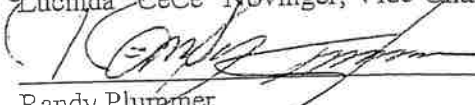
Section 12 - Enactment

ENACTED, ORDAINED, AND ADOPTED THIS 25<sup>th</sup> DAY OF March, 2009, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

Penn Township Board of Supervisors

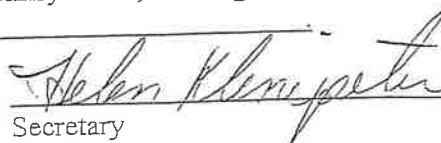
  
Henry Holman, Chairman

  
Lucinda "CeCe" Novinger, Vice-Chairman

  
Randy Plummer

CERTIFICATE OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance 2009-02 adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania, at a regular meeting of the Board of Supervisors on March 25, 2009

  
Secretary

**OPENN TOWNSHIP, PERRY COUNTY, PENNSYLVANIA ORDINANCE NO. 2023- 06**

**AN ORDINANCE AMENDING THE PENN TOWNSHIP ZONING ORDINANCE OF 2003 OF PENN TOWNSHIP, PERRY COUNTY, AMENDING ARTICLE II, DEFINITIONS; ARTICLE IV, FOREST CONSERVATION DISTRICT; ARTICLE V, AGRICULTURAL/RURAL DISTRICT; ARTICLE VII, COMMERCIAL DISTRICT; ARTICLE IX, INDUSTRIAL DISTRICT; ARTICLE X, MIXED USE COMMERCE DISTRICT; ARTICLE XI, FLOOD PLAIN OVERLAY DISTRICT; ARTICLE XIII, PERFORMANCE STANDARDS; ARTICLE XV, SIGN REGULATIONS; ARTICLE XVI, SUPPLEMENT USE STANDARDS, SECTION 1644, FLEA MARKETS OR FARMERS MARKETS, SECTION 1653, ROAD STANDS AND AGRICULTURAL SALES OR FARM PRODUCTS, SECTION 1654, AGRICULTURAL ENTERPRISE, SECTION 1655 AGRITOURISM, SECTION 1656 MOBILE FOOD UNITS, ARTICLE XVIII, ADMINISTRATION AND ENFORCEMENT, ARTICLE XX – SOLAR ENERGY SYSTEMS; ARTICLE XXI, WIND ENERGY SYSTEMS; APPENDIX A – DIAGRAMS; APPENDIX B, SIGN REGULATIONS**

**BE IT ENACTED AND ORDAINED BY** the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 (The Penn Township Zoning Ordinance) originally enacted on July 23, 2003, amended May 26, 2004, August 16, 2004, December 28, 2005, January 25, 2007, September 26, 2007, June 25, 2008 is further amended as follows:

**Section 1— Article II Definitions**

**1. The following is to be added:**

- A. **Agricultural Products Sign:** A sign which identifies agricultural products for sale or used on the farm and/or agricultural services provided to the farm, such as seed suppliers, dairies, or similar products or services.
- B. **Agritourism** - means uses or activities at an agricultural operation or facility, which is conducted for the enjoyment and education of visitors, guests, or clients, and that generates income for the owner/operator. Agritourism is also the act of visiting a working agricultural operation for the purposes of enjoyment, education, or active involvement in the activities of the agricultural operation that also adds to the economic viability of the agricultural operation. Agriculture or agricultural production must be the primary use of the land.
- C. **Agricultural Enterprise** - A festival, fair or event on an agricultural use property involving extensive outdoor activities held for a temporary period not to exceed ten (10) days
- D. **Roadside Stand Sign:** A sign that directs attention to a Roadside Stand as permitted by the ordinance
- E. **Canopy Sign:** Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outside service area,

which has a use in addition to supporting the sign, including wall signs and roof signs, and which directs attention to any business, professional, commercial, or industrial activity occurring on the premises on which the sign is located, but not including a home occupation sign.

- F. **Development Plan:** The provisions for planned development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, greenways, bikeways, walkways, trails, driveways, and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.
- G. **Mobile Food Unit:** a food service establishment that is vehicle-mounted or wheeled or is designed to be portable and not permanently attached to the ground.
- H. **Public Assembly:** A place that the public assembles for general purpose including but not limited to American Legion, Granges, Auction Houses, Movie Theaters, etc.
- I. **Winery/Brewery** a building or property for the production of wine and/or beer, such as a winery or brewing company. Some wine companies own many wineries. Besides wine making equipment, larger wineries may also feature warehouses, bottling lines, laboratories, and large expanses of tanks known as tank farms

2. **The following is to be deleted:**

- A. **Planned Residential Development:** An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Ordinance.
- J. **Density, Gross Residential:** The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way, whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc. In the case of applications for Planned Residential Development, "gross residential density" is defined as the number of dwelling units per acre, computed by dividing the number of dwelling units proposed by the number of acres in the development exclusive of areas to be devoted to commercial use.

**Section 2 - Article IV – Forest Conservation - The following is to be added:**

A. **Section 402 —Permitted Uses**

- 12. Roadside stands for Sale of Agricultural Products Grown on Site (see Section1653)

B. **Section 403 — Accessory Uses and Structures - The following is to be added:**

6. Agritourism (see Section 1655)

**C. Section 404 – Conditional Uses – Replace with the following:**

18. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district, final approval of the use shall be subject to the functions and procedures as identified in Section 1804 and Section 1820 of this Ordinance

**Section 3 — Article V - Agricultural Rural**

**A. Section 502 — Permitted Uses The following is to be added:**

14. Roadside Stands for Sale of Agricultural Products Grown on Site (see Section 1653)

**B. Section 503 - Accessory Uses and Structures - The following is to be added:**

6. Agritourism (see Section 1655)

**C. Section 504 Conditional Uses - This section will amend subparagraph 18 as follows:**

18. Farm equipment and supplies sales and service. (*see* Section 1623)

**The following is to be added:**

26. Agricultural Enterprises Uses, (see Section 1654)

27. Farmer's market (see Section 1644)

28. Winery/Brewery (Gardens with Food Services or Entertainment see Section 1654)

29. Agricultural Sales (see Section 1653)

**- The following is to be added:** Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district, final approval of the use shall be subject to the functions and procedures as identified in Section 1804 and Section 1820 of this Ordinance.

**Section 4 — Article VI — Low Density Residential District**

**A. Section 604 – Conditional Uses – Replace with the following:**

14. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended



purpose of this district, final approval of the use shall be subject to the functions and procedures as identified in Section 1804 and Section 1820 of this Ordinance.

#### **Section 5 — Article VII — High Density Residential District**

##### **A. Section 704 – Conditional Uses – Replace with the following:**

15. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district, final approval of the use shall be subject to the functions and procedures as identified in Section 1804 and Section 1820 of this Ordinance.

#### **Section 6 — Article VIII — Commercial District**

##### **A. Section 805 — Conditional Uses**

22. Delete: Limited Manufacturing, Fabricating, Processing, Packaging, Compounding of Assembling Activities. **Replace with:** Mobile Food Unit (see Section 1656)

**The following is to be added:**

28. **To be replaced with the following:** Agricultural Sales of Farm Products (see Section 1653)

29. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district, final approval of the use shall be subject to the functions and procedures as identified in Section 1804 and Section 1820 of this Ordinance.

#### **Section 7 — Article IX — Industrial District**

##### **A. Section 903 – Permitted Uses**

Delete 22. All permitted uses in the Commercial District.

Add 22. Mobile Food Unit (See Section 1656)g

##### **B. Section 905 — Conditional Uses - To be replaced with the following:**

16. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district, final approval of the use shall be subject to the functions and procedures as identified in Section 1804 and Section 1820 of this Ordinance.

**Section 8 Article X- Mixed Use Commerce District.**

**A. Section 1002 - Use Standards - The following is to be added**

5. Along each property line which is adjacent to a Residential District or lot in residential use, the owner shall be required to maintain a buffer strip ten (10) feet wide which shall be planted with a hedge, evergreen shrubbery, or approved vegetation to provide appropriate screening against noise, glare, fumes, dust, and other harmful effects. Said buffer strip shall be consistent with any existing vegetation and the permitted use of the adjacent residential property. (See Section 1310)
6. All illumination shall comply with the requirements of Section 1312. When lot lines lie within 35 feet of a Residential District boundary or any lot in residential use, any illumination or floodlighting shall be arranged so there will be no glare of lights on such lot or District boundary line.
7. Any commercial or industrial building, structure or activity must be setback a sufficient distance or mitigated to assure that no noise level exceeds the specified level in decibels at the property line. (See Section 1315)
8. A detailed description of any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance including but not limited to those listed in Article 13 and Article 16 of this Ordinance.

**B. Section 1003 — Permitted Uses — This section will be amended as follows:**

14. Limited Industrial Uses, involving the manufacturing of (predominately from previously prepared semi-finished or finished materials products or parts), finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution, as well as the repair of finished products including:
  - a. Alcoholic beverages, tobacco, and similar products
  - b. Ceramics.
  - c. Clocks or watches.
  - d. Electrical appliances.
  - e. Electrical components.

- f. Farm Machinery Assembly and Repair
- g. Hand tools.
- h. Hardware, software for audio-video components, computers, vending machines and video games.
- i. Household appliances.
- j. Industrial Apparatus, Assembly
- k. Jewelry and other precious metals.
- l. Leather and Leather Products (no tanning)
- m. Monument production and sales.
- n. Musical instruments and sporting equipment.
- o. Office equipment and supplies.
- p. Paper products.
- q. Photographic, lighting, and timekeeping equipment.
- r. Textiles/apparel products from previously prepared materials.
- s. Toys or novelties.
- t. Construction of signs, including painted signs

**C. Section 1005 — Conditional Uses - This section will be amended by the addition of the following:**

- 3. Limited Industrial Uses, involving the manufacturing of (predominately from previously prepared semi-finished or finished materials products or parts), finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as the repair of finished products including:
  - a. Agricultural processing facility means one or more facilities or operations that transform, package, sort, or grade livestock products, agricultural commodities, or plants or plant products into goods that are used for intermediate or final consumption including goods for nonfood use, excluding animal slaughtering, and rendering of animal fats and oils.

- b. Bedding and Carpet Manufacturing
- c. Bottling Works
- d. Concrete products manufacturing
- e. Cosmetics, toiletries, and pharmaceuticals.
- f. Food Processing.
- g. Furniture, cabinets, fixtures, floor and ceiling materials.
- h. Industrial Apparatus Manufacturing
- i. Machine tools.
- j. Manufactured accessory structures or building components
- k. Forging and Manufacture of metal dies and taps.
- l. Motor home or trailer manufacturing
- m. Optical, dental, and medical supplies and equipment.
- n. Scientific, specialized and technical instruments and equipment.
- o. Metal fabrication and sheet metal products.
- p. Wood products – Mechanical Accessory Structures, Build Products and wood milling.

4. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district, final approval of the use shall be subject to the functions and procedures as identified in Section 1804 and Section 1820 of this Ordinance.

**Section 9—Article XI Floodplain Overlay District – These sections will be amended to be in compliance with revised Township Ordinance 2019-04.**

**A. Section 1101 – General Provision**

The Flood Plain District shall encompass all lands and land developments within Penn Township which are located within the boundary of floodplain area as shown on the Flood Insurance Rate Maps (FIRMs) dated June 20, 2019 and issued by the Federal Emergency Management Agency or the most recent revision thereof, including all digital data developed as part of which the Flood Insurance Study

- B. **Section 1102 — Conformance with Other Regulations** — Uses permitted and procedures to follow for development in the Floodplain District are presented in Township Ordinance No. 2019-04 as amended. Said Ordinance supplements other articles of this Zoning Ordinance. To the extent that Ordinance No. 2019-04 imposes greater requirements or more complete disclosures in any respect, or to the extent that the provisions of said Ordinance are more restrictive, it shall be deemed and interpreted to control other provisions of the Zoning Ordinance and Township Subdivision and Land Development Ordinance.
- C. **Section 1103 — Overlay Concept** - The Floodplain District described above shall be an overlay to the existing underlying districts, as shown on the Official Township of Penn Zoning map as such, the provisions of Ordinance No. 2009-04, Floodplain development, shall serve as a supplement to the underlying district provisions.
1. In the event of any conflict between the provisions or requirements of the Floodplain District and those of any underlying zoning district, the more restrictive provisions shall apply.
  2. In the event any provision concerning a Floodplain District is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.

**Section 10 — Article XIII — Performance Standards.**

- A. **Section 1307 - Driveways** - This section will be amended to comply with the PennDOT regulations.  
All driveways shall be located and constructed in accordance with the requirements of the Commonwealth of Pennsylvania, Pennsylvania Code, Title 67. Transportation Department of Transportation, Chapter 441, Section 441.8 Driveway Design Requirements, and 441.9 Driveway Layout Illustrations, as amended and Pennsylvania Department of Transportation Publication 70, Chapter 2.
- B. **Section 1312.1 - Illumination – Amended as follows:** The light from any luminary shall be directed downward to prevent direct light from being cast beyond an angle of 35 degrees from a downward vertical axis. Unshielded lamps, bulbs and tubes are not permitted, except for residential structure mounted lamps and driveway post lamps utilizing 700 – 900 lumens. Spotlights or flood lights are permitted if equipped with a motion control sensor. See Appendix A - Diagrams.

**Section 11 - Article XV — SIGN REGULATIONS** - This section shall be amended as follows:

- A. **Section 1501.2.ii - General Regulations** - Signs shall not be displayed on or attached to any vehicle, equipment, or trailers when stationary placed and not in normal and customary use. No lift trucks and/or-eighteen-wheeler trailer advertising shall be permitted. This shall include a draped banner. Exception; a temporary sign on a 4-foot by 8-foot or smaller trailer.

- B. **Section 1501.4.f - Election Signs** must have a setback of 10' from the right-of-way unless they are less than 30" in height, in which case no setback from the public Right-of-Way is required.
- C. **Section 1501.4.q. Roadside Stand Signs** as permitted for a temporary roadside stand shall be displayed for a period of one hour before the stand opens and shall be removed one hour after the close of business on a daily basis. The signs shall be at least five (5) feet off the shoulder of the road.

## **Section 12 - Article XVI - SUPPLEMENTAL USE STANDARDS**

- A. **Section 1623 — Farm or Construction or Lawn and Garden Equipment Sales and Services.** - This section will amend the Title of Section 1623 as follows:

Farm or Lawn and Garden Equipment Sales and Service

- B. **Section 1637 — Commercial Communication Tower** - This section will be amended as follows:

Refer to Ordinance 2014-04 known as the Wireless Ordinance to be found at Appendix G.

- C. **Section 1642 – Electric Power Generators – This section will be amended as follows:**
1. See also section 1658 – Solar Energy Systems.
  2. See also section 1659 – Wind Energy Systems
- D. **Section 1644 — (Indoor/Outdoor) Flea Markets or Farmers Market – will be amended as follows:**
1. Flea Markets are permitted as a conditional use in the Commercial District subject to the following criteria:
    - a. Minimum lot size for an outdoor market shall be two (2) acres.
    - b. Outdoor markets shall provide sufficient screening and/or landscaping measures to mitigate visual and/or audible impacts on adjoining properties.
    - c. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as 'a result of, but not limited to, hours of operation, noise, light, litter, dust, pollution and traffic congestion.
    - d. Off-street parking shall be provided pursuant to Article XIV of this ordinance. The Board of Supervisors may require an unimproved grassed overflow-parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from 'The interior driveways of the permanent parking

lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.

- e. The applicant must demonstrate compliance with State, Federal and Local Regulation

2. Farmers Markets are permitted by Conditional Use in the Agricultural/Rural and Commercial District subject to the following criteria:

- a. Minimum lot size for an outdoor market shall be two (2) acres.
- b. Outdoor markets shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
- c. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as a result of, but not limited to, hours of operation, noise, light, litter, dust, pollution, and traffic congestion.
- d. Supervisors may require an unimproved grassed overflow-parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
- e. The applicant must demonstrate compliance with State, Federal and Local Regulations

**E. Section 1653 — Roadside Stands and Agricultural Sales of Farm Products The following will be added:**

The purpose of these regulations is to encourage the continuation of farming and the preservation of farmland by allowing working farmers to market their products directly to the public in a manner that is compatible with the agricultural character of the Township.

- 1. **Roadside Stands for Sale of Agricultural Products Grown on Site.** A roadside stand shall sell only products on the property on which the stand is located. Each roadside stand must not exceed a maximum size of four hundred (400) square feet and must also provide, to the Township's satisfaction, a safe means of egress and ingress from a public street as well as sufficient off-street parking to accommodate customers. Roadside stands must be located at least twenty (20) feet from the right-of-way of the roadway. Said roadside stand need not be in the immediate proximity to a public roadway if the other standards as herein set forth are met.
- 2. **Agricultural Sales of Farm/Products.** The sale of food, farm and/or agricultural products to the general public shall be permitted as a conditional use subject to the following regulations:

- a) The maximum floor area for the retail agricultural sales shall be three thousand (3,000) square feet. The three thousand (3,000) square foot maximum shall not include areas used for traditional activities (not retail sales).
- b) Floor area shall include any area for customer access and circulation, for the display of products including floor area devoted to counters, tables, display cases, preparing products for customers and similar purposes. Floor area not included in the calculation of maximum limits are display areas outside the building or structure as well as inside floor area for storage and processing of products where the customer is completely restricted from access.
- c) Agricultural sales of farm products shall be clearly subordinate to the principal permitted uses.
- d) Farm products shall be limited to plant material, crops harvested from plants, dairy products, poultry products, meat products, and such things as honey, preserves and jellies made from fruit or vegetable products. Baked goods and related specialty food items made with farm products may also be sold. Sales of associated incidental items shall be permitted provided they do not constitute more than twenty-five percent (25%) of annual sales volume in dollars. There shall be no sale of tobacco products, newspapers, magazines, or other sundries.
- e) Buildings shall comply with the minimum setback requirements of the zoning district. Temporary buildings or stands shall be located not less than twenty (20) feet from the legal right-of-way line and be located so as not to constitute a traffic hazard, in the opinion of the Code Enforcement Officer.
- f) Parking: Off-street parking spaces shall be provided behind the legal right-of-way and on the same side of the street as the stand or building conducting the use. Parking spaces need not be permanently paved but must be improved with a material approved by the township engineer and appropriately marked.

**G. Section 1654 — Agricultural Enterprise** is hereby added as follows:

- 1. The purpose of these regulations is to encourage the continuation of farming and the preservation of farmland by allowing working farmers the use of a farm for seasonal festivals related to products grown on the farm, craft fairs (including antique shows), municipally sponsored events, and horse shows.
- 2. Agricultural Enterprises use shall meet the requirements for water supply, sewage disposal and rest room facilities of the Pennsylvania Department of Environmental Protection Department of Health and any other agency with jurisdiction.



3. The agricultural Enterprises use is as a conditional accessory use only. If any of the conditions to which the agricultural principal use is subject to cease to be met, then the agricultural entertainment shall also cease.
4. Minimum lot area required: ten (10) contiguous acres.
5. No activity, event or structure used for an agricultural enterprise use shall be located within one hundred fifty (150) feet of a right-of-way line or residential property line, except for parking areas which may be located within one hundred (100) feet of a right of way or residential property line.
6. No agricultural enterprises use shall continue past 11:00 p.m. unless the owner of the property on which the agricultural entertainment use is being held obtains conditional use approval to allow for event hours beyond 11:00 p.m.
7. The following types of activities shall **not** be considered agricultural enterprises.
  - a) Mechanical rides or amusements
  - b) Flea markets except as may be permitted in accordance with this Code.
  - c) Agricultural sales of farm products not clearly subordinate to the principal uses.
8. Specific agricultural enterprises use is subject to the following regulations:
  - a) Parking for agricultural enterprises uses. Off-street parking areas shall be provided in designated areas to accommodate all attendees at any agricultural entertainment use. Driveways from public roads to parking areas shall have a paved apron at the entrance which is a minimum of one hundred (100) feet in length from the edge of paving, as well as a gravel tire-cleaning area fifty (50) feet in length.
  - b) A traffic control plan must be submitted to and approved by the Township prior to receiving a permit for an agricultural enterprise use.
  - c) Lighting may be used for agricultural enterprises uses for the duration of the event only and may not shine or produce glare on adjacent properties. (See Section 1312 Illumination)
  - d) Signs. A total of Fifty (50) square feet of sign area shall be permitted. The sign area may be divided into no more than two (2) signs. The signs may be put in place no more than two (2) weeks prior to the event and must be removed within five (5) days of the conclusion of the event No more than thirty-two (32) fifty (50) square feet of sign area for the farm entertainment use shall be permitted at any time on any one (1) property. The signs must have a sign permit and shall be subject to all applicable requirements of Section 1501, SIGN REGULATIONS. No off-premises signs are permitted unless approved by the township.

- e) The applicant shall present evidence that the proposed use will not be detrimental to noise, litter, dust, pollution, and traffic congestion. Any identified problems relating to actual or potential noise, safety hazards or other matters affecting the health, safety, or welfare of participants or of those on neighboring properties have been addressed. (See Section 1308 and Section 1315)

**F. Section 1655 — Agritourism – The following is to be added:**

Agritourism uses, activities and agriculturally related experiences where limited new structure is involved, i.e. corn / crop mazes, hay bale sculptures and similar crop art installations, hayrides, animal feeding, manned and unmanned you-pick operations, petting zoos, farm tours and agricultural clinics, seminars or classes etc. shall be located, designed and operated so as not to interfere with normal agricultural practices on and off site, or to convert agricultural lands to a non-agricultural use. On site farm stays, garden plots, horseback riding, walking and bicycling tours and trails, cross country skiing, fishing, and hunting, bird watching, and recreation related operations compatible with the primary agricultural use as the Township may determine on a case-by-case basis that meets the purpose and intent of this Section;

1. Agritourism uses and activities shall be consistent with the size, scale, and intensity of the existing agricultural or resource use of the property and the existing buildings on the site.
2. Agritourism uses and activities, including new buildings, parking, or supportive uses, should not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural or resource land to nonagricultural or non-resource uses.
3. Agritourism uses shall meet applicable setback, vehicular access, customer parking, lighting standards, and Agricultural Products signage.
4. Description of proposed Agritourism and plan of operation. A sketch plan/land development plan, as required by the Township, identifying the location and dimensions of all structures, parking areas, existing and proposed access driveways, parking and vehicular turning areas, sanitary facilities (if required), areas where visitors will be permitted and restricted, and landscaping if required to buffer adjacent properties.
5. Hours of operation shall be approved by the Township.

**G. Section 1656— Mobile Food Units – The following will be added:**

This article recognizes the unique physical and operational characteristics of mobile food vending and establishes standards for the typical range of activities and mitigates or prohibits practices that are contrary to the health, safety, and welfare of the public.

1. Operator means any person owning, operating, or permitted to operate a Mobile Food Unit and collectively refers to all such persons.

- a. Mobile Food Unit shall operate in accordance with the Conditional Use approved by the Board of Supervisors and in compliance with and the requirements of this article.
  - b. Mobile Food Unit operators must comply with all state and local business regulations and the same standards of food regulations adopted by the State of Pennsylvania, which may be modified from time to time.
2. Mobile Food Units may operate on private property where there is a commercial, office, or industrial use subject to the following conditions:
  - a. Permission. Mobile Food Units selling to the public from private property shall submit to the Township proof of ownership of the property or a signed and notarized written statement from the owner or owner's agent, including the name, address and telephone number of the property owner or authorized agent, granting permission for operation of the mobile food unit at the proposed location. A copy of the statement shall be displayed in or on the mobile food unit in plain view of the public at all times.
  - b. Unimproved Properties. Regardless of an agreement with the owner of the property, a food unit may not operate on an unimproved parcel or portion of an unimproved parcel unless that parcel or portion is paved or has a crushed aggregate surface, including ingress and egress.
  - c. Maximum Number of Mobile Food Units. No more than two (2) Mobile Food Units may operate at any location with coordinated advertising to the public unless a Special Event has been approved.
  - d. Existing Parking Spaces. Mobile Food Units may not require the use of more than twenty-five percent (25%) of existing parking spaces located on the property for which it has an agreement to operate.
  - e. Restroom Facility. Mobile Food Units operating at a location for more than three (3) hours must have a written agreement, available upon request by the Township, which permits employees to have access to a flushable restroom within 450 feet of the vending location during all the hours of operation. Alternatively, as approved by the township, provide or allow a contracted portable toilet facility. A portable toilet facility shall not be located within 100 feet of the Mobile food unit.
3. Mobile Food Units may operate after 7:00 a.m. and before 10:00 p.m. unless otherwise limited by the property owner or terms of the Conditional Use.
4. Mobile Food Units must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate

in any manner that is not safe and is not compatible with the purpose for which the vehicle has been designed and constructed.

- a. Mobile Food Units must be licensed and in compliance with the rules and regulations of local, state, and federal agency having jurisdiction over motor vehicles, food service and all products sold therein must be properly licensed, permitted, and allowed by local, state, and federal laws or regulations.
- b. A mobile food unit must demonstrate mobility at any reasonable time if requested by the Township.
- c. Mobile Food Units may not operate, stop, stand, or park in any area of a right-of-way that is intended for use by vehicular travel or that in any way impedes the use of the right-of-way or that present an unsafe condition for patrons, pedestrians, or other vehicles.
- d. A Mobile Food Unit may not operate within six (6) feet of any other Mobile Food Unit.
- e. Amplified music or other sounds from any Mobile Food Units may not at any time unreasonably disturb nearby businesses, pedestrians, or vehicles.
- f. All Mobile Food Units shall comply with the electrical code currently adopted by the Township and any power, water, or sewage required for the Mobile Food Units shall be self-contained or have a quick disconnect and utilities are drawn from other source.
- g. A mobile food unit shall have a potable water system adequate for safe operation of the food services provided. All water used in connection with the mobile food unit shall be from sources approved by the Department of Environmental Protection.
- h. If liquid waste results from operation of a mobile food unit, it shall be stored in permanently installed vented retention tanks that are at least 15 percent larger than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion or at an operational location unless connected to a permitted sewerage system. Waste water disposal shall be to a sanitary sewage disposal system in compliance with local and state regulations. This shall also require approval of the Sewage Enforcement Officer or the Municipal Authority.
- i. Mobile Food Units shall serve pedestrians; drive-thru service is prohibited.
- j. To prevent discharges into the storm, drain system, river, each Unit shall have a spill response plan and kit on board to contain and remediate any discharge from the Unit. In the event of a spill, Operators are required to call the Township to assist with the

clean-up of spills and to determine the need for a more extensive response.

- 1) Spill Plan. Mobile Food Units must post on the interior of the vehicle, instructions for containing spills; at a minimum such plan should include:
  - a) description of and typical quantities materials that may be spilled;
  - b) procedures for containing potentially spilled materials including proper disposal of spilled materials;
  - c) procedures for storage, use, handling and transfer of materials to reduce potential for spilling;
  - d) emergency notification requirements
- 2) Spill Kit — Mobile Food Units must have a response kit on the vehicle including:
  - a) minimum of a 5-gallon storage and clean-up container capacity with lid;
  - b) minimum of 10 adsorbent pads and 2 adsorbent socks or equivalent;
  - c) disposable bag adequate to hold contents of spill kit and spilled materials;
  - d) 1 pair of disposable gloves.

The area of a Mobile Food Unit's operation must be kept neat and orderly at all times. Operation of a Mobile Food Unit in an area is deemed acceptance by the Operator of the responsibility for cleanliness of the reasonable area surrounding the operations (not less than 20 feet from all parts of the Unit) regardless of the occurrence or source of any waste in the area. The Operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all trash generated by the Mobile Food Unit during the period of operation at a location. All trash within the area of operations regardless of the source must be removed and all garbage, trash, and trash receptacles must be removed when full and prior to departure of a Mobile Food Unit from a location.

- k. Mobile Food Units are limited to signs mounted to the exterior of the mobile food unit and one on property sign in compliance with the Township Zoning Ordinance. Every mobile food unit must be readily identifiable by business name, printed, permanently affixed, and prominently displayed upon at least two sides of the units, in letters not less than three inches in height. Signs shall not obstruct or impede pedestrian or vehicular traffic. All signage must at all times conform to community standards of decency.
- l. Mobile Food Units may not sell alcoholic beverages, except as may be specifically allowed by state law.

- m. The operator of a mobile food unit shall prepare, serve, store and display food and beverages on or in the mobile food unit itself and shall not attach, set up or use any other device or equipment intended to increase selling, serving, storage, or display capacity of the mobile food unit unless approved by the Township.
5. This article does not apply to contractual arrangements between a Mobile Food Unit Operator and an individual, group, or the Township at a specific location, for a period of not more than eight (8) hours, and that is not open to or serving the public.
6. The Mobile Food Unit application for Conditional Use shall include in part:
- a. Color photographs of the exterior (front, sides, and back) and interior food service portion of the vehicle in the final condition and with all markings under which it will operate;
  - b. A copy of the vehicle license and registration reflecting the vehicle identification number (VIN) of the Mobile Food Unit;
  - c. A copy of the Pa Department of Agriculture retail food license under The Retail Food Safety Act;
  - d. A valid certificate under Pa Department of Agriculture Food Employee Certification Program;
  - e. A copy of any alcoholic beverage licenses, if applicable;
  - f. A copy of the operator's business license issued by the state or the operator's home-based county;
  - g. The commissary operating base location; and
  - h. Description of all tables and accessory items separate from the mobile food service unit.
7. The applicant has an on-going duty to provide the Township with notice of any change to any of the information required by the Township to obtain the Mobile Food Unit Conditional Use, including current photographs of the Mobile Food Unit in the event of any change in the appearance of or signage on the unit.

**H. Section 1657 — Roadside Stands – The following will be added:**

Roadside Stands - Each roadside stand must not exceed a maximum size of four hundred (400) square feet and must also provide, to the Township's satisfaction, a safe means of egress and ingress from a public street as well as sufficient off-street parking to accommodate customers. Roadside

**AN ORDINANCE AMENDING THE PENN TOWNSHIP SUBDIVISION AND LAND  
DEVELOPMENT ORDINANCE OF 1971 OF PENN TOWNSHIP, PERRY COUNTY,  
AMENDING ARTICLE I, GENERAL PROVISIONS; ARTICLE II, DEFINITIONS;  
ARTICLE III GENERAL PROCEDURES AND PLAN REQUIREMENTS; ARTICLE III  
GENERAL PROCEDURES AND PLAN REQUIREMENTS;**

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Penn Township, Perry  
County, Pennsylvania that Ordinance 103 of 1992 as Amended June 28, 2006 and Amended:  
July 25, 2007 is further amended as follows:

**Section 1 — ARTICLE I GENERAL PROVISIONS**

**Section 104 - County Review**

**Replace with the following:**

Applications for review of subdivision and land development within Penn Township  
must be forwarded upon receipt by the Penn Township Secretary to the Perry County  
Planning Commission for review and report, and the Township shall not approve such  
applications until the county report is received, or until the expiration of thirty (30) days  
from date the application was forwarded to the county.

**Section 2 — ARTICLE II - DEFINITIONS**

**A. Section 201 – General**

**Replace with the following:**

3. The words “applicant”, “subdivider”, “developer” and “owner” include a legal entity,  
defined under “person”, as well as an individual engaged in the subdivision of land and/or  
land development.

6. The words “should” and “may” are permissive; the words “shall”, “must”, and “will”  
are mandatory and directive.

**The following is to be added:**

7. For those words utilized in this Ordinance not defined herein the definitions found in  
the most recent edition of Webster’s Unabridged Dictionary apply.

**B. Section 202 - Definition of Terms**

**Replace with the following:**

**Building:** Any structure having a roof supported by columns or walls and intended for  
the shelter, housing, or enclosure of any individual, animal, process, equipment, goods,  
or materials of any kind.

**Common Open Space:** A parcel or parcels of land or an area of water, or a combination  
of land and water within a development site and designed and intended for the use or

enjoyment of residents of the development, not including streets, off-street parking areas, and areas set aside for public facilities.

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

**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; also, the land to which such right pertains.

**Flood-fringe Area:** Those portions of land within the FP-Floodplain District subject to inundations by the one-hundred-year flood, beyond the floodway in areas where detailed study and profiles are available

**Flood, One-Hundred (100) Year:** A flood, which is likely to be equaled or exceeded once every 100 years (i.e. that has a 1% chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study as necessary to define its boundary.

**Floodway Area:** The areas identified as floodway in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in the other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

**Person:** A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**Delete the following:**

**Planned Residential Development:** An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for 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 a municipal zoning ordinance.

**The following is to be added:**

**Abut or Abutting:** A building(s) which physically touch; Areas of contiguous lots that share a common lot line, not including lots entirely separated by a street, public alley open to traffic or a perennial waterway.



Base Flood Elevation: The elevation above sea level, based on the vertical datum in the current flood Insurance Rate Maps for Penn Township of the 100-year flood

Buffer Yard: An open area setback or yard requirements used to protect low-density uses and zoning districts from adjacent higher-density uses and districts or agricultural field crop uses from nonagricultural field crop uses.

Common Area: The area in a subdivision or development, including common open space, owned, or leased and maintained by an association or other combination of persons for the benefit of the residents of the residential development and, if owned under the Pennsylvania Unit Property Act, including all common elements designated for the use of all dwelling unit owners.

Condominium: A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. It is a legal form of ownership of real estate and not a building style. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements.

Condominium Association: The community association that owns, administers, and maintains the common property and common elements of a condominium.

Homeowners Association: A community association, which is organized in a development in which individual owners share common interests in open space or facilities.

Flood Boundary, One-Hundred-Year: The outer boundary of an area of land delineated by the 100 years flood elevation that is likely to be flooded once every 100 years (i.e., that has a 1% chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study as necessary to define its boundary.

Flood Insurance Rate Map (FIRM): See Flood Hazard Boundary

Flood Hazard Boundary Map (FHBM): An official floodplain map of a community, issued by the Federal Insurance Administration.

Landscape Architect: Professional landscape architect licensed and registered by the Commonwealth of Pennsylvania to practice Landscape Architecture.

### **Section 3 — ARTICLE III GENERAL PROCEDURES AND PLAN REQUIREMENTS**

#### **A. Section 301 - Prior to Submission**

**The following is to be added:**

- C. Open Space Development is encouraged in the R1 Low Density Residential Zoning District. Condominium Associations and Homeowners Associations are encouraged in the R2 High Density Residential Zoning District.

D. Prior to the preparation of any plan, the applicant shall review the rights and restrictions associated with prior recorded plans and is advised to consult with all appropriate agencies with respect to, but not limited to and as more fully described in this Ordinance;

1. Compliance to zoning ordinance
2. Sanitary and water services
3. On-lot sewage disposal
4. Public utilities
5. Stormwater control measures
6. Floodplain development measures
7. Erosion and sedimentation control measures
8. Historic Preservation
9. Important Natural Habitats
10. Archaeological Resources

**B. Section 304 - Minor Subdivision Plans**

**Replace with the following:**

Any residential subdivision or land development which contains no more than five (5) lots, dwellings, or dwelling units may be reviewed and acted upon as a Final Plan without the necessity of prior Preliminary Plan approval. The Penn Township Planning Commission will review the plan and either recommend approval, conditional approval or disapproval of the plan as a Preliminary Plan or Final Plan. Such a Minor Plan shall follow the procedures as required under Section 308 Final Plat and shall meet the following:

1. The proposed subdivision or land development does not involve site and related improvements to the extent that a detailed review by the Township necessitates processing initially as a preliminary plan.
2. The amount of land proposed to be disturbed is less than 1 acre and the applicant addresses mitigating stormwater and erosion control.
3. Drainage easements or rights-of-way are designated and not altered.
4. Access to existing parcels remain unchanged.
5. Existing street alignments are not changed.
6. The proposed subdivision or land development complies with the applicable provisions of this Ordinance and other ordinances of Penn Township.

**C. Section 305 - Overall Sketch Plan (Option to Developer)**

**Replace with the following:**

- B, 4. Generalized lot layouts with intended considerations for existing and proposed buildings, sewage systems, water facilities, roadway, and storm drainage control.
- B, 5. Topographic features such as tree masses, swales, watercourses, rock outcropping, rights-of-way, easements, steep slopes, wetlands, vegetation, and floodplain areas.

**D. Section 306 - Preliminary Plat Procedure**

**Replace with the following:**

- A. The preliminary plan and all related information shall be submitted as provided below:
  - 1. Not less than fifteen (15) regular business days prior to a regularly scheduled meeting of the Penn Township Planning Commission, the Applicant shall submit two (2) copies of the Preliminary Subdivision Plan Application including description and purpose of the plan for review; one (1) reproducible, twelve (12) copies and two (2) optical discs containing a digital PDF format file not exceeding ten (10) megabytes of the Preliminary Plat to the Penn Township Secretary. The Secretary shall date and initial each copy of the Preliminary Plat on the date it is received from the Applicant.
  - 2. The Preliminary Plat shall be by a Registered Professional Engineer, Registered Professional Land Surveyor or Registered Professional Landscape Architect in accordance with their licenses. It shall be the responsibility of the Applicant to ensure that the Preliminary Plat meets all of the requirements of this Ordinance and that any coordination with public or private utilities or service agencies is accomplished.
  - 3. When a sewage module is required, the applicant shall submit five (5) copies of the appropriate planning module component, as required by the PA Department of Environmental Protection compliance with the requirements of the Pennsylvania Sewage Facilities Act and Chapter 71 of Title 25 of the Pennsylvania Code. A completed module package or exemption letter should accompany the plan.
  - 4. Twelve (12) copies or less as deemed appropriate by the Township, of the stormwater management report.
  - 5. A non-refundable filing fee as set by the Penn Township Supervisors by fee schedule.
- B, 1. One (1) copy of the Application, two (2) copies of the Preliminary Plat and one (1) optical disc containing a digital PDF format file not exceeding ten (10) megabytes of the Preliminary Plat to be forwarded to the Perry County Planning Commission for its review and comments. (In accordance with Section 104, comments from Perry County must be received before action on the Preliminary Plat). To assist expeditious review by the county, it is recommended that the applicant concurrently forward these directly to the county and notify the Penn Township Secretary of the submittal.
- D, 2. Discuss the submission with applicant or applicant's agents as required. When a plan is tabled by the Planning Commission to allow applicant to comply with review comments the applicant shall provide revised Preliminary Plans and written response

to all the comments before the next Planning Commission meeting date unless in writing the applicant requests an agreed upon extension approved by the Supervisors.

- C. The Perry County Planning Commission and the Perry County Conservation District, as required, shall review the Preliminary Plat and assist the Penn Township Planning Commission in its formal action. The plan may also be reviewed by Township Codes enforcement staff, roads maintenance staff and local fire company. The Planning Commission may also consider comments of other public agencies, authorities and the general public.

**Add the following:**

- B, 8. When the subdivision abuts another municipality affected by the plans a copy of the Application and Preliminary Plat will be forwarded for comment.

**E. Section 307 - Preliminary Plat Specifications**

**Replace with the following:**

- A. The Preliminary Plat shall be drawn to a scale as to facilitate a comprehensive overall picture of the proposed subdivision on a minimum sheet size of 17 inches by 22 inches and no larger than 24 inches by 36 inches. In the case where the numbers of plan sheets exceed three pages an index table shall be provided to identify each sheet. Provide a legend describing various symbols and shading displayed on the plan. The Preliminary Plan shall include the following information:
- A, 3. Name and address of Registered Professional Surveyor, Registered Professional Engineer or Landscape Architect responsible for preparation of the subdivision and engineering plans.
- A, 7. Boundaries of the existing property being developed, and area where new lots are proposed, or the portion of the property where subdivision and/or land development activity is proposed. Bearings and distances and a statement of total acreage of the property drawn to a minimum scale of (1" = 400') one inch equaling four hundred feet or less.
- A, 9. Existing and proposed buildings and building setback lines. Existing and proposed concrete monuments and iron pin markers as well as Primary control point (Point of beginning) referenced to the PA State Plane coordinate system. The location of all existing tree masses and other topography.
- A, 12. Land Subject to Flooding; 100 years flood elevation, flood fringe and floodway:
- a. Adequate building site - To ensure that residents will have sufficient flood free land upon which to build a house; the Planning Commission shall require elevations and flood profiles. Each lot should contain a building site which shall be completely free of the danger of flood waters on the basis of available information (For additional information see the Penn Township Flood Hazard Boundary Map).
  - b. Street Elevation - The Penn Township Planning Commission shall not recommend approval of the streets subject to inundation or flooding. All streets

must be adequately located above the line of flood elevation to prevent isolation of areas by flood Land subject to flooding and deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may cause danger to health, life or property or aggravate erosion or flood hazard unless and until a building permit for any construction or development is obtained in accordance with Penn Township Ordinance 2019-04 and Uniform Construction Code. Such land within the subdivision shall otherwise be set aside on the plat for such uses as shall not be endangered by periodic or occasional flooding.

A,16. Certification by Registered Professional Surveyor, Registered Professional Engineer and Registered Professional Landscape Architect responsible for preparation of the subdivision and engineering plans. All plats, plans, surveys and engineering shall be prepared in accordance with the Act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Land Surveyor and Geologist Registration Law "and January 24, 1966 (1965 P.L.1527, No.535), known as the "Landscape Architects' Registration Law," as revised to date. All plan sheets shall be sealed.

A, 18. Natural Features Overlay Zoning Districts, wetlands, identified and delineated pursuant to Chapter 105 "Dam Safety and Waterway Management," Pennsylvania Department of Environmental Protection (25 PA Code), drainage easements and all unique natural features or areas.

B, 5. A completed Department of Environmental Protection Sewage Facilities Planning Module, or other applicable form, as required for submission to DEP by the municipality in compliance with the planning and testing requirements of the Pennsylvania Sewage Facilities Act, (Chapter 73 and Chapter 71 of Title 25 of The Pennsylvania Code as amended). The Module, or other applicable form shall be completed by the developer at his expense.

**Add the following:**

A, 20. Steep Slope Conservation Overly District, areas of steep slope delineated and shaded.

A, 21. Clear sight triangle and sight distance at proposed street intersections and driveways.

A, 22. Proposed gross and net lot area figures for all lot numbers.

A, 23. For on-lot sewerage facilities provide location of the percolation and probe soils testing for primary and secondary sites and distance to wells. Provide location of applicable existing wells and on-lot sewerage facilities of adjacent properties.

A, 24. For on-lot water supply provide location of existing and proposed wells.

A, 25. Location of existing sanitary sewer main water supply main, fire hydrant, gas line, power line, stormwater management facilities and other significant manmade features on or adjacent to the tract or developed/disturbed area within 200 feet.

A, 26. Location of any proposed site improvements such as curbs, sidewalks, street trees, traffic regulatory signs, fire hydrants, snow dump areas, community mail box(s), trash dumpster(s) handicap ramps and parking facilities.

A, 27. Zoning district boundary line(s) as well as Primary control point (Point of beginning) referenced to the PA State Plane coordinate system.

A, 28. All utility and other easements and right of ways.

#### **E. Section 308- Final Plat Procedure**

##### **Replace with the following:**

After the applicant has received approval of a Preliminary Plan by the Township, with or without conditions, and the applicant has successfully fulfilled any conditions of approval, the applicant may submit a Final Plan in accordance with this Ordinance and the provisions of the Municipalities Planning Code. The Penn Township Planning Commission will not accept a concurrent plan unless all previous conditions are met.

A. Not less than fifteen (15) regular business days prior to a regularly scheduled meeting of the Penn Township Planning Commission, the Applicant shall submit two (2) copies of the Final Subdivision Plan Application including description and purpose of the plan for review; one (1) reproducible, twelve (12) copies and two (2) optical discs containing a digital PDF format file not exceeding ten (10) megabytes of the Preliminary Plat; stormwater management and erosion and sediment pollution control plans and supporting computations to the Penn Township Secretary. The Final Plat shall be prepared by a land surveyor, an engineer registered in the Commonwealth of Pennsylvania. The Secretary shall date and initial each copy of the Preliminary Plat on the date it is received from the Applicant. It shall be the responsibility of the Applicant to ensure that the Final Plat meets all of the requirements of this Ordinance and that any coordination with public or private utilities or service agencies is accomplished.

Submission of the Final Plat shall take place within twelve (12) months, except by written request for an extension, but no later than five (5) years after the approval of the Preliminary Plat by the Penn Township Supervisors. If the Subdivider does not submit the Final Plat during that time, the approved Preliminary Plat becomes null and void, however the Subdivider may, due to extenuating circumstances, apply for a time extension from the Penn Township Supervisors upon recommendation of the Penn Township Planning Commission. Duration of said time extension is one (1) year in length from the date of the approved extension up to the maximum five (5) year limit. Upon request of the Penn Township Planning Commission, the Subdivider may submit the final plat in phases, each of which cover a portion of the entire proposed subdivision as approved in the Preliminary Application and Plan. [Ordinance No. 111, 1/31/1996]

When a sewage module is required, the applicant shall submit five (5) copies of the appropriate planning module component, as required by the PA Department of Environmental Protection compliance with the requirements of the Pennsylvania Sewage Facilities Act and Chapter 71 of Title 25 of the Pennsylvania Code. A completed module package or exemption letter should accompany the plan.

B, 1. One (1) copy of the Application, two (2) copies of the Preliminary Plat and one (1) optical disc containing a digital PDF format file not exceeding ten (10) megabytes of the Preliminary Plat to be forwarded to the Perry County Planning Commission for its review and comments. (In accordance with Section 104, comments from Perry County must be received before action on the Preliminary Plat). To assist expeditious review by the county, it is recommended that the applicant concurrently submit these directly to the county and notify the Penn Township Secretary of the submittal.

D., 3. Discuss the submission with applicant or applicant's agents as required. When a plan is tabled by the Planning Commission to allow applicant to comply with review comments the applicant shall provide revised Preliminary Plans and written response to all the comments before the next Planning Commission meeting date unless in writing the applicant requests an agreed upon extension approved by the Supervisor.

**Add the following:**

B, 8. When the subdivision abuts another municipality affected by the plans one (1) additional copy of the Application and Preliminary Plat will be provided by the applicant to be forwarded for comment.

C. (To be added to existing wording) The plan may also be reviewed by Township Codes enforcement staff, Recreation, roads maintenance staff and local fire company. The Planning Commission may also consider comments of other public agencies, authorities and the general public.

D., 3. Discuss submission with applicant or applicant's agents if required. **(add) When a plan is tabled by the Commission to comply with review comments the applicant shall provide revised Preliminary Plans and written response to all the comments.**

Section 309 - Final Plat Specifications,

B. Other Data:

**(add)**

13. When applicable, a copy of the condominium/homeowner's association agreement/package as approved by the Township Solicitor.

**Section 401 Streets (modify)**

5. All lots shall abut an existing or proposed public street except where:

- a. Private right-of-way of not less than fifty (50) feet in width with no street surfacing requirements may be permitted to provide access to not more than three (3) lots, dwellings, or dwelling units. ~~Further land development in excess of the three (3) lots, dwellings, or dwelling units using private streets or right-of-ways shall not be permitted.~~ The private right-of-way shall meet the design standards for streets as specified in this Ordinance, except for the requirement for paving. All plans proposing private right-of-ways shall include a note on the plan indicating the number of proposed

lots and existing lots associated with the private right-of-way. The following note regarding the maintenance of the private right-of-way shall be included on the plan and included in the deeds for the adjoining lots:

Maintenance, repair, replacement, and improvements to the private right-of-way shown on this plan shall be the sole responsibility of the lot owners using the private right-of-way for ingress and egress. The adjoining lot owners shall also be responsible for the installation and maintenance of any street sign for the private right-of-way and for the installation of a sign indicating the road is privately owned and that the Township is not responsible for maintenance. A maintenance agreement, acceptable to the Township (see sample agreement), shall be prepared and recorded in the Perry County Court House along with the subdivision plan. The lot deeds shall reference the maintenance agreement. A copy of the maintenance agreement shall be signed by the landowner and submitted to the Township along with the building permit application. [Ordinance 111, 1/31/1996]  
If any additional lot(s) beyond the three (3) are proposed the private right-of-way shall be required to be designed and constructed to become a public street.

(add)

- b. Private streets as approved by the Township are permitted in developments where the ownership arrangements are set up as a condominium or homeowners association. The private streets shall meet the design standards for streets as specified in this Ordinance. A note regarding the association maintenance of the private streets shall be included on the plan and included in the deeds for the adjoining lots: Maintenance, repair, replacement, and improvements to the private streets shown on the plan shall be the sole responsibility of the association or revert to the individual lot owners using the private streets for ingress and egress. An association maintenance agreement, acceptable to the Township shall be prepared and recorded in the Perry County Court House along with the subdivision plan. The lot deeds shall reference the association agreement.

#### **67 Pa. Code § 441.8. Driveway design requirements.**

#### **Section 11 - Article XIII - PERFORMANCE STANDARDS**

6. Side lot lines should be substantially at right angles or radial to street lines.

#### **F. ARTICLE IV — DESIGN STANDARDS**

##### **Section 403 – Easements**

- A. Easements of twenty-five (25') feet shall be provided for under ground facilities and drainage facilities. Wherever possible, easements for public utilities shall be centered on side or rear lot lines. Additional width may be required by the Board of Supervisors depending on the purpose of the easement.

#### **Section 508 Storm Water Management Construction Standards & Basic Construction Criteria**

Format - Change alpha to numerical



(add)

4. Penn Township Stormwater Management Ordinance #102

5. The degree of stormwater management sought by the provisions of this Section is considered reasonable for regulatory purposes. This Section shall not create liability on the part of the Township, any appointed or elected official of the Township, the County Conservation District, or any officer, engineer or employee thereof for any erosion, sedimentation pollution or flood damages that may result from reliance on this article or any administrative decision lawfully made there under.

H. Ownership and Maintenance of Erosion and Stormwater Management Facilities

1. In cases where permanent erosion and/or stormwater management facilities are held as common facilities and/or owned by an association, land owner, corporation, partnership, etc., it shall be the responsibility of that entity to maintain the facilities. A legally binding agreement between the owner and the Township shall be prepared by the applicant describing the ownership arrangement and the provisions for maintaining all permanent facilities. The agreement shall include Township access provisions providing for the inspection of all facilities on a regular basis and after each major storm event. In addition, the applicant shall present to the Township a copy of restrictions and agreements with an affidavit stating that such restrictions and agreements shall be added to the deed of conveyance to each grantee to whom property of the development is to be conveyed.

(add)

Section 514 Common Facilities

- A. Facilities to be held in common, such as central community water supply, stormwater management facilities, or community sewage service systems shall be held using one of the following methods of ownership, subject to the approval of the Township.
1. Homeowners Association. The facilities may be held in common ownership by a Homeowners Association which is formed and operated in accordance with the provisions of this Ordinance.
2. Condominium. The facilities may be held as common element under a condominium agreement. Such agreement shall be in conformance with the Pennsylvania Uniform Condominium Act as amended.
- B. Homeowners associations will be governed in accordance with any applicable laws of the Commonwealth of Pennsylvania. The organizational framework of the homeowner's association shall be described in a report forwarded to the Township Solicitor. At a minimum, the following information and standards shall be met prior to final approval of the subdivision or land development:

1. By-laws describing the formation and duties of the association, including the responsibilities for maintenance of common facilities and open space areas, shall be defined and presented for review and approval as part of the final plan submission.
2. Association membership shall be mandatory for all people served by the common facilities. Membership and voting rights shall be defined.
- C. The rights and duties of the Township and members of the association, in the event of a breach of covenants and restrictions, shall be defined.
- D. The by-laws shall include a statement which grants to the association the legal authority to place liens on the properties of members who are delinquent in the payment of their dues. The by-laws shall also grant the Township such power, but not the duty, to maintain the common facilities, and to assess the cost of the same as provided in the PA Municipalities Planning Code, Act 247.
- E. Common facility (Ex. sanitary and storm water systems, detention ponds, community water systems, swimming pools, ponds, common ground, playgrounds, etc.) shall be operated and maintained by a professional organization specializing in the required services (***and approved by the Township***). The agreement between the Association or Condominium and the professional organization shall be subject to review by the Township Solicitor and approved by the Township.

**BUFFER YARD:** An open area whose dimensions normally exceed the normal building setback or yard requirements used to protect low-density uses and zoning districts from adjacent higher density uses and districts.

### **100 ft well protection**

All zoning districts except Forest Conservation with on lot sewage have minimum lot widths of 150 feet. The 100 ft well protection would be from any septic system. Septic drain fields may be as long as 100 to 150 feet. All of the minimum lot widths would have to be increased to 350 feet to provide the septic field and well protection.

### **Section 1310 Landscaping and Screening**

Add the following:

#### **4. Agricultural Setback Requirement.**

No shrub shall be planted within 10 feet of a lot property line where the adjacent land is used for agricultural purposes. Similarly, no tree shall be planted within 25 feet of any land used for agricultural purposes. This is to protect crops from shade and encroachment of roots and overhang.

### **Renumber following Sections**

#### **Roadside stands**

A roadside stand for sale of products grown on the property on which the stand is located. Fifty Percent (50%) of products grown at other locations may be sold at the road side stand.



stands must be located at least twenty (20) feet from the right-of-way of the roadway. Said roadside stand need not be in the immediate proximity to a public roadway if the other standards as herein set forth are met.

- a. Structures shall comply with the minimum setback requirements of the zoning district. Temporary Structures or stands shall be located not less than twenty (20) feet from the legal right-of-way line and be located so as not to constitute a traffic hazard, in the opinion of the Code Enforcement Officer.
- b. Parking: Off-street parking spaces shall be provided behind the legal right-of-way and on the same side of the street as the stand or structures conducting the use. Parking spaces need not be permanently paved but must be improved with a material approved by the township engineer and appropriately marked.

## **SECTION 1658 SOLAR ENERGY SYSTEMS** – This section is to be added.

### **A. - Introduction**

The Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§ 10101 *et seq.*, enables a municipality through its zoning ordinance to regulate the use of property and to promote the conservation of energy through access to and use of renewable energy resources.

Penn Township seeks to promote the general health, safety and welfare of the community by adopting and implementing an amendment to the Zoning Ordinance, providing for access to and use of solar energy systems

### **B. Definitions**

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

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

**SOLAR EASEMENT:** A right expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any

landowner for the purpose of assuring adequate access to good sunlight for solar energy systems.

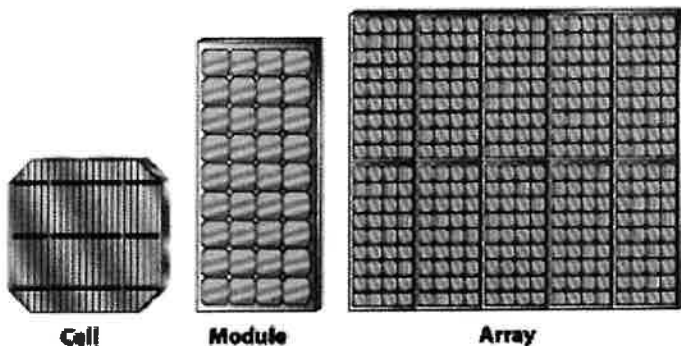
**SOLAR ENERGY:** Radiant energy (direct, diffuse and/or reflective) received from the sun.

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

**SOLAR RELATED EQUIPMENT:** Including, but not limited to, a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

1. **SOLAR CELL:** The smallest basic solar electric device which generates electricity when exposed to light.
2. **SOLAR MODULE:** A grouping of solar cells with the purpose of harvesting solar energy.
3. **SOLAR ARRAY:** A grouping of multiple solar modules with purpose of harvesting solar energy.

**C. Accessory Solar Energy Systems (ASES)**



1. Regulations Applicable to all Accessory Solar Energy Systems:
  - a) ASES shall be permitted as a use by right in all zoning districts.
  - b) Exemptions
    - 1) ASES with an aggregate collection and/or focusing area of (10) square feet or less are exempt from this ordinance.
    - 2) ASES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES, whether or not it was existing prior to the effective date of this Section, that materially

alters the ASES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

- c) The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Penn Township and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application. Access panels shall be placed in a manner that will prevent glare toward adjacent properties, occupied structures and roadways. Applicant shall have the burden of proving that the glare does not have an adverse impact on neighboring or adjacent property either through sighting or mitigation.

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

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

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

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

- f) The owner of an ASES shall provide Penn Township written confirmation that the public utility company to which the ASES will be connected has

been informed of the customer's intent to install a grid-connected system and has approved of such connection.

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

h) Solar Easements

1 Where a subdivision or land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.

2) Any such easements shall be appurtenant, shall run with the land benefited and burdened, and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:

a) A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;

b) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;

c) Enumerate terms and conditions, if any, under which the easement may be revised or terminated;

d) Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

3). If required, an ASES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

i. Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

J. Decommissioning

1. Each ASES and all solar related equipment shall be removed within six (6) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
2. The ASES shall be presumed to be discontinued or abandoned if no electricity/thermal is generated by such solar collector for a period of twelve (12) continuous months.

K. Permit Requirements

1. Zoning/Building permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
2. The zoning/building permit shall be revoked if the ASES, whether new or preexisting, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
3. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.

2. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

- a. The total height of the structure mounted system shall not exceed the height of the principal or accessory building for which it will be attached.
- b. Wall mounted ASES shall comply with the setbacks for principal and accessory buildings in the underlying zoning districts and may only be attached to the principal or accessory buildings.
- c. Roof mounted solar panels shall not extend beyond any portion of the roof edge.
- d. Structure mounted solar panels shall be located only on rear or side-facing roofs or walls as viewed from any adjacent street unless the applicant demonstrates that, due to solar access limitations, no location exists other than the street-facing roof or walls, where the solar energy system can perform effectively.
- e. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of



Penn Township and that the roof or wall is capable of holding the load imposed on the structure.

3. Ground Mounted Accessory Solar Energy Systems:

a. Setbacks and Fencing

1. The minimum yard setbacks from side and rear property lines shall be thirty-feet (30') for residential lots, and fifty-feet (50') in all commercial and agricultural zoning districts.

2. A ground mounted ASES shall not be located within the front yard.

b. Height - Ground mounted ASES shall not exceed ten feet (10') in height above the ground at any point.

c. Coverage

1. The surface area of the arrays of a ground mounted ASES, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located.

2. The total surface area of the arrays of ground mounted ASES on the property shall not exceed five percent (5%) of the lot area.

3. The applicant shall submit a storm water management plan that demonstrates compliance with the municipal storm water management regulations, if required, for review by the Township Engineer.

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

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

**D. PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)**

1. Regulations Applicable to All Principal Solar Energy Systems:

a. PSES shall be a permitted use in the Industrial Park (I) and Agricultural/Rural (AR) Zoning Districts. MUC

b. Exemptions

1. PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing PSES, whether or not existing prior to the effective date of this Section, which materially alters the PSES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
- c. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), ), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Penn Township and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- d. PSES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
  1. Is certified by the North American Board of Certified Energy Practitioners (NAB CEP).
  2. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited (photovoltaic) PV training program or a PV manufacturer's training program and successfully installed a minimum of three systems.
- e. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
- f. The owner of a PSES shall provide Penn Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid-connected system and has approved of such connection.
- g. No portion of the PSES shall contain or be used to display advertising.
- h. A noise study shall be performed by an independent noise study expert at the applicant's expense, and the results shall be included in the permit application. Noise from a PSES shall not exceed noise limitations in Article XIII, Section 1315 of the Zoning Ordinance.
- i. No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.

j. The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Penn Township. The PSES owner and/or operator shall place a sign to be located on the gate of the PSES physical location. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

k. Decommissioning

- 1) The PSES owner is required to notify Penn Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
  - 2) The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense.
  - 3) At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the Penn Township to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original.
- l. Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to property the development on or growth of any trees or vegetation on such property.

m. Solar Easements

- 1) Where a subdivision or land development proposes a PSES, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
- 2) Any such easements shall be appurtenant, shall run with the land benefited and burdened, and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:

- a) A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
- b) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage, of sunlight through the easement;
- c) Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
- d) Explain the compensation for the owner of, the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
- e) If necessary, a PSES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

n. Permit Requirement

- 1. PSES shall comply with the Penn Township Subdivision and Land Development and/or zoning /building permit applications requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
- 2. The PSES owner and/or operator shall repair, maintain, and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry, standards as needed to keep the PSES in good repair and operating condition.

2. Ground Mounted Principal Solar Energy Systems:

- A. Minimum lot size -The minimum lot size for a PSES shall be one (1) acre.
- B. Setbacks One hundred feet (100') from adjacent residential districts or occupied structures.
- C. Height - Ground mounted PSES shall not exceed (20') feet in height.
- D. Impervious Coverage
  - 1. The surface area of the arrays of a ground mounted PSES, regardless of the mounted angle of any solar panels, shall be considered impervious calculated in the lot coverage of the lot on which the system is located.

2. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the municipal stormwater management regulations.
  3. PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management
- E. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in Article XIII, Section 1310 of this ordinance.
- F. In Agricultural zoning districts, no more than 50 percent of the entire area for development shall consist of Class I and Class II prime agricultural soils.
- G. Ground-mounted PSES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
- H. Security
1. All ground-mounted PSES, shall be completely enclosed by a minimum eight-feet (8') high fence with a self-locking gate.
  2. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.
- I. Access
1. At a minimum, a twenty-five feet (25) wide paved access road must be provided from a state or township roadway into the site.
  2. Within the site a minimum twenty- feet (20') wide paved cartway shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.
- J. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local regulations.
- K. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

3. Roof and Wall Mounted Principal Solar Energy Systems:

- A. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of

the Penn Township and that the roof or wall is capable of holding the load imposed on the structure

- B. PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

**Section 1659 - WIND ENERGY SYSTEMS** — This section will be added to the Zoning Ordinance.

**A. PURPOSE**

The purpose of the Ordinance is to provide for the construction, operation and decommissioning of Wind Energy Facilities in Penn Township subject to reasonable conditions that will protect the public health, safety, and welfare.

**B. DEFINITIONS**

1. "Applicant" is the person or entity filing an application under this Ordinance.
2. Accessory Wind Energy Facility -A system designed as a secondary use on a lot, wherein the power generated is used primarily for on-site consumption.
3. "Facility Owner" means the entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.
4. "Operator" means the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.
5. "Hub Height" means the distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.
6. "Occupied Building" means a residence, school, hospital, church, public library, or other building used for public gathering that is occupied or in use when the permit application is submitted.
7. Principal Wind Energy — A system designed as the primary use on a lot, wherein the power generated is used primarily for off-site consumption.
8. "Turbine Height" means the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.
9. "Wind Turbine" means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

10. "Wind Energy Facility" means an electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
11. "Non-Participating Landowner" means any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

**C. USES**

1. Principal Wind Energy facility shall be considered a Conditional Use in the following zones: Agricultural/Rural and Forest Conservation.
2. Accessory Wind Energy Facility shall be considered a Conditional Use in all zones except High Density Residential (R2).
3. No Wind Energy Facility shall be permitted in the Steep Slope Conservation Overlay District.

**D. APPLICABILITY**

1. This Ordinance applies to all Wind Energy Facilities proposed to be constructed after the effective date of the Ordinance.
2. Wind Energy Facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance. Provided that any physical modification to an existing Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit under this Ordinance.

**E. PERMIT REQUIREMENT**

1. No Wind Energy Facility, or addition of a Wind Turbine to an existing Wind Energy Facility shall be constructed or located within Penn Township unless a permit has been issued to the Facility Owner or Operator approving construction of the facility under this Ordinance.
2. The permit application or amended permit application shall be accompanied with a fee as per Penn Township Fee Schedule.
3. Any physical modification to an existing and permitted Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment

shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.

4. The Wind Energy Facility shall be properly maintained and be kept free from all hazards, including, but not limited to faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare. In the event a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner or operator to conform or to remove the Wind Energy Facility.

## **F. PERMIT APPLICATION**

1. The Zoning/Building Permit Application shall demonstrate that the proposed Wind Energy Facility will comply with this Ordinance.
2. Among other things, the application shall contain the following:
  - a. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities. Standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer.
  - b. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.
  - c. Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.
  - d. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
  - e. Documents related to decommissioning including a schedule for decommissioning.



- f. Other, relevant studies, reports, certifications, and approvals as may be reasonably requested by Penn Township to ensure compliance with this Ordinance. Within thirty – days (30) after receipt of a permit application, Penn Township will determine whether the application is complete and advise the applicant accordingly.
  - g. The owner of a Wind Energy Facility shall provide written confirmation that the public utility to which it will be connected has been informed of the customer's intent to install a grid connected system and approval of such connection.
- 3. Within sixty (60) days of a completeness determination, Penn Township will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.
- 4. Within one hundred and twenty (120) days of a completeness determination, or within forty-five (45) days after the close of any hearing, whichever is later, Penn Township will make a decision whether to issue or deny the permit application.
- 5. Throughout the permit process, the Applicant shall promptly notify Penn Township of any changes to the information contained in the permit application.
- 6. Changes to the pending application that do not 'Materially alter the initial site plan may be adopted without a renewed public hearing.

**G. DESIGN AND INSTALLATION**

**1. Design Safety Certification**

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

**2. Uniform Construction Code**

To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended and the regulations adopted by the Department of Labor and Industry Controls and Brakes

Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable

pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.

3. Electrical Components

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

4. Visual Appearance; Power Lines

- a. Wind Turbines shall be a non-obtrusive color such as white, off-white, or gray.
- b. Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- c. Wind Turbines shall not display advertising.
- d. On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.

5. Warnings

- a. A clearly visible warning sign concerning voltage must be permanently placed adjacent to the wind turbine.
- b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

6. Climb Prevention/Locks

- a. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.
- b. All access doors to Wind Turbines and electrical equipment shall be locked and fenced, to a height of eight ten (8) feet plus barbed wire barrier to prevent entry by non-authorized persons.

**H. SETBACKS**

1. Occupied Buildings

- a. Wind Turbines shall be set back from the nearest Occupied Building a distance of 1.1 times the Turbine Height. These setback distances shall be

measured from the center of the Wind Turbine mounting base to the nearest point on the foundation of the Occupied Building.

- b. Wind Turbines shall be set back from the nearest Occupied Building located on a Non-Participating Landowner's property a distance of not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine mounting base to the nearest point on the foundation of the Occupied Building.
2. Property lines: All Wind Turbines shall be set back from the nearest property line a distance of not less than the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine mounting base.
3. Public Roads: All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine mounting base.
4. No part of a Wind Energy Facility shall extend over parking areas, access drives, driveways, or sidewalks
5. The number of ground mounted Accessory Wind Energy Facility per lot shall be related to the energy capacity of the system and the electric consumption of the principal use on the lot. The electrical generation capacity of the Accessory Wind Energy Facility shall not exceed the electrical generation needs of the principal use on the lot. The electrical generating capacity of the Accessory Wind Energy Facility and the electric consumption of the principal use shall be provided. The number of ground mounted Accessory Wind Energy Facility permitted on a lot shall be limited upon lot size and follow the schedule below.

Lot Size	Maximum Number of Ground Mounted Accessory Wind Energy Facility Per Lot
Less Than 5 Acres	1
5+ Acres to 10 Acres	2
10+ Acres	3

6. Ground Mounted Accessory Wind Energy Facility shall be prohibited in front yards, between the principal building and the street right-of-way.

7. The minimum ground clearance for the wind rotor blade of the Accessory Wind Energy Facility shall be twenty-feet (20').

## **I. WAIVER OF SETBACKS**

1. At the request of the applicant, the governing body may grant partial waivers of the setback requirements under Sections 8 (A)(2) (Occupied Buildings on Non-Participating Landowner's property), 8 (B) (Property Lines) and 8 (C) (Public Roads) and 8(F) (Ground Mounted Accessory) of this ordinance where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest. The applicant shall submit a signed notarized' document from the property owner (s) that they are in agreement with the applicant's request for a waiver of the setback requirements under Section 8 (A)(2) and 8 (B) 8 (C) (Public Roads) and 8(F) (Ground Mounted Accessory) of this ordinance. This document shall stipulate that the property owners) know of the setback requirements required by this Ordinance, describes how the proposed Wind Energy Facility is not in compliance, and state that consent is granted for the Wind Energy Facility to not be setback as required by this Ordinance.
2. Any such waiver shall be recorded in the Recorder of Deeds Office for the County where the property is located. The waiver shall describe the properties benefited and burdened and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.

**J. USE OF PUBLIC ROADS FOR PRINCIPAL WIND ENERGY FACILITIES.**

1. The Applicant shall identify all state and local public roads to be used within Penn Township to transport equipment and parts for construction, operation, or maintenance of the Wind Energy Facility.
2. Penn Township's engineer or a qualified third-party engineer hired by the Penn Township and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
3. Penn Township may require the applicant to bond the road in compliance with Township and State-regulations:
4. Any road damage caused by the Applicant, or its contractors shall be promptly repaired, as required and in a manner determined by the Township at the applicant's expense.
5. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

**K. LOCAL EMERGENCY SERVICES**

1. The Applicant shall provide a copy of the project summary and site plan to county and local emergency services, including paid or volunteer Fire Department(s).

2. The Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

**L     NOISE AND SHADOW FLICKER**

1. Audible sound from a Wind Energy Facility shall not exceed fifty (55) dBA, as measured at the exterior of any Occupied Building on a Nonparticipating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
2. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-Participating Landowner's property.
3. Any studies required to determine noise and shadow flicker shall be the responsibility of the facility owner/operator and/or the complainant.

**M.    SIGNAL INTERFERENCES**

1. The Applicant shall avoid any disruption or loss of radio, telephone, television, or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.
2. Any studies required shall be the responsibility of the facility/owner and/or the complainant.

**N     Section 2113-LIABILITY INSURANCE**

1. The Principal Wind Energy Facility shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to Penn Township upon request.
2. The owner of an Accessory Wind Energy Facility shall provide evidence that the owner's insurance policy has been endorsed to cover an appropriate level of damage or injury that might result from the installation and operation of the Accessory Wind Energy Facility.

**O.    DECOMMISSIONING**

1. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within (12) twelve months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or

individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

## 2. PRINCIPAL WIND ENERGY

- a. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- b. Disturbed earth shall be graded and re-seeded unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- c. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to Penn Township after the first year of operation and every fifth year thereafter.
- d. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by Penn Township.
- e. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Section 2114.A then the landowner shall have six (6) months to complete decommissioning.
- f. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Section 2114.A and Section 2114.B.5, then Penn Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to Penn Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Penn Township may take such action as necessary to implement decommissioning plan in accordance with Section 2114.A above the escrow agent shall release the decommissioning funds to the Township.
- g. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated, and the Penn Township concurs that decommissioning has been satisfactorily completed, or upon

written notice/approval by Penn Township in order to implement the decommissioning plan.

**P. PUBLIC INQUIRIES AND COMPLAINTS**

1. The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
2. The Facility Owner and Operator shall make reasonable efforts to respond to the Township's and/or public's inquiries and complaints within a 14-calendar day period.

**Q. REMEDIES**

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

**Section 13 — Article XVIII — ADMINISTRATION AND ENFORCEMENT**

This section will amend the numbering of the Section as follows.

**A. Section 1820.3 - Conditional Uses** This will amend the section number.

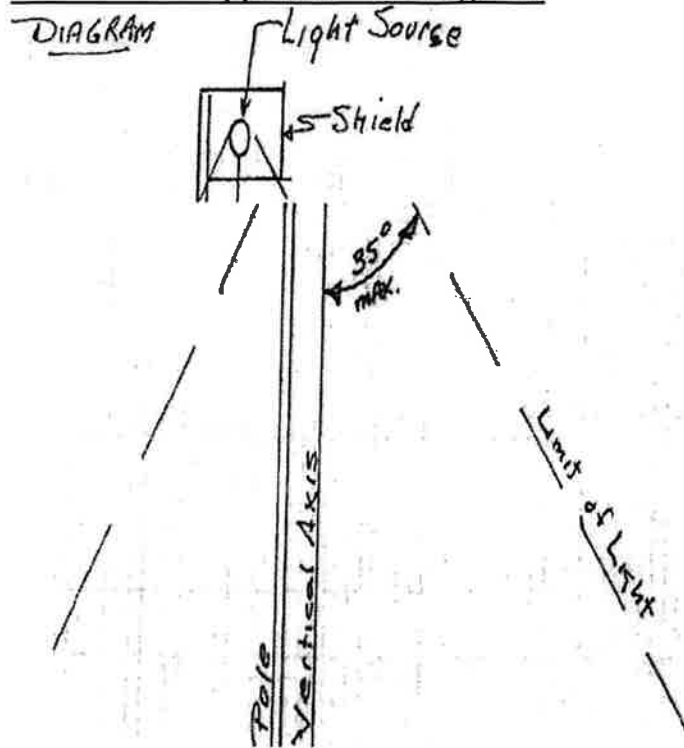
**B. Section 1820.3.b. -Board of Supervisors Action** The Township Board of Supervisors shall make its final decision based upon findings of fact as to the general factors set forth in Section 1820.2. and upon the specific factors for which a conditional use application is filed.

**C. Section 1804.1.e.** Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to

sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision/Land Development Ordinance applications.

**D.** **Section 1804.2.e.** Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any provision of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for development involving Subdivision/Land Development Ordinance applications. Where such determination relates only to development not involving an application for Subdivision/Land Development, the appeal from such determination of the Zoning Officer or Township Engineer shall be to





**Section 15— Appendix B — Sign Regulations** — This section will be replacing Appendix B.

TABLE 1  
PERMITTED SIGNS AND SIGN PERMIT REQUIREMENTS

LEGEND

Zoning District - The abbreviation in the column headings represent the districts as follows:

AR :	Agriculture/Rural	C:	Commercial
FC:	Forest/Conservation	I :	Industrial
R-1:	Low Density Residential	MUC:	Mixed Use Commercial
R-2:	High Density Residential		

The other abbreviations within the Table are as follows:

- A-P - Sign is allowed and permit is required
- A-N - Sign is allowed and permit is not required
- N - Sign is not allowed
- \* - See individual section

KIND OF SIGN	SUPP REGS	ZONING DISTRICT					
		AR	FC	R-1	R-2	C	I and MUC
FREESTANDING SIGNS AND BUILDING SIGNS – PERMANENT							
Agricultural Product Sign	---	A-N	A-N	A-N	A-N	A-N	A-N
Business Sign	a	A-P	A-P	A-P	A-P	A-P	A-P
Center Sign	c	-	-	-	-	A-P	A-P
Development Sign	e	-	A-P	A-P	A-P	-	-
Home Occupation Sign	i	A-P	A-P	A-P	A-P	-	-
Identification Sign - Minor	j	A-N	A-N	A-N	A-N	A-N	A-N
Identification Sign - Major	j	A-P	A-P	A-P	A-P	A-P	A-P
Nonprofit Sign	l	A-P	A-P	A-P	A-P	A-P	A-P
Public Utility Sign	o	A-P	A-P	A-P	A-P	A-P	A-P
Incidental Sign	L	A-P	A-P	A-P	A-P	A-P	A-P
Government Sign	k	A-N	A-N	A-N	A-N	A-N	A-N
Off Premise	h	*	*	*	*	*	*
	m	A-P	N	N	N	A-P	A-P
FREESTANDING SIGNS AND BUILDING SIGNS - TEMPORARY							
Election Sign Garage/Yard Sale Sign Real Estate Sign Contractor Sign Open House Sign	f g p d n	A-N	A-N	A-N	A-N	A-N	A-N
Roadside Stand Sign	q	A-P	A-P	A-P	A-P	A-P	A-P
Special Event Sign (on premise)	r	A-N	A-N	A-N	A-N	A-N	A-N
Special Event Sign (off premise)	r	A-N	A-N	A-N	A-N	A-N	A-N
Business Special Event	b	A-N	A-N	A-N	A-N	A-N	A-N

<b>KIND OF SIGN &amp; PART A – REGULATION OF TOTAL SIGNS PER LOT</b> <b>BUSINESS SIGNS (EXCEPT CENTER SIGNS), HOME OCCUPATION/BUSINESS SIGNS, &amp; IDENTIFICATION SIGNS</b> <b>(EXCEPT DEVELOPMENT SIGNS AND PUBLIC USE SIGNS)</b>  Number permitted and maximum area refer to the combined total of all the above kinds of sign; mental Regulations for additional standards. use Sign							
<b>STANDARDS</b>							
<b>FREESTANDING SIGNS</b>		<b>ZONING DISTRICT</b>					
Number Permitted Per Lot (a)		<b>AR</b>	<b>FC</b>	<b>R-1</b>	<b>R-2</b>	<b>C</b>	<b>land MUC</b>
Maximum Area (square feet) per Sign (b)							
Maximum Height (feet)		2	1	1	1	3	3
Minimum Setback from Right-of-Way (feet)		50	40	40	40	75	75
<b>BUILDING SIGNS</b>		25	6	6	6	25	25
Number Permitted Per Lot		10	10	10	10	10	10
Maximum Total Area of All Building Signs on Lot (square foot)							
<b>TOTAL OF ALL SIGNS (c)</b>		1	-	-	-	7	7
Total Number of Signs Permitted Per Lot		50	20	20	20	75	75
Maximum Total Area of All Signs on Lot (square feet)							
Notes: (a) Number permitted on each street frontage.  Area permitted on each street frontage.  Temporary signs do not count towards total number of signs permitted per lot.		3	1	1	1	10	10
		100	40	40	40	150	150

**TABLE 2**  
**PERMITTED NUMBER, AREA, HEIGHT, AND SETBACK FOR SIGNS**  
(Continued)

**PART B - INDIVIDUAL SIGN REGULATIONS**

*(See Supplemental Regulations referenced in second column for additional standards; note that minimum setbacks apply to freestanding signs only and are to be measured from the right-of-way.)*

KIND OF SIGN & STANDARDS	SUPP REG	ZONING DISTRICT					
		AR	FC	R-1	R-2	C	I and MUC
AGRICULTURAL PRODUCTS SIGN							
Maximum Area/Surface (square feet) per Sign		6	6	6	6	6	6
Maximum Height (feet)		6	6	6	6	6	6
Minimum Setback (feet)		1	1	1	1	1	1
# Permitted/Lot		No Limit					
BUSINESS SIGN	a						
Maximum Area/Surface (square feet) per Sign		50	50	50	50	75	75
Maximum Height (feet)		25	25	25	25	25	25
Minimum Setback (feet)		10	10	10	10	10	10
# Permitted/Lot		2	1	1	1	1	1
CENTER SIGN	c						
Maximum Area/Surface (square feet) per Sign		-	-	-	-	100	100
Maximum Height (feet)		-	-	-	-	25	25

**TABLE 2**  
**PERMITTED NUMBER, AREA, HEIGHT, AND SETBACK FOR SIGNS**  
*(Continued)*

**PART B - INDIVIDUAL SIGN REGULATIONS**

*(See Supplemental Regulations referenced in second column for additional standards; note that minimum setbacks apply to freestanding signs only and are to be measured from the right-of-way.)*

<b>KIND OF SIGN &amp; STANDARDS</b>	<b>SUPP REG</b>	<b>ZONING DISTRICT</b>					
		<b>AR</b>	<b>FC</b>	<b>R-1</b>	<b>R-2</b>	<b>C</b>	<b>I and MUC</b>
<i>Minimum Setback (feet)</i>		-	-	-	-	10	10
<i># Permitted/Lot</i>		<i>1 per principal entrance, maximum of 2 entrances</i>					
<b>CONTRACTOR SIGN</b>	<b>d</b>						
<i>Maximum Area/Surface (square feet) per Sign</i>		8	8	8	8	8	8
<i>Maximum Height (feet)</i>		6	6	6	6	6	6

**TABLE 2**  
**PERMITTED NUMBER, AREA, HEIGHT, AND SETBACK FOR SIGNS**  
*(Continued)*

**PART B - INDIVIDUAL SIGN REGULATIONS**

*(See Supplemental Regulations referenced in second column for additional standards; note that minimum setbacks apply to freestanding signs only and are to be measured from the right-of-way.)*

<b>KIND OF SIGN &amp; STANDARDS</b>	<b>SUPP REG</b>	<b>ZONING DISTRICT</b>					
		<b>AR</b>	<b>FC</b>	<b>R-1</b>	<b>R-2</b>	<b>C</b>	<b>I and MUC</b>
<b>DEVELOPMENT SIGN</b>	<b>e</b>						
Maximum Area/Surface (square feet) per Sign		-	50	50	75	-	-
Maximum Height (feet)		-	6	6	25	-	-
Minimum Setback (feet)		-	10	10	10	-	-
# Permitted/Lot		1 per principal entrance, maximum of 2 entrances					
<b>ELECTION SIGN</b>	<b>f</b>						
Maximum Area/Surface (square feet) per Sign		No Limit					
Maximum Height (feet)		No Limit					
Minimum Setback (feet)		See Supplemental Regulation Section for applicable standards					
# Permitted/Lot		No Limit					
<b>GARAGE/YARD SALE</b>	<b>g</b>						
Maximum Area/Surface (square feet) per Sign		4	4	4	4	4	4
Maximum Height		4	4	4	4	4	4

**TABLE 2**  
**PERMITTED NUMBER, AREA, HEIGHT, AND SETBACK FOR SIGNS**  
*(Continued)*

**PART B - INDIVIDUAL SIGN REGULATIONS**

*(See Supplemental Regulations referenced in second column for additional standards; note that minimum setbacks apply to freestanding signs only and are to be measured from the right-of-way.)*

<b>KIND OF SIGN &amp; STANDARDS</b>	<b>SUPP REG</b>	<b>ZONING DISTRICT</b>					
		<b>AR</b>	<b>FC</b>	<b>R-1</b>	<b>R-2</b>	<b>C</b>	<b>I and MUC</b>
<i>(feet)</i>							
<i>Minimum Setback (feet)</i>		10	10	10	10	10	10
<i># Permitted/Lot</i>		2 per sale					
<b>HOME BUSINESS</b>	<b>i</b>						
<i>Maximum Area/Surface (square feet) per Sign</i>		6	6	6	6	6	6

**TABLE 2**  
**PERMITTED NUMBER, AREA, HEIGHT, AND SETBACK FOR SIGNS**  
*(Continued)*

**PART B - INDIVIDUAL SIGN REGULATIONS**

*(See Supplemental Regulations referenced in second column for additional standards; note that minimum setbacks apply to freestanding signs only and are to be measured from the right-of-way.)*

<b>KIND OF SIGN &amp; STANDARDS</b>	<b>SUPP REG</b>	<b>ZONING DISTRICT</b>					
		<b>AR</b>	<b>FC</b>	<b>R-1</b>	<b>R-2</b>	<b>C</b>	<b>I and MUC</b>
<b>INCIDENTAL SIGN</b>	<b>k</b>						
Maximum Area/Surface (square feet) per Sign		2	2	2	2	2	2
Maximum Height (feet)		6	6	6	6	6	6
Minimum Setback (feet)		See Supplemental Regulation Section for applicable standards					
# Permitted/Lot		10					
<b>IDENTIFICATION SIGN - MINOR</b>	<b>j</b>						
Maximum Area/Surface (square feet) per Sign		4	2	2	2	2	2
Maximum Height (feet)		6	6	6	6	6	6
Minimum Setback (feet)		1	1	1	1	1	1
# Permitted/Lot		6	6	6	6	6	6
<b>IDENTIFICATION SIGN - MAJOR</b>	<b>j</b>						
Maximum Area/Surface (square feet) per Sign		50	-	-	-	50	50



**TABLE 2**  
**PERMITTED NUMBER, AREA, HEIGHT, AND SETBACK FOR SIGNS**  
(Continued)

**PART B - INDIVIDUAL SIGN REGULATIONS**

(See Supplemental Regulations referenced in second column for additional standards; note that minimum setbacks apply to freestanding signs only and are to be measured from the right-of-way.)

KIND OF SIGN & STANDARDS	SUPP REG	ZONING DISTRICT					
		AR	FC	R-1	R-2	C	I and MUC
Maximum Height (feet)		25	-	-	-	25	25
Minimum Setback (feet)		10	-	-	-	10	10
# Permitted/Lot		1	-	-	-	1	1
NON-PROFIT ORGANIZATION	I						
Maximum Area/Surface (square feet) per Sign		6	6	6	6	6	6
Maximum Height (feet)		6	6	6	6	6	6
Minimum Setback (feet)		N/A*	N/A*	N/A*	N/A*	N/A*	N/A*
# Permitted/Lot		As approved by Township – (Cannot Obstruct View of Regulatory Signs)					
OFF PREMISE							
Maximum Area/Surface (square feet) per Sign	SUPP	AR					
Maximum Height (feet)	REG		FC	R-1	R-2	C	I and MUC
Minimum Setback	m	300					

**TABLE 2**  
**PERMITTED NUMBER, AREA, HEIGHT, AND SETBACK FOR SIGNS**  
*(Continued)*

**PART B - INDIVIDUAL SIGN REGULATIONS**

*(See Supplemental Regulations referenced in second column for additional standards; note that minimum setbacks apply to freestanding signs only and are to be measured from the right-of-way.)*

<b>KIND OF SIGN &amp; STANDARDS</b>	<b>SUPP REG</b>	<b>ZONING DISTRICT</b>					
		<b>AR</b>	<b>FC</b>	<b>R-1</b>	<b>R-2</b>	<b>C</b>	<b>I and MUC</b>
<i>(feet)</i>							
<b># Permitted/Lot</b>		30	-	-	-	300	300
<b>OPEN HOUSE SIGN</b>		*	-	-	-	30	30
Maximum Area/Surface (square feet) per Sign		See Supplemental Regulation Section for applicable standards					
Maximum Height (feet)		*					
Minimum Setback (feet)	<b>n</b>	8					
<b># Permitted/Lot</b>		6	8	8	8	8	8
<b>PUBLIC USE SIGN</b>		N/A*	6	6	6	6	6
Maximum Area/Surface (square feet) per Sign		1 on premise	N/A*	N/A*	N/A*	N/A*	N/A*
Maximum Height (feet)							
Minimum Setback (feet)	<b>o</b>	40					
<b># Permitted/Lot</b>		6	40	40	40	40	40
<b>REAL ESTATE SIGN</b>		10	6	6	6	6	6
Maximum Area/Surface (square feet) per Sign		1	10	10	10	10	10
Maximum Height							

**TABLE 2**  
**PERMITTED NUMBER, AREA, HEIGHT, AND SETBACK FOR SIGNS**  
*(Continued)*

**PART B - INDIVIDUAL SIGN REGULATIONS**

*(See Supplemental Regulations referenced in second column for additional standards; note that minimum setbacks apply to freestanding signs only and are to be measured from the right-of-way.)*

<b>KIND OF SIGN &amp; STANDARDS</b>	<b>SUPP REG</b>	<b>ZONING DISTRICT</b>					
		<b>AR</b>	<b>FC</b>	<b>R-1</b>	<b>R-2</b>	<b>C</b>	<b>I and MUC</b>
<i>(feet)</i>							
# Permitted/Lot	<b>p</b>	8					
<b>ROADSIDE STAND SIGN</b>		6	8	8	8	8	8
Maximum Area/Surface (square feet) per Sign		1 per 500 feet of street frontage or maximum of 2 per lot					
Maximum Height (feet)							
# Permitted/Lot	<b>q</b>	8					
		6	8	8	8	8	8

*Table 2*

**PERMITTED NUMBER, AREA, HEIGHT, AND SETBACK FOR SIGNS (Continued)**

**PART B - INDIVIDUAL SIGN REGULATIONS**

*(See Supplemental Regulations referenced in second column for additional standards note that minimum setbacks apply to freestanding signs only and are to be measured for the (right-of-way)*

<b>KIND OF SIGN &amp; STAMDARDS</b>	<b>SUPP REG</b>	<b>ZONING DISTRICT</b>					
		<b>AR</b>	<b>FC</b>	<b>R-1</b>	<b>R-2</b>	<b>C</b>	<b>I and MUC</b>
<b>SPECIAL EVENT SIGN</b>	<b>r</b>						
<i>Maximum Area/Surface (square feet)</i>		32	32	32	32	32	32
<i>Maximum Height (feet)</i>		6	6	6	6	6	6
<i>Minimum Setback (feet)</i>		10	10	10	10	10	10
<i># Permitted/Lot</i>		1 per lot per event					
<b>BUSINESS SPECIAL EVENT</b>	<b>b</b>						
Maximum area/surface <i>(square feet) - a</i>		32	32	32	32	32	32
<i>Maximum Height (feet)</i>		6	6	6	6	6	6
MINIMUM SETBACK (FEET)		<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
# PERMITTED/LOT		SEE SUPPLEMENT REGULATIONS					
<b>CANOPY</b>							
<i>Maximum Area/Surface (square feet)</i>		50	50	50	50	75	75

<i>Maximum Height (feet)</i>		25	25	25	25	25	25
<i>Minimum Setback (feet)</i>		10	10	10	10	10	10
<i># Permitted/Lot</i>		2	1	1	1	1	1
<i>NA = Not Applicable</i> <i>=_see supplemental regulations</i> <i>a = Temporary signs shall not count towards total sign square footage per lot.</i>							

**Section 16— Appendix C — Use Schedule** — This section will be added to Appendix C.

**Section 17- Effective Date**

Upon enactment by the Township Board of Supervisors, this Ordinance shall be effective as provided by law.

**Section 18 – Enactment**

ENACTED, ORDAINED, AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

Penn Township Board of Supervisors

\_\_\_\_\_  
Henry A. Holman, III, Chairman

\_\_\_\_\_  
Karin Potteiger, Vice-Chairman

\_\_\_\_\_  
Cliff Lindgren, Supervisor

**CERTIFICATE OF ADOPTION**

I hereby certify the foregoing to be an exact copy of an Ordinance 2023- adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania, at a regular meeting of the Board of Supervisors on \_\_\_\_\_.

\_\_\_\_\_  
Secretary

