

<i>Lot, Area and Dimensional Requirements</i>							
<i>C-2 Highway Commercial Districts</i>							
<i>Use Category</i>	<i>Minimum Lot Area (acres)</i>	<i>Minimum Lot Width (feet)</i>	<i>Minimum Front Setback (feet from right-of-way)</i>	<i>Minimum Side Yard (feet)</i>	<i>Minimum Rear Yard (feet)</i>	<i>Maximum Building Height (feet)</i>	<i>Maximum Lot Coverage</i>
<b>Conditional uses (Cont'd)</b>							
Recreation	2	150	60	60	60	35	NA
Shopping center	5	150	100	50	50	40	40%
<b>Notes:</b>							
NA Not applicable							
* All lots shall have a minimum of 2 acres if not serviced by an approved public or community sewage system							

(2003 Code, § 170-31) (Ord. 2-93, passed 5-4-1993)

***I INDUSTRIAL DISTRICT***

**§ 153.165 STATEMENT OF PURPOSE AND USE SUMMARY.**

(A) *Statement of purpose.* The I Industrial District is established to provide for both heavy commercial and industrial oriented land use activities. Regulations are designed to permit uses of this nature consistent with the viability of the activity and the maintenance of the quality of adjacent land use districts.

(B) *Use summary.*

(1) *I uses permitted by right.*

- (a) All uses by right in the C-2 District;
- (b) Barge docking and repair operations;
- (c) Mini-warehouse and self-storage units; and
- (d) Hotels and motels (see § 153.090(B)(2)(i)).



(2) *I conditional uses.*

- (a) Landfills;
- (b) Waste recycling centers;
- (c) Underground coal mine;
- (d) Automotive recycling and material salvage yards; and
- (e) Sexually oriented business.

(3) *I special exceptions.*

- (a) Integrated business area; and
- (b) Junkyards.

(2003 Code, § 170-32) (Ord. 2-93, passed 5-4-1993; Ord. 3-94, passed 6-7-1994; Ord. 2-98, passed 8-4-1998; Ord. 1-2004, passed 6-7-2004; Ord. 1-2009, passed 1-22-2009; Ord. 1-2011, passed 3-7-2011; Ord. 7-2016, passed 9-6-2016)

**§ 153.166 CONDITIONAL USE PROVISIONS.**

The following conditional uses may be authorized by the Township Supervisors pursuant to the standards and criteria specified herewith.

(A) *Landfills.*

(1) All activities conducted in association with, and as a part of, any landfill shall be in accordance with all applicable federal and state statutes, rules and regulations.

(2) The applicant shall have obtained, from appropriate state and federal regulatory agencies or authorities, permits issued in accordance with all applicable laws and regulations for the proposed use. In the event such permits have not been issued at the time township conditional use approval is requested, the applicant's zoning approval shall be expressly conditioned on the granting of necessary permits as required by the above agencies or authorities. At the time of making application to such authorities, the applicant shall file with the Township Administrative Secretary/Treasurer a copy of each state or federal application with supporting documentation for the proposed use.

(3) Materials transported to, processed, handled and stored at the landfill shall be limited to nonhazardous refuse and waste, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, institutional, commercial or industrial establishments.

No materials that are classified as hazardous and/or that have the characteristics of toxicity, reactivity, ignitability or corrosivity to the extent that they may be deemed hazardous shall be transported to, processed, handled or stored at the landfill.

(4) A site plan shall be included in the landfill application that delineates site ingress and egress, use areas within the site, phasing of use areas, location of all structures, and location and description of all required screening and fencing.

(5) No landfill shall be established on a site containing less than 75 contiguous acres.

(6) The applicant shall include plans for transportation of materials to the site. Said plans shall delineate access routes, provisions for traffic control and procedures to minimize littering and overflow problems along access routes contiguous to the site. Measures that will be taken to maintain all township roads used for primary site access shall be specified.

(7) Bonds in amounts specified by the Board of Township Supervisors shall be posted by the applicant to repair any damages to roads that may result from the landfill operation.

(8) The applicant shall outline procedures to be employed to provide for antipollution and nuisance control, the protection of area-wide water supplies and other applicable concerns related to the health and safety of adjacent residential areas.

(9) For each site that is adjacent to, or considered by the Planning Commission and Board of Supervisors to be visibly or environmentally detrimental to the use of any structure for residential habitation, cultural, social, educational, recreational, religious or similarly related purpose in any district, there must be preserved a strip of land for screening purposes on any side of the tract of land on which the residential or related use is situated. The preserved strip shall be a minimum of 100 feet in width. The required screen shall have a height adequate to achieve its purpose. Plant materials used for screening shall consist of dense evergreen plants. They shall be of a kind, or used in such a manner, so as to provide a continuous opaque screen within 24 months after commencement of operations in the area to be screened. The Board of Township Supervisors shall require that either new planting or alternative screening be provided if, after 24 months, the plant materials do not provide an opaque screen.

(10) All active use areas shall be completely enclosed by a metal fence not less than six feet high with the entire fence being constructed in such a manner so as to prevent the entry by unauthorized persons onto the portion of the premises on which the use is situated.

(11) Parking in association with the facility shall be accommodated on-site.

(12) Site access points shall be designed to preclude the stacking of entering vehicles onto any adjacent public right-of-way or onto adjacent or nearby land parcels that are not under ownership or lease and not a contiguous part of the disposal facility.

(13) The Board of Township Supervisors, as part of the conditional use review process, may consider the nature of the material to be processed at a facility and may determine that the facility may constitute an unacceptable risk to the general health, safety and public welfare of the residents of the township. Any costs incurred by the township in making said determinations and preparing comments for the Department of Environmental Protection in connection with allowable materials or siting criteria shall be reimbursed by the applicant.

(B) *Waste recycling center.*

(1) Waste recycling and related handling activities shall be restricted to nonhazardous materials and all activities and functions shall be in accordance with applicable federal, state, county and township rules, regulations and directives.

(2) No recycling activities and functions shall be established on a site containing less than five contiguous acres.

(3) All facilities shall have a chain link fence at least six feet high around all activity areas and said areas shall be secured during nonbusiness hours.

(4) The perimeter of any site that borders a public highway or an adjacent A-1, R-1 or R-2 Zoning District shall be screened and landscaped consistent with the applicable requirements of §§ 153.215 through 153.228.

(5) Site access points shall be designed to preclude the stacking of entering vehicles onto any adjacent public right-of-way.

(6) All parking in association with on-site activities shall be accommodated on-site.

(7) All materials brought to the site shall be processed and shipped from the site in an expedient manner, consistent with commonly accepted recycling procedures and practices. No extended term storage or keeping of materials shall be permitted in conjunction with recycling centers.

(8) The applicant for the conditional use permit shall be responsible for correcting any litter problems that occur within one-half mile of the recycling center that are attributable to the center and related operations. Failure to correct said problem shall be cause for revocation of the conditional use permit.

(C) *Sexually oriented business regulations.*

(1) *Operation.* The operation of or cause to operate a sexually oriented business, other than an adult motel, which maintains on the premises one or more viewing rooms for live performances, film

or videocassette or other video or other image production or reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements.

(a) The application for a permit to operate a sexually oriented business shall be accompanied by a floor plan and plot plan diagram of the premises showing a plan thereof specifying the location of one or more manager's stations, the location of all viewing rooms, partitions and doors and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all interior areas of the premises to an accuracy of plus or minus six inches. The Zoning Officer may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(b) The application should be sworn to be true and correct by the applicant.

(c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Zoning Officer or his or her designee.

(d) It is the duty of the owners and operators of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(e) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding rest rooms. Restrooms may not contain video reproduction or viewing equipment. If the premises has two or more managers' stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view from at least one of the manager's stations of each area of the premises to which any patron is permitted access for any purpose. The view required in this division (C)(1)(e) must be by direct line of sight from the managers' station. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a managers' station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction or viewing equipment. If the premises has two or more managers' stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view from at least one of the manager's stations of each area of the premises to which any patron is permitted access for any purpose. The view required in this division (C)(1)(e) must be by direct line of sight from the managers' station.

(f) It shall be the duty of the owners and operators and it shall also be the duty of any agents and employees present on the premises to ensure that the view area specified in division (C)(1)(e) above remains unobstructed by any doors, walls, merchandise, display racks or other materials at all

times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to division (C)(1)(a) above.

(g) No viewing room may be occupied by more than one person at any time. No connections or openings to an adjoining viewing room shall be permitted.

(h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level.

(i) It shall be the duty of the owners and operators and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(2) *Violation.* A person having a duty under division (C)(1)(e) above is guilty of a violation of this section if he or she knowingly fails to fulfill that duty.

(3) *Exemptions.* It is a defense to prosecution under this division (E)(3) and division (C)(1)(e) above that a person appearing in a state of nudity did so in a modeling class operated:

(a) By a proprietary school, licensed by the commonwealth or a college, junior college or university supported entirely or partly by taxation;

(b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or

(c) In a structure:

1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;

2. Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and

3. Where no more than one nude model is on the premises at any one time.

(4) *Injunction.* A person who operates or causes to be operated a sexually oriented business without a valid permit or in violation of this chapter is subject to an action in equity or suit for injunction as well as citations for violations of this chapter.

(5) *Lot, area and dimensional requirements.* The lot, area and dimensional requirements set forth for the I Industrial District in § 153.168 shall be amended in accordance with the terms of this chapter.

(6) *Permit requirements.*

(a) Any person who operates a sexually oriented business without a valid permit issued by the township is guilty of a violation of this chapter.

(b) The applicant must comply with the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the Zoning Officer.

(c) If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has 10% or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of 10% or greater in the corporation must sign the application for a permit as applicant.

(d) The fact that a person possesses other types of township permits does not exempt the person from the requirement of obtaining a sexually oriented business permit.

(7) *Issuance of permit.*

(a) The Township Zoning Officer shall approve the issuance of a permit to an applicant within 30 days after receipt of an application unless he or she finds one or more of the following to be true.

1. The proposed adult business does not conform to the township ordinance.
2. An applicant is under 18 years of age.
3. An applicant or an applicant's spouse is overdue in his or her payment to the township of taxes, fees, fines or penalties assessed against him or her or imposed upon him or her in relation to a sexually oriented business.
4. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
5. An applicant is residing with a person who had been denied a permit by the township to operate a sexually oriented business within the preceding 12 months or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months.



6. The premises to be used for the sexually oriented business have been reviewed and have been disapproved by the Zoning Officer as not being in compliance with applicable laws and ordinances.

7. The permit fee required by this chapter has not been paid.

8. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter.

9. An individual applicant or any individual holding a direct or indirect interest of more than 10% of a corporate applicant or any of the officers and directors of a corporate applicant, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person in charge of the operation of the applicant's business, has or have been convicted of an offense involving sexual misconduct within the commonwealth including, but not limited to, prostitution, obscenity and possession of child pornography, or convicted of any offense in any jurisdiction other than the commonwealth that would have constituted an offense involving sexual misconduct if committed within the commonwealth. In order for approval to be denied pursuant to this division (C)(7)(a)9., the person or persons' convictions or release in connection with the sexual misconduct offense must have occurred within two years of the date of application in the event of a misdemeanor and within five years of the date of application in the event of a felony.

(b) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(c) The Zoning Officer shall complete his or her certification that the premises are in compliance or not in compliance within 20 days of receipt of the application. The certification shall be promptly presented to the applicant.

(8) *Fees.* The annual fee for a sexually oriented business permit will be established by resolution by the township.

(9) *Inspection.* A permittee shall permit representatives of the police, Fire Chief, Zoning Officer or other township departments or agencies to inspect the premises of a sexually oriented business, for the purpose of ensuring compliance with the law, at any time that the sexually oriented business is occupied or open for business.

(10) *Expiration of permit.*

(a) Each permit shall expire one year from the date of issuance and may be renewed only by making application as provided in division (C)(5)(a) above. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the pendency of the application will not prevent the expiration of the permit.

(b) If the Township Zoning Officer denies renewal of a license, the applicant shall not be issued a permit for one year from the date of denial, except that after 90 days have elapsed since the date of denial, the applicant may be granted a permit if the Zoning Officer finds that the basis for denial of the renewal permit has been corrected or abated.

(11) *Suspension of permit.* The Zoning Officer shall suspend a permit for a period not to exceed 30 days if he or she determines that a permittee or employee of a permittee has:

- (a) Violated or is not in compliance with any section of this chapter;
- (b) Engaged in excessive use of alcoholic beverages while on the premises;
- (c) Refused to allow an inspection of the premises as authorized by this chapter;
- (d) Knowingly permitted gambling by any person on the premises; and
- (e) Failed to staff managers' stations and/or maintain viewing rooms as set forth in division (C)(1)(e) above.

(12) *Revocation of permit.*

(a) The Zoning Officer shall revoke a permit if a cause of suspension set forth in division (C)(11) above occurs and the permit has been suspended within the preceding 12 months.

(b) The Zoning Officer shall revoke a permit if he or she determines that:

1. A permittee or any of the persons specified in division (C)(7)(a)9. above is or has been convicted of the offenses specified in division (C)(7)(a)9. above;
2. A permittee gave false or misleading information in the material submitted to the township during the application process;
3. A permittee or an employee of a permittee has knowingly allowed possession, use or sale of controlled substances on the premises;
4. A permittee or an employee of a permittee has knowingly allowed prostitution on the premises;
5. A permittee or an employee of a permittee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
6. A permittee or an employee of a permittee has knowingly allowed any specific sexual activities to occur in or on the permitted premises; and

7. A permittee is delinquent in payment to the township or state of any taxes or fees related to his or her businesses.

(c) When the Zoning Officer revokes a permit, the revocation shall continue for one year and the permittee shall not be issued a sexually oriented business permit for one year from the date the revocation became effective, except that if the revocation is pursuant to division (C)(12)(b)1. above, the revocation shall be effective for two years in the event of a misdemeanor or five years in the case of a felony.

(13) *Transfer of permit.* A permittee shall not transfer his or her permit to another person. A permittee shall not operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.

(D) *Sexually oriented business operations.*

(1) *Purpose and intent.* It is the purpose of this division (D) to regulate sexually oriented businesses to promote the health, safety and general welfare of the citizens of the township and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented business within the township. The provisions of this chapter have neither the purposes nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

(2) *Classification.* Sexually oriented businesses are classified as follows:

- (a) Adult arcades;
- (b) Adult bookstores or adult video stores;
- (c) Adult cabarets;
- (d) Adult motels;
- (e) Adult motion-picture theaters;
- (f) Adult theater;
- (g) Escort agencies;
- (h) Nude model studios; and

(i) Sexual encounter centers.

(3) *Location and operation of sexually oriented business.*

(a) A person is guilty of a violation of this division (D) if he or she operates or causes to be operated a sexually oriented business outside of the district in which a sexually oriented business is a permitted use. No sexually oriented business shall be located outside a district in which a sexually oriented business is a permitted use. Sexually oriented businesses, as defined herein, shall be permitted in the I Industrial Zoning District of the township as a conditional use.

(b) No person may operate or cause to be operated a sexually oriented business within 1,000 feet of:

1. A church;
2. A public or private pre-elementary, elementary or secondary school;
3. A public library;
4. A child-care facility or nursery school;
5. A public park;
6. A nursing home;
7. A sanitarium;
8. A retirement or convalescent home;
9. A group home;
10. A personal care home;
11. An establishment which is licensed to and does sell alcoholic beverages;
12. Other sexually oriented businesses;
13. A residential boundary (A-1, R-1 or R-2 Zoning District); and
14. Property boundary of residential dwelling.

(c) A person is guilty of a violation of this chapter if he or she causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof.

(d) For the purpose of division (D)(3)(b) above, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises listed in division (D)(3)(b)1. to division (D)(3)(b)14. above.

(e) For purposes of division (D)(3)(b)12. above, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closed exterior wall of the structure in which each business is located.

(f) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, to those premises listed in division (D)(3)(b)1. to division (D)(3)(b)14. above within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

(g) All activities pertaining to sexually oriented businesses shall be conducted entirely within the confines of the building. No theater which shows adult-related films shall project the film outside the confines of a building. No music or sound emitting from the business shall be audible to normal human hearing at any time at any exterior property line of the business.

(h) The following hours of operation shall be adhered to by all sexually oriented businesses:

1. No sexually oriented business shall be open from 2:00 a.m. to 11:00 a.m. daily;  
and

2. No sexually oriented business shall be open on Sunday and holidays except that a sexually oriented business open on Saturday may remain open until 2:00 a.m. on Sunday morning.

(i) The maximum gross floor area of any building which is utilized for an adult-related business shall be 2,500 square feet.

(j) No exterior sign which advertises any adult-related business shall include any lewd or obscene work or any figure, picture or painting which utilizes sexually explicit graphics. Other regulations pertaining to commercial signs in this chapter shall also be adhered to.

(k) To ensure that the regulations of this section are adhered to by the applicant, the following information shall be provided with the application for a conditional use.

1. A site survey of the property and building proposed for the sexually oriented business and a survey illustrating the distance to the location, size and type of all buildings and uses within 2,500 feet of the building proposed for the business. Also, the zoning district classification within 2,500 feet of the property and building proposed for the business shall be illustrated on the site survey. The survey shall be prepared and sealed by a surveyor licensed by the state and shall be at a scale no less

than one inch to 100 feet. The survey shall indicate the scale, date drawn, north point, tax parcel number of all parcels illustrated, the names of any roads or highways illustrated and shall be on paper measuring no less than 24 inches by 36 inches. Fifteen copies of the survey shall be submitted with the application.

2. The above-referenced site survey shall indicate the proposed parking layout, landscaping, lighting, sign location, building location and any other exterior improvements.

(l) In addition to a conditional use permit, a site plan shall be required for the development of the site. Requirements for the site plan are in Chapter 152, Subdivision and Land Development, and this chapter.

(m) Alcoholic beverages shall not be permitted on the premises of a sexually oriented business.

(E) *Underground coal mine.* Subject to the standards and criteria of § 153.076(J) of this chapter.

(F) *Automotive recycling and material salvage yards.*

(1) The minimum lot area shall be five acres.

(2) Application for site plan approval shall be made in accordance with requirements of Chapter 152, Subdivision and Land Development of this code of ordinances.

(3) Vehicles, junk, salvage or other materials shall be stored in piles not exceeding eight feet in height.

(4) Vehicles, junk, salvage or other materials shall not be stored on slopes in excess of 5%, within a 100-year floodplain, within a wetland area nor within 150 feet of a stream or body of water.

(5) A minimum of two points of entry/exit to the automotive recycling or material salvage yard shall be provided to a public street. The proposed layout of the automotive recycling or material salvage yard, including points of access, access aisles and access drives, shall be indicated on the site plan submitted with the application and shall comply with Figure RD-01, Appendix A. Access roads shall provide the primary access to and within the site. At a minimum, an access road shall be constructed around the perimeter of the site and shall have a minimum separation on the interior of the automotive recycling or material salvage yard as set forth on automotive recycling or material salvage yard.

(6) The manner of storage of vehicles, junk or other materials shall be arranged in such a fashion that there shall be a minimum separation of 25 feet between the rows of vehicles, junk, salvage or other materials separated by an access aisle and a minimum separation of 40 feet between rows of vehicles, junk, salvage or other materials separated by an access road. No row of vehicles, junk, salvage or other materials shall exceed a length of 250 feet or a width of 50 feet. No access aisle or access road shall have a dead end. Each access aisle shall be connected on each end to an access road. The access

aisles and access roads shall be laid out and maintained in such a manner that fire and emergency equipment and vehicles will have adequate room to turn and move about. See Figure RD-01, Appendix A.

(7) For the purpose of this section, access aisles shall be a minimum width of 16 feet. They shall be excavated to a depth of six inches below finished grade and shall have a crown of no less than one-half inch per foot. PennDOT Type 4 geo-textile shall be placed on the subgrade. A minimum of six inches of PennDOT No 2A aggregate shall be placed. Care should be taken that the construction equipment creates no ruts in the subgrade. The course aggregate shall be graded to have a crown of no less than one-half inch per foot, after which the course aggregate shall be compacted using a vibratory roller to 90% modified proctor. See Figure RD-02, Appendix A. For the purposes of this section, access roads shall have a minimum width of 20 feet.

(8) No vehicles, junk, salvage or other materials, buildings or yard operating equipment shall be stored or accumulated, nor any structure located, within 60 feet of the right-of-way line of any public street, road or highway.

(9) No vehicles, junk, salvage or other materials, buildings or yard operating equipment shall be located within 500 feet of a residential dwelling, church or school on adjoining properties or adjoining residential zoning district boundary.

(10) The site shall be maintained as so not to constitute a public or private nuisance or a menace to public health and safety. The site shall be designed and laid out to prohibit the accumulation of stagnant water. The site shall not cause any offensive or noxious sounds, dust or odors, nor cause the breeding or harboring of rats, flies, mosquitoes or other vermin. The Board of Supervisors may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as it deems necessary to ensure that there is no adverse impact upon the residential function of the district or upon adjacent properties.

(11) No garbage, organic waste, petroleum products, batteries, coolant, hydraulic fluids or hazardous waste shall be stored, buried or disposed of on the site. Tires shall not be stored or stockpiled on site. Before a vehicle is placed in the automotive recycling or material salvage yard, the operator of the automotive recycling or material salvage yard shall remove all gas tanks, batteries, oil, oil filters, coolant and hydraulic fluid, refrigerants and tires. The removal, recycling and disposal of all refrigerants shall be in accordance with the rules and regulations of the Pennsylvania DEP. The operator/owner of the automotive recycling or material salvage yard shall at all times keep written records available on site for their inspection by the Code Enforcement Officer or Zoning Officer for review. Records shall include the date the vehicle, identified by its vehicle identification number, entered the automotive recycling or material salvage yard. All gas tanks, batteries, oil, coolant, hydraulic fluids and tires shall be removed from the automotive recycling or material salvage yard every 30 days. Removal shall be in accordance with the rules and regulations of the Pennsylvania DEP. Records shall include the date and methodology of disposal.

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(12) No open burning or incineration of the disposal of materials or fluids on site shall be permitted.

(13) All shredding and crushing machines used in the automotive recycling or material salvage yard shall not emit any dust, and the noise from these machines shall not exceed 60 decibels as measured at the property lines of the property on which the automotive recycling or material salvage yard is located.

(14) The site shall be enclosed by a metal chain link fence not less than eight feet in height supported on steel posts with solid vinyl slats and a self-latching gate. The fence shall be placed no closer than the required setback line established under division (F)(8) above. There shall be a minimum ten-foot separation between the fence and interior access road(s). No storage outside of the fenced area is permitted. The fence shall be supplemented with screening material, which creates a visual barrier established under § 153.076(I)(5)(o).

(15) Parking and lighting shall be in accordance with the provisions of §§ 153.200 through 153.204.

(16) The automotive recycling or material salvage yard shall be graded so that storm drainage and facilities shall meet all requirements of § 152.086 and other applicable state and township requirements.

(17) The owner(s) and operator(s) of automotive recycling and material salvage yards shall incorporate best management practices as outlined in the *Pennsylvania Handbook of Best Management Practices for Developing Areas* to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

(18) Automotive recycling and material salvage yards may not operate between the hours of 8:00 p.m. and 7:00 a.m. Monday through Saturday nor at any time on Sunday, except to remove any wrecked or disabled motor vehicle from any public street or highway.

(19) Every automotive recycling and material salvage yard, as well as any junkyard in operation as of the effective date of this division (F), shall be subject to inspection and regulation as herein provided. Upon request, the Code Enforcement Officer or the Zoning Officer may at any reasonable time enter upon the premises for the purpose of inspection. The premises shall also be accessible for inspection by federal, state or county officials upon request.

(20) Junkyards in operation as of the effective date of this division (F) as well as automotive recycling or material salvage yards shall obtain a license therefore from the Board of Supervisors. Said license(s) shall be renewed annually upon payment of a license fee as established from time to time by resolution of the Board of Supervisors and subject to inspection by the Code Enforcement Officer or



Zoning Officer to determine continuous compliance with applicable standards. All licenses shall be issued for a term of one year, beginning April 1 and ending March 31 of the following year. (2003 Code, § 170-33) (Ord. 2-93, passed 5-4-1993; Ord. 2-98, passed 8-4-1998; Ord. 1-2009, passed 1-22-2009; Ord. 1-2011, passed 3-7-2011)

**§ 153.167 SPECIAL EXCEPTION PROVISIONS.**

The following special exceptions may be authorized by the Zoning Hearing Board pursuant to the standards and criteria specified herewith:

(A) Integrated business area, subject to the standards and criteria of § 153.151(A); and

(B) Junkyards, subject to the standards and criteria of Chapter 111, Junkyards, as amended. (2003 Code, § 170-34) (Ord. 2-93, passed 5-4-1993)

**§ 153.168 LOT, AREA AND DIMENSIONAL REQUIREMENTS.**

The following requirements shall apply in I Industrial Districts.

<i>Lot, Area and Dimensional Requirements</i>							
<i>I Industrial Districts</i>							
<i>Use Category</i>	<i>Minimum Lot Area (acres)</i>	<i>Minimum Lot Width (feet)</i>	<i>Minimum Front Setback (feet from right-of-way)</i>	<i>Minimum Side Yard (feet)</i>	<i>Minimum Rear Yard (feet)</i>	<i>Maximum Building Height (feet)</i>	<i>Maximum Lot Coverage</i>
<b>Permitted uses</b>							
Barge/docking repair	5	150	75	50	50	40	NA
C-2 uses by right	1	150	75	50	50	40	50%
Hotels/motels							
<b>Conditional uses</b>							
Automotive recycling and salvage yards	5	-	60	-	-	-	-
Landfill	75	500	250	250	250	40	NA
Waste recycling	5	250	150	150	150	40	NA

## Greene Township - Land Usage

<i>Lot, Area and Dimensional Requirements</i>							
<i>I Industrial Districts</i>							
<i>Use Category</i>	<i>Minimum Lot Area (acres)</i>	<i>Minimum Lot Width (feet)</i>	<i>Minimum Front Setback (feet from right-of-way)</i>	<i>Minimum Side Yard (feet)</i>	<i>Minimum Rear Yard (feet)</i>	<i>Maximum Building Height (feet)</i>	<i>Maximum Lot Coverage</i>
<b>Conditional uses (Cont'd)</b>							
Underground coal mining							
Adjunct facility	0.5	120	60	40	40	35	NA
Mine facility	25	200	100	100	100	NA	NA
<b>Special exceptions</b>							
Integrated industry	5	150	75	50	50	40	NA
Junkyards	50	150	60	60	60	35	NA
<b>Notes:</b>							
NA Not applicable							
* All lots shall have a minimum of 2 acres if not serviced by an approved public or community sewage system							

(2003 Code, § 170-35) (Ord. 2-93, passed 5-4-1993; Ord. 3-94, passed 6-7-1994; Ord. 2-98, passed 8-4-1998; Ord. 1-2009, passed 1-22-2009)

### ***SIGN REQUIREMENTS***

#### **§ 153.180 AUTHORITY.**

Signs may be erected and maintained only when in compliance with the provisions of this subchapter and any and all other ordinances and regulations of this township which may be applicable.  
(2003 Code, § 170-36) (Ord. 2-93, passed 5-4-1993)