

EAST BRUNSWICK TOWNSHIP ZONING ORDINANCE

ORDINANCE NO. 2011 – 5

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PREPARED FOR



**EAST BRUNSWICK TOWNSHIP
35 WEST CATAWISSA STREET
NEW RINGGOLD, PA 17960**



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USING THIS ORDINANCE: AN OVERVIEW

This overview provide a general description of the process and method to use this Ordinance but is not considered a part of the actual Ordinance.

Start by using the following parts of the Zoning Ordinance:

1. Please contact the Zoning Officer to make sure you have the latest version of the Zoning Ordinance Text and Map. Copies of the Ordinance and Map are available on the Township website but the official copy is maintained at the Township building.
2. Turn to the **Table of Contents** and the **Index** (at the end of the document) to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
3. Consult the **Zoning Map** to determine the zoning district that includes your lot. Please be aware that information from the County assessment records is not official in regards to zoning districts.
4. Turn to the **Table of Permitted Uses by Zoning District**, which indicates the uses permitted in each zoning district. A use is permitted in three ways:
 - a) by right, or
 - b) by conditional use, (Board of Supervisors approval is required),
 - c) by special exception (Zoning Hearing Board approval is required).
5. Turn to the Respective Zoning District Section and determine the **Lot Size and Setback Requirements by Zoning District**. This table states the required minimum size of each lot and the required minimum distance that buildings must be from streets and other lot lines in each zoning district.
6. Turn to the General Regulations and determine sections that are applicable.
7. Regularly refer to the **Definitions** in Section 201 to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the zoning district that use may be a "**Non-Conforming Use**". In almost all cases, a lawful Non-Conforming Use can continue, can expand within limits, can change to another use within limits, and can be sold. See Section 7 -"Non-Conforming Lots, Uses, Structures and Buildings"

Certain specific uses must comply with **additional regulations**. The "principal uses" (which are the primary use of a property) and the "accessory uses" (which are secondary uses, such as low-intensity businesses in a home) are listed in Zoning District Section and the Table of Uses. For example, additional regulations are listed for sheds, garages and other structures typically found on a residential lot under "Residential Accessory Buildings, Structures and Uses" in Section 602.

If your lot may be flood-prone, see the Township Floodplain Ordinance and the Federal Floodplain Maps (which can be viewed at most municipal buildings or at www.fema.gov).

The following additional considerations should be kept in mind when using this Ordinance:

1. An applicant may apply to the Township **Zoning Hearing Board** for a **Zoning Variance** if he/she is not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the Township for legal advertisements and other costs. See Part 9, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA. Municipalities Planning Code, variances are not permitted unless an applicant proves a legal "Hardship".
2. Generally, if one or more new lots will be created, or existing lot lines will be altered, or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the **Subdivision and Land Development Ordinance (SALDO)** will also apply. That is a separate ordinance.
3. If there will be an increase in impervious area (building additions, new buildings, patios, paved driveways) or impacts upon the stormwater runoff, see the Township Stormwater Management Ordinance.
4. If there will be disturbance of the ground, it may be necessary to use certain measures to control **Soil Erosion**. The County Conservation District oversees these matters.

Any questions concerning this Zoning Ordinance should be directed to the Township Zoning Officer. The Zoning Officer also administers applications for permits.

Part 1 - Title, Interpretation and Application

100. Title. This Ordinance shall be known as and may be cited as "The East Brunswick Township Zoning Ordinance".

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

This Ordinance is enacted in accordance with the Community Development Objectives as set forth in the Comprehensive Plan for East Brunswick Township, dated March 2009. Those Objectives are incorporated herein by reference.

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

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

Part 2 - Definitions

802. General.

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

803. Specific Terms.

ACRE – 43,560 square feet.

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

ACCESSORY BUILDING - a building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building (see Sections 602 and 603).

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

ACCESS STRIP – the narrow piece of property leading from a street or other right-of-way to a wider portion of the lot (flag lot). The minimum width shall provide a minimum of thirty three (33) feet of frontage. The area of the access strip shall not be used to meet the minimum lot widths and area requirements.

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

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

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

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

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

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

- A. Adult arcade.
- B. Adult bookstore, adult novelty store, or adult video store.
- C. Adult cabaret, adult dance hall, adult theatre, adult club, adult bar, adult tavern, adult night club, adult restaurant or any other similar type of adult establishment.
- D. Adult drive-in theatre.
- E. Adult mini motion picture theatre.
- F. Adult motel.
- G. Adult motion picture, theatre.
- H. Adult peep shows.
- I. Any type of sexual encounter center.
- J. Massage parlor.
- K. Nude model studio.

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

- A. Adult Day-Care Home – any adult day-care facility in which services are provided to between four (4) and eight (8) adults and where the day-care areas are being primarily used as a family residence.
- B. Adult Day-Care Center – any adult day-care facility in which services are provided to eight (8) or more adults and where the day-care areas are not being primarily

used as a family residence.

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

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

AGRICULTURAL BUILDING – Any building or structure, whether principal or accessory, the use of which is devoted in whole or in part to an agricultural use. This may include, but not be limited to, the storage of agricultural equipment, produce or products, the housing of livestock or poultry, or the processing of agricultural products. This definition also includes but is not limited to barns, silos, corncribs, implement sheds and other similar types of agricultural structures.

ADULT LIVE ENTERTAINMENT - A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" to any person and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

AGRI-BUSINESS – Processing of agricultural or animal products beyond what is customarily accessory to an allowed agriculture use, forestry or livestock or poultry operation. This term shall not include bulk manufacture of ethanol or similar fuels. The term shall include but is not limited to the following:

- A. commercial animal processing (other than an industrial slaughterhouse)
- B. commercial storage or warehousing of agricultural products
- C. commercial packing, preserving, canning, processing, drying and shipping of agricultural products
- D. commercial aquaculture
- E. commercial mixing, sale and storage of agricultural fertilizers, herbicides, animal feed, pesticides and seeds
- F. commercial sale and repair of tractors or other agricultural equipment
- G. commercial sawmill
- H. commercial composting

AGRICULTURE / AGRICULTURAL USE – The cultivation of the soil and the raising and harvesting of the products of the soil, including nursery and horticulture but excluding forestry. Also including animal husbandry, poultry farming and dairy farming, excluding kennels.

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

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

AIRPORT – An area and related support facilities used for the landing and take-off of motorized aircraft that carry people. An “Airport” shall be an Airport that does not meet the definition of a “Private Airport.”

AIRPORT, PRIVATE – An area and related support facilities used for the landing and take-off of motorized aircraft that carry people and shall be limited to a maximum of 15 total landings and take-offs in any 7 day period, and shall not be available for use by the general public.

ALLEY – See Service Street.

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

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

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

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

Standard weight (lb) Type of animal during production (range)	Standard weight (lb) Type of animal during production (range)
<p><u>Swine</u> Nursery pig 30 (15–45) Finishing pig 145 (45–245) Gestating sow 400 Sow and litter 470 Boar 450</p> <p><u>Beef</u> Calf: 0–8 mo. 300 (100–500) Finishing: 8–24 mo. 850 (500–1,200) Cow 1,150</p> <p><u>Veal</u> Calf: 0–16 wk. 250 (100–400)</p> <p><u>Poultry</u> Layer: 18–65 wk. 3.25 (2.75–3.76) Layer: 18–105 wk. 3.48 weighted avg. Layer, brown egg: 20–65 wk. 4.3 (3.6–5) Layer, brown egg: 20–105 wk. 4.63 weighted avg. Pullet: 0–18 wk. 1.42 (0.08–2.75) Broiler, large: 0–57 days 3.0 (0.09–5.9) Broiler, medium: 0–43 days 2.3 (0.090–4.5) Roaster 3.54 (0.09–7) Male: 0–8 wk. Female: 0–10 wk. Turkey, tom: 0–18 wk. 14.1 (0.12–28) Turkey, hen: 0–14 wk. 7.1 (0.12–14) Duck: 0–43 days 3.56 (0.11–7) Guinea: 0–14 to 24 wk. 1.9 (0.06–3.75) Pheasant: 0–13 to 43 wk. 1.53 (0.05–3) Chukar: 0–13 to 43 wk. 0.52 (0.04–1) Quail: 0–13 to 43 wk. 0.26 (0.02–0.5)</p>	<p><u>Dairy</u> <i>Holstein/Brown Swiss</i> Cow 1,300 Heifer: 1–2 yr. 900 (650–1,150) Calf: 0–1 yr. 375 (100–650) Bull 1,500 <i>Ayrshire/Guernsey</i> Cow 1,100 Heifer: 1–2 yr. 800 (575–1,025) Calf: 0–1 yr. 338 (100–575) Bull 1,250 <i>Jersey</i> Cow 900 Heifer: 1–2 yr. 600 (400–800) Calf: 0–1 yr. 225 (50–400) Bull 1,000</p> <p><u>Sheep</u> Lamb: 0–26 wk. 50 (10–90) Ewe 150 Ram 185</p> <p><u>Goat</u> Kid: 0–10 mo. 45 (5–85) Doe 125 Buck 170</p> <p><u>Horse</u> Foal: 0–6 mo. 325 (125–625) Yearling 750 (625–875) Non-draft breeds: mature 1,000 Draft breeds: mature 1,700</p>

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

ANIMAL SHELTER – A governmental, for profit, non-profit public or private organization that provides temporary homes for stray, surrendered, abandoned or abused pet animals. Animal shelters may also offer veterinary care. Animal Shelter shall adhere to the rules and regulations of a kennel.

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

ANTENNA - An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, wireless internet, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include "standard antenna."

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

ANTENNA, STANDARD - A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals. See "Commercial Communications Antenna."

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

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

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

AREA OF SIGN - the area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or closed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on the surface, the area shall be considered to be the smallest rectangle or other regular geometric figure, which can be drawn to encompass all of the letters and symbols.

AUTO, BOAT AND/OR MOBILE/MANUFACTURED HOME SALES - Any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are met. This use shall not include a mobile/manufactured home park or a junkyard.

AUTO REPAIR GARAGE - An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage." This use shall not include activity meeting the definition of a "truck stop."

AUTO SERVICE STATION - An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station.

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

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

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

BIOSOLIDS – see sewage sludge.

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

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

BOARDING HOUSE - A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A

boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

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

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

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

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

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

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

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

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

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

CABARET - a club, restaurant, bar, tavern, theater, hall or similar place or

establishment which features male and/or female entertainers, including but not limited to topless or bottomless dancers, entertainers, strippers or employees whose performance or activities include, even though not limited to, simulated sex acts, live or actual sex acts, or other "Specified Sexual Activities" and/or reveal or display "Specified Anatomical Areas".

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

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

CAR WASH - (see Motor Vehicle Washing Facility).

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

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

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

- A. Family Day-Care Home - any single- family detached dwelling, the premises meeting the requirements of this Ordinance, in which child care is provided, *at* any one time, for less than twenty-four (24) hours/day to a maximum of six (6) children who are *not* relatives of the caregiver, and where the child-care areas are being primarily used as a *family* residence,
- B. Group Day-Care Home - any single- family detached dwelling, the premises meeting the requirements of this Ordinance, in which care is provided for less than twenty-four (24) hours/day for more than seven (7) but fewer than twelve (12) children, not related to the care-giver, at any one time, where the child-care areas are being used primarily as a family residence, and is registered with the applicable state agency.
- C. Day-Care Center - a facility in which care is provided for seven (7) or more children, unrelated to the caregiver, at any one time for less than twenty-four (24) hours/day where the child-care areas are not being used as a family residence and is registered with the applicable state agency.
- D. "Baby-Sitting" as defined in this Ordinance, is not considered to be a Child Day-Care Facility.

CERTIFICATE OF USE AND OCCUPANCY - a statement, based on an inspection

signed by the Zoning Officer, setting forth that a building, structure, sign and/or land complies with the Zoning Ordinance, and that a building, structure, sign and/or land may be lawfully employed for a specific use, as provided in this Ordinance.

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

CHURCH OR PLACE OF WORSHIP - Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for regularly scheduled religious and/or spiritual worship that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type."

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

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

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

COMMERCIAL COMMUNICATION TOWER - A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna." Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna. See standards in Section 402. This term shall not include a "standard antenna."

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

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

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

COMMUNITY CENTER OR LIBRARY - A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

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

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

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

CORNER LOT - a lot abutting two (2) or more intersecting public or private streets, or at the point of abrupt change or direction of a single street (an interior angle of less than 135 degrees). Upon presentation of an application for establishment of a use on a corner lot, the Township Zoning Officer shall designate which yard abutting a street will be considered the front yard. The yard opposite that yard shall meet the rear yard requirements of the applicable zoning district. Any yard adjoining a street which was not designated the front yard must meet the front yard requirements of the applicable zoning district, and the yard opposite that yard shall meet the side yard requirements of the applicable zoning district. In the case of a building to be placed on a corner lot such that the front of the building will not be parallel to a street line, yards shall be provided so that no building will be placed closer to a street than the front yard requirement of the applicable zoning district, so that no portion of the rear of the building will be placed closer to a lot line than the rear yard requirement of the applicable zoning district, and so that no portion of a side of the building will be placed closer to a lot line than the side yard requirement of the applicable zoning district.

CROP FARMING – farming activity primarily for the growing of traditional crops including but not limited to hay, barley, wheat, corn, soy and also including deciduous and evergreen trees, shrubs, plants and bushes.

Crop Farm planting operations must maintain a 5 ft minimum setback from the edge of

road and/or drainage swale in which no farming/cultivating shall be constructed/planted/maintained, and shall be an all-season buffer.

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

DECK - a structure that is attached to a building and which serves recreational purposes and which is not enclosed by building walls, but which may have a roof or awning, and which is elevated above the ground level.

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

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

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

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

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

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

DISTRIBUTION CENTER - a type of warehouse for the short term storage, and the distribution of, goods and materials for a specific commercial establishment (also see

Warehouse). A "Distribution Center" is not a "Truck Terminal" or a "Truck Stop" as defined in this Ordinance.

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

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

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

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

DWELLING UNIT - a building or structure or portion thereof providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, and having no cooking or sanitary facilities in common with any

other dwelling unit and excluding any garages or garage area. A dwelling unit may have multiple bathrooms, but no more than one kitchen.

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

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

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

FAMILY –

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

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

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

FAST FOOD RESTAURANT - (see Restaurant).

FENCE - a freestanding and uninhabited man-made barrier consisting primarily of wood, metal, plastic, wire, wire mesh, vinyl, aluminum, glass or similar materials. The purpose of the fence is to secure or divide one property from another or part of a property from a remaining part, to assure privacy, to protect the property as so defined or to enclose all or part of the property. A freestanding masonry, concrete, cinder block or stone structure serving the purposes of a fence shall be considered a wall. The height of the fence shall be measured to height of the continuous obstruction (excluding spaces between vertical entities), and does not include the extensions of posts or ornamental caps. The official height for a tapered, rounded or abnormal shaped fence shall be measured to the highest portion of the continuous obstruction, excluding the posts or caps, as deemed by the Zoning Officer.

FLAG LOT - any lot of irregular shape that has a narrow access strip (not meeting the minimum lot widths requirements of the Zoning Ordinance and thus too narrow for the construction of a principal building) leading from a street or other right-of-way to a wider portion of the lot which is intended for construction of a principal building and which wider portion complies with the minimum lot width requirements of this Zoning Ordinance. Flag lots shall have a minimum of thirty three (33) feet of frontage

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

FLOOR AREA –

- A. (Gross Floor Area) the sum of the gross horizontal areas of every floor of a building measured to the exterior faces of exterior walls and to the center line of party walls; includes basement space, atria (open or roofed) and roofed porches, roofed breezeways, roofed terraces, roofed garages, carports and accessory buildings; also included are all cellar/basement and attic areas that have floor surfaces with clear standing headroom (6 feet 6 inches minimum or prevailing code) regardless of use.
- B. (Net Floor Area) that portion of a building's gross floor area which is designed for human occupancy and/or commercial use, not to include elevator shafts, stairways, stairwells, or equipment rooms.

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

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

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

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

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

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

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

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

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

GROUP HOME - A dwelling unit operated by a responsible entity with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act, as amended. A Group Home typically involves an individual residing on the premises for more than 30 days at a time.

- A. Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy.
- B. It is the express intent to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A Group Home shall not include a "Treatment Center."
- D. This use does not include a State-licensed personal care home *or* assisted living facility.

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

- A. Cause or significantly contribute to an increase in mortality or increase in morbidity in either an individual or the total population.
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

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

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

HELIPORT - An area used for helicopters to land and take off, including all auxiliary, service and maintenance facilities related thereto, whether or not said heliport is located upon the ground or upon the roof of a building or structure.

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

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

HOME OCCUPATION - An accessory use for commercial gain which is clearly and customarily incidental or secondary to the residential use of any dwelling unit and which is customarily carried on within a dwelling unit, and the existence of which does not alter the residential character of the subject home itself and/or the residential area thereof, or have any exterior evidence of such secondary use, except for those signs or parking facilities which may be allowed by this Ordinance. Further regulations are provided in Section 614.

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

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

human beings are housed under legal constraint.

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

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

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

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

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

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

INDUSTRIAL - the production and manufacture of goods.

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

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

Any property and/or establishment wherein domesticated pets (and not livestock as defined in this Ordinance) are kept, transported to, transported from, or seen by appointment for the purposes of breeding, boarding, grooming, obedience training, sale, or show purposes. For the purpose of this definition, the production of more than two (2) litters in any calendar year shall be considered “breeding”; and the keeping of more than five (5) of any kind dog, cat or any other pet on the property shall be considered to be a “Kennel” operation.

A Kennel being operated as a commercial business, private entity, or home business shall adhere to all Local, State, and Federal regulations set forth for the operating and maintenance of a Kennel.

A. Definitions

- (1) *Kennel* - Any establishment in or through which at least 26 dogs are kept or transferred in a calendar year, or a boarding kennel as defined in this act.
- (2) *Private Kennel* - A kennel not meeting the definition of "commercial kennel" where dogs are kept or bred by their owner, for the purpose of hunting, tracking and exhibiting in dog shows, performance events or field and obedience trials.
- (3) *Pet Shop Kennel* - Any kennel or person that acquires and sells dogs for the purpose of resale, whether as owner, agent or consignee, and sells or offers to sell such dogs on a retail basis.
- (4) *Dealer Kennel* - A kennel operating within the Commonwealth which:
 - a. publicly or privately sells or offers for sale any dog as an owner, agent or assignee for a fee, commission or percentage of the sale price;
 - b. transfers dogs at wholesale for resale to another; or
 - c. offers or maintains dogs at wholesale for resale to another. The term does not include a pound, shelter or common carrier or a kennel defined elsewhere in this section.
- (5) *Rescue Network Kennel* - A kennel that utilizes rescue network kennel homes with the goal of ultimately transferring the dog to a permanent owner or keeper through any means of transfer.
- (6) *Research Kennel* - Any Federal research kennel or other research kennel duly registered with and inspected by the Federal Government under the provisions of the Animal Welfare Act (Public Law 89-544, 7U.S.C. § 2131 et seq.) and its attendant regulations.
- (7) *Boarding Kennel* - Any establishment available to the general public where a dog or dogs are housed for compensation by the day, week or a specified or unspecified time. The term shall not include a kennel where the practice of veterinary medicine is performed if the kennel is covered by the provisions of the act of December 27, 1974 (P.L. 995, No. 326), known as the "Veterinary Medicine Practice Act." The term shall include any establishment available to the general public that, for consideration, takes control of dog(s) from the owner for a portion of a day for the purposes of exercise, day care or entertainment of the dog. For the purpose of this term, each time a dog enters the kennel it shall be counted as one dog. This term does not include any establishment engaged in only dog grooming or dog training. The term shall include any boarding facility physically detached from the veterinary practice which is operated by a licensed doctor of veterinary medicine, whether or not this facility is on the same premises as a building or structure subject to the provisions of the "Veterinary Medicine Practice Act."

(8) *Non-Profit Kennel* - A kennel registered under the law of this Commonwealth as a nonprofit entity or a nonprofit animal control kennel under sections 901 and 1002. The term shall include kennels operated by approved medical and veterinary schools and nonprofit institutions conducting medical and scientific research, which shall be required to register, but shall not be required to pay any of the license fees set by this act, and which may use their own identification tags for dogs within their kennels without being required to attach tags hereinafter prescribed while dogs are within such kennels, if approved by the secretary.

(9) *Commercial Kennel* - A kennel that breeds or whelps dogs and:

- a. sells or transfers any dog to a dealer or pet shop-kennel, or
- b. sells or transfers more than 60 dogs per calendar year.

(10) *Dealer* - A person who:

- a. publicly or privately sells or offers for sale any dog belonging to another person for consideration, a fee or a commission or percentage of the sale price,
- b. transfers dogs at wholesale for resale to another, or
- c. offers or maintains dogs at wholesale for resale to another.

(11) *Out-of-State Dealer* - A person who does not reside in the Commonwealth of Pennsylvania and who:

- a. Sells or offers for sale a dog in this Commonwealth belonging to another person, for any type of consideration, fee, commission or percentage of the sales price; or
- b. transfers a dog in this Commonwealth for resale to another or any type of consideration, fee, commission or percentage of the sales price.

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

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

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

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

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

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

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

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

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

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

LOT SIZE - (see Lot Area).

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

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

MASSAGE PARLOR - any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association or corporation engages in or carries on the practice of

massage; provided, however, that this definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the Commonwealth of Pennsylvania, nor barber shops or beauty shops in which massages are administered only to the scalp, face, neck or the shoulders. In addition, this definition shall not be construed to include a volunteer fire department, a volunteer rescue squad or a non-profit organization operating a community center, a swimming pool, tennis court, or other educational, cultural, recreational or athletic facilities and facilities for the welfare of the residents of the area.

MASSAGE THERAPIST - a person licensed or certified by the state as a health care professional and/or one certified by a recognized professional organization that requires substantial professional training.

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

MINERAL EXTRACTION - the extraction of minerals from the earth by activities conducted upon the surface of the land which requires the removal of the overburden, strata or material overlying, above or between, the minerals, or by otherwise exposing and retrieving the minerals from the surface. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mine openings are not included in this definition.

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

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

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

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

MUNICIPALITY - East Brunswick Township, Schuylkill County, Pennsylvania

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

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

NO-IMPACT HOME-BASED BUSINESS – a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves neither customer, client, or patient traffic, nor pickup, delivery, or removal functions, in excess of those normally associated with residential use. The activity must further satisfy specified requirements as outlined in Section 613.

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

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

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

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

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

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

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

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

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

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

PARENT TRACT – Those contiguous tracts of land deeded either as a single tract or as one deed with multiple purports prior to the effective date of this Ordinance, that are situate within the Zoning Districts which allocate Development Units or allow Cluster Development. In cases where individually deeded tracts of land are under single ownership, each individually deeded tract will be considered to be its own Parent Tract.

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

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

PATIO/TERRACE – paved outdoor area adjoining a residence.

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

PERMANENT SIGN - any sign which is not a temporary sign

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

PERSONAL SERVICES - an establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, massage therapy, photography studios, travel agency, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses," as herein defined.

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

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

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

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

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

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

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

PRIVATE ROAD – a street not dedicated to East Brunswick Township.

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

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

PUBLIC MEETING - a forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, o. 84) known as the "Sunshine Act".

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

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

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

PUBLIC UTILITIES - a use, or an extension thereof, which is operated, owned or maintained by a municipality or municipal authority, or which is privately owned and requires a "Certificate of Convenience" issued by the Pennsylvania Public Utility Commission (PUC) for the purpose of providing public sewage disposal and/or treatment; public potable water distribution and treatment; and/or for the purpose of providing the transmission of energy, telephone, internet, and/or television service to individual customers.

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

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

- A. For the purposes of this Ordinance, "Recreation" shall be considered "indoor" or "outdoor" recreation and a Recreation Use (as defined in this Ordinance) is either commercial, public, private or residential:
- B. Outdoor, Active - including but not limited to uses a fairground, campground or motor vehicle race track.
- C. Outdoor, Amusement - including but not limited miniature golf, golf driving center, amusement park,
- D. Outdoor, Passive - including but not limited to a community park, picnic grove, golf course, hiking trails, biking trails, hunting club, fishing club, picnicking, bird watching,
- E. Outdoor, Sports - including but not limited to tennis, basketball, baseball, soccer, softball, volleyball, rugby, football, field hockey, lacrosse and other sports playing fields associated with individual or team sports.
- F. Indoor Recreation - including bowling alley, amusement arcade, roller or ice skating, basketball, tennis, racquetball, batting practice and similar uses.

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

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

RECREATIONAL VEHICLE (RV) - a vehicular-type camping unit certified by the manufacturer as complying with ANSI A119.2 or A119.5 and primarily designed to provide indoor accommodations for persons who wish to go "camping". An RV may

either have its own mode of power or is mounted on or towed by another vehicle. The various RV units include camping trailers, fifth-wheel trailers, motor homes, park trailers, travel trailers and truck campers as described below.

- A. Camping Trailer - a recreational vehicle that is mounted on wheels and constructed with collapsible partial sidewalls that fold when the trailer is being towed, by another vehicle and unfold for use (eg; a "pop-up camper").
- B. Fifth-Wheel Trailer - a recreational vehicle designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
- C. Motor Home - a recreational vehicle built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
- D. Park Trailer - a recreational vehicle that meets the following criteria:
 - (1) Built on a single chassis mounted on wheels.
 - (2) Certified by the manufacturer as complying with ANSI A119.5.
- E. Travel Trailer - a recreational vehicle designed to be towed by a motorized vehicle containing a towing mechanism that is usually mounted behind the tow vehicle's bumper.
- F. Truck Camper - A recreational vehicle designed to be securely placed within the bed of a pick-up truck.

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

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

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

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

- A. Restaurant Fast Food - a commercial food purveyor or restaurant that principally sells food and non-alcoholic beverages in a ready-to-consume state, primarily in disposable containers, in bags, or on trays. The consumer primarily orders and receives the food at an inside or outdoor walk-up window or drive-through service area, without the assistance of a waiter or waitress.
- B. Restaurant, General -an establishment that sells food for consumption primarily on the premises, and which may include the sale of beer, wine, or liquor. All food and beverages may be served by waiters or waitresses and are primarily consumed inside the building while patrons are seated at counters or tables but this use can provide for incidental carry-out service, so long as the area used for carryout service does not exceed five percent (5%) of the total patron seating area nor eighty (80) square feet (whichever is less). Food sales shall account for at least fifty-five percent (55%) of the gross income.
- C. Restaurant, Take-out - An establishment that sells food only for consumption off the premises and which may include drive-in, drive-through, or drive-up facilities (where permitted by the underlying Zoning District) for ordering or pick-up and which may include take-out beer as part of its operation.
- D. General Restaurants and Take-out Restaurants may include Catering Kitchens as part of their operations.
- E. A Tavern, as defined in this Ordinance, may also sell food but is not considered a Restaurant.

RETAIL BUSINESS - includes establishments engaged in selling or renting merchandise directly to the consumer and rendering services incidental to the sale or rental of the goods. The establishment is usually a place of business which is engaged in the sale or rental of items that the general public will usually buy. Processing of items in a manner that is incidental or subordinate to the retail sales or rental of said items is often conducted at retail businesses. Buying of goods for resale to the consumer is a characteristic of retail trade establishments that particularly distinguishes them from Personal Services, Professional and Business Services, Commercial Contractor Services, agriculture and extractive industries. Uses shall include, but not necessarily be limited to, Automobile Accessory Store; Bakeries and retail baked goods (limited to 2,000 sq. ft. production floor area); Beverage Distributors; Camera shop and photo finishing services; Confectionary store; Copy centers and job printers; Drug stores and pharmacies; Dry goods and Variety Stores; Flower, card and gift shops; Furniture and

household appliance store; Garden Supply Store; Hardware store, plumbing and electrical supplies, lumber and building materials supply establishments; Toy and hobby shops; Grocery Stores and Specialty Grocery Stores; Haberdashery, apparel, shoe, and jewelry stores; Liquor store; Office and Stationery supplies; Special merchandise stores such as newsstands, book, music and video stores (sales and rentals for off-site use, tobacco shops; Sporting goods store; Studios and shops of artists and artisans. For purposes of this Ordinance, excluded specifically from this definition are Automobile and Motor Vehicle Service Station, Vehicular and Mobile Home Sales and Rental; Truck and Heavy Equipment Sales, Rental, Service and Repair; Auction Houses; Vehicle Auctions; Outdoor Flea, Farmer, and Produce Markets; Restaurants; Taverns and Night Clubs; Pawn Shops; and Adult Business Establishments as defined by this Ordinance.

RETIREMENT COMMUNITY - a planned residential community consisting of a regulated mixture of single-family detached dwellings, single family semi-detached dwellings, townhouses, and garden apartment buildings for persons of fifty-five (55) years of age or older, their spouses or companions. A Retirement Community may include ownership or rental units and must be subject to appropriate covenants, conditions, management policies or other procedures to ensure that the facility provides only housing for persons fifty-five (55) years of age or older. Federal and State Law shall control as to any allowable exemptions to the occupancy rules. The developer, owner, property owners association and/or manager of the housing community or facility shall establish, make available and adhere to policies and procedures which implement the occupancy criteria. A Retirement Community has provisions to provide the option to include a Congregate Care Facility and an Assisted Living Facility to allow the residents the opportunity to transfer from an independent living situation to a semi dependent or dependent care environment, should the need arise.

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

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

RIDING ACADEMY/RIDING STABLES/HORSE BOARDING FACILITIES - commercial facilities where instruction in riding, jumping and showing is offered; where horses are ridden; and where horses are boarded and cared for, all for a fee. This definition does not include the non-commercial personal sheltering, care, and use of horses where permitted.

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

SALDO – East Brunswick Township Subdivision and Land Development Ordinance, as amended in its latest version, or any subsequent enactment thereof.

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

nuisances.

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

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

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

SATELLITE DISH ANTENNA - a device incorporating a reflective surface which can be solid, open mesh or bar-configured and is in the shape of a shallow dish, cone or horn. This term is inclusive of the pedestal and other attachments which the device needs to be functional. Such devices shall be used to transmit and/or receive radio or other electromagnetic waves between terrestrially and/or orbit based transmitters. This definition is meant to include - but not be limited to, what are commonly referred to as "satellite earth stations," "television receivers only" (or "TVRO's") and "satellite microwave antennas." This does not include smaller DirectTV, DishNetwork, Hughes Net or other proprietary TV satellite dishes.

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

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

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

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

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

SELF STORAGE FACILITIES - a building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for storage, and no processing, manufacturing, sales, research and development, testing, service and repair, or other non-storage activities shall be permitted. Only non-hazardous, non-explosive,

inherently-safe, materials may be stored at such facilities: For the purpose of this chapter, the two types of mini-storage warehouse/self-storage facilities are:

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

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

SEWAGE SLUDGE- Liquid or solid sludges and other residues from a municipal sewage collection and treatment system; and liquid or solid sludges and other residues from septic and holding tank pumping from commercial, institutional or residual establishments.

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

- A. **INDIVIDUAL SEWAGE SYSTEM**- a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance to another site for final disposal. The term includes:
 - (1) Individual onlot sewage system - an individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.
 - (2) Individual sewerage systems- an individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than retention in a soil absorption area, or retention in a retaining tank.
 - (3) Community Sewage System - a sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.
 - (4) Community onlot sewage system - a system of piping, tanks or other facilities serving two or more lots and collecting, treating and disposing of sewage into a soil absorption area or retaining tank located on one or more of the lots or at another site.

- (5) Community sewerage system - a publicly or privately-owned community sewerage system which uses method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

SHOPPING CENTER – A unified grouping of Retail Business Personal Services and/or Professional Services contained on a site, owned, operated, or managed by a single entity. A Shopping Center is a group of stores, two (2) or more in number, with or without satellite uses, planned and designed as an integrated unit, with off-street parking provided for both customers and employees on the developed property as an integral part of the unit, with provisions for delivery of goods separated from the off-street parking areas and from customer access. The term "Shopping Center" shall also mean a single store or, a single building with several stores within same, where the total gross floor area of the store or building exceeds twenty thousand (20,000) square feet.

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

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

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

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

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

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

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

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

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

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

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

A. Arterials

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

B. Collectors

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

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

- (1) Local Roads – provides access to land adjacent to collector network. Serves travel over relatively short distances. Constitutes all rural mileage not classified

in one of the higher systems.

- (2) Cul-De-Sac Street – a local road intersecting another street at one end, and terminating in a vehicular turnaround at the other end.
- (3) Half (partial) Street – a street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.
- (4) Marginal Access Street – a local road parallel and adjacent to an arterial street but separated from it by a reserve strip, which provides access to abutting properties and control of intersections with the arterial street.
- (5) Service Street (Alley) – a minor right-of-way providing secondary vehicular access to the side or rear of two or more properties which is not the primary means of access to the properties

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

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

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

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

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

SWIMMING POOL - a pool used for swimming or bathing which has a depth in any

part of twenty-four inches (24) or more.

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

TARGET AND FIRING RANGE - a place where firearms and other projectile-tape weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery crossbows, etc.) can be shot for recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania. Any and all target ranges shall be safely and appropriately sited upon the land, shall include a backstop of either, earthen materials or other impact absorbing materials, and shall not constitute a threat to any person or personal property located within the East Brunswick Township.

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

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

THEATER - a building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

THEATER, DRIVE-IN – an outdoor facility devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use. Patrons primarily entering the facility and/or viewing the production from a vehicle.

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

- A. Clear-Cut - the establishment of a new even-aged stand from the development of new trees after removal in a single cutting of all trees in the previous stand, except trees reserved as part of the Bureau of Forestry reservation guidelines. Regeneration is established after the cut from one or more of the following: natural seeding, direct seeding, planted seedlings, or coppice regeneration. Fences, herbicide, or fertilizer are options to protect or enhance established regeneration for any of the areas having significant deer browsing or other inhibiting vegetation problems.

- B. Diameter-Limit Cut - a timber harvesting treatment in which all trees over a specified diameter may be cut. Diameter-limit cuts often result in high-grading.
- C. High-Grading - a type of timber harvesting in which larger trees of commercially valuable species are removed with little regard for the quality, quantity, or distribution of trees and regeneration left on the site; often results when a diameter limit harvest is imposed.
- D. Improvement Cutting - the removal of trees of undesirable species, form or condition from the main canopy of the stand to improve the health, composition and value of the stand.
- E. Salvage Cutting - the removal of dead trees or trees being damaged or dying due to injurious agents other than competition, to recover value that would otherwise be lost.
- F. Single Tree Selection Method - a method of creating new age classes in uneven-age stands in which individual trees of all size classes are removed more-or-less uniformly throughout the stand to achieve desired stand structural characteristics and regenerate shade-tolerant species.

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

TOWNSHIP - Township of East Brunswick, Schuylkill County, Pennsylvania.

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

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

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

TRADE/HOBBY SCHOOL OR TRADE SCHOOL - A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby, and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school, or ceramics school.

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

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

TREATMENT CENTER - a use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- A. criminal rehabilitation, such as a criminal halfway house;
- B. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
- C. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

Also, a group home that exceeds the number of residents allowed by this Ordinance within a Group Home shall be regulated as a Treatment Center.

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

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

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

UNIT OF USE - a single use.

UNREGISTERED VEHICLE - Any motor vehicle or trailer that does not display a

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

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

VACATION FARM -a farm, still engaged primarily in agricultural production, whether principally or incidentally thereto, which provides accommodations and services consisting of but not limited to, sleeping quarters, eating and recreation facilities and general social activities on the premises, used or intended to be used for temporary or seasonal occupancy by vacationers interested in experiencing "the farm life style".

VARIANCE - minimum relief granted by the Zoning Hearing Board, from the terms and conditions of this Ordinance where literal enforcement would create unnecessary hardship and when granting of the waiver would not be contrary to the public interest.

VEHICLE -

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

For purposes of this Ordinance, Vehicles are defined as:

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

antennas, etc.), but will be measured to the highest point of any flybridge or other boat console.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YIELD PLAN – a conventional lot and street design plan conforming to Township regulations governing lot dimensions, street design, etc.

ZONING HEARING BOARD – East Brunswick Township Zoning Hearing Board.

ZONING OFFICER – East Brunswick Township Zoning Officer or assistants.

ZONING ORDINANCE – East Brunswick Township Zoning Ordinance, as amended in its latest version, or any subsequent enactment thereof.

Part 3 - Zoning Districts

300. Types of Zoning Districts.

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

AP	Agricultural Preservation District
C	Commercial
I	Industrial
RR	Rural Residential
VC	Village Commercial
WC	Woodland Conservation

301. Official Zoning Map

1. The boundaries of the Zoning Districts shall be shown on the "Zoning Map" of East Brunswick Township. The Zoning Map and all notations, references and data shown thereon are hereby incorporated by reference into this Ordinance.
2. The official copy of the Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Secretary of said Board, and bear the seal of the Township.
3. If the Official Zoning Map is amended, an entry indicating the change and the date of the change shall be made on the map and the entry shall include the signatures of the Chairman and Secretary of the Board of Supervisors.
4. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature and number of changes and additions made thereon, the Board of Supervisors may by resolution adopt a new Official Zoning Map, which shall supersede such prior map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Secretary of said Board, and bear the seal of the Township and the corresponding date.

302. District Boundaries.

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

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

2. Where district boundaries are indicated as approximately coinciding with lot lines or municipal boundary lines, such lines shall be construed to be such boundaries.
3. If density or zoning specifications differ between East Brunswick Township and that of an adjoining municipality exist; then the East Brunswick Township Board of Supervisors reserves the right to decide which density or zoning specifications would be in the best interest of East Brunswick Township.
4. Where district boundaries are indicated as being approximately parallel to the center or right-of-way lines of streets or highways, lanes, alleys, railroad tracks, rivers or creeks, such district boundaries shall be construed as being parallel to the center or right-of-way lines at such distance as is indicated on the Official Zoning Map. Districts not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
5. Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or highways, such district boundaries shall be construed as being perpendicular to the right-of-way lines.
6. Boundaries indicated as approximately following Township limits shall be construed as following such limits.
7. Boundaries indicated, as extensions of features indicated in paragraphs 1-5 above shall be so construed.
8. Division of lots by district boundary lines:
 - A. Where a district boundary line intersects a property to the extent that it divides the property into two separate residential zones; AP, WC, RR, C, I and VC, the property will be deemed to be in the lesser dense district unless the East Brunswick Township Board of Supervisors (after a public hearing) agrees to allow the higher density.
 - B. Where a district boundary line divides a lot which was in single ownership at the effective date of this Ordinance, at the election of the Township Zoning Officer the regulations of either zoning district may be extended a distance of not more than two hundred feet (200) beyond the district boundary line into the remaining portion of the lot.

303. Application of District Regulations.

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

1. No part of a yard, common open space, other open space or off-street parking or loading space required in connection with one structure, building or use of the land shall be included as part of a yard, common open space, open space or off-street parking or loading space similarly required for any other structure, building or use of the land, except as permitted or required by this Ordinance or other Township Ordinance or regulations.
2. No yard or lot existing at the time of passage of this Ordinance which meets the requirements of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. A yard or lot existing at the time of passage of this ordinance shall not be further reduced below the minimum requirements of this Ordinance.
3. Where district regulations specify a minimum lot width at the street line (the minimum lot width shall be provided contiguous along the street line) of one street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two or more streets. In the case of a corner lot, the minimum lot width must be provided along the street line of one street, but does not have to be provided along the street line of each street on which the lot fronts.
4. Where district regulations specify a minimum lot width at the building setback line, the minimum lot width shall be provided contiguous along the building setback line established from one street. It is prohibited, when calculating the width of a lot, to add widths along the building setback lines established from two or more streets. In the case of a corner lot, the minimum lot width must be provided along the building setback line established from one street, but does not have to be provided along the building setback line established from each street on which the lot fronts.
5. In the case of a lot of irregular shape in which a portion of the lot abuts a street and a portion not abutting a street abuts the rear yards of lots which have frontage on the same street as does the irregularly shaped lot, on the irregularly shaped lot a building setback line shall be established from the abutting rear yards. As a minimum, the building setback requirement of the applicable zoning district shall be used in establishing such building setback line.

Part 4 - Conservation and Residential Zoning Districts

400. AP – Agricultural Preservation District.

401. Specific Intent.

1. This District generally includes land mapped as prime farmland and farmland of statewide importance by the Soil Conservation Service. It is the purpose of this District to encourage the preservation of the most productive farmland within the Township for agricultural use and to retain the value of this agricultural land that remains in the Township by limiting adverse effects, such as loss of pervious area essential to groundwater recharge, resulting from the encroachment of residential development on agricultural uses. Land is to be used for agriculture and agriculture-related uses unless the land can be demonstrated to be unfit for such purposes.

402. Uses Permitted by Right – See Tables of Uses

403. Uses Permitted by Special Exception – See Tables of Uses

404. Uses permitted by Conditional Use – See Tables of Uses

405. Area, Yard and Height Regulations.

Agricultural Preservation District	MAXIMUM PERMITTED
BUILDING HEIGHT	
Farm Buildings (non-residential)	No restriction
All Other Buildings	35 feet
LOT COVERAGE	25 Percent
PAVED AREA	25 Percent
NUMBER OF LOTS	As many as can be placed on 20% of the Parent Tract Acreage with one (1) acre minimum lots
	MINIMUM REQUIREMENTS
LOT AREA	1 Acre
LOT WIDTH	
At Street Line	100 feet
At Building Setback Line	150 feet
	MINIMUM REQUIREMENTS
BUILDING SETBACK	
FRONT YARD	25 feet
REAR YARD	25 feet
SIDE YARD	
Total	20 feet
One side	10 feet

406. General Regulations.

1. The General Regulations found in Part 6 of this Ordinance shall apply to the AP District.

407. Reserved

408. Reserved

409. Reserved

410. RR – Rural Residential District

411. Specific Intent.

1. It is the purpose of this District to permit limited residential development at low to medium density in an areas currently denoted as residential areas while expand those areas as well as additional areas suitable for residential development in a responsible area.

412. Uses Permitted by Right – See Tables of Uses

413. Uses Permitted by Special Exception – See Tables of Uses

414. Uses permitted by Conditional Use – See Tables of Uses

415. Area, Yard and Height Regulations

RURAL RESIDENTIAL DISTRICT	MAXIMUM PERMITTED
BUILDING HEIGHT	35 feet
LOT COVERAGE	25 percent
PAVED AREA	50 percent
	MINIMUM REQUIREMENTS
LOT AREA	1 Acre
LOT WIDTH At Street Line At Building Setback Line	100 feet 150 feet
BUILDING SETBACK	
FRONT YARD	50 feet
REAR YARD	25 feet
SIDE YARD Total One Side	20 feet 10 feet

416. General Regulations

1. The General Regulations found in Part 6 of this Ordinance shall apply to the RR District.

417. Reserved

418. Reserved

419. Reserved

420. W-C Woodland Conservation District.

421. Specific Intent.

1. It is the purpose of this District to provide for the maintenance and expansion of residential areas at low high densities of development while conserving the existing and woodland and associated resources of the District.

422. Uses Permitted by Right – See Tables of Uses

423. Uses Permitted by Special Exception – See Tables of Uses

424. Uses permitted by Conditional – See Tables of Uses

425. Area, Yard and Height Regulations

W-C WOODLAND CONSERVATION DISTRICT	MAXIMUM PERMITTED
BUILDING HEIGHT	35 feet
LOT COVERAGE	10 percent
PAVED AREA	10 percent
MINIMUM REGULATIONS	
LOT AREA	10 acres
LOT WIDTH	
At Street Line	250 feet
At Building Setback	250 feet
BUILDING SETBACK	
FRONT YARD	50 feet
REAR YARD	50 feet
SIDE YARD	
Total	100 feet
One Side	50 feet

426. General Regulations

1. The General Regulations found in Part 6 of this Ordinance shall apply to the WC District.

427. Reserved

428. Reserved

429. Reserved

Part 5 - Commercial and Industrial Zoning Districts

500. VC - Village Commercial District.

501. Specific Intent.

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

502. Uses Permitted by Right – See Tables of Uses

503. Uses Permitted by Special Exception – See Tables of Uses

504. Uses permitted by Conditional Use – See Tables of Uses

505. Area, Yard and Height Regulations

VILLAGE COMMERICAL DISTRICT	MAXIMUM PERMITTED	CENTRAL WATER OR SEWER	CENTRAL SEWER AND WATER
BUILDING HEIGHT	35 feet		
LOT COVERAGE	75 percent		
PAVED AREA	90 percent		
BUILDING LENGTH	70 percent of Lot Dimension the Building Faces		
MINIMUM REQUIREMENTS			
LOT SIZE Per separately deeded parcel or combination of parcels Per leased pad site	1 Acre	0.5 Acre	2500 SF
LOT WIDTH At Street Line At Building Setback	50 feet 60 feet		
BUILDING SETBACK			
FRONT YARD	20 feet		
SIDE YARD Total One Side	6 feet 3 feet		
REAR YARD	10 feet		
IMPROVEMENT SETBACK	10 feet		

DISTANCE BETWEEN BUILDINGS	10 feet		
DISTANCE BETWEEN HIGHWAY ACCESS POINTS	50 feet		

506. Performance Standards.

1. In addition to the applicable performance standards of Section 608, the following performance standards shall apply:

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

507. Design Standards.

1. The design standards defined in Section 608 shall apply to all uses in a VC District.

508. General Regulations.

1. The General Regulations found in Part 6 of this Ordinance shall apply to the RC District.

509. Reserved

510. C - Commercial District.

511. Specific Intent.

1. It is the purpose of this District to provide an area which, in addition to providing for uses which service the day to day needs of surrounding residential areas, service other commercial uses which are advantageously located near a major highway, serve highway uses or serve greater geographical areas either as individual uses, a combination of uses or as part of a shopping center which may consist of one or more buildings either under common ownership or unified control.

512. Uses Permitted by Right – See Tables of Uses

513. Uses Permitted by Special Exception – See Tables of Uses

514. Uses permitted by Conditional Use – See Tables of Uses

515. Area, Yard and Height Regulations.

COMMERCIAL DISTRICT	WITHOUT CENTRAL SEWER OR WATER	WITH CENTRAL WATER OR SEWER
MAXIMUM REQUIREMENTS		
BUILDING HEIGHT	35 feet	
LOT COVERAGE	50 percent	
PAVED AREA	75 percent	
MINIMUM REQUIREMENTS		
LOT SIZE Per separately deeded parcel or combination of parcels	1 acre	0.5 acre
LOT WIDTH At street line At building setback line	100 feet 100 feet	
BUILDING SETBACK		
FRONT YARD	30 feet	
SIDE YARD Total One Side	60 feet 30 feet	
REAR YARD	30 feet	
IMPROVEMENT SETBACK	20 feet	
DISTANCE BETWEEN BUILDINGS	50 feet 30 feet	
DISTANCE BETWEEN HIGHWAY ACCESS	150feet	

516. Performance Standards.

1. In addition to the applicable performance standards of Section 608 the following performance standards shall apply:

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

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

C. Drive-thru service must be 10-ft from the property line. Covered Drive-thru must meet setbacks.

517. Design Standards.

1. The design standards defined in Section 608 apply to all uses in a C District.

518. General Regulations.

1. The General Regulations found in Part 6 of this Ordinance shall apply to the C District.

519. Reserved

520. I - Industrial District.

521. Specific Intent.

1. It is the purpose of this District to provide an area in which a variety of industrial uses may locate provided that they will not adversely affect the public health, safety and general welfare of the residents and inhabitants of the Township. To accomplish this, performance standards are established. In addition, certain open land uses are permitted if Conditional Uses can be secured.

522. Uses Permitted by Right – See Tables of Uses

523. Uses Permitted by Condition – See Tables of Uses

524. Uses Permitted by Special Exception – See Tables of Uses

525. Area, Yard and Height Regulations.

INDUSTRIAL DISTRICT	MAXIMUM PERMITTED
BUILDING HEIGHT (except Stacks)	80 feet
LOT COVERAGE	40 percent
PAVED AREA	50 percent
MINIMUM REQUIREMENTS	
LOT SIZE	5 acres
LOT WIDTH At Street Line At Building Setback Line	300 feet 300 feet
BUILDING SETBACK	
FRONT YARD	100 feet
SIDE YARD Total One Side	200 feet 100 feet
REAR YARD	100 feet
IMPROVEMENT SETBACK	50 feet
DISTANCE BETWEEN BUILDINGS	50 feet
DISTANCE BETWEEN HIGHWAY ACCESS POINTS	150 feet

526. Performance Standards. See Section 608.

527. Design Standards. See Section 608.

528. General Regulations.

1. The following General Regulations found in Part 6 of this Ordinance shall apply to the I District.

Part 6 - General Regulations

600. Access to Structure.

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

When the Township permits a subdivision to contain a flag lot under the Township Subdivision and Land Development Ordinance, the access strip portion of such flag lot shall have a minimum width sufficient to permit the construction of a service street right-of-way meeting the requirements of the Subdivision and Land Development Ordinance (33 feet), the Area, Yard and Height Regulations of the applicable zoning district notwithstanding. For any such flag lot the "minimum lot width at the street line" requirements of the applicable zoning district will not have to be met but the minimum lot width at the building setback line requirement will have to be met. In the case of a flag lot, the building setback line shall be established in the wider portion of the lot intended for construction of a building and shall be established from the lot line toward which a building will front.

601. Erection of More Than One Principal Structure on a Lot.

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

602. Residential Accessory Buildings, Structures and Uses.

1. General

- A. Except as noted elsewhere in this Ordinance, no accessory building or structure shall be permitted within any required front yard or within ten feet (10') of the side or rear lot line.
- B. The minimum distance between an accessory building or structure within a rear yard and a side lot line shall be the side yard requirement of the applicable zoning district or ten feet (10'), whichever is less.
- C. A Storage Sheds up to 100 square feet foundations shall be located no closer than three feet (3') from any rear or side yard line.
- D. The maximum height of any accessory building or structure shall be twenty five feet (25').

- E. The minimum distance between any accessory building or structure and a principal building shall be ten feet (10').
- F. No permanent accessory building or structure, except for storage sheds shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory. An exception for residential accessory structures on an adjoining lot with contiguous road frontage and deeded to same property owner will be allowed at the discretion of the Zoning Officer (pending other restrictions or notable issues).

2. Use Regulations

- A. Swimming Pool / Hot Tubs / Spas – a permanent barrier or fence shall be installed per the requirements of the applicable International Building Code or Uniform Construction Code. If a fence is required, it shall be a minimum of a 4 ft high.

When draining a swimming pool or hot tub/spa, water shall not be drained onto other property without the owners' consent.

- B. Detached Garages - No garage shall be located within ten feet (10') of a dwelling.
- C. Apartment and Townhouse Accessory Uses - shall be restricted to uses designed solely for residents of the apartment and townhouse units. One office per project for the purposes of administering and renting dwelling units may be established. One "sample" apartment or townhouse for display purposes shall be permitted for each type of dwelling unit to be constructed.
- D. Patios, Terraces - shall not be located closer than ten feet (10') to any property line, except a property line, which is an extension of a common wall, and shall not project into any required front yard.
- E. Accessory buildings or structures to be used for providing animal housing or shelter shall not be located within ten feet (10') of the rear or side lot lines; shall not be located in any front yard.
- F. Earth Station Satellite Receiving Dishes - all freestanding earth station satellite receiving dishes, mounted at ground level, shall be considered accessory structures, and the same shall be subject to the provisions of Section 602.
- G. Sporting Equipment such as but not limited, to Basketball Nets and Poles/Skateboard Ramps/Street Hockey Nets shall not be located within a street right-of-way at any time, or located such that their use would be from the street (cartway).
- H. Recreation facilities classified as "Residential Use" are allowed in all Districts. Tennis Courts, Full Size basketball courts, and similar facilities are not allowed in the front yard and must adhere to all building setbacks. Baskets goal and similar size facilities are exempt from this restriction.

603. Non-Residential Accessory Buildings, Structures and Uses.

1. General

- A. No building or structure shall be located within any required yard setback.
- B. The minimum distance between any accessory buildings or structures shall be ten feet (10'). The minimum distance between any accessory building or structure and a principal building shall be ten feet (10').

2. Use Regulations

- A. Storage Facilities - all such facilities shall be located in areas which have direct access to a street or driveway. The outdoor storage of materials shall be screened from view from adjoining properties and streets and no such area shall be located within fifty feet (50') of any street line.
- B. Living Quarters - Living quarters shall be permitted only for proprietors, watchmen, caretakers or similar employees, unless otherwise provided in this Ordinance.
- C. Recreation, Sports - shall be contained within a landscaped area that adheres to the building setback lines. Fences that are installed shall adhere to the relevant portions of this Ordinance

604. Landscaping (when required by other sections or requirements of this Ordinance)

- 1. Where District Regulations require buffers, screening, planting strips and the like, these shall be subject to approval of the Planning Commission prior to planting. The type and density of planting shall adequately provide the screening effect required year-round.
- 2. Plant materials used in screen planting shall be least five feet (5') in height when planted and should reach the required height and density within three (3) years.
- 3. The screen planting shall be maintained permanently and plant material, which does not live, shall be replaced within one (1) year.
- 4. For non-residential and non-agricultural uses, any part of a site which is not used for building or paved area shall be planted with an all-season ground cover and shall be landscaped according to an overall plan in keeping with the natural surroundings. The overall landscaping plan shall be subject to approval by the Township in accordance with the provisions of the East Brunswick Township Subdivision and Land Development Ordinance.
- 5. All required landscaped areas shall be designed in accordance with PA Best Management Practices. Landscaped areas shall be planted with native vegetation, subject to approval of the Board of Supervisors, or its designated representative(s)

and/or committee(s).

605. Outdoor Lighting

1. Street Lighting Exempted. The Section 605 shall not apply to street lighting that is owned, financed, or maintained by the Township or State.
2. Glare. All lights and signs shall be designed and operated to reasonably minimize the amount of light and glare they generate onto residential lots and streets. All light sources including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots. All light sources, including signs, shall be shielded from creating a nuisance to reasonable persons in adjacent dwellings and to prevent the light from shining into the eyes of passing motorists.
3. Heights of Lights. No luminaries spotlight or other light source that is within 200 feet of a dwelling shall have a height exceeding 25 feet above the average surrounding ground level except for recreational uses which will require Conditional Approval.
4. Design of Lighting shall be in accordance with the Township SALDO.

606. Agricultural Use Regulations

1. General Agricultural Standards
 - A. General Agricultural is a Permitted use in all Zoning Districts
 - B. Large animals are considered swine, beef, veal, sheep, goats and similar size animals per the AEU. General Agricultural uses shall be limited to a maximum 2000 lbs per acre (equivalent animal weight) for large animals. Any situation which exceeds this threshold shall be considered an Intensive Agricultural use.
 - C. Small animals are considered poultry and similar size animals. General Agricultural uses shall be limited to a maximum 500 lbs per acre (equivalent animal weight) for small animals per the AEU. Any situation which exceeds this threshold shall be considered an Intensive Agricultural use.
 - D. All grazing or pasture areas utilized for this purpose shall be fenced and shall be maintained as a stable, non-erodible, surface.
 - E. To control erosion and pollution, a 10' buffer shall be established from the edge of all streams, which shall be kept in an all-season ground cover.
2. Intensive Agricultural Standards
 - A. Intensive agricultural activities shall include the following:

- (1) Parcels/operations than have greater than 2000 lbs per acre (equivalent animal weight) for large animals.
 - (2) Parcels/operations than have greater than 500 lbs per acre (equivalent animal weight) for small animals.
 - (3) Any commercial farming activity in which the primary use is the raising or breeding of animals (other than a kennel)
 - (4) Agri-business
- B. No structure used for an intensive agricultural activity shall be located within four hundred feet (400') of any lot line unless a lesser distance is permitted by Act 6 or any other applicable State law.
 - C. All lots for such uses shall have a minimum size of twenty-five (25) acres, unless a larger lot size is required elsewhere in this Zoning Ordinance.
 - D. All open storage shall be screened in such a manner that it shall not be visible from any point on the lot lines.
 - E. All buildings and structures designated for the use of any regulated activity shall be maintained in good condition.
 - F. A fence shall be maintained around all areas in which animals are kept outside of buildings.
 - G. Solid and liquid waste shall be disposed of in a manner to avoid creating insect or rodent problems, a public health problem or a public nuisance. Noxious, unpleasant gases or odors of any kind shall not be emitted in such quantities as to be detectable outside the lot lines of the tract occupied by an intensive agricultural operation.
 - H. A Nutrient Management Plan shall be prepared for all proposed Intensive Agricultural uses. The Nutrient Management Plan shall be submitted to the Township and shall be reviewed and approved by the Schuylkill County Conservation District.
 - I. All aspects of mushroom production shall be in accordance with Best Practices for Environmental Protection in the Mushroom Farm Community, prepared under the authority of the Solid Waste Management Act (35 P.S. ~6018.101 et seq.) and regulations at 25 Pa. Code Chapter 289, effective date December 12, 1997. The commercial production, processing, or cultivation of mushrooms shall be construed as an Intensive Agricultural activity and therefore shall comply with the applicable requirements of Section 606.2.
 - J. No discharge of liquid waste and/or sewage shall be permitted into a reservoir, sewage or storm disposal system, holding pond, stream or other open body of water, or into the ground unless treated so that the discharge is in total compliance with

the standards approved by the appropriate local, state and federal regulatory bodies and/or agencies.

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

607. Recreational Use Regulations.

- 1. The following controls shall apply to all Commercial, Public (excluding when owned by East Brunswick Township) and Private Recreational uses:
 - A. All activities of a commercial nature shall be clearly accessory to and incidental to the permitted recreational use, such as the charging of admission, the sale of refreshments and the rental or sale of athletic equipment.
 - B. Sleeping accommodations shall be provided only for caretakers and similar types of employees, except in the case of camps intended to provide for overnight accommodations.
 - C. Accessory uses shall be restricted to those providing necessary amenities to members and guests.
 - D. Minimum lot size shall be the minimum lot size for the corresponding District.
 - E. Lighting shall be in accordance with Section 605.
 - F. The noise level emanating from a use shall not exceed 55 dB(A) at any time.
 - G. A complete visual barrier by landscaped screen shall be provided along any lot line adjacent to a residential use for any Outdoor Recreation use.
 - H. All storage shall be completely screened from view from any public right-of-way and any residential use. All organic rubbish or storage shall be contained in vermin-proof containers.
 - I. Trails for motorized bicycles shall be located no less than fifty feet (50') from a lot line.
 - J. An Erosion and Sedimentation Control Plan shall be approved by the Township Engineer, Schuylkill Conservation District or PADEP.

608. Design Standards for Commercial, Industrial, and Educational Uses.

1. Screening - a complete visual barrier by landscaped screen shall be provided along any lot line adjacent to a residential use or residential zoning district.
2. Storage - all storage shall be completely screened from view from any public right-of-way and any residential use. All organic rubbish or storage shall be contained in vermin-proof containers.
3. Landscaping - any part or portion of a site which is not used for building area or parking area shall be landscaped according to an overall plan in keeping with the natural surroundings. Any single parking area with twenty-five (25) or more spaces shall include parking area landscaping of an area that is equal to at least ten percent (10%) of the area covered by parking spaces and aisle ways: said landscaped area shall be in addition to the open area requirements of the applicable zoning district, except in Highway Commercial where the requirement shall be included within the 15% open space requirement. The overall parking area design and associated landscaping shall be subject to approval by the Township in accordance with the provisions of the East Brunswick Township Subdivision and Land Development Ordinance.
4. Access and Traffic Control - No driveway or street to service a use shall be located within one hundred feet (100) from the intersection of any street lines. When any driveway or street shall provide access for more than one hundred (100) parking spaces, the approval of the design shall be subject to review by the Township Planning Commission. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements, which may be imposed in such a review, shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and land markings and signs.
5. Interior Circulation - the interior circulation of traffic shall be designed so that no driveway providing parking spaces shall be used as a public through-street. If parking spaces are indicated by lines with angles other than ninety (90°) degrees, then traffic lanes shall be restricted to one-way permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than ten feet (10) in width. Areas for loading shall be separate from customer parking areas.
6. Shopping Cart Storage - if any use permits shopping carts to be taken from the confines of the store building, storage areas for such carts shall be provided at convenient locations outside buildings.
7. Building Design - At least one entranceway shall be maintained at ground level. All pedestrian entrances shall be paved with an all-weather surface. Curbing shall be provided to separate parking areas, streets and driveways.
8. Curbing, in accordance with Township specifications, shall be installed on all streets proposed for dedication within Industrial and Commercial Parks.

9. New and Used Car Lot/Car Repairs - lot must be paved. They are subject to all sections of the Zoning Ordinance and all outdoor vehicle sales display areas shall be setback from the street right-of-way line the greater of fifteen (15) feet or five (5) feet from the outside edge of the public sidewalk, if sidewalk is present or required. Sales display areas and customer parking areas are subject to the clear sight triangle regulations per Section 617.2
10. All uses shall provide restrooms for employees and customers (where required by law).

609. Adult Entertainment

(This section pertains to an Adult Business, Adult Bookstore, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility)

1. Purposes. The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
 - A. To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the Township. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
 - B. To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
 - C. To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.
2. An Adult Use and its parking area shall not be located within any of the following distances, whichever is most restrictive:
 - A. 500 lineal feet from the lot line of an existing dwelling,
 - B. 500 lineal feet from the lot line of any lot in a residential zoning district,
 - C. 1,000 lineal feet from the lot line of any primary or secondary school, place of worship, library, public park, day care center or child nursery.
3. No Adult Use shall be located within 1,000 lineal feet from any existing "adult use."

4. A 50 feet buffer shall be provided, regardless of zoning district, along the side and rear lot lines. If such buffer does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of 5 feet.
5. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
6. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
7. Pornographic and sexually explicit signs and displays shall be prohibited that are visible from outside of the premises.
8. The Adult Use shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.
 - A. An Adult Use is a distinct use, and shall not be allowed under any other use, such as a retail store or club.
 - B. A minimum lot area of 1 acre is required.
9. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
10. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At an Adult Live Entertainment Use, employees or entertainers shall maintain a minimum distance of 3 feet from customers. This shall include, but not be limited to, a prohibition on "lap dancing."
11. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
12. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment facility."
13. Any application for such use shall state the name and daytime address of an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. A telephone number shall be provided where the on-site manager can be reached during Township business hours. Such information shall be regularly updated in writing to the Zoning Officer.
14. The use shall not operate between the hours of 12 midnight and 7 a.m.

15. As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
16. An adult use shall not be on the same lot as a use that sells alcoholic beverages.

610. Loading Areas.

1. Paved off-street loading and unloading spaces with proper access from a street, driveway or alley, shall be provided on any lot on which a building for trade, business, industry or warehousing, or other use similarly involving receipt of or distribution of materials or merchandise by motor vehicle is hereafter erected or expanded. All such areas for the loading and unloading of vehicles, and for the servicing of establishments by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile access ways, parking facilities and pedestrian ways. Loading areas shall not be located within required front yards and shall not be located within five feet (5) of any side or rear lot line.
2. Under Land Development Plan Approval (Section 808) for Commercial or Industrial Districts, the applicant shall indicate all provisions for off- street loading and include supporting data on the number, frequency and schedules, and size of vehicles which will serve the facility.

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

611A. Off-Street Parking

1. Off-street parking facilities shall be provided whenever:
 - A. A building is constructed or a new use established.
 - B. The use of an existing building or a lot is changed to a use requiring more parking facilities.
 - C. An existing building or use is altered so as to increase the amount of parking spaces required.
2. The size of the parking space is defined in the SALDO. Proper access from a street, alley, or driveway shall be provided.

3. Parking spaces for residential uses shall be located on the same lot as the use served and shall be located behind the street right-of-way line. Parking spaces for other uses shall be provided for on the same lot as the use being served or in parking facilities within three hundred feet (300') of the use and shall not require pedestrian crossing of a public street, except in the case of a shopping center or similar grouping of buildings on a lot, in which case all parking areas shall be provided within the lot boundaries.
4. Joint parking facilities for two (2) or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.
5. All parking spaces and means of access, other than those relating to a dwelling, shall be illuminated during night hours of use. The illumination shall be designed and located so that the light sources are shielded from adjoining properties and public and private streets. The illumination shall not produce a glare noxious at or beyond the boundaries of the parking area.
6. All common parking areas and access drives shall be paved, shall have marked parking spaces, shall be graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. The maximum grade of areas for parking shall not exceed six percent (6%), and the maximum grade of access drives is defined in the SALDO. Surface water shall not be concentrated onto public sidewalks or other premises.
7. No areas necessary to fulfill the off-street parking requirements of this Ordinance shall be used for the sales, dead-storage, repair, dismantling or servicing of vehicles.
8. Off-street parking facilities existing on the effective date of this Zoning Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new building or use.
9. The width of aisles in parking areas is defined in the SALDO.
10. When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below one-fourth (1/4) may be disregarded and any fraction above one-fourth (1/4) shall necessitate the provision of a full parking space.
11. Parking areas for non-residential uses shall be designed such that vehicles will not back out onto the public streets.
12. The design of parking areas shall be such as to prevent the back-up of vehicles on a public street at the entrance to parking areas.
13. Where parking requirements are determined by the number of seats and no permanent seats are provided, only temporary seats, the number of parking spaces to be provided shall be based upon the number of temporary seats in normal usage.
14. Parking areas shall be arranged so that no portion of any vehicle parked within a

designated parking space will extend over any property line of the lot on which it is parked.

15. Parking areas for non-residential uses which are designed to contain more than four (4) vehicles shall be screened from the view of persons on any land zoned VC, RR, AP, or WC which is adjacent to the land on which the non-residential parking area is located, and shall be located a minimum of twenty feet (20') from any land so zoned.
16. Parking areas for non-residential uses shall be located a minimum of four feet (4') from right-of-way line, unless a more stringent improvement setback is imposed by the applicable Zoning District regulations, and the area between the parking area and the street right-of-way lines shall be landscaped. Such parking areas shall be located a minimum of two feet (2') from any side or rear lot line and the area between the parking area and side or rear lot line shall be landscaped.
17. The number of off-street parking spaces to be provided for each use shall be sufficient to accommodate all employee, visitors, and customer parking. Minimum off-street parking requirements shall be as follows:

Residential Uses	Two (2) parking spaces per dwelling unit, not to include garages.
Industrial, Wholesaling or Warehousing Establishment	One (1) space per employee on shift of greatest employment
Restaurant, Tavern or Similar Use	One (1) space for each four (4) seats plus one (1) space for each employee on the shift of greatest employment, or one (1) space per three (3) people of total capacity plus one (1) per employee on the shift of greatest employment, whichever is greater.
Retail and Service, Convenience/Grocery Store with gas pumps	Four (4) spaces per 1,000 sq. ft. of gross leasable area. (no additional parking for employees)
Convenience/Grocery Store without gas pumps	Three (3) spaces per 1,000 sq. ft. of gross leasable area. (no additional parking for employees)
Office Building	One (1) space for each three hundred (300) square feet of gross floor area.
Motel, Hotel, Tourist Home, Bed & Breakfast or Similar	One (1) space for each rental unit plus one space for each employee on the shift of greatest employment.
Medical, Dental and Paramedical Offices	One (1) space per employee plus four (4) spaces for each person engaged in practice
Agricultural Uses	One (1) space per employee of the shift of greatest employment.

Nursing Home, Convalescent Home or Retirement Home, Personal Care Home	One (1) space per employee on shift of greatest employment plus one (1) space for each two (2) beds.
Hospital	One and one half (1-1/2) spaces per bed, plus one (1) space per employee on shift of greatest employment.
Bowling Alley	Five (5) spaces per alley plus one (1) space per employee on shift of greatest employment.
Funeral Home	One (1) space for each three (3) seats, plus one (1) space per employee.
Auditorium, Theater, Place of Worship, Club or Lodge, or Other Place of Public Assemblage.	One (1) space for each four (4) seats, plus one (1) space per employee.
Library or Museum	One (1) space for each three hundred (300) square feet of gross floor area, plus one (1) space per employee.
Nursery Schools and Day Centers	One (1) space per employee plus one space for every 10 children for unloading of children accommodated in the school.
Elementary and Junior High Schools	One (1) space per employee plus one (1) space per two (2) classrooms or offices.
High Schools	One (1) space per employee plus one (1) space per three (3) students to be accommodated at any one (1) time.
Commercial School, Jr. College/College/University	One (1) space per employee plus one (1) space per two (2) students to be accommodated at any one time.
Indoor Recreational Establishments	One (1) space per twenty-five (25) square feet devoted to patron use plus one (1) space per employee.
Motor Vehicle Service Station or Repair Garage	Two (2) parking spaces per service pay plus one (1) per employee on the shift of greatest employment.
Outdoor Recreational Facilities	One (1) space per employee on largest shift plus one (1) space per three (3) people of total capacity.
Shopping Center	Four (4) spaces per 1,000 sq. ft. of gross leasable area. (no additional parking for employees)
Dance Hall, Night Club and similar IBS Assembly Group Ad-2 Structures	One (1) space per two (2) people of total capacity, plus one (1) space per employment on the shift of greatest employment.

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

18. The number of ADA accessible parking spaces shall meet the following guidelines:
 - A. 1 ADA accessible space for lots having 1 to 25 spaces
 - B. 2 ADA accessible spaces for lots having 26 to 50 spaces
 - C. 3 ADA accessible spaces for lots having 51 to 75 spaces
 - D. 4 ADA accessible spaces for lots having 76 to 100 spaces
 - E. 5 ADA accessible spaces for lots having 101 to 150 spaces
 - F. 6 ADA accessible spaces for lots having 151 to 200 spaces
 - G. 7 ADA accessible spaces for lots having 201 to 300 spaces
 - H. 8 ADA accessible spaces for lots having 301 to 400 spaces
 - I. 9 ADA accessible spaces for lots having 401 to 500 spaces
 - J. 2% of the total number of spaces for lots having 501 to 1000 spaces.
 - K. 20 spaces plus 1 for every 100 spaces over 1000 for lots of 1001 spaces and over.
 - L. One in every 6 ADA accessible parking spaces, but not less than 1, shall be designated as van accessible.
 - M. When only one (1) ADA accessible parking space is required, that space shall be designated as van accessible.
19. ADA accessible parking spaces shall be the spaces closest to the nearest accessible entrance to the building served by the parking lot.
20. Each ADA accessible parking space shall have the appropriate signs erected at the front of the space. One set of signs shall be required for every space. All signs shall conform to PennDOT and ADA regulations.
21. The signs shall be mounted on a secure post with the bottom of the lower sign being a minimum of 3.5 feet above the ground level. The required signs are as follows:
 - A. For a standard ADA accessible parking space, a "Reserved Parking" sign, (R7-8) shall be mounted on top and a "Violators Subject to Fine and Towing, Min. Fine \$50, Max. Fine \$200" sign, (R7-8B) shall be mounted on the bottom.

- B. For a van ADA accessible parking space, a “Reserved Parking” sign, (R7-8) shall be mounted on top, a “Van Accessible” sign, (R7-8A) shall be mounted in the middle, and a “Violators Subject to Fine and Towing, Min. \$50, Max. Fine \$200” sign, (R7-8B) shall be mounted on the bottom.
22. Each ADA accessible parking space shall be at least eight feet (8') wide and shall have an adjacent access aisle five feet (5') wide minimum with diagonal white lines.
23. The van ADA accessible parking space shall be at least eleven feet (11 ') wide and shall have an adjacent access aisle five feet (5') wide minimum with diagonal white lines.
24. Each ADA accessible parking space shall have a length identical to the adjacent non-ADA accessible parking spaces in the same parking aisle or parking area.
25. All ADA accessible parking spaces shall be identified by painting the pavement surface handicap blue in color, outlined with white lines.
26. All ADA accessible parking spaces shall be further identified by having the universal handicapped/disabled symbol painted on the blue space. This symbol shall be white in color.
27. All ADA accessible parking spaces and their respective signs shall be regularly maintained to ensure their continued compliance to the law.

611B. Additional Parking Regulations for Commercial and Industrial Zoning Districts.

1. No parking lot shall be located closer to a building than five (5) feet to allow adequate room for landscaping.
2. No more than twenty-five (25) parking spaces shall be placed in a continuous row without an intervening planting island of at least ten (10) feet in width and the length of a parking stall.
3. A minimum of ten (10) percent of any parking lot facility over two thousand (2,000) square feet in gross area (measured from the outside edge of paving to outside edge of paving) shall be devoted to landscaping. This landscaping shall include a minimum of one tree per twenty (20) parking spaces and all planting beds within a parking lot shall be surfaced in lawn or ground cover planting.
4. For any land use where the total number of parking spaces exceeds one hundred (100) stalls, the parking area shall be divided by continuous islands perpendicular to the spaces every one hundred twenty (120) feet this assumes four (4) rows of parking at twenty (20) foot lengths and two (2) aisles each being twenty five (25) feet wide. These divider islands shall be a minimum of ten (10) feet wide.

611C. Drive-Through Facilities.

1. Drive through facilities includes lanes and canopies.
2. The proposed traffic flow and ingress-egress pathways shall not cause traffic hazards on adjacent streets.
3. On-lot traffic circulation and parking areas shall be clearly marked.
4. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off the site. All drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
5. A drive-through lane or canopy situated adjacent to a residential property shall be no less than ten (10) feet from the lot line, with a buffer ten (10) feet in width and screening of at least six (6) feet in height established between said canopy and the lot line.
6. The drive through area of a canopy shall be a minimum of nine (9) feet above grade.
7. All signage, except for clearance, directional and lane availability signs, is prohibited from canopies.

611D. Conditional Reduction of Parking Requirements.

1. Under the Conditional Use Procedures Established in Section 808 of this Ordinance, the Board of Supervisors may permit a conditional reduction of the number of parking spaces required by this Ordinance, in individual cases, if they believe that meeting the condition of this Ordinance could result in more spaces than are actually needed subject to the following:
 - A. The design for the parcel of land in question shall show parking areas which provide the total number of parking spaces required by this Ordinance and meet all requirements of this Ordinance. Those portions of parking areas proposed for initial construction shall be designated, and their location is subject to the approval of the Board of Supervisors.
 - B. Those portions of the parking areas which will not be initially constructed shall be reserved for possible future construction of parking spaces.
 - C. The landowner shall enter into a written agreement, satisfactory to the Board of Supervisors, that within eighteen (18) months after the issuance of the last Certificate of Use and Occupancy on the tract the parking spaces not initially constructed shall be constructed at the landowner's expense should the Board of Supervisors determine, that the total number of parking spaces required by this Ordinance are necessary to adequately serve the uses on the lot. The landowner shall further enter into a written agreement to pay any costs incurred by the

Township in the undertaking of any studies to determine the adequacy of parking facilities. If required by the Township, the landowner shall post a guarantee, satisfactory to the Township, to cover the cost of additional parking facilities which could be required by the Township and the cost of any studies undertaken by the Township.

612. Driveways

1. All driveway entrances or exits into a street shall conform to the provisions of Subdivision and Land Development Ordinance.
2. The grade of driveways shall conform to the East Brunswick Township Subdivision and Land Development Ordinance
3. All Township driveways must be in accordance with the most current East Brunswick Township Driveway Ordinance.
4. A Township driveway permit, PENNDOT minimal use driveway permit, or a PENNDOT Highway Occupancy Permit must be presented to the Township Office prior to any Zoning Permits for uses involving access points being issued.

613. No-Impact Home-Based Business Regulations:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. There shall be no customers coming to the dwelling.
3. The business shall employ no employees other than family members residing in the dwelling.
4. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.
5. There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights.
6. The business activity may not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
7. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
8. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

9. The business may not involve any illegal activity.

614. Home Occupation Regulations.

Home occupations may be allowed as conditional uses approved by the East Brunswick Township Board of Supervisors.

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

- A. The home occupation must be conducted within a residential property and must be clearly incidental to the residential use.
- B. Only a resident of the dwelling unit may practice the home occupation, (i.e. the owner cannot rent out a room in the house for someone to run a business).
- C. Any need for parking generated by the home occupation shall be met off-street on the lot and existing paved area, which the home occupation is carried out; any additional paving shall comply with the maximum allowed in the zoning district in question.
- D. Occupations requiring customers coming to the home may:
 - (1) Allow only two (2) customers at a time; and
 - (2) Conduct business between the hours of 8 am and 8 pm.
- E. Only one person whether paid or unpaid may assist with the home occupation at the dwelling unit (off street parking must be met for this person also).
- F. No more than twenty-five percent (25%) of the total floor area of a dwelling unit shall be used for the purposes of the home occupation.
- G. In the case of repair services, repairs must be made off the property on which the home office is located.
- H. There shall be no external storage of equipment.
- I. No emission of unpleasant gases or other odorous matter shall be permitted.
- J. No emission of noxious, toxic or corrosive gases or fumes injurious to persons, property or vegetation shall be permitted.
- K. No discharge shall be permitted into a reservoir, sewage or storm disposal system, stream, open body of water or into the ground of any materials in such a way or of such nature or temperature which could contaminate any water supply, or damage or be detrimental to any sewage system or any sewage treatment process or otherwise could cause the emission of dangerous objectionable elements. No

hazardous waste or household hazardous waste shall be discharged into sewage disposal systems or public sewers.

- L. No vibration perceptible beyond the structure in which the home occupation is conducted shall be permitted.
- M. No noise shall be audible beyond the structure in which the home occupation is conducted, which exceeds the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.
- N. No emission of any smoke shall be permitted (unless the smoke is from a wood burning stove or fireplace being used for heating purposes).
- O. In the case of childcare services, a maximum of three (3) children (unrelated to the operator) may attend. Caregiver must comply with all requirements of the Pennsylvania Code Title 55. Public Welfare (copies available in the Engineering Department).
- P. No hazardous, explosive or regulated material shall be produced or stored upon the premise in quantities exceeding National Fire Code standards for residences.
- Q. No display of products related to the home occupation shall be visible from adjoining properties or streets.
- R. There shall be no outside advertising in residential areas. In non-residential areas, there shall be no outside advertising other than one (1) one-sided or two-sided sign of no more than six (6) square feet in area of each side and must comply with all other requirements of the sign ordinance regarding placement of such sign.
- S. There shall be no alterations made to the outside of the dwelling in a manner inconsistent with the basic architecture of the dwelling.
- T. Person must register with the municipal tax administrator for tax reporting purposes.
- U. A zoning permit shall be required.
- V. Neighbor impact letters must be submitted.
- W. All home occupations shall be subject to periodic inspections by the Township Code Enforcement Officer or Assistant Code Enforcement Officers to monitor compliance with the provisions of this ordinance and any and all other Township, State and Federal regulations.

615. Front Yard Exceptions.

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

616. Fences and Walls.

1. Except as noted elsewhere in this Ordinance, fences and walls may be located within required yards. No fence or wall shall be erected or planted within the right-of-way lines of any street, nor shall they encroach upon any street right-of-way at any time.
2. The maximum height of a fence within the building setback shall be six feet (6'), unless otherwise required by this Ordinance.
3. Fences shall be constructed of materials listed in the definition and approved by the Zoning Officer, and be of uniform construction and be constructed in a workmanlike manner.
4. When a fence is installed on any lot greater than 2 acres in size, a setback of 5 ft is required for the side and rear property line.
5. If the subject parcel is adjacent to any parcel which is greater than 2 acres in size, any fence installed on the common property line between said parcels shall have a setback of 5 ft.

617. Corner Lot Restrictions.

1. On every corner lot, a yard equal in depth to the front yard requirement of the zoning district in which the corner lot is located, shall be provided on each side of the lot which is adjacent to a street.
2. Clear sight triangles shall be provided at all street intersections. Within such triangles, nothing which impedes vision between a height of two and one-half feet (2-1/2') and ten feet (10') above the center line grades of the intersecting streets shall be erected, placed, planted or allowed to grow, except street signs, traffic lights or signs, utility poles and mail boxes. Such triangles shall be established at a distance as defined in the SALDO for Street Intersections. In addition, sight distances shall meet the requirements of PennDOT Publication 201, Engineering and Traffic Studies,

618. Projections into Yards.

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

- A. Terraces, patios, open porches and decks (provided that such terraces, patios, open porches and decks are not enclosed) are not to be closer than ten feet (10') to any lot line (except a lot line which is the projection of a common wall), and do not project into any required front yard.
- B. Open balconies or fire escapes and projecting architectural features such as bay windows, cornices, eaves, roof overhang, chimneys and window sills, provided that all such features shall project no more than five feet (5') into any required yard, and shall not be closer than six feet (6') to any lot line (except lot lines which are the projection of party walls).
- C. Uncovered stairs and landings, provided such stairs or landings do not exceed three feet (3') six inches (6") in height, do not project more than five feet (5') into any required yard, and are not located closer than six feet (6') to any lot line (except lot lines which are the projection of party walls).
- D. A porte-cochere or carport may be erected over a driveway in a required side yard, provided that such structure is:
 - (1) Not more than fourteen (14) feet in height and twenty (24) feet in length.
 - (2) Entirely open on at least three sides, exclusive of the necessary supporting columns and customary architectural features.
 - (3) At least ten (10) feet from the side lot line.

619. Accessory Building Setback Exceptions.

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

620. Height Exceptions.

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

See also separate Communications Tower Ordinance.

621. Conduct of Agricultural Activities.

Agricultural activities permitted to be conducted within the Township by this Ordinance may be conducted even though those activities may create an annoyance or inconvenience to neighboring residential uses due to sights, sounds, smells or other conditions resulting from the agricultural activities, provided that the agricultural activities are conducted in accordance with any and all regulations of the Township and the State and are not conducted in a manner which creates a definite danger to the health or safety of neighboring uses. To control erosion and pollution, there is established a ten foot (10') buffer from the edge of all streams, which shall be kept in an all-season ground cover. (For Ch 105 construction activities – it is 50 ft, no definitive distances for farming activity for farming activity – only suggested).

622. Steep Slope Controls.

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

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

- (1) Removal of healthy trees and/or vegetation (exotic or noxious species excepted).
- (2) Earth-moving or earth disturbance or other alteration of the site ecology including, but not limited to, the installation of roadways, driveways, on-lot septic systems, sanitary and/or storm sewers lines, infiltration systems and stormwater detention basins.

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

- (1) The total disturbance area, including, but not limited to, the building site, driveway, utility lines, sewer/septic systems, wells, infiltrations systems and stormwater detention/drainage systems, shall not exceed ten (10) percent of the lot area. Or 10,000 square feet, whichever is less.
- (2) There shall be established a Permanent Conservation Easement of at least three hundred (300) feet between any disturbance area and the down-slope property line, except that said area may be traversed by a driveway not exceeding twelve (12) feet in width.

- (3) The applicant shall submit the methods proposed by a Professional Engineer to

preclude any structural and/or foundation problems that may be caused by the steep slope conditions.

623. Removal of Natural Resources.

1. Except where listed as a permitted use, the stripping and removal of topsoil from lots shall not be permitted. Topsoil may be removed from areas of construction, grading, excavation and other earthmoving activities, but shall be stored elsewhere on the lot and stabilized to minimize erosion. Upon completion of the earthmoving activities, the topsoil shall be redistributed on the lot.
2. The removal of other natural resources shall be permitted only when specifically permitted in a zoning district, except as follows:
 - A. As depicted on an approved subdivision or land development plan, but only to the extent necessary for the construction of roadways, utility lines, sanitary sewers, storm sewers and stormwater management facilities.
 - B. As part of construction activities that do not require the approval of a subdivision or land development plan by the Township or for which planning requirements were waived, but only to the extent necessary for the construction of roadways, utility lines, sanitary sewers, storm sewers and stormwater management facilities.
 - C. In conjunction with normal lawn preparation and maintenance; however, the removal of woodland is limited by Section 623(3).
3. The removal of woodlands for the construction of residential dwellings, driveways, and yard area, shall be limited to a maximum of 25% of lot area or 10,000 square feet per dwelling unit, whichever is less, with the following conditions:
 - A. The limit is in addition to the removal of woodland as permitted by Section 623(2.A) and 623(2.B).
 - B. Woodland areas shall not be removed from within Conservation Easements as shown on the approved subdivision and land development plan.
 - C. Individual trees labeled "To Remain" on the approved subdivision or land development plan shall not be removed or negatively impacted by the construction of the dwelling, driveway, or other features associated with the construction of the dwelling without first obtaining written approval from the Board of Supervisors with recommendation from the Planning Commission.

624. Standards for Public Utility Uses.

1. All areas for parking and loading shall be located between the building and rear lot line.
2. If adjoining land is zoned AP, RR, VC or WC, storage or activities outside a building

shall be screened from view from public streets and adjoining lots.

625. Gas or Oils Wells

1. A minimum setback of 300 feet shall be required from a Gas or Oil Well, any accompanying storage tank and any above-ground equipment from any of the following: 1) any existing dwelling on another lot, or 2) any day care center, place of worship, nursing home, hospital, personal care center, park or recreational area, or school. See setbacks from other buildings in the State Oil and Gas Act. A minimum setback of 50 feet shall be required from a Gas or Oil Well, any accompanying storage tank and all related above-ground equipment to any street right-of-way or any lot line, unless a written waiver is provided to the County by the principal owner of record of the adjacent lot.
2. A row of screening shall be provided between any Gas or Oil Well and any existing dwelling on an adjacent lot.
3. A minimum 6 feet high security fence or architectural masonry wall shall be provided around a Gas or Oil Well. If any Gas or Oil Well or related mechanical equipment will be within 600 feet from an existing dwelling on another lot:
 - A. sound walls, acoustical blankets or similar measures shall be used to control noise, and
 - B. movement of trucks onto and off of the property shall not occur between the hours of 9 p.m. and 7 a.m., except for emergency measures.
4. A Zoning Permit shall be required for a Gas or Oil Well. Prior to receiving a Zoning Permit, the applicant shall also provide written notification describing impacts upon the roads.

626. Commercial Storage Facilities.

1. Commercial Storage facilities shall require a land development plan be submitted to the Township for review and approval..

627. Private Airports/Heliport

1. A Special Exception is required from the Zoning Hearing Board if a person desires to maintain a private aircraft on his lot. In addition to the information required elsewhere in this Ordinance, the following information shall be submitted to the Zoning Hearing Board:
 - A. A map of the lot indicating the runway/landing area, necessary approach zone and parking apron;

- B. A statement indicating the reasons for the need to utilize an aircraft and the flight experience of the applicant;
 - C. A description of the type of aircraft to be used with its stated capacities;
 - D. A statement of the intended use of the aircraft and prospective pilots.
2. The following standards shall be satisfied:
- A. There must be a setback called the lateral clear zone extending five hundred feet (500') from the centerline of the runway/landing area to any lot line;
 - B. No aircraft other than one (1) single-engine propeller-driven aircraft or a helicopter shall be permitted;
 - C. No application shall be approved which does not provide a runway of 1,500 feet, an approach zone of 1,000 feet and a parking apron of 1,000 feet;
 - D. No activities shall be permitted by which any commercial use is made of the aircraft;
 - E. Approval from the Federal Aviation Administration shall be received and all FAA regulations shall be adhered to.
 - F. No night landings shall be permitted except for medical emergencies.

628. Manufactured and Industrialized Housing Foundation Requirements.

- 1. Each manufactured or industrialized housing unit shall be provided with a permanent foundation that will not heave, shift, settle or move due to frost action, inadequate drainage, vibration or other forces acting on the foundation. The foundation shall be of adequate size, material and construction so as to be durable and adequate for the support of the maximum anticipated loads during all seasons of the year. All open spaces between the floor and foundation shall be permanently enclosed to prevent unauthorized entry and to conceal supports and utility connections. Every unit shall be anchored to the foundation to prevent overturning or uplift. Manufactured or industrialized housing shall conform to all applicable provisions contained within the Pennsylvania Uniform Construction Code.

The application for placement of the units shall be accompanied by specifications for the foundation and anchoring and calculations indicating that the foundation and anchoring are adequate to meet the standards of this section.

629. Group Home

Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:

- a. The use shall meet the definition in Section 202.
- b. A Group Home shall not include any use meeting the definition of a "Treatment Center."
- c. A Group Home shall include the housing of a maximum of 6 unrelated persons, except:
 - (1) if a more restrictive requirement is established by another code requirement;
 - (2) the number of bona fide paid professional staff shall not count towards such maximum; and
 - (3) as may be approved by the Zoning Hearing Board.
- d. The facility shall have adequate trained staff supervision for the number and type of residents. If the staffing of the facility has been approved by a State or County human service agency, then this requirement shall have been deemed to be met.
- e. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
- f. Any medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any staff meetings shall be limited to a maximum of 5 persons at one time.
- g. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
- h. The persons living on-site shall function as a common household unit.
- i. An off-street parking space shall be provided for the largest vehicle that serves the use.

630. Timber Harvesting/Clearing Procedure

- 1. Timber Harvesting as part of a Forest Management Plan or Forest Stewardship Plan shall adhere to all local, State and Federal guidelines for timbering.
- 2. A forest is more than a collection of trees. It is a dynamic ecosystem, defined by the interactions of living organisms with their environment. To use this resource wisely requires a broad understanding of the biological processes involved as well as an appreciation for the economic, social, and personal pressures that influence woodlot management decisions. By practicing sound forest management, the owner and community can reap great benefits from the forest: clean water, forest products, wildlife, and aesthetic enjoyment. For these reasons timber harvesting shall be done only in accordance with a Forest Management Plan or Forest Stewardship Plan prepared by a forester.
- 3. An Zoning Application/Permit and Tree Inventory Report as defined under this section are not required for a resident to remove/cut/timber trees that were damaged in a storm

event, natural disaster, natural disease, as part of routine property maintenance, or residential tree harvesting for a cumulative harvesting area of less than one acre in any 5 year period.

In any instance in which trees are cleared in an area greater than one acre, the requirements of this Section shall be followed.

In any instance in which trees are removed by a commercial or industrial timbering tree service for the purpose of timber harvesting, the requirements of this Section shall be followed.

4. The Applicant shall submit the following plans and reports at least sixty (60) days prior to the scheduled start of the timber harvest for review and approval by the Zoning Officer considering recommendations from the East Brunswick Township Planning Commission and Board of Supervisors:

- A. The Forest Management Plan or Forest Stewardship Plan containing the following elements:

- (1) Ecological Considerations
- (2) Forest Health
- (3) Soil Resources
- (4) Water Resources
- (5) Fauna Resources
- (6) Flora Resources
- (7) Silviculture/Timber Management
- (8) Non-Timber Forest Products
- (9) Infrastructure

- B. The use of diameter-based cutting methods are not permitted unless fully justified by the forester preparing the Plan. Diameter-base cutting methods include but are not limited to: Diameter Limit Cut and High Grading,

- C. Clear-Cutting is only permitted when the Forestry Bureau's reservation guidelines are followed and is fully justified by the forester preparing the Plan as the timber harvest method necessary to improve a forest or stand that contains defective, dead, diseased or dying trees.

- D. A Tree Inventory Report in accordance with Section 630, shall be prepared for the area included in the timber harvest. The Tree Inventory Report will be utilized to

determine replacement tree requirements in the event that a subdivision or land development plan is submitted within five (5) years of the date that a Zoning Permit is issued to allow the timber harvest. Trees included in the Tree Inventory Report that were considered suitable for preservation with a Preservation Suitability rating of Excellent, Good or Fair and were harvested shall be replaced with trees of the same species or an alternate species approved by the Township Planning Commission at the rate of one half inch replacement diameter per inch diameter of harvested trees. Replacement trees shall have a minimum trunk caliper of two (2) inches at a height of six (6) inches above finished grade. The replacement trees shall be in addition to any required street trees, screen, and landscaping trees.

E. An Erosion and Sedimentation Pollution Control Plan (E&SPC Plan) utilizing Best Management Practices (BMP's) designed to prevent erosion and sedimentation during and after the timber harvest operation shall be prepared at the same time the Forest Management Plan is filled. The E&SPC Plan shall be submitted to the Schuylkill County Conservation District and/or the PA Department of Environmental Protection for approval when required by their regulations or required by the Zoning Officer or Board of Supervisors before the start of the timber harvest. The E&SPC Plan shall also demonstrate compliance with and incorporate the following requirements:

- (1) All cutting, removing, skidding and transporting of trees shall be planned and performed in such manner as to minimize the disturbance of, or damage to, other trees and vegetation and the land. The use of skid trails rather than skid roads is encouraged.
- (2) Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
- (3) Roads and trails shall be only wide enough to accommodate the type of equipment used, and grades shall be kept as low as possible.
- (4) Where possible, stream crossings shall be avoided: but, where deemed necessary, crossings shall be made at a right angle and shall incorporate suitable culverts or bridges.
- (5) Skidding across a live or intermittent stream is prohibited, except over bridges and culverts.
- (6) An undisturbed Buffer of fifty (50) feet shall be maintained in the property on which the timber harvest is being conducted along all streets and abutting properties.
- (7) Buffer of twenty-five (25) feet shall be maintained along any streams and around ponds or springs.
- (8) Everything practicable shall be done to prevent damage to young growth and trees not designated for cutting. Bumper trees should be used to protect residual

trees.

- (9) All limbs and studs shall be removed from felled trees prior to skidding.
 - (10) All trees bent or held down shall be released promptly.
 - (11) No trees shall be left lodged in the process of felling.
 - (12) Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. Felling or skidding on or across streets is prohibited without the express written consent of either East Brunswick Township for township streets or the PENNDOT for state roads.
 - (13) No tops or slash shall be left within fifty (50) feet of any public street right-of-way or adjoining property; within twenty-five (25) feet of any stream or historic or scenic trail; or within ten (10) feet of any drainage ditch or floodplain.
 - (14) The stumps of all felled trees shall be permitted to remain in the soil for stabilization purposes.
 - (15) During periods of abnormal forest fire danger, as determined by the State Fire marshal, the Township shall have the right to order a suspension of all timber harvesting operations until the danger subsides.
5. Timber Harvesting and Tree Removal in Association with Subdivision and Land Development Activities.

By their very nature, trees and green space provide benefits and add value to developments. The ability of trees to improve and maintain the quality of water, soil, and air is well known. Trees also provide shade and help lower temperatures during hot weather. Trees enrich people's lives and beautify landscapes. Preserving trees has positive effects on the image and attractiveness of developments.

It is recognized that development activities will result in the removal of forested areas for the construction of roads, utilities, and structures; however, when planning the subdivision or development consideration shall be given to the preservation, protection, and enhancement of forested areas and individual trees. The following reports and submission information shall be submitted at Sketch Plan stage by the applicant and shall be reviewed by and recommendations offered by the Township Planning Commission and the Township Engineer considered. The reports and supplemental information shall be used to determine the most appropriate layout of the development with consideration given to trees to be preserved and the species, size and location of replacement tree planting.

Timber harvesting / tree removal in association with a subdivision, land development, and construction activities is also governed by the SALDO Section 1132.3.D.

6. A Tree Inventory Report shall be prepared by a qualified horticulturist, forester, arborist, or landscape architect and submitted to the Township Planning Commission at Sketch Plan stage. Corresponding qualifications of the preparer must be included with the Tree Inventory Report shall include the following elements:

- (1) As a minimum the following tree species and sizes shall be included in the inventory:

Tree Inventory List		
Common Name	Scientific Name	Minimum DBH to be Inventoried (inches)
American Beech	<i>Fagus grandifolia</i>	8
American Chestnut	<i>Castanea dentata</i>	4
American Elm	<i>Ulmus americana</i>	8
American Larch	<i>Larix laricina</i> (Duroi)	8
American Linden	<i>Tilia americana</i>	8
Bigtooth Aspen	<i>Populus grandidentata</i>	8
Bitternut Hickory	<i>Carya cordiformis</i>	8
Black Ash	<i>Fraxinus nigra</i>	8
Black Cherry	<i>Prunus serotina</i>	8
Black Gum	<i>Nyssa sylvatica</i>	8
Black Locust	<i>Robinia pseudoacacia</i>	8
Black Oak	<i>Quercus velutina</i>	8
Black Walnut	<i>Juglans nigra</i>	8
Black Willow	<i>Salix nigra</i>	8
Box Elder	<i>Acer negundo</i>	8
Butternut	<i>Juglans cinerea</i>	8
Catalpa	<i>Catalpa bignonioides</i>	8
Chestnut Oak	<i>Quercus montana</i>	8
Choke Cherry	<i>Prunus virginiana</i>	4
Colorado Blue Spruce	<i>Picea pungens</i>	8
Common Hackberry	<i>Celtis occidentalis</i>	8
Common Honeylocust	<i>Gleditsia triacanthos</i>	8
Common Sassafras	<i>Sassafras albidum</i>	8
Cucumbertree Magnolia	<i>Magnolia acuminata</i>	8
Eastern Hemlock	<i>Tsuga canadensis</i>	8
Eastern Red Cedar	<i>Juniperus virginiana</i>	8

Eastern White Pine	<i>Pinus strobus</i>	8
Fire Cherry	<i>Prunus pensylvanica</i>	6
Flowering Dogwood	<i>Cornus florida</i>	4
Mockernut Hickory	<i>Carya tomentosa</i>	8
Northern Red Oak	<i>Quercus rubra</i>	8

Norway Maple	<i>Acer platanoides</i>	8
Norway Spruce	<i>Picea abies</i>	8
Osage Orange	<i>Maclura Pomifera</i>	8
Paper Birch	<i>Betula papyrifera</i>	8
Pignut Hickory	<i>Carya glabra</i>	8
Pin Oak	<i>Quercus palustris</i>	8
Pitch Pine	<i>Pinus rigida</i>	8
Quaking Aspen	<i>Populus tremuloides</i>	8
Red Maple	<i>Acer rubrum</i>	8
Red Mulberry	<i>Morus rubra</i>	8
Red Pine	<i>Pinus resinosa</i>	8
RedBud	<i>Cercis canadensis</i>	4
Scarlet Oak	<i>Quercus coccinea</i>	8
Scots Pine	<i>Pinus sylvestris</i>	8
Serviceberries	<i>Amelanchier</i>	6
Shagbark Hickory	<i>Carya ovata</i>	8
Shellbark Hickory	<i>Carya laciniata</i>	8
Silver Maple	<i>Acer saccharinum</i>	8
Slippery Elm	<i>Ulmus rubra</i>	8
Striped Maple	<i>Acer pensylvanicum</i>	6
Sugar Maple	<i>Acer saccharum</i>	8
Sweet Birch	<i>Betula lenta</i>	8
Sycamore	<i>Platanus occidentalis</i>	8
Table Mountain Pine	<i>Pinus pungens</i>	8
Tulip Tree	<i>Liriodendron tulipifera</i>	4
Virginia Pine	<i>Pinus virginiana</i>	8
White Ash	<i>Fraxinus americana</i>	8
White Oak	<i>Quercus alba</i>	12
Witch Hazel	<i>Hamamelis virginiana</i>	4
Yellow Birch	<i>Betula alleghaniensis</i>	6

(2) Tree Identification Number.

(3) Species.

- (4) Diameter at Breast Height (DBH) typically 4.5 feet from the ground.
- (5) Tree Height.
- (6) Distance to Dripline at the four compass points.
- (7) Direction of Low or Unusual Branching (by compass points).
- (8) Tree Condition: Good, Fair, or Poor.

Guide for Assigning Condition Class of Trees			
Condition	Deadwood	Foliage	Trunk
Good	Dieback limited to less than 10 percent of the smaller branches	Normal for species in size and color. Crown density is normal	Less than 20 percent of trunk circumference has any dead bark. No decay fungus mushrooms present.
Fair	Dieback includes 10-20 percent of smaller branches and 1 to 2 large, dead branches	Reduced in size. Lighter in color than normal. Crown density is sparse.	20-40 percent of trunk has dead bark. Decay fungus mushrooms may be present.
Poor	Dieback includes more than 30 percent of small branches, 3 or more major branches	Greatly reduced in size. Lighter in color than normal. Crown density is sparse.	More than 40 percent of the trunk circumference has dead bark, decay, or hollow. Decay fungus mushrooms may be present.

- (9) Suitability for Preservation: Excellent, Good, Fair, or Poor.

Species, condition, size, age, and other factors are to be used by the qualified inspector to evaluate the suitability of a tree for preservation. In general, certain tree species are more desirable for preservation than others. For example, because white oaks and sycamores are structurally stronger and live longer than silver maples or cottonwoods, they should be given a higher suitability for preservation. Silver maples have a lower preservation value because of their potential to develop structural weakness and to therefore be hazards in developed areas, especially if their roots are damaged during construction. Species with undesirable characteristics such as narrow branch angles, weak wood, susceptibility to severe pest problems, or short life expectancy should be

given a lower suitability for preservation than more desirable species.

Condition, size, and age also are important factors in determining a tree's suitability for preservation. For example, a large white oak with decay, many lost branches, and no historical value would have a poor suitability for preservation, while a large white oak in good condition would have a good or excellent suitability for preservation.

(10) Maintenance Recommendations and Comments

In the inventory, recommended actions are made to improve the health and structure of worthy trees, especially landmark and other prominent trees. These maintenance recommendations include needed irrigation, fertilizing, pest and disease management, cabling or bracing, and especially pruning.

- B. The information gathered in the Tree Inventory Report is summarized in a Tree Report.
- C. Trees included in the Tree Inventory Report with Suitability for Preservation rating of Excellent, Good, or Fair shall be depicted on the site and grading plans indicating the location tree trunks, canopy dimensions and trunk elevation.
- D. The Township acknowledges that a timber harvest may be appropriate outside of the area of the proposed subdivision or land development to enhance the wildlife, and aesthetic the value of the forest. The timber harvest shall not take place prior to the Final Plan approval of the subdivision or land development. The following shall be submitted in support of such a timber harvest:
 - (1) A Forest Management Plan or Forest Stewardship Plan as outlined in Section 630 shall be submitted; however, the timber harvest shall only be by one of the following methods:
 - a. Improvement Cutting
 - b. Salvage Cutting
 - c. Single Tree Selection Method
 - d. The use of other methods, except Diameter Limit Cut, High Grading, and Clear Cutting, may be considered by the Township Planning Commission when fully justified by the forester preparing the plan.
 - (2) An Erosion and Sedimentation Pollution Control Plan (E&SPC Plan) as outlined in this Section shall be submitted. The E&SPC Plan for the timber harvest may be incorporated into the overall E&SPC Plan for the development provided that the requirements of Section 630.1 .C are met.

E. Replacement tree requirements.

7. Trees included in the Tree Inventory Report within the area of proposed development i.e. within proposed street right-of-way, sanitary sewer, water line, storm sewer easements and initial building site locations that were considered suitable for preservation with a Suitability for Preservation rating of Excellent, Good or Fair and were harvested or removed for development shall be replaced with trees of the same species or an alternate species approved by the Township Planning Commission at the rate of one-half inch replacement diameter per one inch diameter of harvested or removed trees. Replacement trees shall have a minimum diameter of two (2) inches at six (6) inches above ground.

(1) Trees included in the Tree Inventory Report that are outside of the proposed development area and considered suitable for preservation with a Suitability for Preservation rating of Excellent, Good or Fair and were harvested shall be replaced in accordance with the Forest Management Plan or Forest Stewardship Plan submitted as part of the timber harvest.

(2) The replacement trees shall be in addition to any required street trees, screens, and landscaping trees and shall be located within the development area.

B. Forest/woodland areas outside of the proposed development area and woodlands and trees running through the development area along streams, rivers, wetlands, and other natural drainage features as determined suitable for protection shall be protected by a conservation easement prohibiting the removal of trees, other than those that have degraded to a poor rating as defined in Section 630.2.A(8) and those trees which constitute a hazard to life or property, without first obtaining approval from the Board of Supervisors with recommendations from the Planning Commission and Environmental Advisory Council.

C. The subdivision or land development plan shall include a Tree Preservation Plan including any trees scheduled for preservation and measures necessary to ensure their preservation including but not limited to the construction of retaining walls, no fill/cut zones, no construction traffic or stockpile of material zones, and maintenance recommendations from the Tree Inventory Report.

D. Any deviation from the Tree Preservation Plan resulting in impacts to or removal of trees designated for preservation shall require the approval by the Board of Supervisors with recommendations from the Planning Commission and Environmental Advisory Council.

8. Tree Removal in Preparation for Construction Activities on Lots Pre-Dating this Ordinance.

Trees within forested areas on lots that are not part of a subdivision or land development for which a Tree Inventory Report, Timber Harvest Plan, Timber Stewardship Plan and/or a Preservation Plan was prepared shall be permitted to be removed in accordance with the following:

- A. Trees may be cleared for the construction of a dwelling, driveway, utilities, stormwater management facilities, on-lot sewage disposal systems and the corresponding limits of the cut/fill lines to construct these facilities.
 - B. A minimum of 25% of the standing trees shall remain. A plan denoting the area of trees to be preserved shall be provided.
 - C. In addition to the tree removal limits set forth above, any additional trees with a Condition Rating of Poor may be removed from the site.
 - D. Clear-Cutting is only permitted when the Forestry Bureau's reservation guidelines are followed and is fully justified by a forester who provides a Plan as for the timber harvest method necessary to improve a forest or stand that contains defective, dead, diseased or dying trees.
9. Tree Removal in Preparation for Farming and Agricultural Area.

Trees within an area to be cleared for agricultural use may be removed in accordance with the following:

- A. Trees may be cleared for Crop Farming per the approved methods in this section but a Tree Inventory Report must still be developed before the tree removal can occur.
- B. If the property is not utilized for agricultural uses for five (5) years after the completion of the timber harvesting process, replacement trees shall be planted per the requirements of this section.

631. Dwelling Unit Determination.

In determining the maximum number of dwelling units permitted in a townhouse or apartment development or a mobile home park and the maximum number of travel trailer or tent sites permitted in a campground, the permitted maximum gross density shall be multiplied by the net acreage of the apartment or townhouse development, mobile home park or campground. The net acreage is the total acreage of the tract being developed minus the acreage of the tract that contains slopes of twenty-five percent (25%) or greater, one hundred (100) year flood plains, wetlands, utility rights-of-way and road rights-of-way.

632. Storage of Vehicles.

- 1. Automotive vehicles or vehicular dwellings of any type, must have a current license plate, current state registration and current vehicle state inspection to be parked within a State or Township Right-of-Way.

633. Solar Energy Systems.

- 1. The use of solar energy systems, including solar collectors, storage facilities, and

distribution components, for space heating and cooling and water heating is a permitted use in all zoning districts.

2. Solar energy collectors and equipment used for the mounting or operation of such collectors are exempt from the height limitations stated in the zoning ordinance.
3. Apparatus necessary for the operation of solar energy systems, such as overhangs, moveable insulating walls and roofs, and reflectors may project up to six feet (6) into required yards provided that they are not located closer than six feet (6) to any lot line.
4. Detached solar collectors used solely for such purpose shall be considered permissible accessory structures in all zoning districts, but shall not be included in computing lot coverage.

634. Reserved

635. Re-subdivision.

1. A re-subdivision is considered a subdivision and shall be carefully reviewed in accordance with SALDO to assure that all appropriate standards set forth in this Ordinance are maintained.

636. Portable Toilets

All buildings and uses generating sewage shall be connected to public sewers if they are within one hundred and fifty feet (150') of said public sewers, or to approved, permitted and functioning on-site septic treatment systems if beyond 150' of public sewers.

Portable toilets shall be allowed only as follows:

1. At construction sites for the use of workers while on-site.
2. Special events such as parades, inaugurations, etc.
3. Municipal use.
4. Seasonal use.

637. Bed and Breakfast

1. The bed and breakfast shall remain incidental and secondary to the principal use of the building as a dwelling.
2. The operator of a bed and breakfast shall reside in the dwelling house of said facility. Non-resident employees shall be restricted to two (2) in addition to the resident members of the family.

3. A maximum of six (6) bedrooms shall be devoted to the bed and breakfast use.
4. Exterior and interior alterations shall be limited to those customarily associated with residential use or those which may be required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by another government agency. Fire escapes, external stairways, or additional external doors shall be located either to the side or rear of the residence.
5. There shall be no separate cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast and eating facilities shall be open only to guests.
6. When located within one hundred (100) feet of residential use, outdoor recreation amenities, shall be limited to the hours of 9:00 a.m. to 10:00 p.m.
7. Where an on-lot sewage disposal system is to be used, the application for the use shall be accompanied by a valid East Brunswick Township Sewage Enforcement Officer permit verifying that the existing or proposed sewage system can accommodate the maximum potential usage and that an appropriate site for a replacement system is available should the existing system fail.
8. Signs associated with the bed and breakfast facility shall be in accordance with Section 643.
9. Bed and breakfast facilities shall provide overnight lodging accommodations not to exceed fourteen (14) consecutive nights per patron.

638. Yard Sale

Yard sales shall be governed by the following:

1. Four (4) yard sales are permitted per household in any calendar year.
2. The maximum duration of any yard sale shall be three (3) consecutive calendar days.
3. Any individual, group, or corporation posting advertisements within the Township shall remove from the Township right-of-way all signs, flyers, posters, and bulletins no later than the date after the yard sale. Should the yard sale not be held, all signs, flyers, posters, and bulletins advertising the yard sale shall be removed no later than the scheduled last day of the yard sale.

639. Tank Farm

1. No materials or wastes shall be deposited upon a lot in such a form or manner that it may be transported off by natural causes or forces.
2. No substance which can (i) contaminate groundwater or surface water, (ii) render

groundwater or surface water undesirable as a source of water supply or recreation, or (iii) destroy aquatic life shall be allowed to enter any groundwater or surface water.

3. Tank farms shall be subject to all applicable regulations of the Pennsylvania Department of Environmental Protection.

A. Fencing

(1) Fencing Design

- a. Fencing shall serve as a structural barrier for the protection of physical assets and personnel. Fencing shall be used to channel authorized vehicle and pedestrian traffic to specific gate locations at the facility.

(2) Fence Fabric

- a. The fence fabric shall be made of a heavy metal fabric appropriate to the service it is in; it should be clad with a protective coating of zinc, aluminum or aluminum alloy. The fence fabric shall withstand a breaking load sufficient to protect the fence from breaching under normally expected stress. Mesh openings in the fabric shall be no larger than 2 (two) inches.
- b. The fence fabric shall have a minimum height of 6 (six) feet.

B. Fence Installation

- (1) In areas where the fence is over hard surfaces (soil or pavement), the bottom of the fence fabric shall be no more than 2 (two) inches above the surface.
- (2) In areas where the fence is over soft surfaces (soil, gravel or sand) the bottom of the fence fabric shall be below the soft surface to account for erosion. If this installation does not provide adequate protection, the bottom of the fence shall be anchored to the ground and shall have a bottom rail or support wire.
- (3) In areas where the fence crosses uneven grades (streams, culverts or hills) the fence fabric will be extended with additional fence fabric or grating to deter penetration.
- (4) Fence installations shall not disrupt the flow of water.
- (5) There shall be no gaps in the fence line that would allow an individual unauthorized access.
- (6) A top rail shall be installed on the top of the fence.
- (7) Fencing fabric shall be stretched taut.
- (8) Fencing installation hardware shall be of sufficient strength for the application

and shall be resistant to environmental conditions and individual tampering.

- (9) The fence shall have a 3 (three) strand barbed wire top guard facing outward from the facility at a 45 (forty-five) degree angle. The barbed wire strands in the top guard shall be spaced 6 inches apart. The arms supporting the barbed wire top guard shall withstand a weight of 250 (two hundred and fifty) pounds applied at the outer strand of barbed wire. The overall height of the fence with the barbed wire shall be a minimum of 8 (eight) feet.

C. Posts (Fence and Gate)

- (1) Fence line posts shall be spaced equidistantly with no more than 10 (ten) feet between posts.
- (2) Fence posts shall withstand a breaking load sufficient for the service it is being placed in (but not less than 1,000 pounds).
- (3) The diameter of the postholes shall be at least 4 (four) times the largest cross section of the post.
- (4) The depth of the postholes shall be a minimum of 36 (thirty-six) inches.
- (5) After the post has been set plumb and is in alignment, the posthole shall be filled with concrete.
- (6) The exposed surface of the concrete shall be crowned in order to shed water.
- (7) Terminal posts shall be braced diagonally to the nearest line posts. The angle between the brace and the ground shall be no more than 50 (fifty) degrees.
- (8) Post tops shall consist of ornamental tops or combination tops with barbed wire supporting arms as required for the fence service.

640. Apartments and Townhouses:

1. The development shall be served by public or community sewage disposal and public or community water supply facilities.
2. The minimum amount of land in the development shall be five (5) acres.
3. A system for pedestrian circulation throughout the development shall be provided.
4. The maximum height of any building shall not exceed forty-five (45) feet.
5. The minimum building setback line shall be twenty-five (25) feet.
6. The maximum length of an apartment building or a row of townhouses shall be one

hundred sixty feet (160).

7. No more than four (4) continuous townhouses shall have the same front setback and the variations in front setback shall be at least two (2) feet.
8. No more than six (6) townhouses shall be in a continuous row.
9. The minimum width of a townhouse shall be eighteen feet (18).
10. No townhouses or apartment building shall be located within fifty feet (50) of a property line of the development.
11. No townhouse shall be located within fifty feet (50) of a dwelling which is not in the same row of townhouses.
12. No more than thirty percent (30%) of the total area of the development shall be covered by buildings.
13. No more than thirty-five percent (35%) of the total area of the development shall be paved.
14. Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash and rubbish shall be contained in vermin-proof containers.
15. No less than twenty percent (20%) of the total area of the development shall be permanently set aside for non-commercial common open space purposes, such as parks, recreation or conservation of natural features. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses.
16. Common open space areas may be reserved for private use or dedicated to the Township, if acceptable to the Township. For land which is not dedicated to the Township, a written agreement satisfactory to and approved by the Township Supervisors shall be made for the perpetual preservation and maintenance of the undedicated common open space areas.
17. Off-street parking spaces shall be provided in accordance with Section 611(17).
18. All dead-end parking lots shall provide adequate areas into which cars parked in the end stall of the lots may back.
19. Common parking areas and access drives shall be located a minimum of twenty feet (20') from all structures and from the exterior of lot lines of the development.
20. Entrance and exit ways to parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.
21. Parking areas shall not be designed or located to require cars to back into Collector or

Arterial Streets (as defined in the Township Subdivision and Land Development Ordinance) in order to leave the parking areas.

22. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
23. Entrances and exits from common parking areas shall be located a minimum of fifty feet (50') from the point of intersection of the nearest street curb lines.

641. Electric Power Production

1. All generating stations, fuel storage facilities and yards, and electric substations shall be enclosed by a fence with a minimum height of eight (8) feet.
2. All fuel stored within tanks is subject to Section 639, Tank Farms.
3. All Federal, State and supplemental requirements as specified in this Ordinance pertaining to environmental regulations and performance standards shall be satisfied. It shall be the burden of the applicant to provide the Township with written proof that all said permits have been obtained from the various Federal and State agencies having jurisdiction over the facility.
4. A screen shall be provided between the facility and any residentially used or zoned property.
5. Area, Yard and Height Regulations for Section 641 & 642

	MAXIMUM PERMITTED
Building Heights (except for stack)	80 feet
Building Lot Coverage	65 percent
MINIMUM REQUIREMENTS	
Lot Size	5 acres
Building Setback	100 feet
Lot Width	
At street line	300 feet
At building setback line	300 feet
Open Area	30 percent
Side Yard	
Total	150 feet
One Side	75 feet
Rear Yard	50 feet
Improvement Setback	20 feet
Distance Between Highway Access Points	100 feet

642. Cogeneration Electric Power Production

1. All generating stations, fuel storage facilities and yards, and electric substations shall be enclosed by a fence with a minimum height of eight (8) feet.
2. All fuel stored within tanks is subject to Section 639, Tank Farms.
3. All Federal, State and supplemental requirements as specified in this Ordinance pertaining to environmental regulations and performance standards shall be satisfied. It shall be the burden of the applicant to provide the Township with written proof that all said permits have been obtained from the various Federal and State agencies having jurisdiction over the facility.
4. When the cogeneration facility is intended as an accessory use to an existing or proposed sanitary landfill on a site, and is intended to utilize methane generated on-site as the source of fuel the following conditions shall be met:
 - A. The methane shall constitute at least sixty (60) percent of the fuel source used to generate electricity.
 - B. It shall be demonstrated that there is a net environmental benefit within the Reading Area Air Basin (as defined by EPA) in the operation of the cogeneration facility over not operating the facility.
5. A screen shall be provided between the facility and any residentially used or zoned property.
6. Area, Yard and Height Regulations.

	MAXIMUM PERMITTED
Building Heights (except for stack)	80 feet
Building Lot Coverage	65 percent
MINIMUM REQUIREMENTS	
Lot Size	5 acres
Building Setback	100 feet
Lot Width	
At street line	300 feet
At building setback line	300 feet
Open Area	30 percent
Side Yard	
Total	150 feet
One Side	75 feet
Rear Yard	50 feet
Improvement Setback	20 feet
Distance Between Highway Access Points	100 feet

7. No access point shall be permitted to U.S. Route 422. All access points shall be to a road which intersects U>S> Route 422 at a traffic light.

8. The land on which all improvements are made shall be aesthetically improved so as to complement the neighborhood wherein they are constructed and a landscaping plan shall be submitted in accordance therewith unto the Township for approval.

643. Signs, Regulations for signs.

1. General Regulations Applicable to all Signs.

- A. Except in the case of traffic control signs, school warning signs, time and/or temperature signs and similar signs, signs shall not contain moving parts nor use flashing or intermittent illumination, and the source of light shall be steady and stationary.
- B. No sign shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.
- C. At all street intersections, no sign except traffic control signs, school warning signs, and similar signs as provided for by other portions of this Ordinance shall be permitted within a clear sight triangle established for a distance of seventy-five (75) feet from the point of intersection of the center lines of the intersecting streets.
- D. No sign other than traffic control signs, school warning signs, and similar signs shall be erected within the right-of-way lines of any street or extend over any street right-of-way.
- E. No sign shall be utilized in a manner, which produces a noxious glare at or beyond the boundaries of the lot on which it is located. No direct beams of light shall be directed toward adjacent properties or public roads, and all light sources shall be shielded from adjoining properties, streets, and public roads.
- F. No sign shall be erected or located so as to prevent free ingress to or egress from any window, door, or fire escape.
- G. No sign, which emits smoke, vapors or particulates, sound, or odor shall be permitted.
- H. No red, green or amber lights shall be permitted unless contained within a school warning sign, traffic control sign or similar sign.
- I. No portion of any sign shall project over a lot line.
- J. The area immediately surrounding each sign shall be kept in a clean, sanitary, and healthful condition. No accumulations of loose paper, bottles, cans, garbage, or similar items shall be permitted.
- K. Every sign shall be constructed of durable material and kept in good condition.

Peeling paint shall be removed and replaced, broken letters or other parts shall be repaired or replaced, broken lights shall be replaced, and similar maintenance tasks shall be performed when necessary. Any sign which becomes dilapidated or which creates a hazard to the public health, safety or welfare shall be removed at the expense of the owner or lessee. The Township Code Enforcement Officer shall make the determination as to the state of repair or the presence of a hazard. All signs shall be installed in compliance with building and electrical codes as required by the Code Enforcement Officer.

- L. The distance from the ground to the highest part of any sign shall not exceed twenty-five (25) feet.
 - M. No portion of a sign, which is attached to, a building, or which projects from a building shall extend above the height of the building.
 - N. No sign shall project more than twelve (12) inches from the building facade to which it is attached, except that signs may project from the front of a building perpendicularly to the front of the building a distance of not more than four (4) feet provided that such signs are entirely located underneath a roof overhang or similar architectural feature, such signs are no more than twelve (12) square feet in area on any one side, and all portions of all such signs are at least eight (8) feet above the ground.
 - O. No vulgar, indecent or obscene signs may be displayed in any manner.
 - P. No signs shall be permitted which are posted, stapled, or otherwise permanently attached to public utility poles or trees within a street right-of-way.
 - Q. All sign provisions of this Ordinance shall apply to the use on silos, smokestacks, water towers and other similar structures as signs.
 - R. Signs which make use of words such as "STOP, LOOK, ONE-WAY, DANGER, YIELD", or any similar words, phrases, symbols, lights or characters, in such a manner as to interfere with, mislead, or confuse traffic are prohibited.
 - S. Signs are prohibited on public property or public rights-of-way, unless erected by a governmental body or otherwise permitted by the Code Enforcement Officer and bearing no commercial advertising.
 - T. Search lights, pennants, spinners, banners and streamers except as otherwise stated in this Ordinance are prohibited.
 - U. Sign placement shall be limited to street frontage only.
 - V. Electronic message board signs are prohibited.
2. Signs Permitted in RR, AP, VC and WC Zoning Districts.

The following signs may be erected and maintained:

A. Traffic control signs.

B. Identification signs or bulletin or announcement boards for schools, churches, or similar institutions, and for clubs, lodges or similar uses provided that:

(1) No more than two such signs shall be erected on any frontage of any one property, including signs on buildings.

(2) No side of any such sign shall exceed thirty-two (32) square feet in area per side, nor more than sixty-four (64) square feet if double faced, and if used exclusively for non-commercial announcements.

(3) No sign shall be located within ten (10) feet of the front, rear, or side lot line.

(4) Signs shall be erected only on the property on which the use is conducted.

C. Signs indicating the name, profession, or activity of the occupant of a dwelling, provided:

(1) No one side of any such sign shall exceed eight (8) square feet in area.

(2) No sign shall be located within ten (10) feet of the front, rear, or side lot line.

(3) No more than one such sign shall be permitted for each permitted use or dwelling.

D. Signs advertising the rental or sale of premises, provided that:

(1) Such signs shall be removed immediately upon the rental or sale of premises.

(2) No side of any such sign shall exceed nine (9) square feet in area.

(3) A sign shall be located only on the property to which it refers.

(4) No sign shall be located within ten (10) feet of the rear or side lot line.

(5) No more than two (2) such signs shall be placed on any one street frontage.

E. Temporary signs of contractors, architects, builders, engineers, and the like provided that:

(1) Such signs shall be removed promptly upon completion of the work.

(2) No side of any such sign shall exceed twenty-four (24) square feet in area.

(3) Such signs shall be located on the property on which the work is being done.

- (4) No sign shall be located within ten (10) feet of rear or side lot line.
- (5) No more than one such sign for each such contractor or the like shall be placed on any one street frontage.
- F. A sign advertising the sale of farm products, including edible farm products, nursery products, or livestock produced or raised on the premises, provided:
 - (1) The area on one side of any such sign shall not exceed thirty-two (32) square feet.
 - (2) No more than one such sign shall be erected on any one street frontage.
 - (3) No sign shall be located within ten (10) feet of the rear or side lot line.
- G. Signs indicating membership in agricultural associations or cooperatives or specialization in a particular breed of animal or strain of plant, provided that:
 - (1) The area on one side of any such sign shall not exceed nine (9) square feet.
 - (2) No more than one such sign shall be erected on any one street frontage.
 - (3) No sign shall be located within ten (10) feet of the rear or side lot lines.
- H. Signs necessary for the identification and protection of public utility facilities, provided that no side of any such sign shall exceed twelve (12) square feet in area.
- I. Signs within a residential subdivision to direct persons to a rental office or sample unit within that subdivision provided that no side of any such sign shall exceed four (4) square feet in area, limited to a total of four (4) signs.
- J. Trespassing signs and signs indicating the private nature of premises or controlling hunting or fishing activities on the premises. No side of any such sign shall exceed four (4) square feet in area.
- K. Identification signs for the purpose of indicating the name of residential subdivisions, provided that no more than one such sign shall be allowed for each entrance to the subdivision from a public street and no such sign shall exceed thirty-two (32) square feet in size, and that assurance of its maintenance is guaranteed by the subdivider/developer or through a property owners' organization as long as the sign remains.
- L. Temporary signs advertising elections and political candidates, fairs, advertising auctions and special events of charitable or public service groups and the like provided that:
 - (1) Such signs shall be displayed no more than sixty (60) days prior to the event,

which they advertise and shall be removed within seven (7) days after the conclusion of the event advertised.

- (2) The dimensions of such signs shall not exceed four (4) feet by eight (8) feet.
- (3) No sign shall be located within ten (10) feet of the rear or side lot line.
- (4) Permission, in writing, shall be obtained from the owner of the land or building upon which the sign is erected or placed.
- (5) In all other respects, the signs shall conform with the requirements of the Zoning District in which they are located.

M. Signs for Multi-Family Dwellings (garden apartments, townhouses and PRD'S).
The following signs shall be permitted:

- (1) Free-standing signs advertising the sale or rental of the premises upon which the sign is erected, provided that the total area of the sign does not exceed thirty-two (32) square feet, and that there shall be no more than one (1) such sign on any street frontage. For the purpose of this Ordinance, multi-family dwelling units shall not be advertised by such real estate signs for more than six (6) months after building construction is complete.
- (2) Directional signs, not to exceed four (4) square feet each, erected within the project itself to direct persons to a rental office or sample apartment.
- (3) Permanent identification signs for the purpose of indicating the name of the multifamily project and for the purpose of identifying the individual buildings within the project.

No more than one (1) sign for each entrance to the project from a public street to identify the name of the project shall be permitted and no such sign shall exceed thirty-two (32) square feet in size. Signs to identify the individual buildings within the project shall not exceed six (6) square feet in size.

- (4) Street directory signs (map signs) not to exceed thirty-two (32) square feet. Only one per entrance from public streets permitted.
- (5) Said signs may be located within the clear sight triangle, provided that a minimum of three (3) feet of clear space be maintained as provided elsewhere in this Ordinance, the sign does not project into a street right-of-way line and the sign does not pose a safety or health hazard.

N. Signs indicating the Name and address of the resident but not to include any commercial advertising.

O. Signs erected by a governmental body, or under the direction of such a body and bearing no commercial advertising, such as safety signs, signs identifying public

schools and playgrounds and the like provided:

- (1) No one (1) side on any freestanding sign shall exceed fifty (50) square feet in area.
- (2) No building sign or wall sign shall exceed fifty (50) square feet in area.
- (3) No more than two (2) separate signs shall face any one street frontage.
- (4) No sign shall be located within two (2) feet of any front, side, or rear lot line.
- (5) Said signs may be located within the clear sight triangle provided that a minimum of three (3) feet of clear space be maintained as provided elsewhere in this Ordinance, the sign does not project into a street right-of-way line and the sign does not pose a safety of health hazard.

P. Signs regulating traffic, parking or other functional subdivision such as lavatory facilities, telephone, signs denoting other sections of a building such as lubrication, office, etc. on premises, provided:

- (1) Signs shall not bear any commercial advertising.
- (2) Signs shall not exceed six (6) square feet in area.

Q. Signs identifying a golf course or country club, or other recreational facility when located on the premises thereof, and containing no commercial advertising, provided:

- (1) No more than three (3) signs may face any one street frontage.
- (2) The area on one side of a free-standing sign shall not exceed thirty-two (32) square feet, and the area on building or wall signs shall not exceed thirty-two (32) square feet.
- (3) No sign shall be located within ten (10) feet of any side or rear lot line.

3. Signs Permitted in C and I Zoning Districts.

A. All signs as provided in Section 634.

B. In addition, signs may be erected and maintained in Commercial and Industrial Zoning Districts, provided that:

- (1) The total area on one side of all signs placed on or facing any one Street frontage of any one premise shall not exceed one hundred (100) square feet except in the case of a building housing more than one commercial or industrial use.
- (2) The area of any one side of a directional or advertising sign shall not exceed

twenty-five (25) square feet.

- (3) No more than one advertising sign shall be allowed on any one street frontage of any one property.
- (4) No more than one free-standing sign shall be allowed on any one street frontage of any one property.
- (5) No more than three (3) separate signs shall face any one street frontage of any one property except in the case of a building housing more than one commercial or industrial use.
- (6) No sign attached to a building facade shall have an area exceeding twenty-five percent (25%) of the area of the building wall on which it is located.
- (7) No sign shall be located within ten (10) feet to a side or rear lot line.
- (8) In the case of a building housing more than one commercial or industrial use, one permanent identifying free-standing sign may be erected on each street frontage. The area on one side of said sign may be up to one square foot for each 1,000 square feet of gross floor area, with an allowable minimum of fifty (50) square feet and an allowable maximum of one hundred and sixty (160) square feet.

In the case of a building housing more than one commercial or industrial use, and having a total of at least 100,000 square feet of gross floor area, and having at least a 100 foot setback from the street right-of-way line to the main facade of the building, one permanent identifying free-standing sign with an allowable maximum of five hundred (500) square feet may be erected.

In addition, for each commercial or industrial use located within that building, one sign may be attached to that portion of the building housing the use. The area of said sign may be up to the one (1) square foot for each foot of frontage per use, with an allowable minimum of twenty-five (25) square feet and an allowable maximum of two hundred fifty (250) square feet. Signs may project perpendicularly from buildings as provided for in Section 634 of this Ordinance.

- (9) Promotional or advertising banners, A-type, sandwich type, sidewalk or cub signs shall only be permitted for a new business or an existing business for special occasions not more than four (4) times a year in commercial and industrial zoned districts for a period of not more than a total of fifteen (15) days each time. The total area of signs per business shall not exceed thirty-two (32) square feet and they may only be placed on the property where the business is conducted. At no other time shall such signs be permitted.
- (10) Window signs are permitted. The area of window signs shall not be figured into the total area permitted for that particular building or use, when located on

the inside of the building.

- (11) Real estate signs which advertise sale, rental or lease provided: that signs shall not exceed thirty-two (32) square feet per side, signs shall be located on premises to be sold, leased or rented, no more than two (2) signs may face any one street frontage, and no sign shall be located closer than ten (10) feet to any front, side, or rear lot line.

644. Highway Frontage Development for Non-Residential and Non-Agricultural.

1. All areas for off-street parking, off-street unloading and loading, and the storage or movement of motor vehicles shall be physically separated from public streets or highways by a raised curb, planting strip, or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking, loading or storage areas.

Along Arterial Highways and Major Collectors, as classified in the Township's Comprehensive Plan, each use with less than one hundred (100) feet of frontage on a public street shall have not more than one (1) access way to each such street.

2. In no case shall a use with less than one hundred (100) feet of frontage on a public street have more than two (2) accessways to each such street. No use with one hundred (100) feet or more frontage shall have more than two (2) accessways to any one (1) street for each three hundred (300) feet of frontage.
3. The width, excluding radii, of entrances to and exits from parking areas, measured at the street line, shall conform to the following schedule:

Width in Feet (more restrictive of the Zoning Ordinance and SALDO shall govern)

	<u>Minimum</u>	<u>Maximum</u>
One Way	(18)	(36)
Two Way	(36)	(30)

Each lane provided shall be a minimum of eighteen (18) feet in width.

The radius of the edge of the driveway apron shall be at least twenty (20) and no more than forty-five (45) feet.

Provided that along State Legislative Routes, if these standards are in conflict with Pennsylvania Department of Transportation requirements, driveways shall be designed to conform as closely as possible to the requirements of this Ordinance, while conforming to the requirements of the Pennsylvania Department of Transportation.

4. The location and width of exit and entrance driveways shall be planned to interfere as little as possible with the flow of vehicular traffic on adjacent streets. Access driveways shall not be located in such a manner that they will cause a hazard to the movement of normal highway traffic or cause areas of undue congestion on the highway. The center line of an access driveway to any public street shall be located at least eighty (80) feet

from the intersection of any street lines, except in the case of a street intersecting the road which the driveway intersects directly opposite from the driveway.

645. Floodplain Control.

1. Development within floodplains is subject to the requirements of Township Floodplain Ordinance in its latest version which regulate areas subject to flooding and is amended from time to time.

646. Burning Wood and Leaves.

1. Burning of unmilled wood, chemically untreated wood (milled or unmilled), or chemically untreated by products of wood (milled or unmilled), and leaves within noncombustible containers or open fires are permitted by property owners provided the following conditions are met:
 - A. For fires within noncombustible containers, burning shall not occur within thirty (30) feet of any structure, property line, or right-of-way.
 - B. For open fires, burning shall not occur within one hundred (100) feet of any structure, property line or right-of-way.
 - C. Noncombustible containers must be covered during burning with a screen containing openings of not more than one-half (1/2) inch.
 - D. All fires must be under control by a responsible party at all times.

647. Fair Housing.

The Fair Housing Amendments Act of 1988, 42 U.S.O. §§ 3601-3631, prohibits certain practices which discourage or obstruct choices of people with disabilities to live in a community, neighborhood or development. To the extent that any provision of this Zoning Ordinance discriminates against individuals with handicaps (as defined and/or construed in the Fair Housing Amendments Act of 1988) with respect to use and enjoyment of a dwelling, the Township shall make reasonable accommodations to such individuals as may be necessary to afford such individuals equal opportunity to use and enjoy a dwelling.

648. Wind Mills.

Wind mills shall be constructed and maintained in accordance with the latest version of the Townships Wind Mill / Wind Energy Ordinance.

649. Outdoor Furnace

1. Outdoor Furnaces shall be defined as any equipment, device, structure, or apparatus, or any part thereof, which is installed, affixed, or situated outdoors for the primary

purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat or hot water for any interior space, primary structure, or accessory use or structures including, but not limited to, greenhouses, conservatories, and swimming pools.

2. An Outdoor Furnace shall be allowed to be used if adhering to the following requirements.

- A. Permitted in all Zoning Districts.

- B. Serving multiple structures. Serving multiple structures from the same outdoor furnace is permitted provided the structures served are located on the same lot as the furnace.

- C. Setbacks. Outdoor furnaces or parts thereof shall be set back not less than 100 feet from the nearest lot line.

- D. Installation surface. Outdoor furnaces must be placed on a level, stable surface and according to manufacturer's specifications.

- E. Stack location. The stack is not permitted to be located within 50 feet of any residence or occupied structure not served by the furnace.

- F. Stack height.

- (1) If located more than 50 feet but no more than 100 feet to any residence or occupied structure not served by the furnace, the stack must be at least five feet higher than the cave of that residence or structure.

- (2) If located more than 100 feet but no more than 150 feet to any residence or occupied structure not served by the furnace, the stack must be at least 75% of the height of the cave line of that residence or structure, plus an additional five feet.

- (3) If located more than 150 feet but no more than 200 feet to any residence or occupied structure not served by the furnace, the stack must be at least 50% of the height of the cave line of that residence or structure, plus an additional two feet.

- (4) In all cases, the stack must be a minimum of 15 feet in height measured from the ground on which the device is located or per the manufacturer's recommendations, whichever is greater.

- (5) A spark arrestor shall be installed per the manufacturer's recommendations.

- G. Permitted fuel: The only fuels allowed shall be those listed fuels recommended by the manufacturer.

H. Materials that may not be burned: Unless specific written approval has been obtained from the Pennsylvania Department of Environmental Protection (PADEP), the following materials may not be used as fuel under any circumstances:

- (1) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, animal wastes, paint or painted materials, furniture, composite shingles, demolition debris, or other household or business wastes.
- (2) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to applicable PADEP regulations.
- (3) Asphalt and products containing asphalt.
- (4) Treated or painted wood including but not limited to plywood, composite wood products, railroad ties, pressure-treated wood, or other wood products that are painted, varnished, or treated with preservatives.
- (5) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.
- (6) Rubber, including tires and synthetic rubber-like products.
- (7) Leaves, yard waste, or brush smaller than three inches (3") in diameter.
- (8) Paper products and cardboard.
- (9) Any material that is not recommended for burning by the manufacturer of the outdoor furnace.

I. All outdoor furnaces shall comply with emissions standards as required for outdoor furnaces, as promulgated by the Environmental Protection Agency (EPA). For purposes of this Ordinance, all emission standards currently required by the EPA are hereby adopted by reference as well as any amendments or modifications made to them hereafter.

J. All outdoor furnaces shall be installed, operated, and maintained in strict compliance with the manufacturer's instructions and guidelines for the said outdoor furnace. In the event that a conflict arises between the manufacturer's instructions and regulations and the regulations contained in this Ordinance, the stricter instructions or regulations shall apply.

K. Any large accumulation of ashes or waste must be disposed of in a manner approved by the East Brunswick Township" and/or the Pennsylvania Department of Environmental Protection.

L. All outdoor furnaces shall be used for the sole purpose of furnishing heat and/or hot water to a dwelling or other structure pursuant to a permit issued

hereunder, including residential swimming pools.

- M. No homemade outdoor furnaces are permitted.
- N. Fuel Storage. All storage of materials to be consumed by the outdoor furnace shall be neatly stacked and/or stored under cover and free from insects or any type of disease carrying rodents. Storage of materials is not permitted within four feet of any lot line.
- O. Any outdoor furnace must also comply with any other county, state, or federal guidelines for the same.
- P. Any outdoor furnace must conform to other Township regulations including building code and zoning, requirements. As such, additional permits and their related fees might be required.

Part 7 - Non-Conforming Lots, Uses, Structures and Buildings

700. Statement of Intent.

1. Within the Zoning Districts established by this Ordinance or subsequent amendments thereto, there exist or will exist certain nonconformities, which, if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations.
2. Nothing in this Ordinance shall be deemed to require a change in the plans for any building, structure or land use for which a zoning and/or building permit was issued prior to the effective date of this Ordinance or subsequent amendment thereto, provided the activity authorized by the zoning permit is begun, in the opinion of the permit officer, within six (6) months of the issuance of the permit.

701. Non-Conforming Lots of Record.

1. Any lot shown on a Preliminary or Final subdivision plan approved prior to the effective date of this Ordinance or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the zoning district in which it is located may be used for a use permitted by use regulations of that District provided that all yard, height, coverage and open space requirements of the zoning district shall be met, further subject to Section 701(2). (b) When a subdivider has duly filed an application for approval of Preliminary or Final Subdivision Plan prior to the effective date of this Ordinance, no provision in this Ordinance shall be applied to affect adversely the right of the subdivider to commence and complete any aspect as established within the Pennsylvania Municipalities Planning Code, as amended.
2. Any lot held in single and separate ownership on the effective date of this Ordinance or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the Zoning District in which it is located may be used for any use permitted in that district provided that all yard, height, coverage and open space requirements of the district are met; provided, however, that if two (2) or more lots, combination of lots, or portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Ordinance.

702. Registration.

1. After the enactment of this Zoning Ordinance, the Zoning Officer shall assemble and maintain a listing of nonconforming uses and structures, as they are identified.

703. Abandonment.

6. A nonconforming use may be expanded within a building containing that nonconforming use at the effective date of this Ordinance provided that the nonconforming use shall not occupy a portion of the building containing a conforming use at the effective date of this Ordinance. A nonconforming use may also be expanded into a new building or extension of an existing building containing the use.
7. Nonconforming signs shall not be expanded.

A building or structure containing a nonconforming use or a nonconforming building or structure may be replaced by a new building or moved to another location on the same lot, provided that the building or structure shall comply with all Area, Yard and Height Regulations and General Regulations applicable to the zoning district in which it is located.

1. Any nonconforming building or structure or a building or structure containing a nonconforming use of which the basic structural elements are totally destroyed by any means may be rebuilt and used for the same nonconforming use. Any subsequent building or structure shall comply with all requirements of this Ordinance. New construction shall begin within twenty four (24) months of the date of destruction and be carried to completion without interruption.
2. A nonconforming building or structure or a building or structure containing a nonconforming use of which the basic structural elements are partially destroyed, or which is partially destroyed but which has all basic structural elements remaining, may be reconstructed. The reconstructed portions of a building or structure shall not be more nonconforming in any respect than the portions of the building or structure which were destroyed. Reconstruction shall begin within twenty four (24) months of the date of destruction and be carried to completion without interruption.
3. Any nonconforming building or structure or building or structure containing a nonconforming use which is destroyed to any extent shall be inspected by the Township Zoning Officer. Any building or structure which shall be deemed unsafe by the Zoning Officer shall be taken down and removed or made safe and secure as the Zoning Officer may deem necessary in the public interest.

Total future expansion of a nonconforming use shall not exceed fifty percent (50%) of the area occupied by the use at the time of the effective date of this Ordinance. A special exception use may be expanded beyond 50%.

709. Non-Conforming Signs.

1. After the effective date of this ordinance, there exist or will exist signs which do not conform to the requirements of this Ordinance, which, if lawful before this Ordinance became effective, may be continued subject to certain limitations, even though such non-conforming signs would be prohibited, regulated, or restricted under the terms of this Ordinance.
2. Non-conforming signs are subject to the following regulations:
 - A. Non-conforming signs, once removed from their location after the effective date of this Ordinance, shall be replaced only with conforming signs.
 - B. Non-conforming signs destroyed by any means to fifty percent (50%) or more of replacement value immediately prior to destruction, shall be removed and shall be replaced only with a sign which complies with all the requirements of this Ordinance.
 - C. Non-conforming signs destroyed by any means to less than fifty percent (50%) of replacement value immediately prior to destruction may be repaired, but no repairs shall make the sign more non-conforming than the sign was at the time of destruction.
 - D. Non-conforming signs may be repainted, repaired, and similarly maintained, but no repair or maintenance shall make a sign more non-conforming than the sign was prior to the painting, repair, or maintenance.
 - E. No non-conforming sign may be relocated unless to comply with all the requirements of this Ordinance.
 - F. No non-conforming sign shall be modified in any way, which will further violate any regulation imposed by this Ordinance.
 - G. Non-conforming signs shall not be expanded.
 - H. Non-conforming signs (e.g. flashing, intermittent, etc.) that are inoperative for one (1) year or more shall not be re-activated.

Part 8 - Administration and Enforcement

800. Zoning Officer.

1. Appointment. A Zoning Officer shall be appointed by the Township Supervisors to administer and enforce this Zoning Ordinance. Compensation of the Zoning Officer shall be established by the Supervisors. The Zoning Officer shall not hold any elective office in the Township.
2. Duties and Powers. It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance and the amendments thereto and the Zoning Officer shall have such duties and powers as are conferred on him by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:
 - A. Receive applications for zoning and/or building and sign permits and issue zoning and/or building and sign permits as set forth in this Ordinance.
 - B. Keep a record of all official business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued and reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as the structures, etc. remain in existence.
 - C. Make inspections as required to fulfill the duties of the Zoning Officer. In doing so, however, he/she shall first seek the permission of the landowner or tenant, and, in the event such permission cannot be voluntarily obtained, the Zoning Officer shall have the right to take such other legal means as are authorized under the law.
 - D. Issue permits for building, structures and land uses for which Subdivision and Land Developments approval is required only after all necessary approvals have been secured and plans recorded.
 - E. Issue permits for uses requiring new or altered on-site sewage disposal facilities only after any necessary permit has been issued by the Township Enforcement Officer.
 - F. Issue permits for special exception uses or for variances only after a Special Exception or variance has been approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance. Issue permits for conditional uses only after a conditional use has been approved by the Township Supervisors.
 - G. Issue permits for buildings requiring approval by the Pennsylvania Department of Labor and Industry only after such approval has been secured. Issue permits for a use involving an access point requiring Pennsylvania Department of Transportation approval only after such approval has been secured.

- H. Be responsible for keeping this Ordinance and the Official Zoning Map up-to-date so as to include all amendments thereto.
- I. Issue Certificates of Use and Occupancy in accordance with the terms of this Ordinance.
- J. Register identified nonconforming structures and uses created as a result of the adoption of this Ordinance and the Official Zoning Map, or created as a result of amendments thereto.
- K. Submit a monthly report of his/her activities to the Township Supervisors and Township Planning Commission and attend said meetings.
- L. Serve a notice of violation on any person, firm, corporation, partnership or other entity responsible for violating any of the provisions of this Ordinance, or any amendment thereto, or in violation of a statement or a plan approved under this Ordinance. Notice of violation shall be in writing and served personally to or sent by certified mail to the entity in violation of this Ordinance. The notice shall indicate the nature of the violation and action necessary to correct same. If the notice of violation is not complied with in the time period set forth in said notice, the Zoning Officer shall order the discontinuance of such unlawful use of the structure, building, sign and/or land involved in said violation. All enforcement notices shall be as provided in the Pennsylvania Municipalities Planning Code, as amended.

801. Permits.

1. Zoning Permits.

- A. Requirements. No building or structure, except temporary fences such as snow fences and fences around construction sites, shall be erected, constructed, assembled, extended, reconstructed, replaced, demolished, converted, moved, added to or structurally altered, nor shall land, buildings and structures be put to any use or have their use changed, without a permit therefore issued by the Zoning Officer. Zoning Permit is required for Timber Harvesting. No permit shall be issued unless: (1) there is conformity with the provisions of this Ordinance, except upon written order from the Zoning Hearing Board in the form of a variance, or upon order from any court of competent jurisdiction; (2) all fees have been paid to East Brunswick Township including, but not limited to, building permit fee, plumbing permit fee, sewer connection fee, sewer tapping fee, sewer collection fee, street lateral inspection fee, customers facilities fee, recreation fund fee, driveway permit fee, road occupancy permit fee, and water meter fee and (3) all other permits and approvals have been issued including, but not limited to, zoning permit, plumbing permit, on-lot sewage disposal permit, erosion and sediment control approval, PennDOT driveway permit, PennDOT road occupancy permit, wetlands mitigation permit, stream encroachment permit and Pennsylvania Labor and Industry approval. Permits are required for permanent fences, for sheds (whether on a foundation or not) and for driveways (for new construction, widening, paving and overlaying, but not for liquid sealing.)

B. Application Procedures. The application for a Zoning Permit shall be submitted to the Zoning Officer in writing on a form prescribed by the Zoning Officer. The application shall be submitted by the owner or lessee of any building, structure or land or the agent of either, provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The application shall be accompanied by at least the following information:

- (1) A map of the lot in question, drawn to scale, indicating the lot size and showing all dimensions of lot lines and the exact location(s) on the lot of all existing and proposed buildings, fences, signs, structures and alterations to buildings or structures.
- (2) The use, height, length, width and proportion of the total lot area covered of all proposed and existing buildings, structures and additions or alterations to buildings or structures.
- (3) A statement indicating the number of dwelling units and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot. In the case of commercial and industrial uses and home occupations, the floor area to be devoted to each use shall be indicated.
- (4) The location, dimensions and design of parking and loading areas including the size and arrangement of all spaces and means of ingress, egress and interior circulation, recreation areas, screens, buffers and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic and outdoor lighting.
- (5) The location of all utility lines, the method of proposed water supply and sewage disposal and the location of any on-lot facilities.
- (6) All streets, right-of-ways and easements on or adjacent to the lot.
- (7) Proof of Worker's Compensation coverage, if the application is submitted by a contractor.
- (8) All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.

C. Approval or Disapproval. Upon receipt of the application and all accompanying information, the Zoning Officer shall examine them to determine compliance with this Zoning Ordinance and all other Township Ordinances. Within thirty-five (35) days from the filing date of the application, the Zoning Officer shall either approve or disapprove the application. If disapproved, the Zoning Officer shall explain the reasons therefore, indicating the manner in which the application could be corrected and/or modified to obtain approval and informing the applicant of his rights to appeal.

D. Issuance and Posting of Permit. Upon approval of the application by the Zoning Officer and the payment of the fees established from time to time by resolution of the Township Supervisors, the Zoning Officer shall issue a Permit which shall be visibly posted on the site of operations during the entire time of construction. The permit shall expire one (1) year from the date of approval of the application by the Zoning Officer, provided that it may be extended at the discretion of the Zoning Officer for a six (6) month period. A Zoning and/or Building Permit shall expire if the activity which is authorized by the permit is not begun, in the opinion of the Zoning Officer, within six (6) months of issuance of the permit.

E. Rights of Permit Holders. The permit shall be a license to proceed with the work described on the approved application in accordance with all Township Ordinances. The Zoning Officer shall revoke a permit for approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.

2. Sign Permits.

A. No sign shall hereafter be erected, rebuilt, altered, relocated or enlarged until a permit is issued by the Code Enforcement Officer for such purposes, except for signs listed below:

(1) Signs used by churches, synagogues, governmental bodies, schools or civic organizations.

(2) Construction signs of thirty-two (32) square feet or less.

(3) Directional/informational signs of twelve (12) square feet or less

(4) Holiday or special events decorations.

(5) Nameplates, house numbers, address signs.

(6) Political signs.

(7) Public signs or notices, or any sign relating to an emergency

(8) Real estate signs.

(9) Window signs.

(10) Incidental signs.

(11) Temporary signs as permitted.

(12) Any other sign, which does not exceed twelve (12) square feet in area

(13) Traffic control signs

The fact that a permit is not required for a sign does not exempt that sign from any of the provisions of this Ordinance.

B. Application shall be made in writing to the Code Enforcement Officer on a form specified for such purpose and shall contain the following:

- (1) A detailed scale drawing of the sign.
- (2) A statement indicating the type of construction, the manner of installation, and the materials to be used.
- (3) A scale drawing of the lot indicating the location of the sign. All abutting street right-of-way lines shall be indicated,
- (4) A statement indicating all sources of light and methods of illumination.
- (5) A statement indicating the distance from the ground to the lowest portion of the sign and from the ground to the highest portion of the sign.
- (6) For signs, which will project from or be attached to buildings, a diagram indicating the location of the sign with the respect to the building facade to which it will be attached, including distance of projection from the building.
- (7) A statement that all the requirements of this Ordinance shall be adhered to and that the sign will be erected according to the accompanying plans and specifications.
- (8) The signature of the applicant. When the applicant is not the owner of the premises on which the sign will be erected, both the applicant and the owner of the premises shall sign the application.

802. Certificate of Use and Occupancy.

1. Requirements. It shall be unlawful to sell, convey, lease, rent or use and/or occupy any building, structure or land or portion thereof for which a Zoning Permit is required until a Certificate of Use and Occupancy has been issued by the Zoning Officer and by the Pennsylvania Department of Labor and Industry (where applicable). The Zoning Officer shall not issue a Certificate of Use and Occupancy unless the Zoning Officer has inspected such building, structure or land and has determined that all provisions of the Zoning Ordinance and other rules, regulations and ordinances of the Township have been complied with.
2. Issuance. Upon the receipt of notification that the work for which a Zoning Permit has been issued has been completed, the Zoning Officer shall inspect the premises to determine that the work has been performed in accordance with the approved application

and all Ordinances of the Township. If he is satisfied that the work has been completed in accordance with the approved application, he shall issue a Certificate of Use and Occupancy to the permit holder for the use indicated on the approved application. A copy of the Certificate of Use and Occupancy shall be retained by the Zoning Officer as part of the Township records. If he/she finds that the work has not been performed in accordance with the approved application, the Zoning Officer shall refuse to issue the Certificate of Use and Occupancy and in writing give the reasons therefore and inform the permit holder of his right of appeal.

3. For uses for which performance standards are imposed by this Ordinance, no Certificate of Use and Occupancy shall become permanent until thirty (30) days after the use is in operation and only after, upon re-inspection by the Zoning Officer, it is determined that the use is in compliance with all performance standards. After such re-inspection, the Zoning Officer shall notify the applicant that the use is in compliance with the performance standards and that the Certificate of Use and Occupancy is permanent, Occupancy is permanent, or that the use is not in compliance and that the Certificate of Use and Occupancy will be revoked within thirty (30) days of the notification if compliance with all performance standards is not secured.
4. Temporary Certificate of Use and Occupancy. Upon request of the holder of a Zoning Permit, the Zoning Officer may issue a Temporary Certificate of Use and Occupancy for a building, structure, sign and/or land or portion thereof before the entire work covered by the permit shall have been completed. Such portions may be used and/or occupied prior to full completion of the work provided life and the public health, safety, morals and general welfare of the residents and inhabitants of the Township are not endangered.

The Zoning Officer may also issue a Temporary Certificate of Use and Occupancy for such temporary uses as tents, trailers and buildings on construction sites, and for the use of land for religious and other public or semi-public purposes or other temporary use and/or occupancy upon order of the Township Supervisors. Such temporary certificate shall be for the period of time to be determined by the Township Supervisors at the time of application, but in no case shall any certificate, except those for uses on construction sites, be issued for more than six (6) months.

803. Schedule of Fees, Charges and Expenses.

The Township Supervisors shall establish, by resolution, a schedule of fees and charges of requests for Zoning and/or Building Permits,

Certificates of Use and Occupancy, Special Exceptions, Variances, amendments to this Ordinance and other matters pertaining to this Ordinance. A collection procedure shall also be established. Until all application fees and charges have been paid in full, no action shall be taken on any application or other matter.

804. Amendments.

The provisions of this Ordinance and the Official Zoning Map may from time to time be amended, supplemented or changed by the Township Supervisors.

1. Procedure. The following procedures shall be observed prior to making any amendment or change to this Ordinance or parts thereof, including the Official Zoning Map:

- A. Every proposed amendment or change not initiated by the Township Planning Commission shall be referred to the Township Planning Commission at least thirty (30) days prior to the date of the public hearing to provide the Township Planning Commission an opportunity to submit recommendations prior to the hearing. The Planning Commission shall review each amendment against the Community Development Objectives, Land Use Plan, Circulation Plan and Community Facilities Plan comprising the Comprehensive Plan for the Township.

- B. All proposed amendments to this Ordinance shall be submitted to the County Planning Commission for their recommendations at least thirty (30) days prior to the public hearing.

- C. Curative Amendments. The procedure upon curative amendments shall be as established in the Pennsylvania Municipalities Planning Code, as amended. A curative amendment shall be referred to the County and the Township Planning Commission as provided in this section and notice of any hearing thereon shall be given as provided by law.

2. Submission of Impact Statement. With a request for a zoning amendment initiated by other than the Township Planning Commission or Township Supervisors, a statement indicating the impact of the zoning change on the Township shall be submitted with the application for rezoning. The statement shall compare the impact on the Township resulting from the existing zoning with impact resulting from the proposed zoning, specifically discussing:

Agricultural Impact - The acreage and productivity rating of soils to be taken out of production or agricultural use.

Environmental Impact - The impact on wooded areas, flood plains, areas of high water table, wildlife habitats, storm water runoff, erosion and sedimentation, historic sites, water quality, air quality, solid waste generation and noise levels.

Traffic Impact - The impact on traffic generation per day and at peak hours, including numbers and routes expected to be used. An analysis of traffic capacities of adjacent roads and intersections and roads and intersections to be significantly affected by the zoning change shall be prepared.

Services Impact - The demand for school, police, sewer, water, sanitation and road maintenance services.

3. Public Hearing. The Township Supervisors shall hold a public hearing before voting on the enactment of any amendment or change. Public notice of such hearing shall be

given as required by law. If, after any public hearing held upon an amendment or change, the proposed amendment or change is revised, or further revised, to include land previously not affected by it, the Township Supervisors shall hold another public hearing pursuant to public notice prior to voting on the amendment or change. The Township Supervisors shall vote on the proposed amendment within ninety (90) days after the last public hearing. Enactment of amendments shall be in accordance with the procedure established in the Pennsylvania Municipalities Planning Code, as amended.

Once a public hearing has been advertised regarding an individual property or a zoning map change, a notice shall be posted on each side of the affected property which faces a street in such a position that such notice is readily readable. The notice shall be posted at least one (1) week prior to the hearing and shall state the following:

- A. That an application for an amendment to this Ordinance or zoning map has been requested;
- B. The proposed use of the property;
- C. The existing Zoning District and the proposed Zoning District;
- D. The name of the applicant and the owner of the property;
- E. The date, time and place of the public hearing.

805. Stop Order.

1. Scope. A Stop Order may be issued in the following instances:
 - A. If activities regulated by this Ordinance are undertaken without the required Zoning Permit, Building Permit, sign permit, or Certificate of Use and Occupancy being granted by the Township.
 - B. If an activity undertaken under a Zoning Permit, Building Permit or Sign Permit deviates from the approved application either during or after completion of the work.
 - C. If a use is conducted or a building or structure is established in a way which is in violation of the use requirements, area, yard, coverage and height regulations, performance standards, general regulations or any other requirements of this Ordinance.
 - D. If an activity permitted by Special Exception, variance or condition is not conducted in accordance with the terms of the granting of the Special Exception, variance or conditional use.
2. Notice to Owner. A Stop Order shall be issued by the Zoning Officer and delivered to the owner of any property or his agent. Delivery shall be construed to include certified

mail or posting on the property.

3. Contents. The Stop Order shall be in writing and state the nature of the violation and under which conditions the work or use may resume. A reasonable period of time as determined by the Township Zoning Officer may be permitted to allow for the required corrections.
4. Unlawful Continuance. Any person who shall continue in violation of any Stop Order shall be in violation of this Ordinance and subject to the penalties provided within this Ordinance.

806. Enforcement Notice.

1. If it appears to the municipality that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, the municipality shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the municipality intends to take action.
 - B. The location of the property in violation.
 - C. The specific violation with a description of the requirements which have not been met citing in each instance the applicable provisions of the ordinance.
 - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - E. That the recipient of the notice has the right to appeal to the zoning hearing board within thirty (30) days after notice of the determination is issued.
 - F. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

807. Causes of Action.

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act or prior enabling laws, the governing body or, with

the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent , in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

1. Jurisdiction. District justices shall have initial jurisdiction over proceedings brought under Section 807.2.
2. Enforcement Remedies.
 - A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedures. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there has been a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinances have been violated.
 - B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
 - C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

808. Conditional Use Procedures.

1. Application. One (1) copy of an application for permission to conduct a use permitted by condition shall be submitted to the Township Secretary. Such application shall

include all information specified for a zoning permit application in Section 801 of this Ordinance and any other information necessary to allow the Township Supervisors to determine that all requirements of this Ordinance have been met.

2. Review. After receiving an application, the Supervisors shall refer one (1) copy of the application to the Township Planning Commission for its review and one (1) copy to the Township Zoning Officer for his review and recommendation. The application shall be reviewed at one (1) or more advertised meetings of the Township Supervisors with the initial hearing being commenced within sixty (60) days of receipt of the application, unless the applicant agrees in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing. The Supervisors shall either approve or disapprove the application in writing within forty-five (45) days after the date of the final hearing.

The granting of permission to conduct a use permitted by condition does not exempt an application from acquiring all approvals required by the Township's Subdivision and Land Development Ordinance.

3. Standards. Conditional uses shall meet the specific standards established for each use by this Ordinance and all other applicable Zoning District requirements and General Regulations established by this Ordinance. In addition, the following standards shall be met:
 - A. The use shall be one which is specifically authorized as a conditional use in the Zoning District wherein the applicant is seeking a conditional use.
 - B. Services and utilities shall be made available to adequately service the proposed use.
 - C. The use will not generate traffic such that hazardous or unduly congested conditions will result.
 - D. The use is appropriate to the site in question.
 - E. The use shall not adversely affect the character of the general neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

The applicant shall demonstrate, as a condition to approval of his application, that the standards in 808(3) and those specified elsewhere in this Ordinance for the use in question would be met.

The Township Supervisors may impose such additional safeguards as are necessary to protect the public health, safety and welfare.

809. Land Development Plan Approval.

1. Scope. Construction of any new building, or an addition or expansion of an existing building in excess of the lesser of 2,500 s.f. or 25% of existing building size, or change in use, except one single-family detached dwelling, one single-family semi-detached dwelling, one two-family detached dwelling, agricultural buildings and other accessory buildings, shall be subject to a Land Development Plan Approval prior to the issuance of a Zoning and/or Building Permit. Any construction exempted from Land Development Plan approval shall comply with the Township Stormwater Management Ordinance or County Act 167 plan in its latest version.
2. Application Procedures. Applications shall be submitted to the Township Planning Commission for review and recommendation to the East Brunswick Township Board of Supervisors for approval and recording, if applicable. The following material shall be supplied as applicable:
 - A. A plot plan of the lot showing the location of all present and proposed buildings, drives, parking lots, loading areas, curb cuts, other necessary construction features and the location of all topographical features;
 - B. Complete architectural design drawings for any proposed industrial, commercial or residential multi-family building. In all residential developments, architectural design drawings of the prototype of each different residential dwelling shall be required;
 - C. A description of any commercial or industrial operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards or the emission of any potential harmful or obnoxious matter or radiation. Engineering and architectural design drawings shall be provided for the handling of any of these problems.
 - D. All necessary information to determine compliance with the requirements of this Ordinance for parking and loading.
 - E. Designation of the manner by which sanitary sewage and storm drainage shall be disposed and water supply obtained, including the proposed location of any underground pipes. Engineering and architectural design drawings shall be provided for any water plant or sewage disposal plant. Storm water runoff calculations shall accompany plans for accommodating runoff and shall demonstrate compliance with the Schuylkill River Watershed Stormwater Management Ordinance. A statement indicating all improvements to be undertaken during the first phase of construction, those which are to be completed within one (1) year from the issuance of a Plan Approval, as well as those being built at a later date. This statement shall also show a list of firms which are likely to be located within the development, their floor area and estimated number of employees.
 - F. Other data required by this Ordinance or deemed necessary by the Planning Commission because of the unusual nature of the activities.

G. Review. The Planning Commission shall examine the materials to determine whether the proposed development conforms to this Ordinance and make available its findings, including necessary modifications, which must be provided for approval to the applicant and to the East Brunswick Township Board of Supervisors who shall take action within ninety (90) days.

H. Issuance. All Plan Approval reviews by the Planning Commission and Supervisors shall be forwarded to the Zoning Officer and maintained as a matter of public record. Notice of the decision shall be given to all parties in interest and any third parties requesting such notice. An approved Land Development Plan Approval shall continue in effect for six (6) months from the date it is supplied to the Zoning Officer. If no construction work is undertaken by that date, the approval shall be nullified.

810. Sign Permits.

Sign permits shall be required in accordance with the Section 643 of this Ordinance.

811. Certificate of Intention to Continue a Nonconforming Use.

1. Scope. A certificate of intention shall be required in all instances where a nonconforming use is discontinued if the owner or operator of such use desires to maintain such a nonconforming use.
2. Procedure. The Zoning Officer shall maintain proper forms for the registration of any Certificate of Intention. It shall be incumbent upon the owner or applicant to file such a form with the Zoning Officer.
3. Notification. The proper adoption of this Ordinance shall be considered effective notice to all owners or operators of nonconforming uses of the requirements for registration for the discontinuance of all nonconforming uses.
4. Filing. The Zoning Officer shall maintain a separate file for all Certificates of Intention.
5. Duration. Each Certificate of Intention shall be valid for a one (1) year period.

Part 9 - Zoning Hearing Board

900. Creation and Organization

1. **Creation of Board.** The Township Supervisors hereby create a Zoning Hearing Board, herein referred to as the "Board", consisting of residents of the Township appointed by the Township Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed and serve and shall perform all the duties and have all the powers as prescribed by said Code and this Ordinance.

The Township Supervisors may appoint alternate members of the Board pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended; the alternate members may serve as provided for in said code.

2. **Organization.** The Board may promulgate such rules and forms for its procedures, not inconsistent with this and other Ordinances of the Township and laws of the Commonwealth of Pennsylvania, as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The Board shall have its own counsel, who shall, whenever possible, attend all hearings of the Board and review all decisions of the Board so they conform to the law.
3. **Meetings.** Meetings and hearings of the Board shall be held at the call of the chairman, and at such other times as the Board, by majority vote, may determine.
4. **Minutes and Records.** The Board shall keep full public records of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The Board shall also keep full public records of its business and other official action, which records shall be the property of the municipality, copies of which shall be filed with the Secretary of the Township Planning Commission.

901. Hearings

1. The Board shall conduct hearings and make decisions in accordance with the requirements of the Pennsylvania Municipalities Planning Code, as amended, and the following rules of the Board:
2. Notice shall be given by the Zoning Hearing Board to the public, the applicant and adjoining property owners of the applicant property, the Zoning Officer and such other persons as the Township Supervisors shall designate by ordinance and to any other person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. The Township Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by ordinance, in accordance with Section 908 of the Municipalities Planning

Code. In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land.

3. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
4. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, any other person, including civic or community organizations, permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
5. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
7. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
8. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
9. The Board or hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
10. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the board shall make his report and recommendations available to the parties within 45 days and the parties shall be

entitled to make written representations thereon to the board prior to final decision or entry of findings, and the board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as herein above provided, the board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this section. If the board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

11. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

902. Functions of the Zoning Hearing Board

The Zoning Hearing Board shall have the following functions:

1. The Zoning Hearing Board shall have the functions authorized in the Pennsylvania Municipalities Planning Code, as amended.
2. The jurisdiction of the Zoning Hearing Board and the Township Supervisors and the procedures to be followed by each shall be as established in said code.
3. Parties to authorized proceedings before the Zoning Hearing Board may utilize mediation as an aid in completing such proceedings, pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended.
4. Appeals from the Zoning Officer. To hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow the procedures or has misinterpreted or misapplied any provision of this Ordinance or the Official Zoning Map or any valid rule or regulation governing the action of the Zoning Officer.
5. Challenges to the Validity of Zoning Ordinance or the Official Zoning Map, except as indicated in the Pennsylvania Municipalities Planning Code, as amended. In all such challenges, the Board shall take evidence and make a record thereon as provided in Section 901. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact, which shall become part of the record on appeal to the court.

6. Unified Appeals. Where the Board has jurisdiction over matters pursuant to Sections 902(1), 902(5) and 902(7), the Board may also hear all appeals which an applicant may elect to bring before it with respect to any Township ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in Section 901. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.
7. Variances. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the circumstances or conditions are not created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located; and
 - B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property; and
 - C. That such unnecessary hardship has not been created by the appellant; and
 - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
 - (1) In granting any variance, the Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.
8. Special Exceptions. To issue, upon application, only such Special Exceptions which the Board by the provisions of this Ordinance is specifically authorized to issue. The granting of a Special Exception when specifically authorized by the terms of this Ordinance shall be subject to the following standards and criteria. The applicant for a Special Exception shall demonstrate, as a condition of approval of his application, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question.

- A. Such use shall be one which is specifically authorized as a Special Exception Use in the zoning district wherein the applicant seeks a Special Exception.
 - B. Such Special Exception shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.
 - C. Such use shall not adversely affect the character of the general neighborhood, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
 - D. Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
 - E. Services and utilities shall be made available to adequately service the proposed use.
 - F. The granting of the Special Exception shall be consistent with the Township Comprehensive Plan.
 - G. In granting a Special Exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purpose of this Ordinance and the Pennsylvania Municipalities Code, as amended.
9. To exercise any other power specifically granted to the Board under the terms of this Ordinance.

903. Procedures for Application to the Zoning Hearing Board

The Board shall act in accordance with the procedures specified by the Pennsylvania Municipalities Planning Code, as amended, and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Ordinance, the use for which a Special Exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed and any stay of proceedings shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

Applications and appeals, together with the required filing fee as established by the Township Supervisors, shall be submitted to the Secretary of the Zoning Hearing Board. As a minimum, all material required for a Zoning Permit shall be submitted with the application. The applicant shall also submit a description of the operations proposed in sufficient detail to indicate the effects of those operations proposed in producing traffic congestion, noise, glare, water pollution, fire hazards, safety hazards or other potentially harmful activities.

904. Expiration of Special Exceptions and Variances.

Unless otherwise specified by the Board, a Special Exception or Variance shall expire if the applicant fails to obtain a Zoning Permit or a Building Permit, where required, within eighteen (18) months from the date of authorization of the Special Exception or Variance.

905. Review of Applications for Special Exceptions and Variances by the Township Planning Commission and Township Supervisors.

The Secretary of the Zoning Hearing Board shall forward a copy of any application for a Special Exception or Variance to the Township Planning Commission and Township Supervisors for the opportunity to review and comment at least thirty (30) days prior to the hearing held by the Board on such application.

Part 10 – Enactment

1000. Public Utilities Corporation Exempted.

This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

1001. Severability.

Should any article, section, subsection, paragraph, clause, phrase or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

1002. Effective Date.

This Ordinance shall become effective January 1, 2012. Duly enacted by the Supervisors of East Brunswick Township, Schuylkill County, Pennsylvania, this 8th day of December, 2011.

EAST BRUNSWICK TOWNSHIP
BOARD OF SUPERVISORS

/s/ Jeffrey A. Faust

Jeffrey A. Faust, Chairman

/s/ Thomas W. Strause

Thomas W. Strause, Vice Chairman

/s/ Thomas J. Noecker

Thomas J. Noecker

Attest:

/s/ Lisa Slifko

Lisa Slifko, Township Secretary

AS AMENDED BY ORDINANCE NO. 2019-2, ENACTED ON MAY 28, 2019

AS AMENDED BY ORDINANCE NO. 2021-___, ENACTED ON FEBRUARY 23, 2021

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APPENDIX A
TABLE OF USES

<p>Type of Uses – See definitions in Article II</p> <p>P = Permitted by Right (Decision by Zoning Officer).</p> <p>C = Conditional Use (Decision by Board of Supervisors)</p> <p>S = Special Exception (Decision by Zoning Hearing Board)</p> <p>N = Not Permitted</p>								VC	RR	AP	WC	C	I	
AGRICULTURAL USES														
Agribusiness														
Crop Farming			P	P	P	P								
Agricultural Use, General	P	P	P	P	P	P								
Agricultural Use, Intensive			C		C									
Retail Sales of Agricultural Products Primarily Grown on the Premises	P	P	P	P	P									
Sewage Sludge, Land Application			C											
Accessory Structure to Existing Nonconforming Use (see Section 603)	C	C	C	C	C	C								

TABLE OF USES BY ZONING DISTRICT

Type of Uses – See definitions in Article II P = Permitted by Right (Decision by Zoning Officer). C = Conditional Use (Decision by Board of Supervisors) S = Special Exception (Decision by Zoning Hearing Board) N = Not Permitted		VC	RR	AP	WC	C	I
RESIDENTIAL USES							
Single Family Detached Dwelling (including manufactured/mobile home)		P	P	P	P	P	
Single Family Semi-Detached Dwelling (½ of twin)		P					
Two Family Detached Dwelling		P					
Group Home within a lawful dwelling unit, not including a Treatment Center.					S		
Accessory Apartment - See under Accessory Uses in this Table.		P					
Townhouse		P					
Boarding House		P					
Apartment Building		P					
Mobile Home Park						P	
Conversion of existing building to result in an increased number of dwelling units, other than as permitted under accessory uses.		P				P	
Home Occupation (see Section 614)		P	P	P	P	P	P
No-Impact Home-Based Business (see Section 613)		P	P	P	P	P	P
Accessory Structure to Existing Nonconforming Use (see Section 602)		C	C	C	C	C	C

TABLE OF USES BY ZONING DISTRICT

Type of Uses – See definitions in Article II P = Permitted by Right (Decision by Zoning Officer). C = Conditional Use (Decision by Board of Supervisors) S = Special Exception (Decision by Zoning Hearing Board) N = Not Permitted		VC	RR	AP	WC	C	I
COMMERCIAL USES							
Adult Bookstore, Adult Movie Theater, Adult Live Entertainment Use or Massage Parlor						C	
Airport				S			
Airport, Private				S	S		
Auto Repair Garage		P				P	
Auto Service Station (may include a convenience store)		P				P	
Auto, Boat or Mobile/Manufactured Home Sales						P	P
Bakery		P				P	
Bed and Breakfast Use		P	P	P	P	P	
Beverage Distributor		P				P	
Communications Antenna/Site/Tower, Commercial					C	C	C
Conference Center						S	
Construction Company/Trades Contractor's Headquarter/Storage (other than as a home occupation)						P	P
Convenience Store, not include sale of gasoline		P				P	
Custom Crafts or Artisan's Studio (other than a home occupation)		P				P	
Exercise Club		P				P	
Financial Institutions		P				P	
Funeral Home		P				P	
Garden Center		P		P	P	P	
Golf Course				P	P		
Golf Driving Center or Miniature Golf				P	P		
Heliport				C		C	C
Hotel or Motel						C	

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COMMERCIAL USES (cont'd)							
Indoor Recreation							
Kennel							P
Laundromat for Primarily Self-Service Use							
Laundry, Commercial or Industrial dry-cleaning							
Medical/Dental Office							C
Motor Vehicle Washing Facility (Car Wash)							P
Office (other than a home occupation)							P
Outdoor Recreation (Active)							
Outdoor Recreation (Amusement)							
Outdoor Recreation (Passive)							
Outdoor Recreation (Sports)							
Personal Services (including tailoring, custom dressmaking, hair cutting, shoe repair and other similar uses).							
Professional Consultants							
Resource Recovery Facility							
Restaurant (Drive-thru service prohibited)							
Retail Business							
Riding Academy / Riding Stable / Horse Boarding Facility							
Shopping Center, Strip Malls							
Target and Firing Range (not including personal use)							
Tavern							
Theater							
Theater, Drive-In							
Theater, Drive-In							
Trade/Hobby School or Trade School							
Veterinarian Office							
Accessory Structure to Existing Nonconforming Use (see Section 603)							

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INSTITUTIONAL USES						
Adult Day Care Facility						
Cemetery without Crematorium				P	P	P
Child Day Care Facility	P					P
Church/Place of Worship	C	C		P	P	
Club or Lodge	P			P	P	P
Crematorium					C	C
Community Center or Library	P					P
Hospital						S
Nature Education Center				P	P	
Nursing Home				P	P	P
Personal Care Home				P	P	P
School - Charter, Public or Private, Primary or Secondary, College or University	C	C			P	P
Treatment Center					S	
Accessory Structure to Existing Nonconforming Use (see Section 603)	C	C		C	C	C

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INDUSTRIAL USES							
Assembly of Materials Manufactured elsewhere or finishing of previously prepared resin, vinyl, polymer or rubber products							C
Asphalt Plant							C
Beverage Bottling						P	P
Distribution Center as a principal use (other than Trucking Company Terminal)						C	C
Gas or Oil extraction				C	C	C	C
Industrial/Business Parks						C	C
Industrial Equipment Sales, Rental, Service, other than vehicles primarily intended to be operated on public streets						P	P
Junk Yard						C	C
Liquid Fuel Storage, Bulk for Off-site Use, other than company vehicles based on-site							C

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INDUSTRIAL USES (cont'd)							
Manufacture or bulk processing for resale of the following, provided manufacturing occurs only indoors (other than a home occupation):							
-Cement, Gypsum, Concrete or Plaster Products, Chemical Products, Coke or Potash work, including Coke Oven, paper (raw), paper pulp, Pharmaceutical, Plastics, Polymers, Rubber (natural or synthetic), Resins, Vinyl, Soaps, Detergents, Paints, Varnishes, Enamels, Tar or creosote							C
-Apparel, Textiles, Shoes, Apparel Accessories. Ceramics, Clay, Glass, Wood, Furniture, Pottery products, Fabricated Metal Products, Food Products, Wood Products (other than raw paper pulp), Glass, glass products, Transportation Equipment, Manufactured/Modular Housing						P	P
-Electrical, electronic and Microelectronic Machines, Supplies and Equipment							C
-Explosives, Fireworks, Ammunition or Gunpowder, or bulk storage of (except government-owned facility)							C
-Petroleum or Kerosene Refining or Distillation							C
-Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber.							C
-Scientific, Electronic, Optical and Other Precision Instruments							
-Tire Retreading							C

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INDUSTRIAL USES (cont'd)							
Packaging as a principal industrial use						P	P
Photo Processing, Bulk							C
Printing or Bookbinding						P	P
Recycling Facility or Collection Center (other than municipal facility)							C
Research and Development, Engineering or Testing Facility or Laboratory, not involving manufacture of toxic substances							C
Sawmill/Planeing Mill and Related Sales				P		P	P
Self-Storage Facilities						P	P
Slaughterhouse or Stockyard							C
Solid Waste to Energy Plant							C
Solid Waste Landfill							C
Solid Waste Transfer Facility							C
Truck Terminal						S	P
Warehousing as a principal use (other than trucking co. terminal)							C
Welding Shop						P	P
Wholesale Sales						P	P
All Uses that would have a serious threat of being unable to comply with the performance standards of this Zoning Ordinance, especially including the "Environmental Protection" requirements of Article V							C
Accessory Structure to Existing Nonconforming Use (see Section 603)		C	C	C	C	C	C

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PUBLIC/SEMI-PUBLIC							
Emergency Service Station		P	P	P	P	P	P
Nature Preserve			P	P	P		
Public Utility		C	C	P	P	P	P
Swimming Pool, Non-household			P	P	P		
Township-owned Uses for governmental, utility, recycling, public safety, or recreation purposes		C	C	C	C	P	P
US Postal Service structure, which may include a leased structure		P	P	P		P	
Accessory Structure to Existing Nonconforming Use (see Section 603)		C	C	C	C	C	C

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MISCELLANEOUS							
Any Principal Use Not Specifically Listed in this Table		C	C	C	C	C	C