

LACKAWAXEN TOWNSHIP PIKE COUNTY, PA

ZONING ORDINANCE

(INCLUDING PRD AND FLOOD PLAIN MANAGEMENT)

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PREPARED BY

THE LACKAWAXEN TOWNSHIP BOARD OF SUPERVISORS
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**LACKAWAXEN TOWNSHIP
PIKE COUNTY, PENNSYLVANIA
ZONING ORDINANCE
INDEX**

This index is not intended to be an exhaustive listing of all key word entries in the Zoning Ordinance. Instead, it serves to direct the reader to that point in the text where the subject is referenced to lead the reader to additional information. Most references are to section numbers of the Ordinance, with others to the definitions in Article III of the Ordinance.

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**LACKAWAXEN TOWNSHIP
PIKE COUNTY**

ZONING ORDINANCE

ORDAINING CLAUSE

BE IT HEREBY ORDAINED AND ENACTED by the Board of Township Supervisors of the Township of Lackawaxen, Pike County, by authority of and pursuant to the provisions of Articles VI through X of Act No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code," and any amendments and supplements thereto, as follows:

ARTICLE I - GENERAL PROVISIONS

100 Repealer

This Zoning Ordinance, as adopted herein and as may be duly amended by the Township Board of Supervisors, shall repeal and replace in total the Lackawaxen Township Zoning Ordinance of October 27, 1978, as amended.

101 Title

AN ORDINANCE PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATERCOURSES, AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES AS WELL AS COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; AUTHORIZING THE APPOINTMENT OF A ZONING OFFICER; CREATING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

102 Short Title

This Ordinance shall be known and may be cited as the "Lackawaxen Township Zoning Ordinance."

103 Purpose

This Ordinance is adopted in accordance with an overall land use control program and with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures.

This Ordinance is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare; coordinated and practical community development; density of population; civil

defense and disaster evacuation, airports, and national defense facilities; the provisions of adequate light and air; police protection; vehicle parking and loading space; transportation; natural resources, agricultural land and uses; reliable, safe and adequate water supplies; safe and adequate sewage disposal, schools, public grounds and other public requirements and other purposes set forth in the Pennsylvania Municipalities Planning Code.

B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic, or other dangers.

104 Interpretation

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Township and its citizens. This ordinance is not intended to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any provisions of this Ordinance, nor is this Ordinance intended to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.

ARTICLE II - COMMUNITY DEVELOPMENT OBJECTIVES

201 Community Development Objectives

This Zoning Ordinance has been adopted in part to assist in implementing the Lackawaxen Township Comprehensive Plan. The Community Development Objectives supplement the Goals and Objectives in the Comprehensive Plan and include, but are not limited to the following:

- A. To insure that the land uses of the community are logically situated in relation to one another.
- B. To provide adequate space for each type of development in the community so as to avoid overcrowding of land.
- C. To provide for the control of development density in each neighborhood so that the populace can be serviced adequately by such facilities as streets, schools, recreation, and utilities systems.
- D. To protect existing property by requiring that development afford adequate light, air, and privacy for persons living and working within the municipality.
- E. To facilitate the efficient movement of traffic.
- F. To secure the preservation and prudent use of natural resources.
- G. To strive for a variety in housing types.

- H. To provide for equal opportunities in all facets of community living.
- I. To strive for coordination between policies, plans, and programs in the community through cooperation among governing officials, community interest groups, and the general populace.
- J. To spur economic advances and provide an economic climate which would provide an opportunity for all men and women who are capable of working.

ARTICLE III - DEFINITIONS

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

Access Area: A property used as an area of entry to a stream or other body of water for the purpose of launching or landing of watercraft. The access area may also include ancillary services or facilities such as base operations for watercraft rentals and may be operated as a private business.

Accessory Use or Structure: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Adult Business:

A. A use of a building or land for a business that has obscene materials as a substantial or significant portion of its stock-in-trade.

B. A use of a building or land for a business that involves the sale, lease, trade, gift or display of drug paraphernalia as a substantial or significant portion of its stock-in-trade.

C. Any nightclub, bar, restaurant, arcade, theater, or any other establishment that conducts live performances as a principal part of its business that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction of specified sexual activities or specified anatomical areas, or where any specified sexual activities are conducted for economic gain or any other form of consideration.

D. Any of the following uses shall be considered an Adult Business:

1. adult arcade
2. adult bookstore
3. adult live entertainment use or facility
4. adult motel
5. adult motion picture theater
6. adult theater

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7. escort agency
8. massage parlor
9. nude model studio
10. sexual encounter center

Adult Stores: A use of a building or land for a business which has obscene materials as a significant portion of its stock-in-trade or involves the sale, lease, trade, gift or display of drug paraphernalia. Obscene materials include any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or recorded matter which depicts or describes, sexual conduct and which, taken as a whole, does not have serious literary, artistic, political, or scientific value. Drug paraphernalia includes any objects, devices, instruments, apparatus or contrivances, whose primary and traditionally exclusive use is involved with the illegal use of any and all controlled substances under the Pennsylvania statutes.

Agricultural Use: The use of any parcel of land containing ten (10) or more acres for economic gain in the raising of agricultural products, livestock, poultry and/or dairy products. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes the raising of fur bearing animals, riding academies, livery or boarding stables and dog kennels; and excluding the disposal or use of sludge, septage or similar waste products.

Agriculture Products Processing: An industry that involves the processing of raw agricultural products; and transforming those products into a more refined, prepared, or marketable state. Includes, but is not limited to, such uses as sawmills, dairies and food canning and freezing operations.

Agriculture Service Establishment: Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services and farm labor and management services, and farm machinery dealers.

Alterations: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Amusement Park: A commercially operated park or facility with various devices for entertainment including but not limited to rides, games, electronic games and similar devices, food stands and other associated facilities.

Animal Hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Animal Husbandry: The keeping of any livestock including dairy animals, swine, or sheep. The keeping of more than one saddle horse or the keeping of any other animals for the purposes of obtaining eggs, fur, meat, or milk shall also be considered animal husbandry.

Antique Auto: A motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year, which has been maintained in or restored to a condition which is substantially in conformance with manufacturer specifications, and which is currently licensed by a State Department of Transportation.

Antique Shop: A retail establishment contained entirely within a building where works of art, furniture, decorative and collectable objects, relics, and other objects made at an earlier period than the present

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(at least thirty [30] years prior to the sale of the item) are sold to the general public. The sales display area of an antique shop shall not exceed nine hundred (900) square feet in floor area, and any such shop which exceeds said area shall be considered a retail business for the purposes of this Ordinance. An antique shop shall not include any establishment where new or used consumer products of recent origin are sold, any establishment which includes the stripping or refinishing of any item, any wholesale sales, flea markets where more than one vendor displays objects for sale, any outdoor sales, or any establishment where a public auction is conducted.

Applicant: See "Person"

Average Gross Residential Density: The number of dwelling units per acre in a planned residential community, computed by dividing the number of dwelling units which the applicant proposes to construct by the total acreage of the development excluding land occupied by rights-of-way. Other lands set aside for public use, shall be included in the computation. Bodies of water over five (5) acres in size shall not be included.

Bed and Breakfast: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally included as a part of the services rendered.

Bluffline: The point at which the plane which constitutes the side of the Delaware River valley intersects with the plane of the plateau adjacent to the river valley, often resulting in a broad precipice or cliff face overlooking the river.

Boarding or Lodging House: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally but not necessarily included as a part of the services rendered.

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

Building Height: The vertical distance measured from the average elevation of the finished grade at the building or structure to the highest part of the building or structure, excluding chimneys.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Bus Terminal: An area and/or building where buses are stored or parked on a regular basis with or without bus maintenance and repair facilities.

Campground or Recreational Vehicle (RV) Park: See Recreational Subdivision or Land Development.

Canoe Livery: A business or facility for the leasing or renting of any type of watercraft or waterborne vessel for outdoor water-based recreation.

Car Wash: Any building or premises or portions thereof used for washing automobiles for commercial purposes.

Child Care Center: Any establishment enrolling four or more children five (5) years of age or younger and where tuition, fees, or other forms of compensation for the care of the children is charged.

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Church: A building used for public worship.

Clearcutting: The removal from a forested tract of land of substantially all trees, for other than agricultural, approved wildlife management practices or other use approved in accord with this Ordinance.

Clear Sight Triangle: An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

Club/Lodge, Private: An establishment operated for social, athletic, recreational, or educational purposes but open only to members and not generally open to the general public.

Cluster Development: A form of land development that permits a reduction in residential lot area and increased dwelling unit density provided the required percentage of the development parcel is devoted to common open space and that may include tourist recreation and lodging facilities as an integral part of the development.

Commission: The Planning Commission of Lackawaxen Township

Comprehensive Plan: The Lackawaxen Township Comprehensive Plan including all maps, charts, and textual matter.

Conditional Use: A use which is not appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Township Board of Supervisors after recommendations by the Planning Commission.

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

Convenience Store: A one-story, retail store designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"), it may also include the sale of gasoline but shall not include the repair or service of vehicles.

Corral: An enclosure for confining livestock and which is typically attached to or situated in close proximity to a stable or barn; as contrasted to a pasture.

Country Club: A recreational property owned and managed by membership organization and including recreational facilities, restaurant, and meeting rooms.

Deck: An elevated (more than 6 inches) attached accessory structure constructed of wood with no walls or roof. As an attached accessory structure, it must meet the required setbacks for the principal building.

Developer: Any landowner, agent of such owner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

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

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Development Plan: A proposal for a planned residential development, prepared in accordance with this Ordinance and the Township Subdivision Ordinance, including a plat of the subdivision, locations of various uses, and all covenants relating to uses, locations and sizes of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open spaces, and public facilities.

Dwelling: A structure or portion thereof which is used exclusively for human habitation.

Dwelling Unit: One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath, and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

Dwelling, Multi-family: A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term "multi-family dwelling" shall include condominium as well as non-condominium housing units including the following construction types:

- A. Residential Conversion to Apartments - Conversion of an existing single-family detached dwelling into three (3) to five (5) dwelling units and not exceeding two and one-half (2 1/2) stories in height.
- B. Garden Apartment. - Multi-family dwellings originally designed as such; containing three or more dwelling units and not exceeding two and one-half (2 1/2) stories in height, not including townhouses.
- C. Townhouse - Multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 1/2) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire-resistant walls.
- D. Apartment Building - Multi-family dwellings of more than two and one half (2 1/2) stories but not exceeding the height limitations (in feet) of this Ordinance.

Dwelling, Single-Family Detached: A dwelling unit not attached to any other dwelling unit, accommodating a single family, and having two (2) side yards.

Dwelling, Two-Family: Dwelling accommodating two families either with units which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units.

Essential Services: Public utility facilities that do not require enclosure in a building, including the construction or maintenance, of gas, electrical, steam, telephone, sewage treatment plants and collection systems, or water distribution systems; including equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment.

Family: Either an individual, or two or more persons related by blood or marriage or adoption or up to five (5) unrelated persons living together as a household in a dwelling unit.

Farm Residence: A single family dwelling associated and on the same parcel with an agricultural use, the occupants of which are members of the immediate family (mother/father, sister/brother, daughter/son) owning the agricultural use or are fully employed by the agricultural use; and such dwelling is not rented or otherwise used for non-agricultural, income producing purposes.

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Farm Stand: A booth or stall on a farm and from which produce, and farm products are sold to the general public and operated by the owner of the property.

Fast Food/Drive Through Restaurant: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises and which may include facilities that enable customers to obtain food while remaining in their vehicles.

Flood: A temporary inundation of normally dry land areas.

Floodplain area: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

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

Floodway: The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

Forestry Enterprises: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, the production of firewood for sale, or in performing forest services including the operation of a sawmill but excluding other wood manufacturing businesses.

Garage, Private Parking: A building or portion thereof used only for the storage of automobiles by the family's resident upon the premises or by individuals residing in the immediate vicinity of such storage facilities.

Garage, Public Parking: A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of vehicles.

Garden Center, Retail: A retail establishment engaged in the sale of ornamental trees, shrubs and plants and supplies for gardening and landscaping.

Gasoline Service Station: A structure, building, or area of land or any portion thereof that is used for the sale of gasoline and oil or any other motor vehicle fuel and/or other lubricating substance, which may or may not include facilities for lubricating, washing, sale of accessories, and otherwise servicing motor vehicles, but not including the painting and/or body work thereof. Any business or industry dispensing gasoline and servicing vehicles only for its own use will not be deemed to be a gasoline service station.

Golf Course: A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses; but does not include miniature golf courses or golf ball driving ranges.

Gross Floor Area: The sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.

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Group Care Facility: A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. Any facility housing six or more individuals, including staff, shall be considered a health facility.

Group Family Household: A group of not more than six individuals including staff, not related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Health Facilities: Establishments primarily engaged in providing services for human health maintenance including hospital facilities, nursing and adult homes, personal care facilities and medical clinics and offices whether publicly or privately operated.

Home Occupation: Any use customarily conducted entirely within a dwelling, and carried on by the inhabitants residing in the dwelling, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than a sign as regulated by this Ordinance; and may include professional practice of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers, and veterinarians, and similar types of uses, excluding stables, kennels or motor vehicle or small engine repair shops. (See also Sections 503.2 and 536.8.)

Horse: Any animal of the horse family or resembling a horse including horses, mules, and donkeys.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel: A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, and providing additional services such as restaurants, meeting rooms and recreational facilities.

Hotel, Small: A building, in which (a) lodging or boarding are provided and offered to the public for compensation, (b) ingress and egress to and from all rooms are made through an inside lobby, (c) includes, but is not limited to, country inns and youth hostels, and (d) meets the following conditions: (1) does not exceed twelve rental units in size, and (2) is compatible with the natural and scenic characteristics for which the Delaware River Corridor (DRC) District was designated.

Housekeeping Cottages: Small detached dwelling units rented out for occasional use on a daily, weekly, or monthly basis.

Industrial Park: A tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility.

Institutional Use: Any land use, generally serving no less than twenty-five (25) persons at one time, for the following public or private purposes: educational facilities, including universities, colleges, elementary, secondary and vocational schools, kindergartens and nurseries, cultural facilities such as libraries, galleries, museums, concert halls, theaters and the like; hospitals, including such educational, clinical, research and convalescent facilities as are integral to the operation of the hospital; medical and health

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service facilities, including nursing homes, supervised residential institutions, rehabilitation therapy centers and public health facilities; military facilities; law enforcement facilities; and other similar facilities.

Junk: Any scrap, waste, reclaimable material or debris, vehicles, or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal, or other use or disposition.

Junk Yard: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, wastepaper, rags, metal, building materials, house furnishings, machines, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The outside storage or deposit on a lot of two (2) or more vehicles which do not have current licenses and/or two (2) or more inoperable vehicles shall be considered a junk yard. Agricultural vehicles such as tractors, mowers, etc., which are utilized as part of an active on-going farming operation and contractors' construction equipment actively used for part of the operation shall be exempt from this provision. Automobile sales lots managed by licensed automobile dealers and storage areas for antique autos shall be also exempt from this provision.

Kennel: The keeping of four (4) or more dogs or other animal, domestic or otherwise, that are more than six (6) months of age, but not including agriculture.

Land Development: Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accord with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code.

Landowner: The legal or beneficial owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of a landowner, or other persons having a proprietary interest in land, shall be deemed to be landowners for the purpose of this Ordinance.

Living Space: The sum of the areas of the several floors of a dwelling unit used for human occupancy and including finished basements and attics as measured from the interior faces of the walls. It does not include cellars, crawl spaces, unenclosed porches, attics not used for human occupancy, nor any floor space in an accessory building or in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance.

Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance, and having its

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principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

Lot Area: The total number of square feet in the lot less any area included in any rights-of-way affecting the lot.

Lot, Corner: A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.

Lot Coverage: That portion or percentage of the lot area, which is covered by buildings, roads, driveways, walkways, parking areas, or impervious surfaces including, but not limited to, pavement.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line.

Lot Line, Front: The property line separating the lot from a street.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

Lot Width: The average of the width of a lot at the building setback line and the rear lot line.

Manufactured Home: A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, which arrives at a site complete and ready for installation except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation; including, but not limited to mobile homes and modular homes.

Manufacturing: Establishments meeting the performance standards of this Ordinance, and which are engaged in assembly from components, fabrication of products, textile and clothing manufacturing, mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors. This definition includes *light manufacturing* and *heavy manufacturing*.

Manufacturing, Heavy: Establishments meeting the performance standards of this Ordinance, generally involve extensive buildings, outdoor production or storage, and ancillary transportation modes, and which are engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the assembly of component parts, the manufacturing or transformation of products for use by other manufactures, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, and any facility involving processes resulting in the storage of hazardous materials or the generation of large volumes of waste by-products or hazardous waste products, or involving other environmentally regulated processes.

Manufacturing, Light: Facilities meeting the performance standards of this Ordinance, and which are fully enclosed in a building and involve generally unobtrusive processes not resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes. Uses producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly

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from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture, or other wood products production and the like, but excluding basic industrial processing.

Medical Clinic: An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, or social workers and where patients are not usually lodged overnight.

Mini-Warehouse Facility: A building or buildings containing separated spaces to be leased or rented to individuals and/or business for the storage of personal belongings, goods, or supplies.

Minor repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep. Any repair except the removal and reconstruction of any exterior portion or part of the structure or any increase in size of the structure.

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

Mobile Home Lot: Land occupied or to be occupied by a mobile home in a mobile home park, improved with the necessary utility connections and other appurtenances; and said lot being specifically designated by diversion from other lots in the mobile home park.

Mobile Home Park: A parcel or contiguous parcels of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes.

Model Home: A residential structure associated with a principal permitted commercial use and not intended for permanent occupancy; and used solely for demonstration

purposes to inform potential purchasers of the types of homes available from the seller.

Motel: A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, with at least 25% of the rooms having direct access to the outside.

Motel, Small: A building or group of buildings, which (a) contains living or sleeping accommodations used primarily for transient occupancy, and (b) has individual entrances from outside the building to serve such living and sleeping, and (c) meets the following conditions: (1) does not exceed twelve rental units in size, and (2) is compatible with the natural and scenic characteristics for which the Delaware River Corridor (DRC) District was designated.

Multi-family Project: Any development of single parcel of property that includes two (2) or more buildings containing two (2) or more dwelling units; and that includes common open space and facilities.

Multiple Occupant Commercial Building: A building containing two (2) or more independent, non-residential uses; such uses also being permitted in the District where the multiple occupant building is proposed.

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Natural Resource Use: The removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water, land, on or beneath the surface thereof; said substances including but not limited to coal, limestone, shale, dolomite, sandstone, sand, clay, gravel, rock, stone, earth, peat, soil, or other mineral. The withdrawal/bottling of water for sale shall also be considered a Natural Resource Use.

Natural Resource Use, Minor: A natural resource use with an open face of two (2) acres or less, and which will not result in a total disturbed area of more than five (5) acres.

Natural Resources Processing: The refinement of minerals to specifications for sale including the crushing, screening, washing, or grading of minerals; and may also include the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products. The withdrawal, processing and bottling of water shall also be considered Natural Resources Processing.

Non-conforming Lot: Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated, such lot having been created and recorded in the office of the Pike County Recorder of Deeds prior to November 3, 1978, the effective date of this Ordinance, or any amendments thereto.

Non-conforming Structure: A structure or part of a structure manifestly designed not to comply with the applicable use or extent of the use provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of this Ordinance or amendments hereto; and including, but not limited to non-conforming signs.

Non-Conforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereto, where such use was lawfully in existence prior to the enactment of this Ordinance. Such non-conforming uses include, but are not limited to, non-conforming signs and other structures.

Nursing Home: Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care.

Obstruction: Any wall, bank, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream and cause damage to life or property.

Office Building: A building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity.

Off-Site Sewage Disposal: A sanitary sewage collection and treatment system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling, or two dwelling units located on the same property or adjacent properties shall not be considered as off-site sewerage and in such a case all development standards will apply the same for each dwelling or unit as any single-family unit.

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Off-Site Water Supply: A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with Pennsylvania Department of Environmental Resources regulations.

On-Site Sewage Disposal: A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

On-Site Water Supply: A system for supplying and transmitting drinking water to a single dwelling or other use from a source on the same lot.

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

Open Face: That area of a natural resource use where the extraction or removal of said natural resource is underway; and including any area of the property which has not been fully reclaimed and rehabilitated following resource removal in accord with this Ordinance and applicable Pennsylvania Department of Environmental Resources requirements.

Open Space: All areas of a multi-family development or cluster development not conveyed to individual owners and not occupied by buildings and required or proposed improvements shall be dedicated as permanent open space for the benefit and enjoyment of the residents of the particular units being proposed. Such open space shall be part of the same parcel and contiguous.

Parking Area, Private: An open area for the same uses as a private garage.

Parking Area, Public: An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

Patio: An open recreational area or structure, constructed no higher than six (6) inches from the ground level and resting directly on the ground. It may be attached to or detached from the principal building and may be constructed using wood, masonry, pavement, stone, or other material suitable for that purpose.

Permanent Foundation: A cement, concrete, treated wood or cinder block walled foundation erected on a poured concrete footer. A solid concrete slab will also be considered a permanent foundation.

Permanent Residence: A dwelling unit with the minimum living space required by this Ordinance and which is intended for year-round occupancy, and which is provided with a water supply and sewage disposal system as required by this Ordinance; but not including tourist recreation and lodging facilities, hotels, motels, or recreational vehicles.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Planned Residential Development: A contiguous area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created from time to time, under the provisions of this Zoning Ordinance.

Plat: The map or plan of a land development, preliminary or final.

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Porch: An attached roofed patio or deck. With the exception of, the wall adjoining the principal structure, all walls must be open or screened with a wall no higher than four (4) feet above the floor level. A porch is considered an attached accessory structure and must meet those setback requirements for principal structures.

Primitive Type Camping Facilities: An overnight camping facility with no improvements beyond those required by law; no permanent structures other than tent platforms and maintenance buildings; and designed and restricted to accommodate only persons using tents or similar apparatus not including any vehicle on wheels.

Private Recreational Facilities: Outdoor or indoor areas or structures, operated by private non-profit or private commercial entities, open to the public, which contain entertainment and amusement devices or attractions including animal farms, zoological parks, tennis and racquetball courts, ski areas, golf courses and the like, but excluding theaters, public parks, and playgrounds.

Professional Office: The office of a member of a recognized profession maintained for the conduct of that profession.

Public Notice: Notice published once each week for two consecutive 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 not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Public Recreational Facilities: Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Township, County, school district, state, or federal government.

Quarrying: The excavation for sale or off-tract use of rock, ore, stone, and similar materials.

Recyclables: Materials intended for reuse, remanufacture or reconstitution and including for the purposes of this Zoning Ordinance only the following materials: aluminum beverage containers; glass beverage and food containers; plastic beverage, food and household product containers but not including plastic film or bags; bi-metal food containers; newsprint, magazines, and office paper; and corrugated paper. Recyclables shall not include, except as specifically authorized by the Township in accord with Section 533 of this Ordinance, tires, large appliances such as stoves, refrigerators, washers and dryers, other scrap metal, used motor oil or any other material defined as "junk" or "solid Waste" by this Ordinance.

Recycling Facility: A center for the collection and/or processing of recyclable materials. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business, or manufacturer. Any facility accepting or processing waste or other discarded materials which are not recyclables as defined or authorized under this Ordinance shall be considered a junkyard or solid waste facility as regulated by this Ordinance.

1. **Recyclable Collection Facility:** A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public.
2. **Recyclable Collection Facility, Small:** A recyclable collection facility which occupies an area of not more than five hundred (500) square feet (including areas used for containers or other recyclable storage but not parking and loading areas) and may include mobile recycling units, kiosk type units which may include permanent structures and/or unattended containers placed for the deposit of recyclables.

3. **Recyclable Collection Facility, Large:** A recyclable collection facility which occupies an area of more than five-hundred (500) square feet (including areas used for containers or other recyclable storage but not parking and loading areas) but not more than twenty thousand (20,000) square feet (including areas used for container or other recyclable storage, structure and parking and loading areas) and which may include permanent structures, and limited recyclable processing for shipment or preparation to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding or cleaning or but not including the remanufacturing or conversion of recyclables to new products or raw materials used for new products.
4. **Recycling Unit, Mobile:** An automobile, truck, trailer, or van, licensed by the Department of Transportation which is used for the collection of recyclable materials, or the bins, boxes or containers transported by trucks, vans, or trailers and which are used for the collection of recyclable materials.
5. **Recyclable Processing Facility:** Any recycling facility which exceeds the area or processing limits of a large collection facility, or which involves the remanufacturing or conversion of recyclables to new products or raw materials used for new products.

Recreation Vehicle: A vehicle with or without motor power which may be towed on the public highways by a passenger automobile or truck without a special hauling permit, or which may be driven under its own power. This definition includes, but is not limited to campers, travel trailers, buses, camping trailers, pick-up trucks with slide-in campers, recreational vehicle homes and motor homes.

Recreational Subdivision or Land Development: The division or re-division of a lot, tract or parcel of land, by any means, into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot line for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents, for transient use. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition.

Recreational Subdivisions or Land Development, Transient: Publicly operated facilities, or businesses, offering sites with the usual accessory recreational and service facilities, not normally including eating facilities, for use for tent camping and/or recreational vehicle camping by the public at large on a transient basis. Sites are rented on a daily or weekly basis.

Recreational Subdivisions or Land Development, Non-transient: Planned private communities with recreational and service facilities, including central water and sewage and usually a restaurant and/or bar, lounge, chapel, and community hall, for use only by occupants of tent and/or recreational vehicle sites within the campground. Sites may be owned in common, or may be owned individually by deed conveyance, or may be leased on an annual basis.

Recreational Vehicle Park: See Recreational Subdivision or Land Development

Restaurant: An establishment where food and drink is prepared, served and consumed primarily within the principal building.

Retail Business: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Right-of-Way: Land reserved for use as a street, drainage facility or other public or community use.

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Section: A tract which is part of a proposed planned residential development to be developed according to a timetable.

Semi-Public Building or Use: Buildings or uses operated by non-profit, community-based organizations for the general use of Township residents, including churches, fire houses, ambulance buildings, libraries, and the like, but excluding institutional uses such as nursing homes, hospitals, sanitariums, and clinics.

Service Establishment: Establishments engaged in providing services involving the care or needs of a person or his or her apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, etc.

Setback: An open unoccupied space which shall extend the full depth or width of a lot, and which shall not be occupied by any portion of any building. Front setbacks shall be measured from the edge of the highway right-of-way and other setbacks from property lines.

Shopping Center or Mall: A group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

Signs: Any object, device, display, structure, or part thereof, situated outdoors or indoors, and intended for viewing from the building exterior, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nations, state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields.

1. **On-premises sign:** Any permitted sign located on the land upon which the concern advertised by such sign is located.
2. **Off-premises sign:** Any permitted sign not located on the land upon which the concern advertised by such sign is located.
3. **Sign surface area:** The size of any sign computed by multiplying its greatest length by its greatest height. Structural members not bearing advertising material or not in the form of a symbol shall not be included in the computation of surface area. In the case of signs with no definable edges (e.g., raised letters attached to a facade) surface area shall be that area within the perimeter of a rectangle enclosing the extreme limits of the advertising material. If one, two-sided sign is proposed, each face shall not exceed the applicable maximum sign surface area. If one-sided signs are proposed, two signs may be erected and the face of each shall not exceed the applicable maximum sign surface area.
4. **Non-conforming sign:** Any sign legally existing prior to the effective date of this Ordinance, October 27, 1978, as amended.
5. **Billboard:** A sign advertising a business, product, service, commodity, activity, or other concern which is located, produced, or offered at a location other than the premises on which the billboard is located; but not including the off-premises signs permitted by Section 504.4 of this Ordinance.

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Solid Waste Facility, Commercial: Any facility operated by a private individual or firm pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous, and medical waste.

Solid Waste Facility, Public: Any facility operated by a public entity pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous, and medical waste.

Solid Waste Staging Area: Any parcel of property used for the transfer of solid waste from one vehicle to another vehicle for transport to a solid waste facility.

Special Exception: A use allowed, with permission granted by the Zoning Hearing Board, to occupy and use land and/or a building for specific purposes in accord with this Ordinance.

Specialty Shops: Establishments primarily engaged in providing services involving the care of a person or his or her apparel or specializing in a specific type or class of foods such as a bakery, butcher shop, fish store or similar shops.

Stable (Commercial): A structure or area used for the shelter, care and/or riding of donkeys, horses, or mules for hire, remuneration or sale.

Stable (Private): An accessory structure or use which involves the keeping of donkeys, horses, or mules not for hire, remuneration or sale.

Stage: A section or sections which are to be developed at the same time, as part of a timetable for development.

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley. "Public rights-of-way" shall be those open to the general use of the public, not necessarily publicly dedicated.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Structure, Permanent: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Structure, Portable: Anything constructed that is not permanently affixed to the ground but is designed to be moved from place to place.

Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

Structure, Principal - A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development.

Lackawaxen Township Zoning Ordinance

Supervisors: The Board of Supervisors of Lackawaxen Township.

Tavern: A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, where 25 percent or more of the gross receipts are for sale of food. This use includes bars, cocktail lounges, but excludes any member-only bars or clubs.

Temporary Use: A use accessory to another permitted principal use that operates at a fixed location for a temporary period of time.

Temporary Commercial Use: A retail operation involving the sale of food, beverage or any other merchandise from a location on an intermittent or seasonal basis, and which is not associated with a building; including but not limited to, hot dog carts; rug sales; plant, shrub or tree sales; or similar activities.

Time Shared Ownership: Ownership of a fee simple or less than fee simple interest in a property, obtained by conveyance, lease or any other means, which ownership is shared with other parties and represents a right to use said property for a portion of a year over a period of more than a year.

Tourist Recreation and Lodging Facility: A recreational facility designed to provide overnight accommodations in permanently constructed dwelling units in combination with a variety of generally passive recreational opportunities such as golf, hiking, swimming, etc., not including campgrounds or RV parks.

Transient Use: Occupancy of a dwelling by three or more families at separate times over the course of a year; not including three or more unrelated individuals who may, during such period, be temporarily staying at the location as a guest(s) of the principal occupant.

Truck Stop: Any building, premises, or land in which or upon which a business, service or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities solely for the use of truck crews.

Truck Terminal: A terminating point where goods are transferred from a truck to a storage area or to other trucks or picked up by other forms of transportation.

Truck Wash: Any building, premises, or portion thereof used for washing trucks with a gross vehicle weight exceeding five thousand (5,000) lbs.

Undertaking Establishment: A building or part thereof used for human funeral services and/or for the processing of human or animal remains for burial or cremation. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsy procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; d) the storage of funeral vehicles; e) crematorium furnace(s). Where a funeral parlor is permitted, a funeral chapel shall also be permitted.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Variance: Relief granted pursuant to the provisions of 708.3 of this Ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code.

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Vehicle and Equipment Sales and Repair Operation: The use of any building, land area or other premise for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation vehicles; or farm or construction equipment including any warranty repair work and other repair service.

Walkway: A narrow passageway, no wider than four (4) feet, extending from the entrance or patio of the principle building at or no more than six (6) inches above ground level, out to and including encroachment of the front yard but not encroaching on any road right-of-way. Construction material may consist of wood, stone, masonry, pavement, or other similar material suitable for that purpose. (Note: If constructed above six (6) inches from the ground - see deck.)

Warehouse: Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of goods and materials.

Water Extraction/Bottling: Any use which involves the pumping or removal of water from groundwater sources, with or without bottling, for retail or wholesale sale.

Wholesale Business: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Yard: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any building. Front yards shall be measured from the edge of the road right-of-way and other yards from property lines.

Yard Sale: A temporary activity conducted by a resident of the Township at his place of residence where accumulated household and other personal items are offered for sale to the general public; but not including the buying and selling of any new or used items or surplus materials.

Zoning Officer: The administrative officer charged with the duty of enforcing the provision of this Ordinance.

The above definitions are also supplemented by those contained in other Township Ordinances. Where there is any conflict between definitions or provisions contained in this Ordinance and other Ordinances, the definitions or provisions contained herein shall apply insofar as they affect this Zoning Ordinance.

ARTICLE IV - ESTABLISHMENT OF DISTRICTS

401 General Districts

For the purposes of this Ordinance, Lackawaxen Township is hereby divided into four (4) Basic Zoning Districts, as follows:

- RU Rural District
- R-1 Low Density Residential District
- ND Neighborhood Development District
- RV Recreational Vehicle Park District

In addition to the base Districts listed above, the following overlay Districts are hereby established:

- DRC Delaware River Corridor
- FLD Flood Plain
- PRD Planned Residential Development

402 Official Zoning Map

The location and boundaries of said districts are hereby established as shown on the Official Lackawaxen Township Zoning Map comprised of the Pike County Tax Maps of the Township as signed, sealed, and dated by the Township Secretary, which are hereby adopted by reference and declared to be a part of this Ordinance together with all amendments thereto. (*Ordinance # 74 dated 04/16/2008, amend Lackawaxen Township Zoning Map*)

Ordinance # 97 dated 08/19/2013, amend Lackawaxen Township Zoning Map - Amend Zoning Map, established in Section 402 of the Ordinance, as follows: 1) to change the boundaries of the certain zoning districts along U.S. Route 6 in the Township, from R1 to ND, with a depth from the highway of 1000 feet as measured for the edge of the travelway of said road, as set forth on the map attached; 2) to correct the width of certain ND District areas along the State highway SR434 to be depth from the highway of 1000 feet as measured for the edge of the travelway of said road; 3) to change the area marked VY District that is now the Blue Heron Woods development, adjacent to the intersection of Routes 6 and 402, from RV to R1 and to change the Laurel Woods Mobile Home development, located off Route 590 in Greeley, from RU Zoning District to the RV Zoning District.

403 District Boundaries

403.1 Establishment

District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan of record in the Pike County Recorder of Deed's Office and on the Pike County Tax Maps at the time of the enactment of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.

403.2 Interpretation

Where district boundaries are indicated as following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;

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Where district boundaries are so indicated that they follow the lot lines, such lot lines shall be construed to be said boundaries;

Where district boundaries are so indicated that they are parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

Where the boundary of a district is intended to follow the Upper Delaware National Scenic and Recreational River corridor, such boundary shall be deemed to follow said corridor as established by the Upper Delaware Scenic and Recreational River Management Plan.

403.3 Uncertainty

In the event of uncertainty as to the true location of a district boundary line in a particular instance, any decision of the Zoning Officer may be appealed to the Zoning Hearing Board. It shall be the duty of the Zoning Hearing Board to render its determination with respect thereto.

404 District Intent

Taken as a whole, the seven (7) zoning districts in Lackawaxen Township are designed to implement the Purpose set forth in Section 103 and the Community Development Objectives set forth in Section 201 of this Ordinance. The specific Intent of each District follows.

404.1 RU Rural District

The purpose of this District is to ensure the preservation of certain agricultural and forested areas and open spaces while providing for reasonable economic development that is compatible with the rural character of the Township and at the same time protect environmentally sensitive areas.

404.2R-1 Low Density Residential District

The intent of this District is to provide sufficient space for residential development on lots of sizes adequate to safely permit on-site sewage disposal and on-site water supply; and also provide the opportunity for development at a greater density where central water supply and central sewage disposal are provided.

404.3ND Neighborhood Development District

The purpose of this District is to provide areas for the normal development of business and service activities to serve the residents of the Township and surrounding communities and accommodate other commercial and manufacturing uses.

404.4RV Recreational Vehicle Park District

The purpose of this District is to provide areas for active recreational opportunities for transient populations, located away from residences and areas where the activities would represent an intrusion

such as noise and traffic and encourage such development near areas with recreational potential that lend themselves to active use.

404.5DRC Delaware River Corridor Overlay District - See Section 536

404.6FLD Flood Plain Overlay District - See Section 520

404.7PRD Planned Residential Development Overlay District - See Article VI

405 District Regulations

District regulations are of two types, Use Regulations and Development Standards, which shall apply to any proposed new use, expansion of an existing use, or change of use of any land and/or structures in the Township.

406 Use Regulations

District Use Regulations are provided in the following Schedule of Uses.

Permits for principal permitted uses and accessory uses shall be issued by the Zoning Officer provided such uses comply with the standards in this Ordinance.

Conditional uses and special exception uses shall be subject to the additional review procedures and criteria as specified in this Ordinance.

Principal permitted uses, conditional uses, and special exception uses shall be limited to one such use per lot or parcel. Two or more such uses per lot or parcel shall be governed by Section 502.1.

406.1 Uses Not Specified in Schedule of Uses

A use which is specifically listed in one District but not in another shall be deemed to have been purposely excluded from those Districts where it is not listed; and shall only be permitted if the Schedule of Uses is amended to provide for such use in accord with the requirements of the Pennsylvania Municipalities Planning Code and this Ordinance.

Whenever a proposed use is neither specifically permitted nor denied by this Ordinance, the Zoning Officer shall refer the application to the Board of Supervisors, who shall decide whether the use is permitted or denied in the district proposed, based upon the intent of the district and upon the similarity of the use to other uses listed in the Schedule of Uses. The Board of Supervisors shall, if it determines the use is permitted, classify the proposed use as either a Principal Permitted, Conditional, Special Exception Use, establish such standards, conditions, and supplemental regulations as may be appropriate, and direct the Zoning Officer to proceed accordingly.

The Board of Supervisors or the Zoning Hearing Board may, in granting an approval for a conditional use or special exception, respectively, set an expiration date for the approval if no construction has taken place or the use is not otherwise established as a constructive activity. Any conditions imposed in approval of such use shall be met prior to granting of a Certificate of Use or within one (1) year of the granting of approval, whichever shall occur first. The Board of Supervisors or Zoning Hearing Board as the case may be, however, may temporarily waive those time limitations, for good cause.

**LACKAWAXEN TOWNSHIP
SCHEDULE OF USES**

RU - RURAL DISTRICT (Additional Uses Page 46)

Principal Permitted Uses

Agricultural Uses
Single-family detached dwellings
Small engine repair business

Accessory Uses

Carports
Customary accessory uses and structures
Essential Service
Home gardening, nurseries, and greenhouses
Keeping of animals in accord with Section 525.4
Private parking areas and private garages
Private stables
Private swimming pools
Signs in association with an approved use
TV satellite dishes
Yard sales

Special Exceptions

None

Conditional Uses

Access areas**
Agricultural products processing *
Agricultural service establishments *
Airports
Antique shops*
Bed and breakfast establishments
Business and professional offices
Canoe liveries (prohibited in DRC scenic segments)
Cemeteries
Childcare centers
Clubhouses and lodges
Cluster development
Commercial stables
Communication Antennas
Communications Equipment Building
Communication Facility
Communication Towers
Contracting businesses and trades in accord with Section 534 *
Country clubs
Farm stands
Golf courses excluding miniature golf courses and driving ranges
Greenhouses, commercial
Group care facilities

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Home occupations
Hospitals, clinics, and nursing homes*
Institutional uses *
Kennels
Manufacturing *
Mobile home parks
Natural resource uses *
Natural resources processing *
Planned Residential Development in accord with Article VI
Primitive type camping facilities
Public and semi-public uses
Recycling, small collection facilities
Recycling, large collection facilities *
Research and development facilities *
Residential subdivision facilities and amenities
Restaurants
Solid waste facilities and staging areas *
Swimming pools, commercial
Tourist recreation and lodging facilities
Two-family dwellings and conversions to two-family dwellings
Warehousing *

* Permitted only on parcels of five (5) acres or more in size, and front side and rear yards (setbacks) shall be, at a minimum, set by the Township at twice the normal yard requirements of the District.

**See Section 535 of this Ordinance for *access areas* along the Lackawaxen River and the Delaware River.

See Section 536 for other Upper Delaware Overlay District standards.

Manufacturing uses in "Scenic Segments" and "Recreational Segments" of the Upper Delaware Scenic and Recreational River shall be prohibited; however, home occupations involving "manufacturing, light" uses which meet the requirements of Section 536.8 of this Ordinance shall be allowed as a conditional use.

LACKAWAXEN TOWNSHIP SCHEDULE OF USES

R-1 - LOW DENSITY RESIDENTIAL DISTRICT

Principal Permitted Uses

Agricultural uses
Single-family detached dwellings

Accessory Uses

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Carports
Customary accessory uses and structures
Essential services
Home gardening, nurseries and greenhouses
Keeping of animals in accord with Section 525.4
Private parking areas and private garages
Private stables
Private swimming pools
Signs in association with an approved use
TV satellite dishes
Yard sales

Special Exceptions

None

Conditional Uses

Antique shops *
Bed and breakfast establishments *
Cemeteries
Childcare centers
Cluster development, residential
Communication Antennas*
Communication Facility*
Conversion to two-family or multi-family dwellings
Country Clubs *
Golf courses excluding miniature golf and driving ranges
Group care facilities
Home occupations
Medical and dental offices for single practitioners
Multi-family dwellings
Natural resource uses *
Planned Residential Development in accord with Article VI
Public and semi-public uses
Recycling, small collection facilities
Residential subdivision facilities and amenities

* Permitted only on parcels of five (5) acres or more in size, and front, side and rear yard (setbacks) shall be, at a minimum, set by the Township at twice the normal yard requirements of the District.

See Section 536 for other Upper Delaware Overlay District standards.

* Communication antennas and communication facilities only when the antenna is to be attached to an existing structure or building.

**LACKAWAXEN TOWNSHIP
SCHEDULE OF USES**

ND - NEIGHBORHOOD DEVELOPMENT DISTRICT- (additional uses page 46)

Principal Permitted Uses

Single-family detached dwellings
Small engine repair business
Two-family dwellings

Accessory Uses

Carports
Customary accessory uses and structures
Essential services
Home gardening, nurseries, and greenhouses
Keeping of animals in accord with Section 525.4
Private parking areas and private garages
Private Stables
Private swimming pools
Signs in association with an approved use
TV satellite dishes
Yard sales

Special Exceptions

none

Conditional Uses

Additions and expansions of any conditional use
Amusement Parks
Animal hospitals
Banks
Bed and breakfast establishments
Boarding & tourist homes
Building, contracting and related businesses
Bulk fuel storage facilities
Bus terminals
Business and professional offices
Canoe Liveries
Car and truck washes
Childcare centers
Club houses and lodges
Cluster development, residential
Commercial nurseries & greenhouses
Commercial recreation facilities
Communication Antennas
Communications Equipment Building
Communication Facility
Communication Towers
Convenience stores
Country clubs Farm stands
Fast food/drive through restaurants

Lackawaxen Township Zoning Ordinance

Flea markets
Garden centers
Gasoline service stations
Greenhouses, commercial
Group care facilities
Home occupations
Hospitals, clinics, and nursing homes
Hotels, motels and other
tourist lodging facilities
Institutional uses
Junk yards
Kennels
Manufactured housing sales and service facilities
Manufacturing
Medical and dental offices
Mini warehouses
Mobile home parks
Multi-family dwellings and conversions to multi-family dwellings
Natural resources processing
Nurseries, commercial
Office buildings
Personal service shops
Private recreation facilities
Private schools
Professional offices
Public and semi-public uses
Recycling, small and large collection facilities
Research and development facilities
Residential subdivision facilities
and amenities
Restaurants
Retail and service establishments
Shopping centers & malls
Specialty shops
Studios
Tourist recreation and lodging facilities
Truck stops
Truck terminals
Undertaking establishments
Vehicle sales, supply, and service facilities
Warehouses
Wholesale businesses

Any use not specifically listed in this schedule of uses shall be considered a conditional use in the ND-District unless otherwise defined by the Board of Supervisors per Section 406.1.

See Section 536 for other Upper Delaware Overlay District standards.

Manufacturing in the "Lackawaxen Hamlet Area" of the Upper Delaware Scenic and Recreational River shall only be allowed as "manufacturing, light" as defined by this Ordinance.

LACKAWAXEN TOWNSHIP
SCHEDULE OF USES

RV - RECREATION VEHICLE PARK DISTRICT

Principal Permitted Use

Agriculture
Single-family detached dwellings

Accessory Uses

Carports
Customary accessory uses and structures
Essential services
Garages
Home gardening, nurseries and greenhouses
Private parking areas and garages
Private swimming pools
Signs in association with an approved use
TV satellite dishes
Yard sales

Special Exceptions

None

Conditional Uses

Access areas**
Amusement parks
Bed and breakfast establishments
Campgrounds
Clubhouses and lodges
Cluster development, residential
Contracting and trades in accord with Section 534
Golf courses
Mobile home parks
Public and semi-public uses
Residential subdivision facilities and amenities
RV parks
Tourist recreation and lodging facilities

**See Section 535 of this Ordinance for *access areas* along the Lackawaxen River and the Delaware River.

See Section 536 for other Upper Delaware Overlay District standards.

**LACKAWAXEN TOWNSHIP
SCHEDULE OF USES - AMENDED**

ND – Neighborhood Development District

RU – Rural District

Schedule of Uses is hereby amended to permit the following uses in the ND – Neighborhood Development District and the RU - Rural District in the classifications set forth below, as follows:

The following Uses shall be classified as Principal Permitted Uses, provided the building area proposed for said use does not exceed Twelve Hundred (1,200) square feet, for parcels that are less than two (2) acres. For parcels that are two (2) acres or more, the following Uses shall be classified as Principal Permitted Uses, provided the building area proposed for said use does not exceed Two Thousand (2,000) square feet. If the use proposed is to exceed 1,200 sq. ft. (for parcels under 2 acres), or 2,000 sq. ft. (for parcels of two acres or more), then the Use shall be classified as a Conditional Use in each district:

A. Principal Permitted Uses

Adult day care	Motor vehicle service and repair, light
Bakery, commercial	Offices, administrative, business, and professional
Bank or financial institution	Plant nursery/greenhouse
Barber/beauty shop	Postal service, overnight courier collection and overnight mail distribution facility
Bed & Breakfast – up to 5 rooms available for rent	Printing service
Business service and supply service establishments	Private clubs
Private training center	Forestry Enterprises
Convenience stores w/o gas pumps	Public and quasi-public uses, including but not limited to post office, library, parks and recreational facilities, governmental office and service facilities, public safety facilities (fire and rescue, police)
Continuing care facilities	Radio and television recording/broadcasting studio
Day care, childcare, or nursery	Recycling drop-off collection center, small
Farmers Market – outdoor space not counted toward 1,200 sq. ft.	Repair service establishments
Indoor sports/activity centers	
Laundry, dry cleaners, laundromat	
Medical care facility, minor	
Meeting halls for social, fraternal, civic, public, and similar organizations	

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B. Accessory Uses Permitted

The following accessory uses shall be permitted in the ND and RU Zoning Districts, which such accessory uses shall be supportive and complementary to (i.e., which serves the users of) existing permitted principal uses or approved conditional uses. The accessory uses are in addition to the Accessory Uses already allowed in those Base Zoning Districts, and are set forth below:

- a. Parks, playgrounds, community centers and non-commercial recreational and cultural facilities which are not commercial, public, or quasi-public.
- b. Electric, gas, water, sewer, and communication facilities, including transformers, pipes, meters, pump stations, and related facilities for distribution of local services.
- c. Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or section and which shall be removed upon completion or abandonment of such construction.
- d. Retail sales of products manufactured, assembled, or distributed by a Principal User when in a Principal Use building and under ten percent (10%) of gross floor area.

C. Conditional Uses

Adult Business

Hotel/Motel

Hospital

Warehousing, Motor freight terminals, and distribution facilities*

Commercial golf courses facility

Manufacturing, processing, fabrication and/or assembly of products such as, but not limited to scientific and precision instruments, photographic equipment, communication equipment, computation equipment, drugs, medicines, pharmaceuticals, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchased glass, electric lighting, and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery, wireless communications.

Wastewater treatment facilities; water treatment facilities

Commuter parking lot

Commercial stables*

Restaurants

Schools (primary and secondary); also, technical schools

Theaters/Movies

Wholesale Trade Establishments

Bulk Fuel Storage Facilities*

* These Uses shall require a Five (5) acre minimum area.

Fast food/Drive-Through Restaurants

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- Undertaking Establishments, including crematoria
- Tavern
- Auction house
- Conference center
- Health and fitness center/spa
- Bed and Breakfast – more than 5 rooms available for rent
- Water Extraction/Bottling

NOTICE IS HEREBY GIVEN that while these uses are being added to the Schedule of Uses for the RU and ND Districts, there exists a **Delaware River Corridor and Hamlet Areas Overlay Districts (“DRC”)**, which is established in Section 401 and delineated in Section 536 of this Ordinance, and the DRC District comprises an overlay area located along the Delaware River and certain areas of the Villages of Lackawaxen and Masthope within areas of both the RU and ND Districts. The provisions of Section 536 may prohibit, restrict, or specially regulate some of the uses set forth above, so you must review the provisions of Section 536 regarding the applicability of the DRC to any proposed use.

407 Development Standards

The Schedule of Development Standards which follows establishes minimum standards for lot area; lot depth, average lot width and front, side and rear yards; and establishes maximum standards for building height and lot coverage. The standards also establish specific standards and criteria that apply to the use as may be appropriate to protect the public health, safety and welfare. The Supplementary Regulations contained in Article V and the standards contained in Section 509 establish additional criteria for specific uses.

**LACKAWAXEN TOWNSHIP ZONING ORDINANCE
SCHEDULE OF DEVELOPMENT STANDARDS**

I. Residential Standards - applicable to all single-family dwellings in all Districts.

Minimum Lot Area (<u>acres</u>)	Minimum Lot Width/Depth (<u>feet</u>)	Minimum Yards (feet) <u>Front Side Rear</u>
2.0	200/200	50 25 50

NOTE: Two-family dwellings - See Section 512.
Multi-family Dwellings - See Section 511.

II. Non-residential Standards - applicable to all non-residential uses in all Districts.
The supplementary standards in Article V may require larger lot sizes and yards for certain uses.

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	Minimum Lot Area (<u>acres</u>)	Minimum Lot Width/Depth (<u>feet</u>)	Minimum Yards (feet) <u>Front Side Rear</u>		
RU District	1.0	150/150	40	25	25
ND District	1.0	150/150	40	25	25
All Other Districts	2.0	200/200	50	50	50

III. Maximum Lot Depth to Lot Width Ratio - 3:1 (applicable in all Districts)

IV. Maximum Building Height for all structures (measured from average elevation of finished grade to highest part of building –(see also Definitions and Section 501.2)

35 feet

V. Maximum Lot Coverage (includes buildings, roads, parking areas, sidewalks, and other impervious surfaces -- see Definitions)

A. Residential Uses: 20%

B. Non-residential uses: 40%

Notes:

1. The Supplementary Standards in Article V and notes on the Schedule of Uses of this Ordinance provide additional or more restrictive requirements for certain uses.
2. If two or more principal structures are proposed for location on a single parcel, the area of said parcel shall be increased in proportion to the number of principal structures so that permitted density is maintained, unless density is otherwise regulated by this Ordinance.
3. See Section 501.1 for non-conforming lots of record.
4. See Section 502.2 for corner lots.

ARTICLE V - SUPPLEMENTARY REGULATIONS

500 Introduction

The standards that follow shall be applied to the specific situations indicated and are intended to supplement the standards in Article IV. Standards contained in a specific section regulating a specific use shall not exempt said use from other applicable regulations contained in this Ordinance.

501 Permitted Deviations from Required Sizes

No lot, yard, or other space shall be so reduced in area or dimension as to make it less than the minimum required by this Ordinance except as follows:

501.1 Non-Conforming Lots of Record

A single-family dwelling and residential accessory structures may be erected on a non-conforming lot of record providing:

- A. A sewage permit meeting the requirements of the Pennsylvania Department of Environmental Resources has been properly issued.
- B. The dwelling is provided with a potable water supply meeting Township requirements.
- C. Front and rear yards are maintained as required by District regulations; and side yards are not reduced to less than fifteen (15) feet.

501.2 Height Exceptions

Height regulations shall not apply to spires, belfries, cupolas, domes, not used for human occupancy, nor to chimneys, ventilators, monuments, water towers, masts and aerials, television antennae, public utility structures that are not buildings, silos, chimneys, ventilators, and parapet walls extending not more than four (4) feet above the regulated height of the building, skylights, bulkheads, and ornamental or necessary mechanical appurtenances. However, in no case shall any structure as set forth above be located closer to any property line than the highest part of the structure. Any structure proposed to be a height in excess of sixty (60) feet shall be treated as a conditional use.

502 Unique Lots and Building Locations

502.1 Two or More Uses on a Lot

Two or more principal buildings or uses located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building or use if each were on a separate district lot including unit density requirements, unless otherwise regulated by this Ordinance. Principal structures located on the same lot shall be separated by a distance at least equal to the height of the highest adjoining structure.

502.2 Corner Lots

Any yard of a lot which abuts a street shall be equal in size to the front yard required for the District. Any remaining yards may be considered side yards for setback purposes.

502.3 Clear Sight Triangles at Street Intersections

Visual obstructions at street intersection (excluding an existing building, post, public utility structures, column, or tree) exceeding fifty (50) inches in height shall be prohibited on any lot within the triangle formed by the street lot lines of the lot and a line drawn between points along the street lines fifty (50) feet distant from their points of intersection.

503 Accessory Structures and Uses

503.1 Accessory Structures

All accessory structures shall conform to the minimum setback regulations established in Article IV except as permitted below.

A. Unattached Structures Accessory to Residential Buildings

Structures accessory to residential buildings which are not attached to a principal structure and do not exceed eight (8) feet in height and one hundred (100) square feet in total floor area may be erected within the required side and rear yards of a principal structure, provided that no side yard is reduced to less than ten (10) feet. This setback reduction shall be permitted only for one such accessory structure per parcel. In the case of corner lots, the full yard as specified in Section 502.2 shall be maintained.

B. Attached Accessory Structures

An accessory structure attached to a principal building shall be considered to be a part of the principal building and shall conform to the setbacks for principal structures.

C. Unattached Accessory Structures to Non-Residential Buildings

Unattached accessory structures for other than residential structures or uses shall comply with front, side, and rear setback requirements for the principal structure.

503.2 Home Occupations

It is the intent of this subsection to regulate the operation of home occupations so that the average neighbor, under normal circumstances, will not be aware of the existence of the home occupation except for a permitted sign. Home occupations shall not be permitted in multi-family dwellings. Any home occupation or expansion of a home occupation shall be a conditional use, and in addition to the criteria in Sections 509 and 514 of this Ordinance, the following criteria shall apply:

- A. The occupation must be clearly incidental and secondary to the use of the dwelling as a residence.
- B. The home occupation does not utilize more than one thousand (1000) square feet of the gross floor area of the dwelling unit and may utilize not more than twenty-five (25) percent of the gross floor area of the dwelling unit. Home occupations shall not be permitted in accessory structures except in accord with Section 536.8 of this Ordinance.
- C. No outdoor display or storage, or indoor display or storage visible from outdoors, of materials, goods, supplies, or equipment used in the home occupation shall be permitted.

- D. Retail or wholesale sales shall generally not be permitted on the premises. However, limited retail and wholesale sales may be permitted provided the sales display area conforms to Subsection C above, the sales display area does not exceed one-hundred fifty (150) square feet in size, and employees are limited to members of the immediate family residing in the dwelling.
- E. There shall be no visible exterior evidence that the residence is being operated as a home occupation except for the permitted sign.
- F. Professional practices as set forth in the definition of "home occupation" contained in Article III of this Ordinance shall be limited to a single practitioner. A maximum of two (2) persons other than members of the immediate family residing in the dwelling shall be employed in the home occupation. The total of all employees inclusive of family members shall not exceed six (6) persons.
- G. Off-street parking shall be provided on the premises, as required by this Ordinance or as otherwise necessary to prevent parking on any public or private road right-of-way.
- H. A home occupation use shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
- I. The Board of Supervisors shall attach any and all necessary conditions to assure compliance with this Section 503.2, and such conditions may include hours of operation, water use restrictions, sewage disposal requirements, screening and other conditions deemed necessary.

503.3 Private Parking Areas and Garages

Accessory off-street parking areas or garages serving the residential or non-residential parking demand created by the principal building are permitted in accord with Section 505.

503.4 Home Gardening, Nurseries and Greenhouses

Home gardening, and accessory structures used for nurseries or as greenhouses, are permitted in residential areas, provided they are used by the residents thereof for non-commercial purposes. (See also Section 503.1)

503.5 Private Outdoor Swimming Pools

A single private outdoor swimming pool per dwelling unit is permitted as an accessory structure to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests, and provided that the pool is not located closer than 10 feet to any property line and that a fence not less than five (5) feet high and of a design to restrict access shall completely surround the area of any ground level swimming pool. Access to all pools shall be restricted when the pool is not in use.

503.6 Temporary Uses

- A. Definition - A use accessory to another permitted principal use that operates at a fixed location for a temporary period of time.

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- B. Zoning certificate required - No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this Section and other applicable provisions of this Ordinance shall have first been issued.
- C. Particular temporary uses permitted - The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.
1. Contractor's office and construction equipment sheds.
 - a. Permitted in any district where use is incidental to a construction project. Office or shed shall not contain sleeping or cooking accommodations.
 - b. Maximum length of permit shall be one (1) year.
 - c. Office or shed shall be removed upon completion of construction project.
 - d. Required water supply and sanitary facilities must be provided.
 - e. This Section 503.6 shall not apply to construction projects under the direct supervision of the Pennsylvania Department of Transportation.
 2. Real estate sales office.
 - a. Permitted in any district for any new subdivision approved in accordance with the Lackawaxen Township Subdivision Ordinance. The office may not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office.
 - b. Maximum length of permit shall be twelve (12) months, but the zoning officer may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
 - c. Office shall be removed upon completion of the development of the subdivision.
 - d. Required water supply and sanitary facilities must be provided.
 3. Temporary shelter.
 - a. When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations.
 - b. Required water supply and sanitary facilities must be provided.
 - c. Maximum length of permit shall be twelve (12) months, but the zoning officer may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
 - d. The mobile home shall be removed from the property prior to issuance of any occupancy permit for the new or rehabilitated residence. The applicant shall be required to provide express consent and authorization to Lackawaxen Township, plus ten percent (10%) administrative cost, to remove the temporary shelter at the owner's expense upon termination of the permit, if the owner fails to remove the temporary shelter as required.

D. Additional Regulations

1. Documentation must be provided to the Township Sewage Enforcement Officer that adequate arrangement for temporary sanitary facilities has been made in accord with Township requirements.
2. All uses shall be confined to the dates specified in the permit.
3. Hours of operation shall be confined to those specified in the permit.
4. Pursuant to Section 505, parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained.

504 Signs

504.1 General Sign Regulations

The following regulations shall apply to all permitted signs:

- A. No person shall erect, alter, or relocate within the Township any sign without obtaining a permit.
- B. The repainting, changing of parts, and preventive maintenance of signs shall not require a permit.
- C. A sign shall be permitted only in connection with the permitted use on the premises.
- D. All signs shall be removed when the reasons for their erection no longer apply.
- E. Signs shall not be permitted on the roof or above the roof line of the building to which they are attached.
- F. No part of any sign shall project above the top or beyond the ends of the wall surface upon which it is located.
- G. Signs other than official traffic signs shall comply with side yard setbacks as established for principal structures.
- H. Signs shall not project into, onto, or over any public right-of-way and shall not be erected, installed, maintained, or replaced so as to be a hazard to the users of a public right-of-way.
- I. No signs shall be erected, installed, or maintained in a location which will constitute an obstruction to vision or endanger the safety of the traveling public.
- J. No sign, except a public sign, visible from a public street, shall use the words "stop," "danger," or any other word, phrase, symbol, or character which could be interpreted by a motorist as being a public safety warning or traffic sign.
- K. No sign shall be so constructed, erected, or located so as to obstruct the visibility of a motorist or pedestrian proceeding along the public way or entering or leaving a parking lot or any road intersection as provided in Section 502.3.
- L. No revolving sign or any other type of moving sign shall be permitted with the exception of barber poles.

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- M. No sign shall be attached to any tree, fence, utility pole or other object not specifically intended for sign support except for "no trespassing" signs, legal warning or other private signs not exceeding one and one-half (1.5) square feet in surface area.
- N. Freestanding signs shall not exceed a height of twenty (20) feet from the average natural grade measured to the top of the sign.
- O. All signs, with the exception of permitted temporary signs, shall be permanently attached to the ground or a structure. Signs affixed to movable frameworks or otherwise intended to be transportable shall not be permitted.
- P. Signs shall be constructed of durable material and be maintained in good condition.

504.2(Reserved)

504.3 Business and Institutional Signs

- A. The owner, lessee, or occupant of land in the Township, may erect and maintain on such land not more than two (2) signs advertising the business or profession of such owner, lessee, or occupant of the property. If both sides of one sign are used for advertising, then only one sign may be erected. The face of any such sign shall not exceed thirty-two (32) square feet in surface area.
- B. Signs of schools, colleges, churches, hospitals, sanitariums, or other similar institutions may be erected and maintained on the parcel with the principal permitted use in accord with the provisions of Subsection 504.3, A, above.
- C. Such signs may only be placed on and maintained by the owner, lessee, or occupant of land upon which is located the main office or principal place of business or institution or where a legitimate, active branch office, store, or warehouse is maintained by the said owner, lessee, or occupant of such land.
- D. In addition, business signs attached to the principal structure shall be permitted. Said signs shall only be attached to the facade of the building which faces the public right-of-way, shall be attached directly to and in the same plane of the facade, and shall not project more than one (1) foot from the facade. The total area of the sign(s) shall not exceed ten percent (10%) of the area of the facade to which the sign(s) is attached, but not to exceed thirty-two (32) square feet.

504.4 Off-Premises Business Directional Signs

Two (2) off-premises signs may be erected by the owner, occupant, or lessee of a business or profession or institution located in the Township provided such signs on his own or rented land advertise such business or institution and directions thereto. Each sign may contain advertising on each side. Each sign shall not have a surface area of more than twelve (12) square feet. Not more than a total of three (3) such signs advertising any business or institution shall be erected on any one property; and all signs on said property shall be attached to the same post or frame; and said sign(s) location shall not be located less than one thousand (1,000) feet to any other such sign(s) location.

In cases where a sign directory has been erected pursuant to the following Section 504.5, no off-premises sign shall be permitted that could otherwise be included on the directory sign and provide the required directions.

504.5 Directory Signs

The installation and maintenance of a central directory sign board not more than six (6) feet high and not more than ten (10) feet wide at the intersection of two or more roads advertising one (1) or more businesses and directional arrows thereto shall be permitted. An individual sign on this board advertising a single business shall not exceed a surface area of four (4) square feet and shall be uniform with other signs on the sign board. Evidence of the ownership and proposed operation and maintenance of such directory shall be submitted with the permit application. All other applicable standards in this Section 504 shall apply and a permit shall be required for each individual sign on the directory. Not more than one (1) directory sign shall be permitted on each corner of an intersection.

504.6 Signs Requiring No Permits

A. Signs advertising the sale or development of the premises upon which they are erected and signs bearing the words "sold" or "rented" or similar phrases, together with the name of the person effecting sale or rental. The following standards shall apply:

1. The area of each sign shall not exceed twelve (12) square feet;
2. Not more than one (1) such sign per company shall be placed on any one property;
3. Such signs are not illuminated;
4. Such signs shall be removed within fourteen (14) days after the sale, rental, or lease of the subject property.

B. Signs to provide for the normal and safe flow of traffic into and out of the place of business such as entrance, exit, and parking signs. Such signs shall not be of a size greater than necessary for persons of normal visual acuity to observe.

C. Signs of building contractors and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided the size thereof is not in excess of eight (8) square feet; and such signs are removed promptly upon completion of the work.

D. Trespassing signs not exceeding one and one-half (1.5) square feet. Signs indicating the private nature of a driveway or property provided that the size of any sign shall not exceed eight (8) square feet and the number of such signs shall be limited to one (1) sign per one hundred (100) acres (or fraction thereof) of the subject parcel.

E. Signs advertising the sale of farm products and yard sales when permitted by this Ordinance, provided: (1) the size of any such sign is not in excess of six (6) square feet; (2) not more than two signs are used; and (3) the signs shall be displayed only when such products or yard sale items are on sale.

504.7 Home Occupation Signs

One (1) sign identifying a home occupation shall be permitted on the premises provided said sign does not exceed two (2) square feet in surface area.

504.8 Residential Development and Multi-Family Project Signs

One (1) sign identifying a residential development, or a multi-family dwelling project is permitted on the premises of such project providing the sign does not exceed twenty (20) square feet in surface area. Signs identifying each building shall also be permitted and such signs shall not exceed one (1) square foot and shall be attached to the building facade.

504.9 Shopping Center or Multiple Commercial Occupant Signs

- A. One (1) free standing sign identifying the shopping center or multiple occupant project is permitted on the premises of such project provided the sign does not exceed thirty-two (32) square feet in surface area.
- B. One (1) additional sign identifying each business or profession located in the project is permitted by Subsection A above provided the sign does not exceed ten (10) square feet in surface area. Such signs shall be attached to the same frame as the project sign permitted by Subsection A above.
- C. In addition, one sign for each occupant of the project may be attached to the principal structure. Said signs shall only be attached to the facade of the building which faces the public right-of-way, shall be attached directly to and in the same plane of the facade, and shall not project more than one (1) foot from the facade. The total area of the sign(s) shall not exceed two (2) percent of the area of the facade to which the sign is attached, but not to exceed twenty (20) square feet.

504.10 Temporary Signs

Special advertising or business identification signs or banners are permitted which do not exceed forty (40) square feet in total surface area; including, but not limited to, signs announcing to the general public any special events such as commercial sales days, cultural or entertainment attractions, or charitable activities. These shall be permitted for the length of the activity, but in no case exceeding twenty-one (21) days.

504.11 Illumination

- A. Signs shall be illuminated only by a steady, stationary (excepting for indicators of time and temperature), shielded light source directed solely at the sign, or internal to it, without causing glare for motorists, pedestrians, or neighboring premises.
- B. No light shall be permitted that by reason of intensity, color, location, movement, or direction of its beam may interfere with public safety. This shall include flashing, oscillating, and spotlights when improperly placed. No sign shall resemble traffic signals.

504.12 Non-Conforming Signs

- A. Non-conforming signs shall be those existing prior to the effective date of this Ordinance or any amendments hereto and which do not comply with the provisions of the Ordinance.
- B. No non-conforming sign shall be changed, expanded, or altered in any manner including, but not limited to sign area, location (including moving on the same property) and height, except to bring the sign into conformity. No non-conforming sign shall be moved in whole or in part to any other location where it would remain non-conforming.
- C. Termination of Non-Conforming Signs

1. Immediate termination - The following signs or sign features shall be terminated within six (6) months after the effective date of this ordinance, except as otherwise expressly permitted by this ordinance. Termination of the non-conformity shall consist of removal of the sign or its alteration to eliminate fully all non-conforming features: portable signs, flashing signs, animated and moving signs, signs which obstruct free ingress to or egress from a fire escape, door, window, or other required access way, signs which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on streets and roads within the Township, and signs which advertise a business no longer conducted or a product no longer sold on the premises where such sign is located.
2. Termination by abandonment - Any non-conforming sign structure, the use of which is discontinued for a period of forty-five (45) consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not thereafter be reestablished except in full compliance with this Ordinance.
3. Termination by damage or destruction - Any non-conforming sign damaged or destroyed, by any means, to the extent of one-third (.333) of its replacement cost new shall be terminated and shall not be restored, except in conformance to this Ordinance.

504.13 Nuisance Signs

- A. No owner of any sign or lessee or owner of any land upon which the sign is located shall permit such sign to become unsightly or in disrepair so as to endanger the public or to become a public nuisance.
- B. In the event such a sign is not repaired or properly restored or removed within thirty (30) days after written notice has been given to the owner of the sign or the owner or lessee of the land upon which the sign is located, the Township Supervisors may institute appropriate actions to prevent the violation or abate the nuisance.

504.14 Permit Applications

An application for a permit to install or relocate a sign shall be made on the Township Sign Permit Application form and submitted to the Township Zoning Officer along with the fee established by resolution of the Township Board of Supervisors.

504.15 Political Signs

Signs announcing candidates for public office or campaigning for or against a question on the ballot maybe erected in the Township without needing a permit and no bond shall be required as a condition for erecting any political sign. However, political signs shall be subject to the following regulations:

- a. Each entity or individual responsible for the placement of political signs shall submit to the Township a written disclosure form providing the contact information for that entity or individual, which form shall include the name, address, phone number, email address and whether the entity or individual may be responsible for more than one candidate or ballot question in a given campaign.

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- b. No political sign shall be erected any earlier than six (6) months prior to the election and all political signs shall be removed within twenty-one (21) days after the election.
- c. All political signs shall be setback a minimum of five (5) feet from the edge of the macadam or curb line of any public or private road and shall not create a traffic hazard.
- d. Not more than two (2) signs will be permitted on each property for a particular candidate or political question and no political sign shall be erected without first obtaining permission of the property owner.
- e. No political sign shall exceed thirty-two (32) square feet in size.

504.16 Emergency Service Facilities

This section applies to signage at the various emergency service facilities, e.g., firehouses, ambulance buildings, police stations, and emergency management locations hereby collectively designated as “Emergency Service Facilities”. A need exists for easily visible signage to identify these facilities to the public, other emergency responders, medevac helicopters, and other county, state, and federal officials as well as to inform residents and visitors of emergencies and community services and events.

- A. Signs attached to the roof or roof line (one or two-sided) shall not exceed 64 sq. ft.
- B. Except for A above, no more than one (1) separate 32 sq. ft. sign, either on the building façade or ground-mounted, shall be permitted.
- C. In addition to A and B above, one 32 sq. ft. permanently ground mounted marquee-type or digital type event sign shall be permitted for the advertisement of events, fundraisers, public notices, et. for both the facility in question and other Township providers. No commercial advertising shall be permitted.
 - 1. A digital sign may not allow the display message to change more frequently than once every (10) ten seconds, with a transitional period of one second or less.
 - 2. A digital sign must be installed either: (i) an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article; or (ii) another means, approved by the Township, for controlling light intensity.
 - 3. The maximum brightness levels for digital signs, shall not exceed 0.20 (two-tenths) foot candle over ambient light levels measured within 150 feet of the source, consistent with the terms of this section.
 - 4. The posting of messages on a digital sign containing either obscene language or hate language directed against any group or individual is prohibited. A first violation of this requirement shall be subject to a fine, but a second violation shall be subject to revocation of the zoning permit or approval.
- D. Signs to provide for the normal and safe flow of traffic into and out of the Emergency Service Facility, such as entrance, exit, vehicle bay locations, and parking, etc. shall be permitted. Such signs shall not be of a size greater than necessary for normal visibility.
- E. All other applicable regulations of Section 504.1 (General Sign Regulations) and Section 504.11 (Illumination) shall still apply.
- F. Township application and permit issue is required for all above signs; however, no Township fee shall be required for these permits.
 - 1. In the event that a violation involving a Digital Sign, approved under this Section

504.16 or Section 504.4 (Off-Premises Digital Sign), is prosecuted by the Township and it is necessary for the Township to use the services of an expert, either in consultation or as an expert witness, the Township shall have the right to recover the costs paid for such expert, in addition to any fine and attorney fees.

505 Off-Street Parking and Loading

505.1 Availability of Facilities

Off-street parking, loading, and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.

505.2 Size of Parking Spaces

The net parking space per vehicle shall be not less than nine (9) feet wide and nineteen (19) feet long. Garages and carports not in the public right-of-way may be considered parking spaces. Each parking area shall consist of not less than an average of two hundred seventy (270) square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Garages and carports not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.

505.3 Lighting

Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public rights-of-way.

505.4 Public Right-of-Ways

Parking, loading, and unloading of vehicles shall not be permitted on public rights-of-way.

505.5 Number of Spaces to Be Provided

Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with off-street parking spaces adequate to serve such use but with not less than the minimum spaces, as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number. For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use. Should the applicant provide evidence that the number of parking spaces required by this Section 505.5 is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced, as a conditional use, by a maximum of twenty-five percent (25%) provided sufficient and suitable area is dedicated to future parking to meet the normal standards in this Section 505 and the applicant shall agree in writing to install the parking at the direction of the Board of Supervisors. Reserve parking areas shall be included in the calculation of lot coverage area. Parking facilities used jointly by two or more principal uses shall be

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considered conditional uses. Handicapped parking shall be provided in accord with state requirements.

Note: SFGFA means "square feet of gross floor area" which is the total area of a building calculated by taking the outside dimensions of the building at each floor level intended for occupancy or storage and summing the areas.

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
A. Dwellings	2 per dwelling unit
B. Homes for handicapped or infirm, nursing homes, group care homes, halfway houses and similar uses	3 per every 5 beds
C. Hotels, motels, boarding and tourist homes, bed and breakfast establishments and other uses providing overnight accommodations	1.1 per bedroom
D. Sales and rental of goods, merchandise and equipment	
1. Retail establishments	1 per 200 SFGFA
2. Wholesale establishments	1 per 400 SFGFA
E. Offices, research facilities and services not primarily related to goods	
1. Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents	1 per 200 SFGFA
2. Drive-in banks	1 per 200 SFGFA plus reservoir lane capacity equal to 5 spaces per drive-in window
3. Serving little or few customers or clients on premises, such as corporate offices	1 per 400 SFGFA
F. Manufacturing, processing, renovating, assembling goods, merchandise and equipment	1 per 400 SFGFA

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G. Educational, cultural religious social, fraternal uses

1. Public schools 1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools
2. Trade and vocational schools, colleges 1 per 100 SFGFA
3. Churches, synagogues and temples 1 per every 4 seats used for services
4. Libraries and museums, social, fraternal clubs and lodges; and similar uses 1 per 300 SFGFA

H. Recreation, amusement and entertainment

1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses 1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
2. Movie theaters, stadiums and similar uses with seating accommodations 1 per every 4 seats
3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses 1 per 200 SFGFA plus 1 per every 3 persons of fully utilized design capacity

- I. Hospitals, clinics and other medical treatment facilities 2 per bed or 1 per 150 SFGFA, whichever is greater

- J. Restaurants, bars, taverns and other eating establishments 1 per 100 SFGFA plus reservoir lane capacity equal to 5 spaces per drive-in window

K. Vehicle related uses

1. Sales, service, repair 1 per 200 SFGFA
2. Gas sales 1 per 200 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces
3. Car wash 1 per 100 SFGFA plus 2 reservoir spaces in front of each stall for

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self-serve and 5 reservoir spaces
for conveyor type

L. Warehousing and storage 1 per 4,000 SFGFA

M. Miscellaneous uses

- 1. Veterinary 1 per 200 SFGFA
- 2. Open air sales 1 per 1,000 square feet of lot area used for display or sales
- 3. Nursery schools and day care 1 per 150 SFGFA
- 4. Greenhouses 1 per 200 SFGFA
- 5. Emergency services 1 per 200 SFGFA
- 6. Junk and scrap yards 1 per 200 SFGFA
- 7. Post office 1 per 200 SFGFA

For uses not specifically mentioned above in the listing of uses, the Board of Supervisors, with the recommendation of the Planning Commission, shall determine the required number of spaces.

505.6 Loading and Unloading Areas

In addition to the off-street parking spaces required above, any building erected, converted or enlarged in any district for commercial, office building, hotel, motel, restaurant, manufacturing, wholesale, hospital, or similar uses, shall provide adequate off-street areas for loading and unloading of vehicles. The loading space shall be a minimum of sixty (60) feet in depth, and twelve (12) feet in width, with an overhead clearance of fourteen (14) feet. In no case where a building is erected, converted, or enlarged for commercial, manufacturing or business purposes shall any public right-of-way be used for loading or unloading of materials. Every commercial or industrial building which requires the receipt or distribution by vehicles of material or merchandise shall provide one (1) additional off-street loading space for each 25,000 square feet of gross building floor area.

505.7 Access to Off-Street Parking and Loading Areas

There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, salespeople and/or the general public. Where a parking or loading area does not abut on a public right-of-way or private alley or easement of access, there shall be provided an access drive not less than twelve (12) feet in width per lane of traffic; and not less than eighteen (18) feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:

- A. Access drive design and sight distance for access to Township and State roads shall comply with the standards contained in the most current edition of PA Code Title 67, Transportation, Chapter 441, Access to and Occupancy to Highways by Driveways and Local Roads.
- B. There shall be no more than one entrance and one exit for any business or parking area on any one highway. Each entrance and exit shall be clearly defined with curbing, fencing, landscaping, or vegetative screening so as to prevent access to the area from other than the defined entrance and exit. In no case shall one entrance or exit be located within eighty (80) feet of any other on the same property or adjoining property along the same public right-of-way.
- C. Any subdivision of property for commercial purposes shall provide no more than one common entrance and one common exit on any public right-of-way. Interior access drives shall be provided for movement of traffic to the public right-of-way.

505.8 Parking and Loading Area Setbacks

All parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public right-of-way or adjoining property lines by a buffer area at least twenty (20) feet in depth.

505.9 Surfacing

Any off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and stable surface, such as a gravel, concrete, or bituminous concrete surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles.

505.10 Off-Lot Parking

Parking spaces may be located on a lot other than that containing the principal use provided said lot is owned by the applicant or a written agreement for use of said lot is provided, approved by the municipal solicitor, and accepted by the Board of Supervisors as adequate and located within a distance that will achieve the purposes of this Section 505.

506 Natural Resource Uses and Open Excavations

Natural resource uses shall be considered conditional uses as listed in the Schedule of Uses, and in addition to all applicable standards of this Ordinance and all State and Federal regulations, said uses shall comply with the standards in this Section 506. Natural resource uses with an open face of two (2) acres or less, or which will not result in a total disturbed area of more than five (5) acres, (herein referred to as "minor natural resource uses") shall be exempt from the plan submittal requirements of this Section 506; however, said operations shall comply with the operational and rehabilitation standards in this Section 506.

506 A Natural Resource Extraction of Minerals – Open Excavations

506 B Natural Resource Use – Water Extraction/Bottling Production

1. Developer shall be required to submit a Hydro-geological study to evaluate water withdrawal impact on the aquifer and adjacent wells, in accordance with the provisions of Section 514.11 of the Ordinance

506.1 Operational Requirements

- A. Vibrations - Machines or operations which cause vibrations shall be permitted, but in no case shall any such vibrations be perceptible along any adjoining or adjacent property in different ownership or public right-of-way.
- B. Emissions - The emissions of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances or conditions which can cause any soiling, staining, irritation, or damage to persons or property at any point beyond the property line of the use creating the emission are hereby prohibited.
- C. Fencing - The applicant shall submit to the Township for approval by the Board of Supervisors a fencing plan which shall provide for the protection of the public health safety and general welfare by restricting public access from areas of steep slopes, ponds, and/or other hazards. The Township shall determine the type and extent of fencing required as part of the conditional use process. However, in no case shall any fence be less than six (6) feet in height and all required fencing shall be of such design to restrict access. All fence openings shall be controlled by a gate and lock. In all cases, fencing shall be required wherever the natural resource use abuts a public road right-of-way.
- D. Setbacks/Buffers - The setbacks and buffers in this Section shall be considered the minimum requirements. The Township shall require larger setbacks, screening, buffers or fencing in cases where the size of the operation, the topography, vegetation, or other physical features of the site, uses on adjoining properties or other public concerns dictate same. The following setbacks shall also apply to stockpiles, waste piles, processing, or manufacturing equipment.
 - 1. Property Lines – No part, except for the fence, if required, of any natural resource use operation shall be less than one hundred fifty (150) feet from any adjoining property line, for property that is improved by a residence, or is vacant but is in the RU or R-! Zones. The setback for the natural resource use operation shall be not less than fifty (50) feet from any property line where that property is used for non-residential purposes or is vacant but is in the ND Zone.
 - 2. Street - No part, except the required fence, of any natural resource use operation shall be less than one hundred (100) feet from the right-of-way line of a public street or highway. Where both sides of the right-of-way are within a natural resource use operation in single ownership, the required street setback may be reduced to fifty (50) feet on each side of the right-of-way. However, in no case shall an open excavation be closer than one hundred (100) feet to any public road right-of-way.
- E. Minor Natural Resource Use Setbacks - The setbacks in Subsection D, 1 and 2 above may be reduced in the case of a minor natural resource use; however, setbacks for minor natural resource uses shall be, at a minimum, increased to two (2) times the normal setbacks required for principal permitted uses for the subject District as provided in the Schedule of Development Standards.
- F. Water Resources
 - 1. In no case shall any use impede the flow of natural watercourses.
 - 2. All uses of land or processes which pollute natural watercourses shall be prohibited.

3. All uses of land shall be conducted in a manner which will not allow water to collect and permit stagnant water to remain in quarries or excavations.

506.2 Submission of Operational Data for Natural Production Uses

The operations plan shall include but need not be limited to:

- A. Ownership and acreage of the land proposed for use.
- B. Type of resources to be extracted or quarried.
- C. Estimated depth of the proposed operation.
- D. Location map at a scale of 1 inch = 100 feet which shall show:
 1. The land area to be excavated or quarried with dimensions and the total property.
 2. Private access roads and abutting streets and highways.
 3. Abutting and/or adjacent districts and land uses.
 4. Existing watercourses, and proposed alterations to assure stream quality and quantity.
 5. Fencing and buffer planting - If fencing is to be vegetation give details of the size and type.
 6. Title, scale, north arrow and date.
 7. Ownership.
- E. A report setting forth the number and gross weight of trucks associated with the operation, the Township roads to be utilized by said trucks, and the probable effect of the truck traffic on the condition of the roads. Said information along with the advice of the Township Engineer shall be used by the Board of Supervisors to establish conditions of approval to mitigate road impacts for the proposed use if such approval is granted.

506.3 Rehabilitation - Reclamation Plan for Natural Production Uses

At the time the operations plan is submitted, a rehabilitation - reclamation plan shall also be submitted setting forth the following information in addition to any required by state regulations:

- A. An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries are legal description of the tract.
- B. A description of the location, type, extent, methods, and time schedule for the operations proposed.
- C. A drawing showing the location and/or proposed relocations of land, trees, buildings, structures, public roads, streams, drainage facilities and utilities lines on the tract or adjacent tracts as may require protection, repairs, clearance, demolition, restoration either during or following completion of the operations proposed.

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- D. A statement describing methods for handling operations with respect to the "Operational Requirements", plus any drainage, air pollution, soil erosion or other environmental problems created during the operations including production, transportation, processing, stockpiling, storage and disposal of by-products and wastes.
- E. A plan for re-use of the land after completion of the operations which shall permit the carrying out of the purpose of this Ordinance and appropriately provide for any restoration, reclamation, reforestation, or other correction work deemed necessary.

506.4 General Rehabilitation - Reclamation Requirements and Standards for Natural Resource Uses

- A. Time - Within the time frame approved by the Board of Supervisors, but in no case to exceed three (3) years after the termination of operations, the area must be rehabilitated to conform with the rehabilitation plan as approved.
- B. Standards - In the rehabilitation of an area, the following standards must be met:
 - 1. No area of the rehabilitation shall exceed a slope of 2:1.
 - 2. The entire area disturbed by excavating, quarrying, mining, or other natural production use shall be planted in such a manner so as to control soil erosion.
 - 3. The entire area shall be graded wherever necessary to provide for the conveyance of storm water. Finished grade shall not have a slope of less than two (2) percent so as to provide for a natural drainage.
 - 4. Stockpiles, overburden, refuse, plant facilities or equipment shall be removed immediately upon the termination of operations and in no case shall such removal exceed one (1) year.
 - 5. Where screen planting and/or fencing has been provided, the same shall remain where necessary for safety, and shall be continuously maintained in good repair.

506.5 Existing Natural Production Uses

Operations existing prior to the effective date of this Ordinance which are non-conforming as to setback requirements, shall not be required to correct such existing non-conformity. A rehabilitation plan and any required fencing and/or screen planting shall be provided within six (6) months after the effective date of this Ordinance.

506.6 Performance Guarantee

Prior to the approval of a plan for any natural resource use, except minor natural resource uses, the applicant shall provide to the Township a bond, letter of credit or other performance guarantee, in a form and amount approved by the Township, to assure the reclamation and rehabilitation of any new or existing natural resource use. The term of the guarantee shall be for a period of ninety (90) days in excess of the time period established in Section 506.4, Subsection A.

507 Non-Conforming Uses and Structures

507.1 Purpose

It is the purpose of this Section to limit the injurious impact of non-conforming uses and/or structures on adjacent properties within a particular district and the community as a whole, while recognizing that changes, continuations and extensions of non-conforming uses and/or structures may not be contrary to the public interest or the general purpose of this zoning ordinance, when failure to allow such alteration, continuation or extension would itself lead to neighborhood or district deterioration. It is further the purpose of this Section to prescribe those standards which are to be applied by the Township in reviewing a proposal to alter, continue or extend a non-conforming use. The following regulations shall apply to the alteration, continuation, or extension of non-conforming uses.

507.2 Normal Maintenance, Minor Changes

Normal maintenance and repairs such as painting or replacing a roof shall be allowed as well as alterations and interior renovations that do not structurally alter the building or result in increased use of the building or lot, a different nature of use than that existing at the present time or otherwise create more incompatibility with the surrounding permitted uses.

507.3 Expansions

- A. A non-conforming use of a building may be enlarged within a building to a maximum of twenty-five (25) percent additional space occupied by the non-conforming use if no structural alterations are made therein; provided that such extension may include structural alterations when approved pursuant to Section 507.7.
- B. A non-conforming use may be extended, expanded, or enlarged upon the lot occupied by such use to a maximum of twenty-five (25) percent additional space occupied by the non-conforming use when approved pursuant to Section 507.7, and provided that such extension or enlargement does not replace a conforming use, and does not violate the yard and coverage requirements of the zone in which the non-conforming use exists.

507.4 Restoration

In the event that any non-conforming use or any nonconforming structure, in any district, is destroyed or partially destroyed by fire, explosion, or other disaster, or otherwise damaged, said use or structure may be reconstructed if such reconstruction is initiated and completed within eighteen (18) months of its destruction. One twelve (12) month extension for completion may be granted by the Board of Supervisors.

507.5 Changes

A non-conforming use may be changed to a use of an equal or more restricted classification. However, all changes shall be governed by Section 507.8.

507.6 Discontinuance

If a non-conforming use of land or a structure ceases operations for a period of more than one year and the owner of such property does not file with the Zoning Officer, within said one (1) year period, a "certification of intention" to maintain such use, then this shall be deemed to be an intent to abandon such use and any subsequent use of the land shall conform to the regulations of this Ordinance. Said "certification of intention" shall be valid for a period not to exceed two (2) years and shall be renewable for an additional one (1) year period only.

507.7 Performance Standards

All changes, enlargements, extensions and restorations of non-conforming uses, excepting those identified in Section 507.3, shall be considered conditional uses, and permits for such changes, extensions and restorations shall be granted only after a determination by the Township Board of Supervisors, upon the recommendation of the Township Planning Commission, that the following performance standards in addition to the Conditional Use Criteria set forth in Section 509 and the Performance Standards set forth in Section 514 will be satisfied:

- A. Storage of Materials - There shall be no increase in the amount of materials, supplies and/or products that are stored outside a non-conforming facility or on a lot with a non-conforming use, excepting those types of uses outlined in Section 507.7-B.
- B. Screening - Where the non-conforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a sawmill, farm machinery sales operation or similar operation), the use may only be expanded if a solid fence of wood or some similar material and/or vegetative screening not less than six (6) feet in height is erected on all sides of the immediate area in use. Stored material shall not exceed the height of the screening material and nine (9) feet at the maximum.
- C. Yards and Setbacks - No addition, change or expansion of a non-conforming use shall create further non-conformity by violation of yard, setback, and height regulations of the district in which it is located.
- D. Stormwater - Stormwater shall be controlled pursuant to the Township Subdivision and Land Development Ordinance.
- E. Parking and Traffic - In no case will a change, addition or expansion of a non-conforming use be allowed which would result in the diversion of traffic or relocation of a driveway on the site to any point nearer a residential property or result in violation of any of the parking and unloading requirements of this Ordinance. If the total number of parking spaces for the site is to be increased more than twenty-five percent (25%) over those available as of the date of the enactment of this Ordinance, the Board of Supervisors may require vegetative screening of the parking area from nearby residential areas.
- F. Extension onto New Properties - A non-conforming use may only be expanded or extended onto another property of record if that property is immediately adjacent to the lot on which the original structure or use is located as of the effective date of this Ordinance or amendments hereto; the owner has clearly exhausted the alternatives available for expansion on the existing property; and the use is not one which has been altogether prohibited as a new use by this Ordinance.
- G. Prohibited Expansions - Should the use proposed for expansion or extension be a use which is specifically prohibited by this Ordinance as a new use or be judged by the Board of Supervisors to be of such a nature as to create health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this Ordinance, the requested expansion or extension shall be denied.

507.8 Non-Conforming Lots of Record --- See Section 501.1.

508 Buffer for Waterbodies and Wetlands

508.1 Plans

All waterbodies, including lakes, ponds, and streams shall be accurately shown on any plan submitted with any application for zoning approval. The Planning Commission, Board of Supervisors or Zoning Officer, as the case may be, may also require that wetlands be shown on the plan where U.S.G.S. Topographical or U.S.F.W. Wetlands Maps or a site inspection indicates wetlands may be present.

508.2 Waterbodies

For the purposes of protecting water quality, a buffer zone/building setback of not less than one hundred (100) feet shall be maintained for all Non-Residential Uses, from the high-water mark of any lake or pond listed below or from the high-water mark on each side of any stream listed below. For all Residential buildings or structures requiring a building permit, a setback of fifty (50) feet from all water bodies identified in this section 508.2 shall be required. In the case of other lakes, ponds and streams the buffer area shall be fifty (50) feet. No buildings, structures (except uncovered docks and accessory structures with a floor area of one-hundred forty-four (144) square feet or less), parking areas, or sewage disposal systems shall be constructed or placed within this buffer zone, except for approaches to approved stream crossings. Docks shall not extend landward more than five (5) feet from the water's edge. In residential subdivisions this strip shall be protected via a protective easement. In cases where Township Flood Plain Regulations require larger buffers, such regulations shall control.

Protected Streams:

- a. Blooming Grove Creek
- b. Delaware River
- c. Grassy Brook
- d. Grassy Island Creek
- e. Hooper Creek
- f. Kirkham Creek
- g. Lackawaxen River
- h. Little Blooming Grove Creek
- i. Lords Creek
- j. Mast Hope Creek
- k. Swamp Creek
- l. Taylortown Creek
- m. Teedyuskung Creek
- n. Tinkwig Creek
- o. Westcolang Creek

Lakes and Ponds:

- a. Any lake or pond five (5) acres or more in surface area.
- b. Cobey Lake
- c. Corilla Lake
- d. Fawn Lake
- e. Forest Lake
- f. Huggy Bear
- g. Lake Greeley
- h. Little Teedyuscung Lake
- i. Welcome Lake
- j. Westcolang Lake
- k. Wolf Lake

508.3 Wetlands

Wetlands shall be governed by all applicable state and federal regulations. The applicant shall certify to the Township that the wetlands have been accurately delineated; and, if none exist on the site, shall so certify. The Township shall also have the right to approve the qualifications of anyone delineating wetlands and/or to require the applicant to obtain state or federal confirmation of said delineation.

Copies of any required U.S. Army Corps of Engineers and Pennsylvania Department of Environmental Resources permits shall be submitted to the Township with the zoning application.

No zoning approval granted by the Township shall in any manner be construed to be an approval of compliance by the applicant with any State or Federal Wetland Regulations; and the Township shall have no liability or responsibility to the applicant or any other person for compliance with said regulations.

509 Conditional Uses and Special Exceptions

509.1 Applications

Applications for conditional uses and special exceptions shall, at a minimum, include a plan containing the information required for major subdivisions as set forth by the Township Subdivision Ordinance. The Township Planning Commission or Board of Supervisors or the Zoning Hearing Board, as the case may be, shall require any other information deemed necessary for the review of the proposal.

All applications shall be accompanied by a list of names and addresses of all owners whose property(ies) adjoin that of the subject premises. Notice of the public hearing on such application shall be sent by the Township to the adjoining property owner(s).

509.2 Conditional Uses

Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this Ordinance and in Section 509.4 and any other applicable standards in this Ordinance.

Upon determining that an application for a specific use may only be granted as a conditional use under the terms of this Ordinance, the Zoning Officer shall forward a copy of said application, along with the required supporting data, to the Township Planning Commission. The Planning Commission shall review the application at a public meeting and shall report its findings, together with a recommendation indicating whether the criteria listed in this Section 509 and any other applicable performance standards have been satisfied.

Upon receipt of the conditional use application and the recommendation of the Planning Commission, the Township Board of Supervisors shall conduct a public hearing pursuant to

public notice and shall grant or deny the application. If the application is granted, the Board of Supervisors shall direct the Zoning Officer, in writing, to issue a permit for the same

attaching any conditions of approval as authorized by the Pennsylvania Municipalities Planning Code and the standards in this Ordinance, as established by the Board of

Supervisors. If the application is denied, the applicant shall be notified of the action in person or by certified mail; such notice including reasons for denial.

The public notice for all public meetings and hearings shall be placed by the applicant, in accord with the definition of “public notice” contained in Article III of this Ordinance. The date, place and time shall be as specified by the Township Planning Commission or Board of Supervisors as the case may be.

509.3 Special Exceptions

Uses specified as special exceptions shall be permitted only after review and approval by the Township Zoning Hearing Board pursuant to the express standards as provided for specific special exceptions in this Ordinance and in Section 509.4. Procedures for special exceptions shall be as established by the Pennsylvania Municipalities Planning Code.

The public notice for all public meetings and hearings shall be placed by the applicant, in accord with the definition of “public notice” contained in Article III of this Ordinance. The date, place and time shall be as specified by the Zoning Hearing Board as the case may be.

509.4 Standards and Criteria

The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this Ordinance and other ordinances of the Township. In addition to the applicable general provisions of this Ordinance and to the standards provided in this Ordinance for specific conditional uses and special exceptions, the following standards and criteria shall be applied in the review of applications for conditional uses and special exceptions.

- A. The proposed use shall be in harmony with purposes, goals, objectives and standards of the Lackawaxen Township Comprehensive Plan, this Ordinance and all other ordinances of Lackawaxen Township.
- B. There shall be a community need for the proposed use at the proposed location. Need shall be assessed in light of existing and proposed use of a similar nature in the area and an objective to provide or maintain a proper mix of uses within the Township and, more specifically, that portion of the Township in the immediate area of the proposed use. The proposed use in the proposed location shall not result in either a detrimental over-concentration of a particular use within the Township or within the immediate area.

The location chosen shall not be one demonstratively better suited or likely to be needed for uses which are permitted as a matter of right in the District. The proposal shall also be evaluated as to the degree to which the proposed location may be particularly suitable

or unsuitable for the proposed use in light of other potential sites in the immediate area including those which might exist in adjacent communities.

- C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this Ordinance, or any other plan,

program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.

- D. The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, or services as may be required to adequately serve the proposed use when the same are not available or are

inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use the applicant shall be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this and other ordinances of the Township. The permit approval shall be so conditioned.

- E. In reviewing an application, the following additional factors shall be considered:

1. Location, arrangement, size, design and general site compatibility of buildings, lighting, and signs.
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls.
3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
5. Adequacy of stormwater and drainage facilities stormwater.
6. Adequacy of water supply and sewage disposal facilities.
7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
9. Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

- F. For uses proposed in the DRC-Delaware River Corridor Overlay District the Board of Supervisors or Zoning Hearing Board, as the case may be, shall attach all necessary conditions to meet the intent of the Upper Delaware Scenic and Recreational River Management Plan.

- G. No application shall be approved unless it is found that, in addition to complying with each of the standards enumerated above, all of the applicable standards contained in this Ordinance shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety and welfare of parties effected, all conditions necessary to protect the general health, safety and welfare shall be imposed as conditions of approval.

Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans for screening, setbacks, special measures addressing sales period activities, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses.

The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

509.5 Limitation of Approval

The Board of Supervisors or the Zoning Hearing Board, as the case may be, may, in granting an approval for a conditional use or special exception, respectively, set an expiration date for the approval if no construction has taken place or the use is not otherwise established as a constructive activity. Any conditions imposed in approval of such a use shall be met prior to granting of a Certificate of Use or within one year of the granting of approval, whichever shall occur first. The Board of Supervisors or Zoning Hearing Board as the case may be, however, may temporarily waive those time limitations, for good cause.

510 Cluster Development

Cluster Development is permitted as a conditional use in all Districts in order to:

- permit a more varied, efficient, attractive and economical development pattern;
- enhance the tourist recreation economy of the Township ND Pike County
- increase flexibility in the location and arrangement of homes and amenities;
- provide a more usable pattern of open space;
- provide for flexibility of design; and
- reduce the costs of development to the community.

In addition to the conditional use procedures and criteria set forth in Section 509, the following criteria shall apply to cluster developments:

510.1 Procedure

The cluster development conditional use application may be processed concurrently with the subdivision and land development application, or the conditional use application may precede the subdivision and land development application.

510.2 Dwelling Types and Other Allowed Uses

The following dwelling types and other uses shall be permitted in a cluster development:

- A. Single-family, two-family, townhouse and other multi-family dwelling units, including condominium units.

B. Tourist recreation and lodging facilities. The mix of tourist recreation and Lodging facilities. The mix of tourist recreation and lodging facilities with residential dwellings in a Cluster Development are subject to the following conditions:

1. If the dwelling units set forth in "A" above are going to be owned by individual third party or owners, then there shall be a Declaration of Covenants stating that there may be tourist recreation amenities within the common areas and that the common areas may also be shared by persons staying in adjacent lodging facilities.
2. If the dwelling units set forth in "A" above are going to be owned by the Developer, the form of shred ownership or lease arrangements shall be submitted as part of the Conditional Use application.
3. No tourist recreation facilities that are open to the general public shall be located within the Cluster Development.
4. Any lodging facilities located within the Cluster Development shall be required to allow quests staying there to use the common areas and any recreational amenities that are part of the Cluster Development.

510.3 Minimum Parcel Size

A minimum parcel size of twenty-five (25) acres shall be required for cluster development and all lands proposed for a cluster development shall be part of the same parcel and contiguous or noncontiguous on the original development parcel or land contiguous to the original development parcel.

510.4 Density

The total number of units permitted shall be determined after deducting:

- A. Land contained within public rights-of-way;
- B. Land contained within the rights-of-way of existing or proposed private streets and parking areas (where formal rights-of-way are not involved the width of the street shall be the distance between points five (5) feet beyond the travelway on each side of the street:
- C. The area of waterbodies including lakes and ponds;
- D. Areas used for improvements; from the total area of the project parcel and multiplying the remainder by one (1) unit per one (1) acre.

510.5 Open Space

A. Permanent Open Space - All areas of a cluster development require to meet the density requirements for dwelling units shall be dedicated in perpetuity as permanent open space to be available for use by the occupants of the cluster development. Land designated as open space shall be maintained as open space and may not be separately sold, used to meet open space requirements for other developments, subdivided or developed or dedicated to any other use.

B. Open space shall be maintained so that its use and enjoyment as open space are Not diminished or destroyed. Open space areas shall be preserved and maintained

by either one or both of the following mechanisms:

1. Dedication to a property owners association which assumes full responsibility for maintenance of the open space.
2. Deed-restricted private ownership which shall prevent development of the open space, provide for its maintenance, and protect the rights of owners or occupants of the dwelling units of the proposed project to use and enjoy, in perpetuity, such open space.

C. At least twenty-five (25) percent of the designated open space area shall be usable for active recreational activities and shall not include wetlands, quarries, slopes over twenty-four percent (24%), or acreage used for improvements. Storm drainage facilities and sewage effluent disposal areas shall be considered improvements.

However, in no case shall less than twenty-five percent (25%) of the gross area of the tract be dedicated to open space. The developer shall submit a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association for the purpose of dedicating, in perpetuity, the exclusive use and/or ownership of the open space required by this Ordinance to the prospective lot owners. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, but shall in any event, provide to the satisfaction of the Township that maintenance and use of the property regardless of ownership, be restricted to either (1) activities intended for the sole benefit of the occupants of the particular project proposed or, (2) permanent open space as hereinafter provided.

D. Minimum Percentage – In no case shall less than twenty-five (25) percent of the gross area of the tract be dedicated to open space.

E. Plan/Agreement – The developer shall submit a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association for the purpose of dedicating, in perpetuity, the use and/or ownership of the open space required by this Ordinance to the prospective dwelling unit owners. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, but shall in any event, provide to the satisfaction of the Township that maintenance and use of the property, regardless of ownership, is restricted to either activities intended for the sole benefit of the occupants of the particular proposed or permanent open space as provided herein.

F. Uses Permitted in Open Space

The following uses are permitted in required open space areas:

1. Open Land – Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
2. Agriculture and Horticulture – Agriculture and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings. Specifically excluded are dwellings, commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
3. Horses – Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than fifty (50) percent of the minimum required open space.
4. Forestry – Forestry in keeping with established best management practices for selective harvesting and sustained yield forestry as published by the Pennsylvania Bureau of Forestry.

5. Neighborhood Open Space – Uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational.

6. Recreation – Active on-commercial recreation areas, such as playing fields, playgrounds, and bikeways, not requiring supporting structures. Such recreational uses shall meet the following standards:

a. Such areas shall not consume more than fifty (50) percent of the minimum required conservation open space or five (5) acres, whichever is less. The 5-acre limit may be increased to ten (10) acres on development parcels two hundred (200) acres or larger.

b. Playing field and playgrounds shall not be located within one hundred (100) feet of the tract boundary or a dwelling unit within the development parcel.

c. Minimum parking facilities for the same, as determined by the Board of Supervisors, may also be permitted. Such lots may be paved with gravel and shall be unlighted, properly drained and provide safe ingress and egress

d. Golf Courses – If there is a building associated with the recreational activity or facility, only a limited portion of said building shall be used for retail sales, not to exceed 1,000 sq. ft. and such sales shall be directly related to the activity along with packaged snack food and beverage in bottles or cans.

7. Water; Sewer; Stormwater – Water supply systems, sewage disposal systems, stormwater management systems and associated easements provided the total area does not exceed twenty (20) percent of the required open space. The following standards shall apply:

a. Water Supply Systems

1. Drainage easements for water lines may be counted toward the minimum conservation open space requirement.

2. land use for ground level well structures and associated parking exceeding five thousand (5,000) square feet shall not count toward the minimum conservation open space requirement.

b. Sewage Disposal Systems

1. Sewage treatment lagoons, structures, structure access areas and parking lots shall not count toward the conservation open space requirements.

2. Sewage disposal areas, which may include soil absorption areas and drip and spray irrigation fields, in conservation open space shall be appropriate for active or passive recreation or shall be managed as meadows or forests; and may be counted toward the minimum conservation open space requirements.

3. Absorption field serving individual dwelling units may be located in the conservation open space, but individual treatment tanks shall be located within the lots they serve.

4. Each proposed absorption field area located in the conservation open space shall be situated in the closest proximity to the lot served.

5. The responsibility for the maintenance of any individual absorption system shall be clearly defined including adequate surety, and an easement for the installation and maintenance of any such system shall be provided.

6. Drainage easements for sewer lines may be counted toward the minimum required open space requirements.

c. Stormwater Management Systems – The following stormwater management practices may be counted toward the minimum required open space requirement, provided they meet the guidelines in the Pennsylvania Stormwater Best Management Practices Manual:

1. Infiltration basin, provided the berms do not exceed 36 inches height;
 2. Subsurface infiltration bed;
 3. Infiltration trench;
 4. Rain garden;
 5. Vegetated swale;
 6. Infiltration berm, provided the berm does not exceed 24 inches in height.
8. Easements – Easements for drainage, access, sewer or water lines, or other public purposes.
9. Rights-of-Way – Above ground utility and street rights-of-way may traverse open space but shall not count toward the minimum required open space.

510.6 Water and Sewage

All cluster developments shall be served with off-site sewage facilities and off-site water supplies. Effluent disposal areas and any structures associated with a sewage disposal system or treatment plant shall not be placed upon individual lots and shall be a minimum of one hundred (100) feet from any public road right-of-way or exterior development property line. If subsurface sewage disposal is proposed, a reserve area suitable for a replacement disposal area equal in size to the required area shall be provided and be so identified on the plan.

510.7 Lots and Dimensional Standards

A. Single-Family Detached – Lots for single-family detached dwellings shall not be less than fifty-five hundred (5,500) square feet in area and the following dimensional standards shall apply:

SINGLE-FAMILY DETACHED DWELLING DIMENSIONAL STANDARDS				
	MINIMUM INDIVIDUAL LOT AREA (Equal to or greater than)			
	5,500 square feet	21,780 square feet	32,670 square feet	43560 square feet
Minimum lot width at required setback	40 feet	70 feet	85 feet	100 feet
Minimum street frontage	35 feet	50 feet	50 feet	50 feet
Maximum depth to width ratio	5 - 1			

SINGLE-FAMILY DETACHED DWELLING DIMENSIONAL STANDARDS				
	MINIMUM INDIVIDUAL LOT AREA (Equal to or greater than)			
	5,500 square feet	21,780 square feet	32,670 square feet	43560 square feet

Flag Lots	Permitted in accord with provisions of the Subdivision and Land Development Ordinance		
Setback Regulations (See Section 503.1 for accessory structures)			
minimum front	20 feet	40 feet	
minimum rear	30 feet 20 feet where the rear setback adjoins conservation open space		
minimum side	5 feet, 20 feet aggregate	15 feet	

SINGLE-FAMILY DETACHED DWELLING MAXIMUM IMPERVIOUS COVERAGE	
Lot Area	Maximum Impervious Coverage
Less than 10,000 square feet	50%
10,000 – 19,999 square feet	40%
20,000 – 43,560 square feet	30%
More than 43,560 square feet	Reduce limit by 1.5% for each additional acre or fraction thereof but not reduced to less than 5%

B. Two-Family Dwellings and Multi-Family – The following lot and dimensional standards shall apply to two-family dwellings and multi-family dwellings:

TWO-FAMILY DWELLING AND MULTI-FAMILY DWELLING DIMENSIONAL STANDARDS	
Minimum individual lot area	None
Separation of principal buildings	35 feet
If individual lots are provided: minimum lot width	18 feet (24 feet if a 2-car garage or parking of two cars side-by-side is provided in the front)
Setback from any adjoining internal street, street right-of-way, common parking area or sidewalk	20 feet

510.8 Buffer Area

A buffer area of fifty (50) feet shall be provided between any individual dwelling unit and exterior property lines and/or any public road right-of-way. Increased width may be reduced per §510.12 if the Board of Supervisors determines that existing topography or vegetation or proposed vegetation or landscaping will adequately buffer adjoining uses. Additional buffers may be required between the dwelling units and both recreation and lodging facilities.

510.9 Entrance/Exit

No cluster development shall be served by more than one entrance and one exit from any public highway, unless topographic or other physical circumstances dictate the use of more than one access for safety reasons as determined by the Township.

510.10 Access to Individual Lots

Access for individual dwelling units shall be provided by development roads only and no individual driveways shall be permitted to encroach upon any public right-of-way.

510.11 Common Property Ownership and Maintenance

In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township. This shall specifically include, but not be limited to, provisions dealing with the ownership and maintenance of open space, improvements, and utilities. Said arrangement shall indemnify the Township of any responsibility associated with same; and shall be prepared in accord with the Township Subdivision and Land Development Ordinance.

510.12 Modification of Area and Bulk Standards via Conditional Use

Applicable area and bulk requirements, but not density requirements, may be modified up to fifty (50) percent subject to conditional use approval by the Board of Supervisors. Any conditional use approval to permit such modification(s) shall be subject to the following criteria:

- A. Ordinance Consistency – The design and modifications shall be consistent with the purposes and the design standards contained in this Ordinance.
- B. Street System – The design and modifications shall not produce lots or street systems that would be impractical in terms of layout or circulation or detract from the appearance of the development or surrounding community and shall not adversely affect emergency vehicle access.
- C. Quality of Design – The applicant shall demonstrate to the Board of Supervisors that the proposed modification(s) will produce equal or better development design and open space conservation results than could be achieved without the requested modification.
- D. Burden: Conditions – If the Board of Supervisors determines that the applicant has met the burden of proof, it may grant a conditional use for the modification of the requirements. The Board of Supervisors may impose such conditions as will in its judgment secure the objectives and purposes of this Ordinance.

511 Multi-Family Dwellings

Multi-family dwelling projects are considered conditional uses in certain Districts in order to provide the opportunity for the development of a variety of housing types in the Township. In addition to the Conditional Use Standards set forth in Section 509 of this Ordinance and the Township Building Code, the following standards shall apply to multi-family developments.

511.1 Procedure

Lackawaxen Township Zoning Ordinance

Multi-family dwelling projects shall be considered major subdivisions and land developments subject to the Township Subdivision and Land Development Regulations. This “major subdivision” classification shall apply to all subdivision of property in connection with the

development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision. Application for preliminary approval of multi-family dwelling projects, accordingly, will be made to the Township Planning Commission in the manner provided in

the Subdivision Regulations. The developer shall also submit all information required by said Regulations in addition to the following additional information:

A. An application for multi-family dwelling conditional use by a letter or brief from the developer indicating how the development will specifically meet the conditional use standards contained in Section 509 of this Ordinance.

B. A proposed plot plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township setbacks from property lines, improvements, and other buildings shall also be specifically shown.

C. A schedule or plan, and proposed agreement(s) either with the Township or a property owners' association for the purpose of dedicating, in perpetuity, the exclusive use and/or ownership of the open space required by this Ordinance to the prospective dwelling owners or occupants. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, but shall in any event, provide to the satisfaction of the Township that maintenance and use of the property, regardless of ownership, be restricted to either (1) activities intended for the sole benefit of the occupants of the particular project proposed or, (2) permanent open space as hereinafter provided.

D. The application package shall be processed on a schedule concurrent with requirements for review and approval of other Preliminary Plans pursuant to the Township Subdivision and Land Development Ordinance including providing the County Planning Commission with a thirty (30) day opportunity to review copies of the entire package. The Township Planning Commission shall report its findings together with a recommendation indicating whether the conditional use criteria contained in Section 509 will be satisfied.

The Board of Supervisors shall act on the Preliminary Plan, conditional use, and “Planning Module for Land Development” concurrently, making the Preliminary Plan approval, if one shall be given, subject to approval Planning Module by the Pennsylvania Department of Environmental Resources (DER).

No building permit shall be issued to the applicant until all conditions attached to the approval of any Preliminary Plan, including DER approval of the “Planning Module”, shall

have been satisfied and nothing herein shall be construed as permitting the issuance of a building permit prior to Preliminary Plan approval. If the Preliminary Plan shall be rejected, no conditional use, building or zoning permit shall be granted.

Following Preliminary Plan approval, the developer shall provide for the installation of all required or proposed improvements including but not limited to streets, parking areas,

storm drainage facilities, recreational facilities, and lighting. Building improvements shall also be completed or guaranteed prior to the applicant's request for Final Approval. No Certificate of Use shall, however, be issued until such time as (1) Final Plan approval shall have been granted pursuant to the Subdivision Regulations, and (2) buildings have been completed and inspected by the Zoning Officer and a valid certificate of approval from the Pennsylvania Department of Labor and Industry where required is provided by the applicant.

No person shall sell, transfer, lease or agree or enter into an agreement to sell or lease any land and/or buildings or interests in the individual dwelling units to be created or erect any building thereon except in accord with the provisions of this Ordinance, and unless and until Final Plan approval has been granted and the Plan has been recorded in the Office of the County Recorder of Deeds.

511.2 Density

All land proposed for a particular multi-family dwelling project shall be part of the same parcel and contiguous.

The total number of dwelling units permitted shall be calculated after deducting the following areas:

- A. Land contained within public rights-of-way;
- B. Land contained within the rights-of-way of existing or proposed private streets and parking areas (where formal rights-of-way are not involved the width of the street shall be assumed as fifty (50) feet wide);
- C. The area of waterbodies including lakes and ponds;
- D. Areas used for improvements;

from the total area of the project parcel and multiplying the remainder by one (1) unit per two (2) acres.

511.3 Open Space

A. All areas of a multi-family development not occupied by buildings and required or proposed improvements shall remain as permanent open space to be used for the benefit and enjoyment of the residents of the particular units being proposed. Land designated as open space shall be maintained as open space and may not be separately sold, used to meet open space requirements for other developments, subdivided or developed or dedicated to any other use.

B. Open space areas shall be maintained so that the use and enjoyment of the open space is not diminished or destroyed. Open space areas shall be preserved and maintained by either one or both of the following mechanisms:

1. Dedication to a property owners association which assumes full responsibility for maintenance of the open space.
2. Deed-restricted private ownership which shall prevent development of the open space, provide for its maintenance and protect the rights of owners or occupants of the dwelling units of the proposed project to use and enjoy, in perpetuity, such open space.
3. At least Twenty-five (25) percent of the designated open space area shall be usable for active recreational activities and shall not include wetlands, quarries, slopes over twenty-four percent (24%), or acreage used for improvements. Storm drainage facilities and sewage effluent disposal areas shall be considered improvements.

511.4 Water and Sewage

All multi-family developments shall be served with off-site sewage facilities and off-site water supplies. Effluent disposal areas and any structures associated with a sewage disposal system or treatment plant shall be a minimum of one hundred (100) feet from any public road right-of-way or exterior development property line. If subsurface sewage disposal is proposed, a reserve area suitable for a replacement disposal area equal in size to the required area shall be provided and be so identified on the plan.

511.5 Design Criteria

The following design criteria shall apply to multi-family developments:

- A. There shall be no more than eight (8) dwelling units in each multi-family building.
- B. No structure shall be constructed within fifty (50) feet of any access road to or through the development or within ten (10) feet of any parking area.
- C. Access roads through the development shall comply with the street requirements of the Township Subdivision Regulations for minor roads.
- D. No multi-family development shall be served by more than one entrance and one exit from any public highway, unless topographic or other physical circumstances dictate the use of more than one access for safety reasons.
- E. Parking shall comply with Section 505 of this Ordinance. In addition to the 2.0 spaces per unit required by Section 505, there shall be provided for every two (2) units intended for rental or other transient occupancy, one additional space to accommodate parking needs during sales and other peak visitation periods. No more than sixty (60) parking spaces shall be provided in one lot, nor more than fifteen (15) in a continuous row without being separated by landscaping. All off-street parking shall be adequately lighted and so designed as to direct light away from residences. No parking space shall be designed such that a vehicle would back or drive onto a through road, and a defined entrance and exit shall be provided for each parking area.
- F. All multi-family structures shall be separated by a distance at least equal to the height of the highest adjoining structure.

- G. All multi-family structures, improvements and any effluent disposal areas shall be a minimum of one hundred (100) feet from any exterior property lines and seventy-five (75) feet from any public right-of-way.
- H. Where a property line is not wooded, a planting strip of fifty (50) feet in width shall be required to buffer adjoining property owners and ensure privacy. In all cases, a landscaping plan shall be prepared by the developer for approval by the Township, and additional buffers and plantings may be required.
- I. Multi-family developments shall be subject to the stormwater management requirements of the Subdivision Regulations.
- J. Sidewalks shall be provided from all buildings and/or units to their respective parking area and shall be of a design approved by the Township and shall be a minimum of three (3) feet in width improved to a mud-free condition.
- K. Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.
- L. The development shall, regardless of whether it meets the minimum size criteria for a Planned Residential Development Ordinance, also be required to meet (except as modified herein) those additional standards contained in Article VI of this Ordinance. All standards relating to site design, tree conservation and erosion control, streets, lighting, storm drainage, landscaping, street signs, supplemental non-residential buildings and utilities shall apply to the development of multi-family housing.

511.7 Non-Residential Use

Non-residential uses shall not be permitted in a multi-family development. Such ancillary facilities as laundry areas, service buildings, recreational facilities, and the like for the use of the residents of the project shall be permitted.

511.8 Conversions of Existing Structures

Conversions of motels, hotels, or other existing structures to multi-family dwelling use regardless of whether such conversions involve structural alteration, shall be considered subdivisions and, moreover, be subject to the provisions of this Section 511, including density requirements. If the proposed project does involve structural alterations, the Preliminary Plan shall include a certification of a registered architect or engineer that the existing building is structurally sound and that the proposed conversion will not impair structural soundness.

511.9 Common Property Ownership and Maintenance

In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township. This shall specifically include, but not be limited to, provisions dealing with the ownership and maintenance of open space, improvements, and utilities. Said arrangement shall indemnify the Township of any responsibility associated with same; and shall be prepared in accord with the Township Subdivision and Land Development Ordinance. The developer shall also submit

evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.

512 Two Family Dwellings

512.1 Common Wall

In cases where a two-family dwelling is proposed as a duplex where each unit will be sold and involving a common (i.e., party) wall and property line, said wall shall be located on the common property line separating the adjoining lots. Each lot shall meet the District minimum lot size requirements.

512.2 Over/Under Units

In cases where a two-family dwelling is proposed as two dwelling units constructed with one unit located on the second floor above a first-floor dwelling unit or as a duplex to remain under single ownership, the lot size shall be one hundred (100) percent larger than that required for a single-family residence in the same District and required District front, side and rear yards shall be maintained. If such a two-family dwelling is proposed on two or more separate lots of record, said lots shall be combined into one lot prior to the issuance of a Zoning Permit.

512.3 Parking

Off-street parking shall be provided in accord with Section 505 of this Ordinance.

512.4 Conversions

See Section 513.

512.5 Setbacks (Yards)

The following minimum yards shall apply to two-family dwellings:

- Front – fifty (50) feet
- Side - twenty-five (25) feet
- Rear - fifty (50) feet

513 Conversion of Dwellings

Any conversion of any building to a residential use or the conversion of any dwelling to accommodate additional dwelling units shall be considered a conditional use and in addition to the other applicable standards in this Ordinance, the standards in this Section 513 shall apply.

513.1 General Requirements

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units, or families, shall be permitted only

within a district in which a new building for similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit (i.e., density), living space,

lot coverage, dimensions of yards and other open spaces, off-street parking, and other applicable standards.

513.2 Structural Alterations

If the proposed project involves structural alterations, the Preliminary Plan shall include a certification of a registered architect or engineer that the existing building is structurally sound and that the proposed conversion will not impair its structural soundness.

513.3 Residence with Accessory Apartment

A single-family dwelling, existing prior to the effective date of this Ordinance and which was originally designed, constructed, and occupied as a single-family residence, may be altered, but not expanded or enlarged, to include an accessory apartment provided said apartment

does not exceed twenty-five (25) percent of the gross floor area of the building nor more than a total of seven-hundred fifty (750) square feet.

514 Performance Standards Applicable to All Non-Residential Uses

The intent of this Section 514 is to regulate the development and operation of all non-residential development in the Township and to protect the environment, as well as the public health, safety, and general welfare. The following performance standards shall apply to all existing, proposed, new or expanded commercial, manufacturing, industrial or other non-residential uses. (Note – This section shall not apply to Agricultural uses.)

514.1 Yards and Buffers

Unless otherwise regulated by this Ordinance, where a commercial or manufacturing use is proposed contiguous to any existing residential use or any R-1 or DR District the minimum size of the abutting yard shall be increased to fifty (50) feet and a buffer consisting of a solid fence of wood and/or a dense evergreen planting not less than six (6) feet high may be required by the Township. Storage of equipment, supplies, products, or any other materials shall not be permitted in any front yard or side yard. Additional buffer areas or fencing may be required by the Township if the nature of the proposed use as determined by the Township so requires.

Landscaped buffers may be required by the Board of Supervisors in any yard in order to assure the protection of adjoining uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and, to otherwise maintain and protect the rural character of the District.

- A. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- B. The width of the required buffer, as determined by the Township, shall not be less than ten (10) feet.

- C. A mix of ground cover and shrubbery vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six (6) feet in height will be formed within three (3) years of planting.
- D. Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four (4) feet; however, all clear sight triangles shall be maintained.
- E. In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use, or when two or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Township determines that the proposed use and adjoining use(s) are compatible.
- F. Design details of buffers shall be included on the site plan, and buffers shall be considered "improvements" for the purposes of guaranteeing installation in accord with the requirements for "land developments" in the Township Subdivision and Land Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

514.2 Operations and Storage

All facilities and operations of the principal use including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies shall be enclosed and carried out within a building; or shall, as required by the Township, be permitted in a designated area and be provided with larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way. Storage of materials supplies or products in motor vehicles or truck trailers with or without wheels or other containers normally used to transport materials shall not be permitted unless said vehicles, trailers or containers are located so that they are not visible at any time of the year from any neighboring property or public or private road right-of-way. However, not more than two (2) trailers, maintained in good condition, shall be permitted for such storage for a temporary period, not to exceed twenty-four (24) months. The placement of said trailers shall require a permit from the Township, shall meet the setback requirements of this Ordinance and shall not be used for the storage of any flammable or hazardous material.

514.3 Fire and Explosion Hazards

All activities involving any manufacturing, production, storage transfer or disposal of, inflammable and explosive materials shall be provided with adequate safety devices against

the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State, and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer for review by the local fire company(s). All buildings shall comply with the most current code standards as required by the Township. Additional buffer areas or fencing may be required by the Township if the nature of the proposed use as determined by the Township so requires. The minimum distance between buildings on the same parcel shall be twenty (20) feet.

514.4 Radioactivity or Electric Disturbance

No activities shall be permitted which exceed federal standards for radioactivity emissions, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance. All applicable Federal regulations shall apply.

514.5 Noise

The outdoor day-night average sound level (DNL) in decibels at the property line shall not exceed sixty-five (65) decibels. The Zoning Officer in the investigation of a violation shall initially estimate DNL using the "Walk-Away Test" as described in the U.S. Department of Housing and Urban Development's 1979 Noise Assessment Guidelines. Should the test indicate a DNL exceeding sixty-five (65) decibels the Officer shall notify the owner and any aggrieved party of his findings and the potential violation. He shall also recommend appropriate abatement measures. Should a subsequent investigation still indicate a violation the Officer shall determine such average sound level by taking no less than three measurements with a decibel meter, all of which shall occur within seventy-two (72) hours but no less than fifteen (15) minutes apart.

The Township may, in any case, require additional setbacks, buffers and fencing, or limit the hours of operation to mitigate any potential noise impacts of any proposed use.

514.6 Vibration

No vibration shall be permitted which is detectable without instruments at the property line.

514.7 Lighting and Glare

No light source shall be exposed to the eye except those covered by globes or diffusers. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source. Lighting design should be an inherent part of the architectural design. All streets, off-street parking

areas and areas of intensive pedestrian use shall be adequately lighted. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance.

No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted so as to be visible at the property line. This restriction shall not apply to signs otherwise permitted by the provisions of this Ordinance.

514.8 Smoke

No emission shall be permitted from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringelmann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954. This Section 514.8 shall not apply to emissions from equipment designed for building heating purposes using typical fuels.

514.9 Odors

No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable without instruments at the property line of the parcel from which the odors are emitted.

514.10 Other Forms of Air Pollution

No open or exterior burning of any raw material, component or other substance associated with any production process shall be permitted. No waste materials or by-products shall be burned or incinerated on any property, except at a PA DER approved solid waste disposal facility. In any case, no emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.

514.11 Surface and Ground Water Protection

All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. Details of the potential hazards (including the groundwater characteristics of the area in which the use is

proposed) and details of planned safety devices and contamination response actions shall be provided by the developer. The Township may require a plan to be submitted for review and approval and may require financial security for insuring contamination response. Monitoring wells and water quality testing may also be required by the Township.

The developer shall also provide details about the use of ground water and any processes that could result in the depletion of ground water supplies. No use shall be permitted which would result in the depletion of ground water supplies.

In cases where the use is of such a nature that large volumes of ground water are required, the developer shall provide appropriate hydro-geologic studies which clearly establish that the proposed use will not cause a reduction in the quantity or the quality of ground water supplies available to other properties located within a minimum of two-thousand five-hundred (2,500) feet of any portion of the property where the proposed use will be located.

514.12 Landscaping

Any part or portion of a site where existing vegetation has been disturbed and which is not used for building, other structures, loading or parking spaces and aisles, sidewalks, designated storage areas or other improvements, shall be provided with an all-season ground cover and shall be landscaped in accord with an overall landscape plan including the botanical and common names of the plants to be used (which shall be appropriate for the local climate), the sizes to be planted, and the quantity and spacing of each. Additional landscaping, screening and/or buffers may be required by the Township where same are determined by the Township as necessary to protect adjoining uses. Said landscaping plan shall be submitted for review and approval by the Township as part of the Zoning approval process. All landscaping and vegetation shall be maintained in good condition.

514.13 Building Colors

Building exteriors shall be of earth-tone colors to complement the landscaping plan and blend with the natural vegetative surroundings of the proposed site. Such colors may include drab, muted, low intensity colors such as brown, tan, gray, olive, and similar shades but shall not include bright primary, secondary, or similar high intensity colors such as red, yellow, blue, green, orange, purple, etc. The applicant shall submit, along with the conditional use application, samples of the color(s) proposed for the building(s) exterior for approval by the Township. The use of the approved color(s) shall be made a condition of approval of the conditional use application if such approval is granted by the Township.

514.14 Stormwater Management and Soil Erosion Control

A stormwater management plan and soil erosion control plan may be required by the Township for review and approval in cases where slope exceeds fifteen (15) percent. Said plan shall be prepared and implemented pursuant to the applicable standards contained in the Township Subdivision and Land Development Ordinance, and County Conservation District standards. (See also Section 526.) The protection of the quality of ground water and surface water shall be an integral part of all proposed stormwater management practices.

All required stormwater management plans shall include an element specifically addressing water quality and shall provide for the minimization of the discharge of “first flush” sediments off the project site or directly to infiltration structures. Containment of “first flush” sediments shall be accomplished by accepted and proven engineering design and practice, including, but not limited to, the use of grass buffer/filter strips, grass swales, detention basins, sediment traps, and special inlet devices.

514.15 Waste Materials

No liquid, solid, toxic, medical, or hazardous waste shall be stored or disposed in any commercial area, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil, or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. In addition, no waste discharge is permitted into any reservoir, sewage or stormwater disposal system, stream, open body of water, or onto the ground.

514.16 Sewage Disposal

Sewage disposal shall be provided by a system meeting the requirements of the Pennsylvania Department of Environmental Resources. Discharge to such system shall be limited to human wastes. No discharge of wastes or materials in any way associated with a production process shall be permitted to any sewage system.

514.17 Other Regulations

Certification shall be provided by the applicant demonstrating that the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including but not limited to the PA Department of Transportation, the Pa Department of Environmental Resources, the PA Department of Labor and Industry, the Federal Emergency Management Agency and the U.S. Environmental Protection Agency.

515 Junk Yards

Junk yards are considered conditional uses in the RU District only; and, in addition to the requirements of the Lackawaxen Township Junk Yard Ordinance, #88-03, junk yards shall be subject to the conditional use criteria contained in Section 509 and the standards in Section 514 of this Ordinance and the following additional standards. In cases where the standards in this Ordinance and the standards in Ordinance #88-03 differ, the more restrictive shall apply:

Existing junkyards in Districts other than RU Districts shall be eliminated or terminated within a period of five (5) years after October 27, 1978. Non-conforming junkyards within the RU District shall be brought into conformance with the standards of this Ordinance within a period of five (5) years after October 27, 1978.

Nothing in this Section 515 shall prohibit the owner of unlicensed, but operable vehicles, from storing said vehicles in a completely enclosed building or otherwise storing said vehicles such that the vehicles are not visible from any public road right-of-way or any other property.

515.1 Federal and State Regulations

Any junk yard located adjacent to a Federal Aid highway shall comply with all regulations of the Federal Highway Administration, and all junk yards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.

515.2 Public Rights-of-way

No junk yard shall be located closer than two hundred (200) feet to any other existing public right-of-way. The Township may permit a reduction of the required set back where the subject property has natural features adequate to provide screening from the public right-of-way; however, the setback shall not be reduced to less than seventy-five (75) feet.

515.3 Fencing

All junk yards shall be completely enclosed by a chain-link fence not less than eight (8) feet in height. Said fence shall be completed within six (6) months after the effective date of this Ordinance for existing junk yards and prior to the issuance of a license for a new junk yard. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. It is further provided that the foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.

515.4 Setbacks

Such fence and any structures associated with the junk yard shall not be located closer than fifty (50) feet to any property line or five hundred (500) feet to any public right-of-way or within two hundred (200) feet from principal residential structures existing at the time of adoption of this Ordinance; or five hundred (500) feet to any Residential District.

515.5 Screening

All junk yards shall be screened from view from all adjoining properties and any public right-of-way and natural vegetative cover shall be maintained in all required yards. Vegetative plantings of sufficient density or fencing of such design to affect the required screening shall be required.

515.6 Dumping

The area used for a junk yard shall not be used as a dump area for trash or garbage.

515.7 Burning

No burning whatsoever shall be permitted on the premises.

515.8 Water Bodies

No junk yard shall be located closer than two hundred (200) feet to any body of water, stream, wetland or well.

515.9 Hazardous Materials

In cases where the junk yard includes ten or more junk vehicles or where the Board of Supervisors deems necessary to meet the intent of this Ordinance, and to further protect ground water and surface water, all batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials must be removed from all junk within two working days after arrival to the premises and shall be disposed in a manner meeting all state and federal requirements. Such liquids and materials, while stored on the premises, shall be kept separately in leakproof containers at a central location on the premises.

515.10 Water Quality

In cases where the junk yard includes ten or more junk vehicles or where the Board of Supervisors deems necessary to meet the intent of this Ordinance, the owner of any junkyard shall be required to monitor the ground and surface water in the vicinity of the junk yard. Water testing shall be conducted every three months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage of junk if water drainage from the junk yard area is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point upstream of the junkyard drainage area and one sample shall be taken from the stream at a point below the junk yard drainage area. In addition, the well located on the premises shall also be sampled every three

months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Board of Supervisors, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Resources, the junkyard shall cease operation until such time as the source of the contamination has been identified and corrected.

515.11 Fire Lanes

Fire lanes of a minimum width of twenty (20) feet shall be maintained so that no area of junk shall span a distance of more than fifty (50) feet.

515.12 Hours of Operation

Any activity associated with the operation of the junk yard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m. and not on Sundays.

During business hours, an adult attendant shall, at all times, remain on the premises.

515.13 Plan Submittal and Permits

Applications for permits for junk yards, in addition to meeting the requirements of this Ordinance for permits, shall follow the plan submittal and approval process established by the Township Subdivision and Land Development Ordinance for land developments and major subdivisions.

515.14 Stacking of Junk

No junk shall be stacked or piled to a height of greater than six (6) feet.

515.15 Nuisances

All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. All grass and weeds on the premises shall be kept mowed.

515.16 Rubbish

Paper, rags, plastic materials, and other rubbish shall not be stored outside and shall not be accumulated or remain on any premises.

515.17 Wells

The premises shall have a well which will provide adequate water supply.

515.18 Fireproof Structures

Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.

515.19 Financial Guarantees

Certain financial guarantees may be required from the owner/operator to insure the proper operation, maintenance and/or dissolution of the junk yard.

516 Water and Sewer

All uses shall be provided with an adequate water supply, as demonstrated by evidence to be provided by the applicant and approved by the Township, and with a sewage disposal system meeting the needs of the proposed use and meeting the requirements of the Township and the Pennsylvania Department of Environmental Resources. Any sewage treatment plant facilities or subsurface absorption areas for community sewage disposal systems shall be a minimum of fifty (50) feet from any public road right-of-way or exterior development property line and shall not be placed on individual building lots. Evidence of legal rights-of-way for any sewage line not located on the development property shall be provided by the applicant. In cases where community on-lot subsurface sewage disposal is proposed, a reserve area shall be provided that is adequate for the installation of a replacement disposal system.

In cases where a community subsurface sewage disposal system is proposed to serve non-conforming lots of record, the sewage system shall not be placed upon any non-conforming lot which will contain a dwelling. The system shall be placed on a parcel of such size that will accommodate the system and required reserve area and permit the required fifty (50) foot setbacks. If the system is placed upon a

parcel with a dwelling, the total size of the parcel shall be that required for density of the dwelling plus the additional area required for the community system, reserve area and setbacks.

517 (Deleted)

518 Mobile Homes on Individual Lots

It is the intent of this Section to provide for the placement of mobile homes on individual building sites not in mobile home parks while at the same time preserving the character of the Township and protecting adjoining property values. Such mobile homes shall comply with the living space,

lot area, setbacks, height, and other requirements established by this Ordinance for single-family dwellings. This Section 518 shall not apply to recreational vehicles.

519 Shopping Centers, Malls, and Retail/Service Commercial Buildings

It is the intent of this Section to provide standards for the flexibility of design of shopping centers, malls, and retail/service commercial buildings, hereinafter referred to as commercial development, while at the same time to assure the compatibility of the commercial development with the surrounding rural character of the Township and market needs of the area. This shall be accomplished by:

1. Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site;
2. Conserving environmentally sensitive areas such as wetlands and steep slopes;
3. Designing buildings with consideration of architectural style and type of construction material in keeping with the surrounding landscape and development pattern;
4. Providing safe and convenient access from the public right-of-way based on the existing areawide traffic circulation pattern and the expected traffic generated by the proposed use;
5. Designing parking areas to complement patterns of traffic flow and to provide adequate off-street parking for patrons;
6. Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
7. Considering the impact of stormwater, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts;

519.1 Conditional Use and Land Development

Any proposed commercial development shall be considered a conditional use and shall in addition to the conditional use criteria, the commercial standards, and other applicable requirements of this Ordinance, be subject to the requirements of this Section 519.

Said proposal shall also be considered a “land development” as defined by the Pennsylvania Municipalities Planning Code and the Township Subdivision and Land Development Ordinance and shall comply in all respects with all the requirements for plan submission and content for land developments contained therein, as well as the information which follows. The Township may also

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require any additional information, studies, or reports as it deems necessary to meet the intent of this and other Township Ordinances.)

- A. Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and municipal boundary lines, within five hundred (500) feet of the tract;
- B. A traffic flow chart showing circulation patterns from the public right-of-way and within the confines of the shopping center.
- C. Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes;
- D. Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking;
- E. Location, arrangement, and dimensions of truck loading and unloading spaces and docks;
- F. Location and dimensions of pedestrian entrances, exits, walks;
- G. Location, height, and materials of walls, fences, screen plantings, and other landscaped areas.
- H. Preliminary architectural drawings for all buildings;
 - 1. Location, size, height, and orientation of all signs other than signs flat on building facades;

519.2 Ownership

The site proposed for a shopping center or mall shall be held in single ownership or in unified control; and the applicant shall provide to the Township evidence of said ownership and/or control.

519.3 Market Analysis

In order to assure that the commercially zoned districts in the Township are committed to development which best provides for the public interest and community welfare. The Township, as part of the conditional use process, may, for reason of the size or nature of the proposed use, require the applicant to submit a market analysis. The market analysis, prepared and signed by a recognized independent market analyst acceptable to the Planning Commission, shall contain the following determination:

- A. Trade area of proposed shopping center;
- B. Population of the trade area, present and projected;
- C. Effective buying power in the trade area, present and projected;
- D. Net potential customer buying power for stores in the proposed shopping center, and on the basis of such buying power, the recommended store types and store floor area;
- E. Residual amount of buying power and how it may be expected to be expended in existing business areas serving the proposed trade area.

520 Flood Plain Management

This Section is intended to meet the objectives and comply with the requirements of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act; and protect the public health and safety by preventing excessive development of flood prone areas. It shall be unlawful for any person, business, corporation, or association to undertake, or for any person, business, corporation, or association to undertake, or cause to be undertaken, any construction or development anywhere within the flood prone areas of Lackawaxen Township (as defined herein) unless a Building/Zoning Permit has been obtained from the Township Zoning Officer.

520.1 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified flood prone area, or that land uses permitted within such areas, will be free from flooding or flood damages.

520.2 General

Building/Zoning Permits shall be required before any construction or development is undertaken in a flood prone area. Such permits shall be issued only after it has been determined the proposed work will conform to the requirements of this and all other applicable codes and ordinances. No permit shall be issued until it has been determined that all other necessary governmental permits have been obtained, including those required by the Dam Safety and Encroachments Act; the U.S. Clean Water Act (Section 404); and the Pennsylvania Clean Streams Act. Application for a permit under the Pennsylvania Sewage Facilities Act shall be made concurrently with application for a Building/Zoning Permit and no permits shall be issued until the base flood elevation has first been determined.

No encroachment, alteration or improvement of any kind shall be made to any watercourse until a permit is obtained, where required, from the Department of Environmental Resources, Bureau of Dams and Waterway Management, by the applicant and all adjacent municipalities which may be affected by such action, the Federal Insurance Administrator, the Pennsylvania Department of Community Affairs have been notified by Lackawaxen Township.

520.3 Special Application Requirements

Applications for Building/Zoning Permits for construction or development within a flood prone area shall, in addition to other information required by this Ordinance, contain the following:

1. A plan of the entire site, drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following: North arrow, scale, and date
2. Topography showing existing and proposed contours
3. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet
4. The location of all existing streets, drives, and other access ways with information concerning widths, pavement types and construction, and elevations

5. The location of any existing bodies of water or watercourses, buildings structures and other public or private facilities, and any other natural or man-made features affecting, or affected by, the proposed activity or development
6. The location of the identified flood prone area boundary line, floodway line as determined by the applicant, one hundred (100) year flood elevations, and complete information concerning the flow of water including direction and velocities, flood depths, pressures, impact and uplift forces and other factors associated with a one hundred (100) year flood.
7. Accurate location of all proposed buildings, structures, and any other improvements, including any existing or proposed subdivision and land development to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and,
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.

Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

- a. The proposed lowest floor elevations, including basement, of any proposed building based upon National Geodetic Vertical Datum of 1929;
- b. Detailed information concerning any proposed flood-proofing measures;
- c. Plans and profiles of all proposed sanitary and storm sewer systems; water supply systems, and any other utilities and facilities; and,
- d. Soil types,

The following data and documentation:

- a. A document, certified by a registered professional engineer or architect, which states: (1) that the proposed construction has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one hundred (100) year flood and (2) that it meets the Ordinance in other respects. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
- b. A signed and notarized statement by the applicant(s) that the proposed development will comply with Section 520.10 of this Ordinance and will not involve any of the activities prohibited thereunder.
- c. The appropriate component(s) of the Department of Environmental Resources' "Planning Module for Land Development".
- d. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

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Copies of plans and applications for any proposed construction or development may be submitted by the Township to any other appropriate agencies and with individuals, including,

but not limited, to the County and Township Planning Commissions, County Conservation District and Department of Environmental Resources, for review and comment provided the application is acted upon within the ninety (90) day period provided by Commonwealth Statute.

520.5 Identification

The identified floodprone area shall be any area of the Lackawaxen Township, subject to the one hundred (100) year flood, which is identified as a Special Flood Hazard Area (Zone A) on the Flood Hazard Boundary Map (FHBM) or any subsequent maps issued by the Federal Insurance Administration or its successor agencies. This area shall be considered an overlay to the existing underlying districts as shown on the Official Zoning Map and, as such, the provisions for this area shall serve as a supplement to the underlying district provisions.

520.6 Determination of the Base Flood Elevation

For the purposes of this Ordinance, a one hundred (100) year flood shall be the basis of the base flood elevation. To determine the one-hundred-year flood elevation, the elevation at a given point on the boundary of the identified flood prone area which is nearest the construction site in question will be used.

In helping to make this necessary elevation determination other sources of data, where available, shall be used such as:

- A. Corps of Engineers – Flood Plain Information Reports
- B. U.S. Geological Survey – Flood Prone Quadrangles
- C. U.S.D.A., Soil Conservation Service – County Soil Surveys (Alluvial Soils) or P.L. 566 Flood Information
- D. Pennsylvania Department of Environmental Resources – Flood Control Investigations
- E. Known highwater marks from past floods
- F. Other Sources

In lieu of the above, the Township may require the applicant to determine the elevation and establish the extent to which the proposed activity or development is within the floodway (as opposed to the flood fringe) with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of

demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township.

520.7 Changes in Identification of Area

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The delineation of any of the identified floodplain area may be revised by the Township Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, Delaware River Basin Commission, or other qualified agency or individual, documents the notification for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA) or its successor agencies.

520.8 General Standards

- A. In the identified floodprone area, the development and/or use of any land shall be permitted provided that the development and/or use adheres to the restrictions and requirements of this and all other applicable codes and ordinances in force in the municipality.
- B. Within any identified floodprone area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- C. Within any identified floodprone area, the lowest floor (including basement) of any new or improved residential structure shall be elevated to or above the one hundred (100) year base flood elevation.
- D. Within any identified floodprone area, the lowest floor (including basement) of non-residential structures shall be elevated to or above the one hundred (100) year base flood elevation or be floodproofed up to that height.

520.9 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed to be undertaken within any identified floodprone area:

A. Fill

If fill is used, it shall:

1. Extend laterally at least fifteen (15) feet beyond the building line from all points of the building;
2. Consist of soil or small rock materials only – Sanitary Landfills shall not be permitted;
3. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
4. Be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Township; and,
5. Be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment. Absorption areas for sub-surface sewage disposal systems shall not be permitted within the floodway, and absorption areas placed elsewhere within the identified floodprone area shall comply fully with the requirements of Chapter 73 of the Regulations of the Pennsylvania Department of Environmental Resources and construction shall otherwise comply with requirements contained herein.

D. Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.

E. All utilities such as gas lines, electrical and telephone systems being placed in an identified floodplain area should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 520.10 Development Which May Endanger Human Life, shall be stored at or above the one hundred (100) year base flood elevation and/or floodproofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the one hundred (100) year base flood elevation shall be securely anchored or affixed to prevent flotation.

520.10 Prohibited Activities and Development

No new or substantially improved structure within any identified floodprone area shall be used for the production or storage of any of the following materials or substances or shall be used for any activity requiring the maintenance of a supply (more than 550 gallons of petroleum products, 100 gallons of other substances or any amount of radioactive substances) of any of the following materials or substances on the premises:

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1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc. - up to 550 gallons permitted)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, in so far as such substances are not otherwise regulated

B. The following obstructions and activities are prohibited if located entirely or partially within an identified floodprone area:

1. Hospital (public or private)
2. Nursing homes (public or private)
3. Jails or prisons
4. New mobile home parks and mobile home subdivisions, and substantial improvements to such existing parks and development

520.11 Special Requirements for Mobile Homes

1. Where permitted within any identified floodplain area, all mobile homes and additions thereto shall be:

2. Anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 (ANSI A119-1975) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:

- a. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.
- b. Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.
- c. All components of the anchoring system shall be capable of carrying a force of four-thousand eight hundred (4,800) pounds.

2. All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:

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- a. The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be at or above the elevation of one hundred (100) year base flood.
 - b. Adequate surface drainage is provided.
 - c. Adequate access for a hauler is provided.
 - d. Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.
- B. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for mobile home parks.

520.12 Existing Structures in Identified Floodprone Areas

Structures existing in any identified floodprone area prior to the enactment of this Ordinance, but which are not in compliance with these provisions, may continue to remain, provided; any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance. Permit applications for structures, which on determination by the Board of Supervisors, do not involve fifty percent (50%) or more of market value shall be processed in the manner of any other building permit applications.

520.13 Variances

Requests for variances from the provisions contained herein shall be considered in accordance with the procedures contained in Section 710 and the following:

- A. No variance shall be granted for any prohibited activities and development listed in Section 520.10.
- B. If granted, a variance shall involve only the least modification necessary to provide relief.
- C. In granting any variance, the Zoning Hearing Board shall obtain the advice of the Township Planning Commission and others considering this and all other pertinent information. Attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of the Ordinance.
- D. Whenever a variance is granted, the Board shall notify the applicant in writing that:
 1. The granting of the variance may result in increased premium rates for flood insurance
 2. Such variances may increase the risks to life and property
- E. In reviewing any request for a variance, the Board shall be satisfied that the granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extra-ordinary public expense, nor create

nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State or local ordinances and regulations.

F. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration or its successor agencies.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

521 Major Impact Developments

Certain development proposals are hereby classified as having major impacts on the health, safety, and welfare of the Township. Such proposals shall be subject to additional review criteria and development standards so that such concerns may be adequately addressed.

Major impact developments shall be determined from their estimated trip generation rates and are hereby defined to include any use or any addition to a use established after the effective date of this Ordinance (excluding smaller additions to pre-existing uses) which will generate more than five hundred (500) trip ends per day.

The number of trip ends shall be estimated by applying the following trip generation rates (Adapted from "Trip Generation", Institute of Transportation Engineers, 1987") to the proposed use and rounding up to the next whole number:

<u>Use</u>	<u>Trip Ends Per Day</u>
Resort/recreation housing with transient occupancy	11.8 per dwelling unit
Single-family residential units, or subdivisions	10.1 per dwelling unit
Two family and Multi-family residential units	10.1 per dwelling unit
Mobile home parks and other residential uses	7.6 per dwelling unit
RV parks and campgrounds	10.4 per campsite
Hotel, motel, or other lodging houses	13.4 per sleeping unit
Commercial recreation	5.4 per vehicle parking space
Boat Liveries	10 per boat berth
Office buildings	28.8 per 1000 GSFBA*
Commercial, shopping centers, and manufacturing	50.9 per 1000 GSFLA**

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Medical office buildings	99.0 per 1000 GSFBA*
Restaurants	139.3 per 1000 GSFBA*
Fast food drive-through restaurants	828 per 1000 GSFBA*
Car sales facilities	79 per 1000 GSFBA*
Convenience store	351.7 per 1000 GSFBA*

* GSFBA = gross square feet of building area

** GSFLA = gross square feet of leasable area

Where doubt exists as to the applicable standard, or a specific use is not listed above, the aforementioned "Institute" publications shall be consulted, and the final determination made by the Board of Supervisors. Development proposals involving more than one of the above uses shall be evaluated by summing the rates and calculations for each individual use.

The requirements of this Section shall also be applied to any proposed use, which for reasons of location, design, existing traffic and other environmental considerations, as determined by the Township, warrant the application of the study and development standards contained herein.

All major impact development shall be considered a conditional use and shall be permitted only in those districts where provision is made for the use. A major impact development shall meet all other Supplementary regulations applicable to the use and be processed like any other conditional use and the following additional standards (superseding to the extent they are more strict, any other requirements contained within this or other Township Ordinances) shall apply.

521.1 Location

All major impact developments are restricted to locations with direct access to State Routes and accesses to the same shall be located so as to have not less than five hundred (500) feet clear sight distances in both directions from the intersection with the public highway.

However, nothing herein shall prevent the approval of a major impact development on a Township Road, such development not otherwise limited to certain locations by separate provisions of this Ordinance, if the developer shall agree to improve or finance the improvement of such Township road to the standards of the Township Road Dedication Ordinance.

521.2 Transportation Impacts

Prior to the issuance of a conditional use permit and/or the granting of Preliminary Subdivision approval for any major impact development the applicant shall prepare a transportation impact report which shall be reviewed by the Township Engineer and approved by the Board of Supervisors. The transportation impact report is designed to identify the transportation (traffic) impacts and problems which are likely to be generated by the proposed use as well as Improvements required to ensure safe ingress to and egress from the development, maintenance of adequate street capacity and elimination of hazardous conditions.

The transportation impact report shall be prepared by a qualified individual approved by the Township and shall be conducted in accord with generally accepted methodology and shall include the following:

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A. A detailed description of the highway network within one (1) mile of the site including all intersections, and railroad grade crossings, proposed ingress and egress locations, existing roadway widths and right-of-ways and existing traffic control devices. In cases where the development has direct access to a road other than an arterial or collector, the detailed description shall be made to include one (1) mile beyond the intersection with the next collector or arterial.

B. A detailed description of existing traffic conditions for all roads which have direct access to the proposed development site, including assembly of average daily traffic data accumulated by the Pennsylvania Department of Transportation since 1970 and a map plotting of all highway accidents of which the Department has record as well as an analysis of the causes of such accidents. A 24-hour traffic count may also be required

for a period of 7 consecutive days on each road with direct access to the proposed use. The existing average daily traffic volume and the highest average peak hour volume for any weekday hour between 3 PM and 6 PM or any weekend hour between

10 AM and 10 PM shall be recorded. Seasonally adjusted figures based on patterns observed by the Department shall also be prepared.

C. A calculation of estimated ADT after development based on the trip generation rates contained in the above table. Estimates shall also be made of the peak hourly traffic volumes for 3 PM to 6 PM on weekdays and 10 AM to 10 PM on weekends.

D. Highway and intersection capacities (maximum safe traffic volumes) shall be determined for each of the roads with direct access to the proposed development. This portion of the report shall be prepared in consultation with the Township Engineer, who shall, in turn, consult with the Pennsylvania Department of Transportation regarding roads under Commonwealth jurisdiction. Critical elements to be considered in these calculations are: lane and shoulder widths, restricted clearances, passing distances, percentages of trucks or buses, grades, average speeds and restrictions, numbers and characters of driveways and private accesses, percentages of right-hand and left-hand turns, alignment, roadway surfacing and the general condition of the highway.

E. Projected total future traffic demands (during peak periods and on an average basis) shall be calculated for all roads with direct access to the proposed development. This demand shall consist of existing traffic volume plus an assumed normal increase of traffic volume of one percent per year and the anticipated traffic for the proposed development. Peak traffic demands for each road and each intersection shall be compared with capacity figures. Should peak traffic demand following completion of the development or five years from the date of application (whichever would occur later) be projected to exceed capacity, the roadway or intersection shall be considered deficient and the development shall not be permitted unless the applicant/developer makes the road improvements necessary to increase the capacity sufficiently to accommodate the traffic from the proposed development or provides a financial guarantee suitable to the Board of Supervisors to ensure the completion of such improvements.

521.3 Other Impacts

The applicant shall, prior to approval, also prepare and submit a report assessing the impact of the development insofar as stormwater, water supply and quality, community, noise, glare and other environmental and social impacts, as well as security, are concerned. The report shall detail the

impacts of any proposed activities which will generate significant noise or glare, including public address systems, and entrance way or other lighting systems and indicate

the measures which will be taken to ensure compliance with each of the various applicable performance standards in this Ordinance. These shall be applicable to all non-residential and mixed-use major impact developments. The report shall also assess security needs of the proposed development, analyze impacts on local and State law enforcement programs and propose measures to alleviate unnecessary burdens on those programs. Such report shall be used for purposes of determining what, if any, conditions should be attached to an approval if granted. (See also Section 522).

521.4 Buffer Requirements

Setback (yard) requirements and buffers to deal with the impacts detailed above and provide a buffer for adjoining landowners may be required by the Township for major impact developments in accord with Section 514 of this Ordinance.

521.5 Ancillary Activities

All non-residential major impact developments, such as hotels, may include other commercial activities (such as coffee shops and beauty salons) not normally permitted in the district provided the floor area they utilize shall not exceed 10% of the gross floor area of all structures. Any use which would exceed this limitation shall be fully subject to the provisions of this Ordinance and meet all lot size, parking and other requirements separate and apart from each and every other use on the site, although more than one use may be permitted in a single building in which case the strictest applicable setbacks shall apply. Additional parking shall be provided for all ancillary activities at the ratio of one parking space for each 50 square feet of floor area or active recreation area open to non-residents or persons who are not guests, including ballrooms, game rooms, tennis courts, pools, theaters and the like.

521.6 Road Standards

The following special road standards (in addition to those normally applicable requirements) shall apply to all non-residential major impact developments:

- A. No access to a major impact development shall be located within three hundred (300) feet of any similar access to the public highway except if such access is directly opposite the proposed access.
- B. A seventy-five (75) foot clear sight triangle shall be provided at the intersection of any access with the public right-of-way.
- C. The access may be lighted by approved street lighting, but lights shall not be so directed as to produce glare or otherwise hamper the flow of traffic.

522 Environmental Impact Statement

An environmental impact statement (EIS) shall be required for all major impact development uses as regulated by Section 521 of this Ordinance; and, the requirements of this Section shall also be applied to any other proposed use, which for reason of location, design, existing traffic

or other environmental considerations, as determined by the Township, warrants the application of the study and development standards contained herein.

522.1 Purpose of EIS

The purpose of this EIS is to disclose the environmental consequences of a proposed action for consideration by the Township for the determination of approval or denial of the project, and, if the project is approved, for the establishment of conditions of approval. This requirement is made in order to protect the natural environment with respect to water

quality, water supply, soil erosion, pollution of all kinds, flooding and waste disposal and to preserve trees and vegetation, to protect water courses, air resources and aquifers.

522.2 Contents of EIS

An Environmental Impact Statement shall include an analysis of the item listed below regarding the impact of the proposed use and the mitigation of any such impacts; and said proposal shall comply with all other standards included in this Ordinance and other Township Ordinances:

A. Soil Types

1. U.S.D.A. Soil Types (show on map)
2. Permeability of soil on the site.
3. Rate of percolation of water through the soil for each five acres.

B. Surface Waters

1. Distance of site from nearest surface water and head waters of streams.
2. Sources of runoff water.
3. Rate of runoff from the site.
4. Destination of runoff water and method of controlling downstream effects.
5. Chemical additives to runoff water on the site.
6. Submission of an erosion and sediment control plan meeting the requirements of the PA DER and the Pike County Conservation District.
7. Said information shall be set forth in a storm water management plan meeting the requirements of the Township Subdivision Ordinance.

C. Ground Cover Including Trees

1. Extent of existing impervious ground cover on the site.
2. Extent of proposed impervious ground cover on the site.

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3. Extent of existing vegetative cover on the site.
4. Extent of proposed vegetative cover on the site.

D. Topography

1. Maximum existing elevation of site.
2. Minimum existing elevation of site.
3. Maximum proposed elevation of site.
4. Minimum proposed elevation of site.
5. Description of the topography of the site and any proposed changes in topography.

E. Ground Water

1. Average depth to seasonal high-water table.
2. Minimum depth to water table on site.
3. Maximum depth to water table on site.
4. Quality

F. Water Supply

1. The source and adequacy of water to be provided to the site.
2. The expected water requirements (g.p.d.) for the site.
3. The uses to which water will be put.

G. Sewage System

1. Sewage disposal system (description and location on the site, of system).
2. Expected content of the sewage effluent (human waste, pesticides, detergents, oils, heavy metals, and other chemical).
3. Expected daily volumes of sewage.
4. Affected sewage treatment plant's present capacity and authorized capacity.

H. Solid Waste

1. Estimated quantity of solid waste to be developed on the site during and after construction.
2. Method of disposal of solid waste during and after construction.
3. Plans for recycling of solid waste during and after construction.

I. Air Quality

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

J. Noise

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

K. Impact of Proposed Use

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

1. Existing plant species, (upland and marine), and effects thereon.
2. Existing animal species and effects thereon.
3. Existing wildfowl and other birds and effects thereon.
4. Effects on drainage and runoff.
5. Effects on ground water quality.
6. Effects on surface water quality.
7. Effects on air quality.
8. Alternatives to proposed development, consistent with the zoning of the tract.
9. Effects on sites of historic significance.
10. Effects on adjoining properties and the general character of the community
11. Effects on the economy and social structure of the community

L. Critical Impact Areas

In addition to the above, plans should include any area, condition, or feature which is environmentally sensitive, or which if disturbed during construction would adversely affect the environment.

1. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, estuaries, slopes greater than 15%, highly acid or highly erodible soils, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.
2. A statement of impact upon critical areas and of adverse impacts which cannot be avoided.

3. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.
4. A list of all licenses, permits and other approvals required by municipal, county or state law and the status of each.
5. A listing of steps proposed to minimize environmental damage to the site and region during and after construction.

M. Law Enforcement

The Environmental Impact Statement shall also include an analysis of the existing law enforcement capabilities of the Township and State; and assess the impact of the proposed development on said law enforcement agencies along with actions proposed to mitigate any burdens created by the development.

N. Additional Requirements

In addition to the above requirements, the Planning Commission and/or Board of Supervisors may require such other information as may be reasonably necessary for the Township to evaluate the proposed use.

O. Qualifications

The EIS shall be prepared by a professional architect, landscape architect, planner, engineer or other qualified individual whose qualifications have been previously approved by the Board of Supervisors.

P. Procedures for evaluating the Environmental Impact Statement Shall be as Follows:

1. Upon receipt of the application, the Secretary of the Planning Commission shall forward the EIS to the Township Engineer and any other Agency or firm which the Planning Commission may desire for consultation.
2. The above-mentioned Agencies shall review the applicant's EIS and shall report its comments to the Planning Commission and Board of Supervisors.
3. The Planning Commission and/or Board of Supervisors may require the opinion of experts in their review of the EIS.
4. Fees for the costs of such consultation as described in Subsections "1" and "3" above shall be paid by the applicant.
5. Copies of the Environmental Impact Statement shall be on file and available for inspection in the Township office.
6. The Planning Commission shall evaluate the proposed project and the EIS and recommend action on same to the Board of Supervisors.

523 Manufactured Housing, Vehicle and Trailer Sales Operations

523.1 Procedures

Manufactured housing, vehicle, and trailer sales operations, hereinafter referred to as operations, shall be considered conditional uses and land developments and, in addition to the applicable standards of this Ordinance, shall comply with the requirements of the Township Subdivision and Land Development Ordinance.

523.2 Standards

Manufactured homes, vehicles and/or trailers on display:

- A. Shall be permitted only on the same lot with a permitted principal commercial use.
- B. Shall not be placed upon permanent foundations.
- C. Shall comply with the yard and height requirements for principal structures and shall, in the case of manufactured homes, be included in the maximum lot coverage calculations.
- D. Shall not be served by any water supply or sewage disposal facilities.

524 Hotels, Motels, and Lodging Facilities

This Section 524 is intended to provide specific conditional use standards for the development of hotels, motels, and other lodging facilities for the tourist/traveler at unit densities that allow full use of the project parcel. Specific performance standards are provided to allow for flexibility of design and to insure the protection of adjoining properties and the public health, safety, and general welfare.

524.1 Density

Density of units and facilities shall be determined by the character of the project parcel and compliance with the standards in this Section 524 and this Ordinance, and other applicable Township and state regulations. However, the number of rentable units shall not exceed ten (10) per acre. Density shall be determined by deducting:

- A. Land contained within public rights-of-way;
- B. Land contained within the rights-of-way of existing or proposed private streets and parking areas (where formal rights-of-way are not involved the width of the street shall be assumed as fifty [50] feet wide);
- C. The area of waterbodies including lakes and ponds;
- D. Areas used for improvements, from the total area of the project parcel and dividing the result into the number of units.

524.2 Design Criteria

- A. Yard, building height, lot width and depth, and lot coverage ratios applicable to the District shall be maintained.

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- B. In cases where the project parcel adjoins a Residential or where a project structure(s) exceed(s) fifteen hundred (1,500) square feet in total floor area, larger front side and rear yards may be required.
- C. No structure shall be erected within a distance equal to its own height of any other structure.
- D. Rental units of hotels, motels, seasonal cottages, and resort facilities shall not be utilized as a permanent residence.
- E. All facilities in a hotel, motel or lodging facility project shall be on the same parcel of property and shall be clearly intended to serve the tourist trade and shall not contain any commercial facility unless such commercial facility is otherwise permitted in the subject District or it is clearly demonstrated such commercial facility is intended solely for the lodging of guests of the resort facility.

524.3 Bed and Breakfast Establishments

Bed and breakfast establishments shall be considered conditional uses in all Districts in accord with the following standards in addition to those in this Section 524.

- A. Adequate off-street parking is provided in accord with Section 505 of this Ordinance, with the minimum number of parking spaces provided as follows: one space for each rentable room; one space for each non-resident employee, and two spaces for the dwelling unit.
- B. Not more than twelve (12) rentable rooms are provided in the establishment.
- C. The owner or manager of the bed and breakfast must reside on the premises.
- D. Not more than two (2) non-resident employees shall be permitted.

524.4 Plan

A plan including the items required for land development plans by the Township Subdivision and Land Development Ordinance shall be submitted with the project application.

525 Stables, Kennels, and Keeping of Animals

525.1 Stables, Private

Private stables are permitted as an accessory use to a single-family residence in any District subject to the following conditions:

- A. A minimum parcel of two (2) acres shall be required for the residence and stable.
- B. No more than two (2) horses shall be kept except that one (1) additional horse may be kept for each additional acre of land.
- C. One hundred (100) square feet of stable building area shall be provided for each horse kept on the property.

- D. The new construction of a stable building or corral shall not be permitted unless such stable or corral is located one-hundred (100) feet or more from any existing dwelling unit not located on the same parcel as the stable or corral, fifty (50) feet or more from any adjoining property line, and one-hundred (100) feet or more from any public or private road. These setback requirements shall not apply to the use of an accessory structure as a stable if said structure was existing at the effective date of this Zoning Ordinance amendment.
- E. All horses shall be restricted from grazing or intruding on an adjoining property and any fences erected for the same shall be at least five (5) feet from the property line or public or private road. This limitation shall not apply to the use of a fence for the keeping of horses if said fence was existing at the effective date of this Zoning Ordinance amendment.

525.2 Stables, Commercial

Commercial stables are considered a conditional use in any RU District subject to Section 509 and all applicable standards of this Ordinance and the following standards:

- A. A minimum parcel of five (5) acres shall be required and a single-family residence for the owner or manager shall be permitted on the premises provided all other Sections of this Ordinance and other applicable standards are met.
- B. No more than three (3) horses are kept with the exception that one (1) additional horse may be kept for each additional acre of land.
- C. The building shall not be less than one hundred (100) square feet in size for one (1) horse, with an additional one hundred (100) square feet for each additional horse.
- D. All horses shall be restricted from grazing or intruding on an adjoining property and any fences erected for the same shall be at least 5 feet away from the property line or public or private road.
- E. Adequate off-street parking shall be provided pursuant to Section 505 of this Ordinance with one space provided for each non-resident employee and one space per two (2) horses kept on the premises
- F. No stable building or corral shall be located within one hundred (100) feet of an adjoining property line and seventy-five (75) feet from any public or private road.

525.3 Kennels, Commercial

Kennels are considered a conditional use in any RU or ND District subject to and all applicable standards of this Ordinance and the following standards:

- A. A minimum parcel of three (3) acres shall be required.
- B. No structure used as a kennel shall be located closer than two hundred (200) feet to any property line or one-hundred (100) feet to any public or private road.
- C. Adequate off-street parking shall be provided pursuant to Section 505 of this Ordinance with one space for each non-resident employee and one space per four (4) animals kept on the premises.

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- D. A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas not enclosed in a building.
- E. Dogs shall be restricted from using kennel areas not fully enclosed in a building from 8:00 p.m. to 8:00 a.m.

525.4 Keeping of Other Animals

The keeping of animals such as cows, steers, goats, sheep, swine, and other similar domesticated animals shall be permitted as an accessory use to a single-family residence in any District in accord with the following criteria:

- A. A minimum parcel of two (2) acres shall be required for Cows, Steers, Swine, Goats and Sheep. A minimum parcel of one (1) acre shall be required for Fowl, Rabbits, or other small furbearing animals.
- B. Not more than the following number of animals shall be kept on the minimum required parcel.
 - 1. Cows or steers – two (2)
 - 2. Swine – two (2)
 - 3. Goats or sheep – four (4)
- C. The following number of animals may be kept for each additional full acre of land:
 - 1. Cows or steers – one (1)
 - 2. Swine – one (1)
 - 3. Goats or sheep – two (2)
- D. The construction of a stable building, pen, feed lot, corral or other area where animals are kept shall not be permitted unless such structure or area is located one-hundred (100) feet or more from any existing dwelling unit not located on the same parcel as the structure or area, fifty (50) feet or more from any adjoining property line, and one-hundred (100) feet or more from any public or private road. These setback requirements shall not apply to the use if an accessory structure as a stable building or pen if said structure was existing at the effective date of this Zoning Ordinance amendment. The construction of a chicken coup, rabbit hutch or other structures used in the keeping of Fowl, Rabbits or other small furbearing animals shall not be permitted unless such structure is one hundred twenty (120) square feet or less and is located fifty (50) feet or more from existing dwelling unit not located on the same parcel, twenty-five (25) feet or more from any adjoining property line and fifty (50) feet or more from any public or private road.
- E. All animals shall be restricted from grazing or intruding on an adjoining property and any fences erected for the same shall be at least five (5) feet from the property line or public or private road.
- F. No swine shall, in any case or manner, be kept less than two hundred (200) feet from any adjoining property line and one-hundred fifty (150) feet from any public or private road.
- G. Roosters shall be prohibited on parcels less than two (2) acres.

525.5 Nuisances

Nothing herein shall be construed to allow the continuance of any nuisance or threat to health, safety and welfare that might be created by keeping of animals regardless of conformity with these regulations. Nuisances, as defined by the Second-Class Township Code, including, but not limited to noise, odors, and drainage problems, are hereby prohibited and nothing herein shall limit the right of the Township under said Code to eliminate such nuisances or the right of adjoining property owners to pursue civil remedies.

526 Development on Steep Slopes

All uses permitted by this Ordinance shall be subject to the following special conservation performance standards which shall apply to any lands that are characterized by steep slopes. The procedures and standards are as follows:

Steep slopes shall be defined as slopes in excess of fifteen (15) percent grade as determined by the Township from United States Geological Survey topographic maps or U.S.D.A. Soil Conservation Service maps. In cases where the slope cannot be specifically determined by said means, the Township shall require the applicant to provide certification from a Professional Engineer or Registered Land Surveyor of the slope in question. Slope shall be measured at the points where any earth will be disturbed or where structures or other improvements are proposed.

In reviewing applications for use of sites partially or wholly included within an area identified as steep-sloped, the Zoning Officer, Planning Commission, Board of Supervisors or the Zoning Hearing Board, as the case may be, may require that the following performance standards have been or will be met:

- A. An accurate map prepared by a Registered Surveyor in the Commonwealth of Pennsylvania has been submitted showing property boundaries, building and drive locations, contours at five (5) foot intervals, and any areas to be graded. The proposed location of other factors shall also be shown including streams, wetlands, areas subject to landslides, and extent of vegetative cover.
- B. A grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc., map of the drainage area affected, computation of the amount of runoff expected, an erosion control plan, and schedule for completion of work.
- C. Impervious surfaces are kept to a minimum.
- D. No finished grade where fill is used shall exceed a fifty (50) percent slope.
- E. Where fill is used to later support structures, a minimum compaction of ninety (90) percent of maximum density shall be achieved.
- F. No more than seven thousand (7,000) square feet of area may be totally cleared for building purposes including house, garage, accessory structures, driveway, or other impervious areas.
- G. Soils characterized by the Soil Conservation Service as highly susceptible to erosion shall be avoided.
- H. Roads and utilities shall, to the greatest extent possible, be installed along existing contours.
- I. Any steep slope areas also characterized by seasonal high-water tables shall be avoided.

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- J. Natural vegetation shall be preserved to as great a degree as possible.
- K. In cases where structures are proposed, the applicant shall submit plans to the Township detailing how the limitations of slope will be mitigated by the design of the structure(s). Said plans shall be prepared and certified by a Professional Engineer.
- L. Prior to the issuance of a certificate-of-use, the applicant shall provide to the Zoning Officer a certification by a Professional Engineer that the property has been developed and structures have been constructed in accord with the approved certified plans.

527 Yard Sales

Individual private family yard sales are a permitted use in all zoning districts and shall be subject to the following specific regulations and requirements. Any such use which exceeds the limits of this Section shall be considered a commercial use as regulated by this Ordinance.

527.1 Number of Sales

Each individual property location may have a maximum of five (5) yard sales in any one (1) calendar year. Each sale shall last a maximum of three (3) consecutive days.

527.2 Sale Confines

All items shall be placed and offered for sale within the confines of the property whereon the yard sale is located, and no items shall be placed within any public road right-of-way.

527.3 Prohibited Items

Yard sales are meant to allow individuals to offer for sale accumulated normal household items; and the buying and selling of commercial or surplus material shall be considered a commercial operation and shall be prohibited.

527.4 Signs

Signs may be displayed in accord with Section 504.6 of this Ordinance.

528 Adult Businesses

528.1 Findings

In adopting these standards, which apply to adult businesses, the Township Board of Supervisors has made the following findings concerning the secondary effects on the health, safety and welfare of the citizens of Lackawaxen Township. The findings are based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Board of Supervisors, and on findings incorporated in the cases of *City of Benton v. Playtime Theaters, Inc.* 475 U.S. 41 (1986), *Young v. American Mini Theaters*, 426 U.S. 50 (1976), and *Northend Cinema, Inc. v. Seattle*, 585 P. 2d 1153 (wash. 1978), and on studies in other communities including but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Saint Paul, Minnesota; Manatee County, Florida; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Los Angeles, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Beaumont, Texas; and New York City, New York; and also on findings found in the Report of the Attorney

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General's Working Group on the regulation of Sexually Oriented Businesses, June 6, 1989, State of Minnesota.

- A. The concern over sexually transmitted diseases is a legitimate health concern of Lackawaxen Township that demands reasonable regulation of adult businesses and adult uses in order to protect the health and well-being of the citizens.
- B. Certain employees of sexually oriented business regulated by this Ordinance as adult theaters and cabarets engage in higher incidents of certain types of sexually oriented behavior at these businesses than employees of other establishments.
- C. Sexual acts, including masturbation, oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as regulated by this Ordinance as adult bookstores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades.
- D. Offering and providing such space, encourages such activities, which create unhealthy conditions.
- E. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- F. At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B, non-B amebiasis, salmonella infections and shigella infections; and the incidence of many of these diseases is on the increase.
- G. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- H. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.
- I. Classifying adult businesses as conditional uses is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitations.
- J. There is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the downgrading of property values, and the decline of the overall character of the community. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- K. It is generally recognized that adult businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighborhood blight and downgrading the quality of life in the adjacent area. A number of municipal studies, including the 1986 Austin, Texas study have demonstrated this.
- L. The Township desires to minimize and control these adverse secondary effects and thereby protect the health, safety, and welfare of the citizenry, protect the citizens from increased crime, preserve the quality of life, and preserve property values and the character of the surrounding community.

528.2 Intent

It is the intent of this §528 to:

- A. Regulate adult business in order to promote the public health, safety and welfare by minimizing the secondary effects on the community which are associated with such businesses, and which include difficulties for law enforcement, trash disposal, deleterious effects on business and residential property values, increased crime (particularly the corruption of morals of minors and prostitution), and drive residents and businesses to move elsewhere.
- B. Designate a zoning district or districts where adult businesses are permitted, and establish reasonable, content neutral standards applicable to such uses.
- C. Have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented or adult materials.
- D. Not totally restrict or deny access by adults to sexually oriented materials or adult materials protected by the First Amendment of the Bill of Rights of the U.S. Constitution.
- E. Not dent access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- F. Not condone or legitimize the distribution of obscene material or encourage any violation of the PA Crime Code or PA Obscenity Code.

528.3 Conditional Use in the ND District

Adult businesses are classified as conditional uses in the Neighborhood Development District, which have been established along highways in the Township for ease of access and provides a suitable area for the development of such uses away from areas with concentrated residential development.

528.4 Standards

In addition to the other applicable general standards and the conditional use criteria in this Ordinance. The following standards shall apply to adult businesses.

- A. Setback – Adult businesses shall not be located less than:
 - 1. Seventy-five (75) feet from any property line or public road right-of-way;
 - 2. Three hundred (300) lineal feet from any:
 - a. residence
 - b. group care facility
 - c. commercial enterprises catering primarily to persons under 18 years of age
 - d. public or semi-public building or use
 - e. public park or public recreation facility
 - f. health facility
 - g. any establishment that sells alcoholic beverages; and,
 - 3. One Thousand Five Hundred (1,500) feet from any:
 - a. church or synagogue
 - b. public or private school

B. Similar Businesses – Adult businesses shall not be located within five hundred (500) lineal feet of any existing adult business.

C. Measurement – The setback distances established in this §528.4 shall be as measured from the nearest edge of the building used for the subject use, measured in a straight line (without regard to intervening structures or objects) to the nearest lot line of the premises of a use from which the required setback applies.

D. Enlargement – An existing, legally created nonconforming adult business may be expanded as a conditional use once in total floor area by a maximum often (10) percent beyond the floor area that lawfully existed in such use at the time of adoption of this provision of the Zoning Ordinance.

E. Limit of One (1) Use – It shall be a violation of this Ordinance for any person to cause or permit: the operation, establishment, or maintenance of more than one (1) adult business in the same building, structure, or portion thereof, or an increase of floor area of any adult business in any building, structure, or portion thereof that contains another adult business.

F. Nonconformity – Any adult lawfully operating on the date of enactment of this Ordinance that is in violation of any of the provisions of this §528 shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, altered or extended, except as permitted in §E above. The use may be changed to a conforming use. However, under no circumstances shall a non-conforming use as defined and regulated by this Ordinance be changed to any type of adult business.

G. Location of New Neighboring Uses – An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use if, subsequent to the grant of a conditional use permit, a use from which an adult business is required to provide a setback under §A above is developed within the required setback distance. Any additions or expansions of the use shall comply with §A above.

H. Alcohol – No adult business shall be operated in combination with the sale and/or consumption of alcohol beverages on the premises.

I. Visibility and Signs – No sexually explicit material, signs, display or word shall be visible at any time from the outside of the building. Exterior signs shall comply with the provisions of §504 of this Ordinance; however, business identification signs shall be limited to a maximum of thirty (30) square feet and signs attached to the building façade shall be limited to a maximum total of forty (40) square feet. Content of such signs shall be limited to only the text of the name of the business and hours of operation.

J. Exemption for Modeling Class – It is a defense to prosecution under this §539 that a person appearing in a state of nudity did so in a modeling class operated:

1. By a propriety school, licensed by the State, or an academically accredited college or university.
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation;
3. In a structure:
 - a. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - b. where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - c. where no more than one (1) nude model is on the premises at any one time; or

4. By an organization which qualifies under §501©(3) of the U.S. Internal Revenue Code as a non-profit organization or foundation.

529 Solid Waste

Solid waste facilities, including transfer stations and staging areas, herein referred to as facilities, shall be considered Major Impact Developments in accord with Section 521 and shall be considered conditional uses in the RU District only, and shall be subject to the following restrictions, which shall apply to both existing and proposed solid waste facilities:

529.1 Proximity to Federal and State Highways

Any facility located adjacent to a Federal Aid highway shall comply with all regulations of the Federal Highway Administration.

529.2 Setbacks

No facility created after the effective date of this ordinance shall be located closer than seven-hundred and fifty (750) feet to an existing public right-of-way or property line; residential structure; public, semi-public, or institutional use; or commercial or recreational facility.

529.3 Fencing

All facilities shall be completely enclosed by a chain-link fence not less than ten (10) feet in height. The erection of said fence shall be completed within six (6) months after the effective date of this Ordinance for existing facilities and within six (6) months after the issuance of a license for a new solid waste disposal facility. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.

529.4 Proximity of Fence to Property Lines

Such fence and any structures associated with the facility shall not be located closer than two hundred (200) feet to any property line or seven hundred and fifty (750) feet from any public right-of-way or within seven hundred and fifty (750) from principal residential structures existing at the time of adoption of this Ordinance.

529.5 State Regulations

All existing and proposed facilities shall fully comply with the regulations of the Pennsylvania Department of Environmental Resources.

529.6 Storage and Transfer

No type of storage or transfer of solid waste shall be permitted except as approved by the Pennsylvania Department of Environmental Resources and this Section 529. The temporary (not to exceed twenty-four (24) hours) parking of collection vehicles ready for transport to a DER approved disposal facility shall be permitted.

530 Time Shared Ownership

Time-shared ownership shall mean ownership of a fee or less than fee interest in a property; obtained through conveyance, lease or any other means; which ownership is shared with other parties and represents a right to use said property for a portion of a year over a period of more than five years. Time-shared ownership of both single-family residential and multi-family residential properties shall be permitted but, in the interest of minimizing health, safety and

management problems associated with sales operations and the generally higher level of occupancy involved compared to other forms of both seasonal and year-round housing, such form of ownership shall be limited to dwelling units in Planned Residential Developments.

Existing developments meeting the eligibility criteria contained in the Township Planned Residential Development Ordinance may, for the purpose of developing time-shared projects,

apply to be recognized as a Planned Residential Development provided a plan is submitted for the development of the entire property in question and other requirements of the Ordinance are met.

531 Mobile Home Parks

All mobile home parks shall be considered conditional uses in the RU, ND, and RV Districts, and shall comply with all applicable standards in this Ordinance and with all regulations of the Lackawaxen Township Subdivision Ordinance. The standards contained in this Section 531 shall be considered the minimum and any standards in the Subdivision Ordinance or any other Township Ordinance which are more restrictive than those contained herein shall apply.

531.1 Application

A. Sale or Long Term Lease

Proposals for development of new mobile home parks or expansions of existing mobile home parks in which mobile home lots or spaces are proposed for sale or longer term lease (exceeding twelve (12) months) shall meet all requirements and standards, including density, for a single-family residence, residential subdivision as set forth in this Ordinance and the Township Subdivision Ordinance.

B. Rental or Short Term Lease

Proposals for development of new mobile home parks or expansions of existing mobile home parks that are proposed to be held under single ownership and to provide mobile home sites on a maximum twelve (12) month lease period or rental basis only, shall meet the design standards and required improvements set forth in this Section and the Township Subdivision Ordinance.

531.2 Density

The total number of mobile home sites permitted on the project parcel, which shall be a minimum of five (5) acres in size and all parts of which shall be contiguous, shall be determined after deducting:

A. Land contained within public rights-of-way;

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- B. Land contained within the rights-of-way of existing or proposed private streets and parking areas (where formal rights-of-way are not involved the width of the street shall be assumed as fifty [50] feet wide);
- C. The area of waterbodies including lakes and ponds;
- D. Areas used for improvements; from the total area of the project parcel and multiplying the remainder by one (1) unit per one (1) acre.

531.3 Design Standards

- A. Each unit shall be placed on a specific surveyed site of not less than ten thousand (10,000) square feet.
- B. No mobile home unit shall be located closer than thirty (30) feet to another unit.
- C. No mobile home, other structure, or park improvements, except the access road, shall be located closer than one-hundred fifty (150) feet to the boundary of the park property. The Township may require additional setbacks and/or buffers in accord with Section 514.1, Subsection A, of this Ordinance.
- D. All mobile homes located in the park shall be placed on permanent foundations and be screened between ground level and the bottom of the unit.
- E. There shall be no more than one access to a mobile home park from any public right-of-way and all driveways to individual units shall front on an interior access drive.
- F. Each mobile home shall be provided with off-street parking equivalent to that required for single-family dwellings.
- G. All mobile home parks shall be provided with an off-site water supply and off-site sewage disposal facility.

531.4 Open Space

- A. All areas of a Mobile Home Park not conveyed to individual lot owners and not occupied by buildings and required or proposed improvements shall be dedicated in perpetuity as permanent open space to be used for the sole benefit and enjoyment of the residents of the Mobile Home Park. Land designated as open space shall be maintained as open space and may not be separately sold, used to meet open space requirements for other developments, subdivided or developed or dedicated to any other use.
- B. Open space shall be maintained so that its use and enjoyment as open space are not diminished or destroyed. Open space areas shall be preserved and maintained by either one or both of the following mechanisms:
 1. Dedication to a property owners association which assumes full responsibility for maintenance of the open space.
 2. Deed-restricted private ownership which shall prevent development of the open space, provide for its maintenance, and protect the rights of owners or occupants of the dwelling units of the proposed project to use and enjoy, in perpetuity, such open space.

- C. At least fifty percent (50%) of the designated open space area shall be usable for active recreational activities and shall not include wetlands, quarries, slopes over twenty-four percent (24%), or acreage used for improvements. Storm drainage facilities and sewage effluent disposal areas shall be considered improvements.

In no case shall less than twenty-five percent (25%) of the gross area of the tract be dedicated to open space. The developer shall submit a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association for the purpose of dedicating, in perpetuity, the exclusive use and/or ownership of the open space required by this Ordinance to the prospective lot owners. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, but shall in any event, provide to the satisfaction of the Township that maintenance and use of the property regardless of ownership, be restricted to either (1) activities intended for the sole benefit of the occupants of the particular project proposed or, (2) permanent open space as hereinafter provided.

532 Recreational Vehicle Parks and Campgrounds (hereinafter referred to as Recreational Subdivision or Land Development-RSLD)

All RSLD's shall be considered conditional uses in the RV District and shall comply with all applicable standards in this Ordinance and with all regulations of the Lackawaxen Township Subdivision Ordinance. The standards contained in this Section 532 shall be considered the minimum and any standards in the Subdivision Ordinance or any other Township Ordinance which are more restrictive than those contained herein shall apply.

532.1 Purpose and Application

The purpose of this Ordinance is to assure that all campgrounds and recreational vehicle (RV) parks constructed and operated in the Township are planned and developed so as to protect the health, safety, and welfare of their inhabitants and of the residents of the Township.

A. Sale or Long-Term Lease

Proposals for development of new RSLD's or expansions of existing RSLD's in which campsites or any property interests are proposed for sale or longer-term lease (exceeding four (4) months) shall meet all requirements and standards, including density, for a single-family residence, residential subdivision as set forth in this Ordinance and the Township Subdivision Ordinance.

B. Rental or Short-Term Lease

Proposals for development of new RSLD's or expansions of existing RSLD's that are proposed to be held under single ownership and to provide campsites on a maximum four (4) month lease period or rental basis only, shall meet the design standards and required improvements set forth in this Section and the Township Subdivision Ordinance.

532.2 Occupancy

RSLD sites shall be used only for camping purposes. No improvement or any recreational vehicle designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the development shall be maintained in a transportable condition at all times, and any action toward removal of wheels is hereby prohibited. No campsite shall be the primary and principal residence of the owner or any other occupant; each campsite to be used and occupied

(excepting occasional guests) for camping and recreational purposes only by a single household. The Township may require any owner to remove a recreational vehicle for a period of twenty-four (24) hours unless such owner can establish a prior removal within the immediately preceding twelve (12) months. These requirements shall be attached to each campsite by restrictive covenant.

In order to prevent permanent occupancy and limit maintenance and policing problems, continuous occupancy of any campsite by one party, vehicle or tent shall be limited to fifteen (15) days. The licensee shall be responsible for enforcing this provision. When not in use, all recreational vehicles shall be removed to a common parking or storage area provided by the licensee. Every RV Park except primitive type camping facilities shall provide such a common parking or storage area, which shall be improved with a hard surface and provide a minimum of 500 square feet of parking area per campsite created. This shall be considered common area and no more than two such areas shall be created in any development. Recreational vehicles shall be kept in the common storage area at all times when not in use.

532.3 Density

The total number of RSLD sites permitted on the project parcel, which shall be a minimum of ten (10) acres in size and all parts of which shall be contiguous, shall be determined after deducting:

- A. Land contained within public rights-of-way;
- B. Land contained within the rights-of-way of existing or proposed private streets and parking areas (where formal rights-of-way are not involved the width of the street shall be assumed as fifty [50] feet wide);
- C. The area of waterbodies including lakes and ponds;
- D. Areas used for improvements;

Multiplying the remainder by one (1) unit per three-fourths (0.75) acre.

532.4 Design Standards

- A. Each unit shall be placed on a specific site with no less than ten thousand (10,000) square feet of area provided for each RV unit, and six-thousand five-hundred (6,500) square feet for tenting sites in a primitive type camping facility.
- B. Setbacks shall be maintained in accord with the Township Subdivision and Land Development Ordinance standards.
- C. Recreational vehicles, other structures, tents, or park improvements, except the access road, shall not be located less than fifty (50) feet from the boundary of the park, and not less than two hundred (200) from any existing dwelling. The Township may require additional setbacks and/or buffers in accord with Section 514.1 of this Ordinance.
- D. There shall be no more than one access to a RSLD from any public right-of-way and all driveways to individual units shall front on an interior access drive.
- E. Each RSLD site shall be provided with one (1) off-street parking space.
- F. All RSLD's shall be provided with an off-site water supply and off-site sewage disposal facility.

532.5 Open Space

- A. All areas of a RSLD not conveyed to individual lot owners and/or not occupied by buildings and required or proposed improvements shall be dedicated in perpetuity as permanent open space to be used for the sole benefit and enjoyment of the occupants of the RSLD. Land designated as open space shall be maintained as open space and may not be separately sold, used to meet open space requirements for other developments, subdivided or developed or dedicated to any other use.
- B. Open space shall be maintained so that its use and enjoyment as open space are not diminished or destroyed. Open space areas shall be preserved and maintained by either one or both of the following mechanisms:
1. Dedication to a property owners association which assumes full responsibility for maintenance of the open space.
 2. Deed-restricted private ownership which shall prevent development of the open space, provide for its maintenance, and protect the rights of owners or occupants of the dwelling units of the proposed project to use and enjoy, in perpetuity, such open space.
- C. At least fifty percent (50%) of the designated open space area shall be usable for active recreational activities and shall not include wetlands, quarries, slopes over twenty-four percent (24%), or acreage used for improvements. Storm drainage facilities and sewage effluent disposal areas shall be considered improvements.

In no case shall less than twenty-five percent (25%) of the gross area of the tract be dedicated to open space. The developer shall submit a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association for the purpose of dedicating, in perpetuity, the exclusive use and/or ownership of the open space required by this Ordinance to the prospective lot owners. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, but shall in any event, provide to the satisfaction of the Township that maintenance and use of the property regardless of ownership, be restricted to either (1) activities intended for the sole benefit of the occupants of the particular project proposed or, (2) permanent open space as hereinafter provided.

533 Recycling Facilities

The intent of this Section is to encourage recycling and thereby reduce litter, increase the volume of material which is recycled and conserve landfill capacity by the convenient location of community recycling facilities including collection and processing facilities. Standards are provided to assure that said facilities are developed in a manner consistent with the community's rural character and which will minimize any negative effects on adjoining residential and commercial uses.

Recycling facilities shall be limited to accepting and processing those materials considered recyclable as defined by this Zoning Ordinance. The inclusion of additional materials for recycling may be considered by the Township as a conditional use provided the applicant provides evidence that the intent and level of control of this Section are not compromised.

All recycling facilities shall be considered conditional uses and in addition to the conditional use standards, commercial standards, and all other applicable standards in this Ordinance, the standards in this Section 533 shall apply as indicated.

533.1 Small Collection Facilities

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Small collection facilities shall be considered a conditional use in all Districts and in addition to all other applicable standards in this Ordinance, the following standards shall apply:

- A. Small collection facilities shall be established only in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building and other Township Ordinances.
- B. The total area of all containers shall be no larger than five hundred (500) square feet and occupy no more than five (5) parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers.
- C. All containers shall be set back at least twenty-five (25) feet from any street line and shall not obstruct pedestrian or vehicular circulation.
- D. The facility shall accept only recyclables as defined by this Ordinance.
- E. No power-driven processing equipment shall be permitted.
- F. Containers shall be constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected in accord with the collection schedule.
- G. All recyclables shall be stored in containers or in a mobile unit vehicle, and materials shall not be left outside of containers.
- H. The area shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collection's day, shall be swept at the end of each collection day.
- I. All containers for the deposit of materials shall maintain the setbacks required for the District. Larger setbacks, buffers, or fencing may be required as deemed necessary by the Township in accord with Section 514 of this Ordinance.
- J. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and a notice shall be displayed clearly stating that no material shall be left outside the recycling enclosure or containers. Any container shall be removed from the site when its use is discontinued.

533.2 Large Collection Facilities

A large collection facility is one that is larger than five hundred (500) square feet but does not exceed twenty thousand (20,000) square feet or is on a separate property not appurtenant to a host use, and which may have a permanent building. A large collection facility is considered a conditional use in any RU or ND District. The following standards shall apply in addition to all other applicable standards in this Ordinance.

- A. The facility shall be screened from adjoining properties and the public right-of-way by operating in an enclosed building; or within an area enclosed by an opaque fence at least six (6) feet in height with landscaping.

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- B. Setbacks and landscape requirements shall be those provided for the zoning district in which the facility is located; All buildings, structures, containers and stored materials shall maintain the required setbacks. Additional buffers, setbacks, or fences may be required by the Township in accord with Section 514.1 of this Ordinance.
- C. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, and recyclables shall be baled or palletized. Storage containers for flammable material shall be constructed of non-flammable material. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing.
- D. The site shall be maintained free of litter and any other undesirable materials and shall be cleaned of loose debris on a daily basis.
- E. Space shall be provided on site for at least six (6) vehicles or for the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials.
- F. Parking shall be provided in accord with the parking regulations contained in this Ordinance; and, at a minimum, one (1) parking space shall be provided for each working employee and for each commercial vehicle operated by the recycling facility.
- G. After-hours donation of recyclable materials shall not be permitted.
- H. All containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the recycling enclosure or containers.
- I. The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs shall meet the standards of Section 504 of this Ordinance. Directional signs bearing no advertising message may be installed in accord with Section 504, if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
- J. Power-driven processing, including aluminum and bimetal can compacting, baling, plastic shredding, glass crushing, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved, provided noise and other operational concerns are addressed to the satisfaction of the Township.

533.3 Recyclable Processing Facilities

Recyclable processing facilities, as defined by this Zoning Ordinance, shall be considered conditional uses, and shall comply with all standards applicable to manufacturing uses.

534 Contracting Businesses and Trades in the RU – Rural District

534.1 Intent

The intent of this Section is to provide for the use of larger parcels in the RU District for trades and contracting businesses, and which may be operated as an accessory use to a principal single-family dwelling in which the business owner resides. Such uses shall be consistent with the Intent of the RU

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District set forth in Article IV of this Ordinance and shall only be permitted at an intensity and scale appropriate to and consistent with the rural character of the RU District.

534.2 Contractors Yard Defined

Any contracting business or trade which involves any of the following conditions shall be considered a contractor's yard and shall comply with this Section 534.

- A. The parking area or storage of three or more commercial vehicles.
- B. The part-time or full-time employment of more than two (2) persons, other than the owner of the business.
- C. The storage, other than in not more than two (2) commercial vehicles, of any equipment, materials or supplies used in the contracting business or trade.

534.3 Contracting and Trades as Home Occupations

No contractors yard as regulated by this Section 534 shall be permitted in any R-1 or RV District. Any contracting business or trade which does not involve or exceed the limits established in Section 534.2 above, shall not be considered a contractor's yard; and the owner of such business or trade shall be permitted to park said commercial vehicles on a residential property in the Township in association with an approved home occupation accessory to a residential structure.

534.4 Conditional Uses

Any contractors yard proposed in the RU District shall be considered a conditional use; and, in addition to the other applicable standards and the general conditional use standards in this Ordinance, the standards in this Section 534 shall also apply.

534.5 Bulk Regulations

The following bulk requirements shall apply to any proposed contractors' yard in the RU District:

- A. Minimum lot size: 5.0 acres
- B. Setbacks (yards):
 - Front – 100 feet
 - Side - 75 feet
 - Rear - 75 feet
- C. Maximum building height: 2.5 stories or 35 feet
- D. Maximum lot coverage: 25 percent

534.6 Parking, Loading and Storage Areas

Parking and access for the proposed use shall be provided in accord with Section 505 of this Ordinance and in addition to the parking area setbacks required therein, additional buffers may be

required by the Township in accord with this Section 534 and Section 514. The following additional standards shall also apply:

- A. No parking, loading or storage area shall be permitted in any front, side or rear setback area.
- B. A specific area for outdoor storage shall be designated on the premises and shall be shown on the plan submitted by the Applicant, and such area shall not exceed ten (10) percent of the total parcel area, but in no case greater than eighty thousand (80,000) square feet.
- C. All outdoor storage areas shall be screened from view of adjoining properties and any public road right-of-way. Such screening shall be accomplished in accord with the buffer requirements of Section 514.

534.7 Storage of Vehicles, Equipment, Materials, Supplies and Waste

All vehicles, equipment, materials, and supplies associated with the contractor's yard shall be stored inside a building or a designated storage area; and all setbacks required in Section 534.6 above shall be maintained. Additional setbacks and buffers may also be required in accord with Section 514.1 of this Ordinance.

535 Public and Commercial Access Areas on the Delaware River and Lackawaxen River (herein referred to as access areas)

It is the intent of this Section to limit overuse and regulate watercraft access areas to public waterbodies in order to preserve water quality, control litter and afford protection of private property; and to recognize the fragile environment of aquatic and riverine systems and protect said systems for the long-term public welfare. This Section shall not prevent the incidental use of private property with direct access to a public waterbody for the launching of private watercraft or for the launching of minimal numbers of watercraft as an accessory use to any commercial use approved in accord with this Zoning Ordinance.

Access areas, whether operated as a private business, by a public agency, or otherwise, shall include any property used as an area of entry to a stream, river or other waterbody for the launching or landing of watercraft of any type. An access area may also include ancillary services or facilities such as base operations for watercraft rentals.

535.1 Delaware River

- A. Access areas shall only be permitted in the Recreational Segment of the Delaware River Corridor in Lackawaxen Township and shall be considered conditional uses.
- B. No access area shall be constructed unless such access area is or will be served by a State or Township right-of-way or by a private road meeting the design standards specified in the Township Subdivision and Land Development Ordinance for minor streets.
- C. No more than two (2) public or commercial access areas shall be permitted along the Delaware River in Lackawaxen Township.
- D. No access area shall be planned or located within one (1) mile of any other existing or approved access area along the Delaware River in Pennsylvania or New York.

535.2 Lackawaxen River

Public and commercial access areas shall not be permitted along the Lackawaxen River.

536 Delaware River Corridor Overlay District and Hamlet Areas

An Overlay Zoning District is hereby created and said District shall encompass all areas in Lackawaxen Township which are included in the Upper Delaware Scenic and Recreational River (UDSRR) corridor as defined and designated as a “Scenic Segment” or “Recreational Segment” in the November 1986, Upper Delaware Final River Management Plan (RMP) prepared by the Conference of Upper Delaware Townships. Said District shall be designated as the Delaware River Corridor Overlay District and shall also include the Lackawaxen Hamlet Area and the Masthope Hamlet Area as envisioned by the River Management Plan. For the purposes of this Zoning Ordinance, the Lackawaxen Hamlet Area shall include all parts of the ND District at the Village of Lackawaxen which are within the Upper Delaware Scenic and Recreational River Corridor and all parts of the RV District at the Village of Masthope which are within the Upper Delaware Scenic and Recreational River Corridor.

The following special performance standards shall apply to all uses and/or expansion of uses located in the Delaware River Corridor Overlay District or as otherwise having an impact on the Overlay District as determined by the Township.

536.1 Density

Residential density in the Delaware River Corridor Overlay District shall not exceed a net density of one (1) dwelling unit per two (2) acres. This restriction shall not apply in the Lackawaxen and Masthope Hamlet Areas where the applicable District standards shall apply.

536.2 Ridgelines and Buffers

Any proposal for a building or structure or use located within one hundred (100) feet of the ridgeline as designated in the River Management Plan or which is proposed at a lower elevation and which would be visible from the Delaware River shall be considered a conditional use and the developer shall submit for approval a plan detailing how the proposed use will be developed in accord with the intent of the RMP. In addition to the following standards, all other applicable requirements of this Ordinance shall apply:

- A. The requirements of Section 526 of this Ordinance, Development on Steep Slopes, shall apply.
- B. Special attention shall be given to the preservation of trees and other vegetation.
- C. The Planning Commission and Board of Supervisors may require additional vegetative plantings and/or fencing in accord with Section 514.1, Subsection A of this Ordinance, to effect the screening required to minimize the impact on the Upper Delaware Scenic and Recreational River.

536.3 Special Setback Requirements

No building or structure in the Delaware River Corridor Overlay District shall be located less than one hundred (100) feet from the normal high water mark of the Delaware River. In the case of the following uses said minimum setback shall be increased to two-hundred and fifty (250) feet:

Agricultural products processing

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- Agricultural service establishments
- Antique shops
- Commercial stables
- Contracting businesses and trades in accord with Section 534
- Country clubs
- Farm stands
- Golf courses excluding miniature golf courses and driving ranges
- Greenhouses, commercial
- Kennels
- Manufacturing
- Recycling, small collection facilities
- Research and development facilities
- Restaurants

536.4 Other Conditions

The Planning Commission and the Board of Supervisors shall, in approving uses in the Delaware River Corridor Overlay District, take into consideration the effect of the use on the Upper Delaware Corridor and shall attach any and all conditions of approval necessary to provide protection to the Corridor from impacts of development. Said conditions may include, but shall not be limited to, increased setbacks; buffers, landscaping, and fencing; special stormwater control facilities; limitations on the location, number, and size of advertising signs; more restrictive lot coverage limitations; and more restrictive building height limitations.

536.5 Prohibited Uses

If a use is not permitted in a particular District on the Schedule of Uses, reference to such a use in this Section shall not effect the prohibition of that use as established by the Schedule of Uses.

A. The following uses shall be prohibited in the Hamlet Areas of the DRC District:

- Amusement parks
- Bulk fuel storage facilities
- Institutional uses
- Intensive livestock operations
- Junkyards
- Manufacturing, heavy
- Major natural resource uses as regulated by Section 506 of this Ordinance.
- Mobile home parks
- Multi-family dwellings at a density of more than one (1) unit per two (2) acres calculated in accord with Section 511 of this Ordinance.
- Natural resources processing
- Recycling, large collection facilities
- Solid waste disposal facilities and staging areas
- Warehousing

B. The following uses shall be prohibited in Recreational and Scenic Segments of the DRC District:

- All uses prohibited in the Hamlet Areas
- Any hotel or motel which is not a small hotel or small motel
- Airports

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Hospitals, clinics, nursing homes

Manufacturing uses: however, home occupations involving “manufacturing, light” uses which meet the requirements of Section 536.8 of this Ordinance shall be allowed as a conditional use.

Recreational vehicle parks

536.6 Clearcutting Timber

Clearcutting of timber in the Delaware River Corridor Overlay District in excess of two (2) acres in size, which shall include the cumulative cutting of smaller plots as part of the cutting of a single tract, shall be considered conditional uses in order to assure that impacts to soil, water, vegetation and wildlife resources are minimized, and in addition to all other applicable regulations of this Ordinance, the following standards shall apply:

- A. The applicant shall provide a timber harvesting plan prepared by a professional forester.
- B. A soil erosion and sedimentation control plan meeting the approval of the County Conservation District shall be implemented on the site.
- C. Timber harvesting in that area within fifty (50) feet of the normal high-water mark of the Delaware River or any stream, shall be of the selective cut method only and not less than fifty percent (50%) of the overhead canopy shall be maintained.

536.7 Canoe Liveries

Canoe liveries shall be permitted only in Hamlet Areas and Recreational Segments of the Delaware River Corridor Overlay District as defined by the RMP and shall comply with the requirements of Section 535 of this Ordinance.

536.8 Home Occupations Involving “Manufacturing, Light”

Uses as an Extension of a Home Occupation in the Delaware River Corridor Overlay District

To provide for the reasonable use of land in the Delaware River Corridor Overlay District, it is the purpose of this Section 536.8 to allow home occupations involving “manufacturing, light” uses which are allowed in the underlying Rural District, while concurrently providing performance standards to assure that the intent of the Upper Delaware River Management Plan is not compromised.

In addition to all other applicable standards of this Section 536 and of this Ordinance, any home occupation involving “manufacturing, light” as defined by Article III of this Ordinance, which is proposed in any Rural District which is in any Scenic Segment or Recreation Segment of the Delaware River Corridor Overlay District, shall be considered a conditional use and shall comply with the following standards (NOTE: “Manufacturing, light” uses in the Lackawaxen Hamlet Area shall not be subject to the additional standards in this Section 536.8, but shall comply with all other applicable requirements of this Ordinance.):

- A. Home occupations involving “manufacturing, light” uses shall be permitted only in association with and on the same parcel as a single-family residence, in which the owner of said home occupation involving a “manufacturing, light” use shall reside.
- B. The minimum parcel size for any home occupation involving a “manufacturing, light” use, including the residential structure, shall be five (5) acres.

- C. The home occupation involving a “manufacturing, light” use may be conducted in the dwelling structure or in an accessory building. The maximum gross floor area of all structures used for the home occupation involving a “manufacturing, light” use shall not exceed three thousand (3,000) square feet.
- D. Parking and access shall be provided in accord with Section 505 of this Ordinance; and, in addition to the parking area setbacks required therein, additional buffers may be required by the Township in accord with this Section 536 and Section 514 of this Ordinance. No parking or loading area shall be permitted in any front, side or rear setback area, or the Delaware River setback area required by Section 536.3 of this Ordinance.
- E. All vehicles, equipment, materials, supplies, and waste associated with the use shall be stored inside a building or the designated storage area. No storage area shall be permitted in any front, side or rear setback area, or the Delaware River setback area required by Section 536.3 of this Ordinance. Additional buffers may be required by the Township in accord with this Section 536 and Section 514 of this Ordinance. A specific area for outdoor storage shall be designated on the premises and shall be shown on the plan submitted by the Applicant, and such area shall not exceed ten (10) percent of the total parcel area, but in no case greater than eighty thousand (80,000) square feet. All outdoor storage areas shall be screened from view of adjoining properties, any public road right-of-way, and the Delaware River. Such screening shall be accomplished in accord with the buffer requirements of this Section 536 and Section 514 of this Ordinance.
- F. One sign shall be permitted in accord with Section 504.7 of this Ordinance.
- G. Home occupations involving “manufacturing, light” uses proposed under this Section 536.8 shall, in addition to other applicable requirements of this Ordinance, comply with the following sections of this Zoning Ordinance: Section 503.2 D, F, H and I; and Section 514.

537 Temporary Commercial Uses

Temporary commercial uses, including but not limited to, hot dog, ice-cream or other food vendors, and/or the sale of any other merchandise, shall not be permitted in Lackawaxen Township. (See definition of “Temporary Commercial Use” in Article III.)

538 Residential Subdivision Facilities and Amenities

Residential subdivision facilities and amenities shall be considered conditional uses in all Districts. Such facilities shall be limited to maintenance buildings, electrical sub-stations, sewage treatment plants, meeting halls, community snack bars, recreational halls, swimming pools, tennis courts, and basketball courts. Structures and uses normally included among the facilities or amenities of residential subdivisions shall be subject to the standards applicable to other, similar structures and uses described elsewhere in this Ordinance, or, if no such standards exist,

such structures and uses shall be subject to the standards and conditions developed at the time of the conditional use application. The following additional standards shall apply to residential subdivision facilities and amenities:

- A. The facilities and amenities shall only be permitted within the property lines of the subdivision and shall not be less than one hundred (100) from any residential lot or property line of the subdivision.

- B. The facilities and amenities shall be for the exclusive use of residents of the subdivision and their guests.
- C. The facilities and amenities, with the exception of public utility facilities, shall be owned and operated by the subdivision's property owner's association, and shall be on property owned or under association control.
- D. All facilities and amenities shall be screened from view from outside of the subdivision in accord with Section 514.1 of this Ordinance.

539 Communications Towers and Antennas

A. Special Definitions

For the purposes of this Ordinance and this section, the following definitions shall apply:

COMMUNICATION ANTENNA – A device licensed by the Federal Communications Commission (“FCC”) used to collect or transmit communications, radio, television, or other wireless signals. This shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment.

COMMUNICATION EQUIPMENT BUILDING- The building in which the electronic receiving and relay equipment for a communications facility is housed.

COMMUNICATIONS FACILITY – Consists of the equipment and structures involved in receiving or transmitting telecommunication or radio signals or supporting the stand-alone placement of antenna but limited to those facilities with respect to which the State and Federal governments have not, under public utility laws, strictly pre-empted the Township from regulating.

COMMUNICATION TOWER – A structure that is intended to support equipment used to transmit and/or receive communications signals. Examples of such structures includes monopoles and lattice construction steel structures.

HEIGHT OF COMMUNICATIONS TOWER – The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

B. Design and Location Standards

The following design and location standards shall apply to all communications facilities:

1. The applicant shall demonstrate compliance with all pertinent laws and regulations of the FCC and the Federal Aviation Administration (“FAA”).
2. An evergreen screen consisting of a row of eight (8) feet high or higher

White Spruce or comparable evergreen trees planted ten (10) feet on center maximum, shall be located around the perimeter of the security fence. The Township may, however, modify or waive screening requirements if the site is entirely or partially wooded as to provide existing screening.

3. An eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building.
4. The tower and antenna and any future installations on the structure or at the site shall be designed and constructed to the most current standards of the American National Standards Institute, TAI/EIA-222-F manual, as amended, and withstand gusts of up to 100 miles per hour. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturer.
5. A soil report prepared by a Professional Engineer shall be submitted to the Township to support the design specifications of the foundation and tower, and anchors for the guy wires, if used.
6. An antenna may not be located on a building or structure that is listed on a historic register or within five hundred (500) feet of such a structure.
7. The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished by the proposed communication facility.
8. Communication Facilities shall be permitted as a sole use on any lot subject to the following development standards:
 - a. Minimum lot size (entire tract) – Five (5) acres
 - b. Minimum setback requirements – Two hundred (200) feet (all sides)
 - c. Maximum height – Tower – Two Hundred (200 feet)
Equipment Building – Thirty (30) feet

Provided no residences directly adjoin the site, minimum setback requirements may be reduced to the fall-down limit where the net effect or requiring the full setback would be to necessitate additional lighting or tower height. Maximum height requirements may be exceeded, provided such height can be demonstrated to be absolutely necessary and the additional height is matched with an equal amount of additional setbacks on all sides.

9. A communications facility shall be permitted on a property with an existing use subject to the following development standards:
 - a. The communications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance and periodic inspection by the communication facility owner/operator.

- b. Development standards. The minimum lot area, minimum setbacks and maximum height required above shall apply, provided the land remaining for accommodation of the principal use on the lot shall also continue to comply with the minimum lot area requirement.
 - c. Access. The vehicular access to the equipment building shall, wherever feasible, be provided along the circulation driveways of the existing use.
10. Where an antenna for a communications facility is to be attached to an existing structure or building it may be permitted as a Conditional Use, in those districts where permitted, and shall be subject to the following development standards.
- A. Maximum height. Fifty (50) feet above the existing building or structure.
 - B. If the applicant proposes to locate the communications equipment in separate accessory building, the building shall comply with otherwise applicable minimum setback requirements, an eight (8) foot high security fence shall surround the building, a buffer yard shall be planted as required above in B2 and vehicular circulations on the site for principal use.
 - C. Elevations of existing and proposed structures showing width, depth, and height, shall be presented.
 - D. The antenna shall be camouflaged or otherwise designed to be aesthetically compatible with the existing architectural and natural environment.
 - E. A detailed engineering report of the design, criteria by which the antenna is attached to an existing building or structure shall be submitted to the Township by a professional engineer.
11. Notwithstanding minimum setbacks provided above, any tower shall be setback from all property lines a distance that is at least equal to the height of the tower. The tower shall also be setback from any active recreation facilities or fields a distance that is at least equal to the height of the tower.

C. Plan Review Criteria

Communications facilities shall be subject to all the ordinary review criteria applicable to Conditional Uses plus the following:

- 1. The applicant shall demonstrate that the tower for the communications facility is the minimum height necessary for the service area and that the site chosen is the one which will afford the opportunity to construct the lowest height communications tower possible, taking into consideration all lands available within reasonable distance including those which lie within adjoining municipalities.
- 2. The applicant shall present documentation that the tower is designed in

- accordance with the standards of this Ordinance for communications towers.
3. The applicant shall demonstrate the proposed tower adequately addresses all aspects of aviation safety in view of known local aviation traffic as well as Federal Aviation Administration (“FAA”) requirements. This may require structural markings, lighting, or other improvements subject to the approval of the Township and the FAA.
 4. The need for additional buffer yard treatment shall be evaluated. Proximity of the communications structure to existing or platted residential properties shall be considered in applying such requirements. Existing trees on the site which serve to provide a natural buffer shall be preserved unless absolutely required to be removed for purposes of access or safety.
 5. The applicant shall provide visual depictions or studies to indicate how the communications facility will appear once constructed in relation to the surrounding natural environment and from the perspective of adjacent or nearby residents as well as travelers.
 6. Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the purposed facility and that vehicular access is provided to the facility.
 7. Free-standing pole-type communications structures shall be given preference over towers supported by guy wires.
 8. All communications structures shall be lighted for safety in a manner consistent with industry best practices and where lighted additional setbacks may be imposed to shield adjacent properties from the effects of such lighting.
 9. All property owners and adjacent municipalities within five hundred (500) feet of the outside perimeter of the communications structure, including guy wires, shall be notified by certified mail prior to the Planning Commission making a recommendation on the application for Conditional Use approved for such a structure. This responsibility shall be the applicant’s and such applicant shall provide proof of notification as part of their final application.
 10. Should any tower cease to be used as a communication facility, the owner or operator or the owner of the land on which the tower is located, shall be required to remove the same within six (6) months from the abandonment of use. Failure to do shall authorize the Township to remove the facility and charge back the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney’s fees.
 11. An applicant for approval of a communications structure shall include with

the application evidence of written contact with all wireless service providers who supply service within the Township for purpose of assessing the feasibility of co-located facilities. Should co-location not be feasible, the applicant shall demonstrate that a good faith effort has been made to mount the antenna on an existing building or structure, including proof of contracts, building investigations and similar evidence. Should efforts fail to result in a suitable site, a new communications tower may be permitted, but shall be constructed to provide available capacity for other providers should there be a future additional need for such facilities.

12. Applicants shall be required to demonstrate a periodic maintenance program will be implemented to ensure the structure continues to meet all safety criteria on an on-going basis.
13. No cell tower shall be permitted as a “spec” tower whereby a cell tower is constructed without a signed contract submitted with the Conditional use application for at least one communications provider.

D. Permits and Fees

1. A Township Building Permit issued by the Building Inspector shall be required for all communications facilities including towers, antennas, accessory buildings, etc.
2. Building Permit fee(s) schedule shall be set by resolution of the Board of Supervisors.

E. Inspections

1. All communication towers, antennas, equipment buildings, and facilities shall be inspected by the Township Building Inspector. The Township Engineer may upon request of the Building Inspector assist in the inspection.
2. Within sixty (60) days of initial operation, the owner/operator of the communication facility shall provide certification from a professional engineer that the antenna and/or supports comply with all applicable regulations. The applicant shall also furnish the Township Building Inspector and Zoning Officer a detailed set of “as built” construction details and plot survey if there are many changes to the original application submission.

F. Severability

The provisions of this ordinance are severable. If any sentence, clause, or section of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any remaining provisions of this ordinance. It is hereby declared as legislative intent that this ordinance would have been adopted had such unconstitutional, illegal, or invalid provision had not been included herein.

540 Recreational Cabins

A Recreational Cabin, as defined in the PA Uniform Construction Code (“UCC”) is permitted in all Zoning Districts as a permitted use. Pursuant to the UCC, a Recreational Cabin is exempt from building code requirements, provided certain procedures are followed. The Owner is required to submit a “Recreational Cabin Affidavit” to the Building Code Official to qualify for the building code exemption.

A Recreational Cabin shall be considered a principal building and therefore be subject to all dimensional requirements for a principal building, as well as a sewer permit, if the building is serviced by a well or community water. The Owner shall also provide the Zoning Officer with proof that the Recreational Cabin Affidavit has been recorded in the Office of the Pike County Recorder of Deeds. No occupancy of said Recreational Cabin is permitted until the Affidavit is recorded and proof has been submitted to the Zoning Officer.

541 Small Engine Repair Business

504.1 Small Engine Repair – An establishment where lawn mowers, lawn equipment, snow blowers and similar yard maintenance equipment is serviced. The business operations shall be limited to the owner and not more than one (1) additional employees. The hours of operation shall be limited from 8 am to 8 pm, Monday through Saturday.

504.2 – The sale of new or used yard maintenance equipment shall not be allowed except as provided herein. No more than one used item of equipment can be kept adjacent to the business location for sale at any one time.

504.3 – All repair work shall be done in an enclosed building, which may be a shed or garage located on a residential property (the “workspace”); provided, however, that the engine may be briefly tested before, during and after repair in an area outside the workspace, within a 20 foot perimeter, provided that this perimeter area is not within the normal setback areas applicable to the property.

504.4 – At least two off-road parking spaces shall be provided for the business, although they do not have to be paved or painted.

504.5 – There shall be no outside storage of equipment and/or materials; provided, that equipment to be worked on or picked up may be stored in an area outside the workspace, within a 20-foot perimeter, provided that this perimeter area is not within the normal setback areas applicable to the property.

ARTICLE VI – PLANNED RESIDENTIAL DEVELOPMENT REGULATIONS

600 Authorization

These regulations are authorized by the Commonwealth of Pennsylvania under Act 247 of 1968, as amended – the Pennsylvania Municipalities Planning Code, which grants to municipalities the power to enact ordinances fixing the standards and conditions for planned residential development.

601 Purposes

This Article is intended:

To promote the purposes of Act 247, as amended.

To help enable Lackawaxen Township to plan for community development and to govern such development.

To encourage innovation in residential development and renewal.

To promote greater variety in type, design, and layout of housing facilities.

To conserve, and make more efficient use of, open space.

To encourage a more efficient use of land and of public services.

To promote economy in land development, so that those who need houses may obtain them.

To provide a procedure which relates the type, design, and layout of residential housing to the particular site and demand for housing.

To preserve the values of the properties in existing residential areas.

To insure that the administration of regulations on land development is carried out in such a way as to encourage the prompt disposition of proposals for land development.

To provide better housing and recreation facilities for all who are, or who will be, residents of Lackawaxen Township.

To encourage the conservation of natural resources, such as streams, lakes, flood plains, aquifers, wooded areas, steeply sloped areas and places of unusual beauty or importance to the natural ecosystem.

602 Interpretation

In interpreting and applying these regulations, its provisions shall be held to be the minimum requirements for the public health, safety, and welfare of the residents of Lackawaxen Township.

603 Scope

These regulations shall not apply to any development containing less than fifty (50) dwelling units. Compliance with these regulations will not exempt the developer from complying with the standards of this Zoning Ordinance (as amended) or the Lackawaxen Township Subdivision Regulations (as amended), except as otherwise noted.

604 Plan Submission and Review Requirements

604.1 General Procedure

In order to process a plan for a Planned Residential Development without the delay and uncertainty which would occur if it were necessary to secure approvals under the normal subdivision and zoning regulations of the Township, a landowner/developer may ask to have his plan approved under the provisions of this Article VI. This will substitute for the conditional use application normally required and exempt the landowner/developer from the various other procedures of the normal subdivision and zoning regulations, but not from the standards, except where a variation from the standards is specifically permitted by this Article. In all cases, the PRD application shall be processed in accord with the Pennsylvania Municipality Planning Code.

604.2 Application for Tentative Approval

A landowner/developer who wants to have a plan processed under this Article VI shall apply for tentative approval of the plan, in accordance with the requirements of Section 604.9 which follows.

One copy of the application for tentative approval received by the Township Secretary shall be promptly forwarded to the Township Planning Commission. Another copy shall be forwarded to the Pike County Planning Commission for study and recommendation, as required by the Pennsylvania Municipalities Planning Code. The Township Planning Commission and the Pike County Planning Commission shall review the application and furnish their recommendations to the Board of Supervisors within thirty (30) days after referral. One copy of the reports of the respective Planning Commissions shall be given to the landowner/developer not less than five (5) days before the date of the public hearing provided for in Section 604.3 of this Ordinance.

604.3 Public Hearing

Within sixty (60) days after an application for tentative approval has been filed, a public hearing on the application shall be held by the Board of Supervisors in accord with Section 708 of the Pennsylvania Municipality Planning Code. The Chairman or the Acting Chairman of the Board of Supervisors, or its designated agency, may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

A verbatim record of the hearing shall be made by the Board of Supervisors. If any parties to the proceeding want a copy of this record, the cost of transcribing it and making copies shall be borne by the parties requesting them. All exhibits accepted in evidence shall be identified and the reason for excluding them clearly noted in the record.

604.4 Findings

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Within sixty (60) days after public hearing, the Board of Supervisors shall communicate with the landowner/developer by official written document, to:

Grant tentative approval of the development plans as submitted; or

Grant tentative approval subject to certain conditions; or

Deny tentative approval to the development plan.

Failure to act within the said period shall be deemed to grant tentative approval of the development plan. If tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving the official written communication, notify the Board of Supervisors of his refusal to accept the conditions. In that case, the Board of Supervisors shall be deemed to have denied tentative approval of the plan. If the landowner does not, within thirty (30) days, notify the Board of Supervisors that he refuses to accept the conditions, the plan shall be deemed tentatively approved.

The official written communication granting or denying approval shall include the findings of fact and shall set forth the reasons for granting or denying approval. It shall detail in what respects the development plan would or would not be in the public interest, including:

1. Those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Township.
2. The extent to which the development plan departs from the zoning and subdivision regulations applicable to the property, in such characteristics as residential density, uses and site design; and the reasons why such departures are or are not in the public interest.
3. The purpose, location, and amount of the common open space in the planned residential development, the reliability of the proposal for maintaining and conserving the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
4. The physical design of the development plan and the manner in which the design does or does not adequately provide for public services, control over vehicular traffic, the amenities of light and air, recreation, and visual enjoyment.
5. The relationship, beneficial or adverse, of the proposed planned residential development to its neighborhood.
6. In the case of a development plan which would be carried out over a period of years, the adequacy of the provisions intended to protect the interests of the public and of the residents of the development.
7. A statement of conditions the Board finds appropriate to improve pursuant to the authority contained in Section 509 of this Ordinance.

If a development plan is granted tentative approval, with or without conditions, the Board of Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed; or, in the case of a plan which provides for development over a period of years, the periods of time within which applications for final approval of each part shall be filed. Unless the landowner agrees, the time between receiving tentative approval

and applying for final approval shall not be less than three (3) months. In the case of development over a period of years, the time between applying for final approval of successive parts of the plan shall not be less than twelve (12) months.

604.5 Status after Tentative Approval

The official written communication provided for above shall be certified by the Secretary of the Board of Supervisors and shall be filed in his office, and a copy shall be mailed to the landowner. Where tentative approval has been granted, the area to which said approval applies shall be delineated on the zoning map.

Tentative approval of the development plan shall not authorize development of the issuance of any building permits or qualify a plat for recording.

A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (provided that the landowner has not defaulted or violated any of the conditions of the tentative approval), shall not be modified or revoked or otherwise changed by Township action, without the consent of the landowner, unless and until an application for final approval has been filed; or, in the case of development over a period of years, unless and until applications are filed within the periods of time specified in the official written communication granting tentative approval.

If a development plan is given tentative approval and the landowner decides to abandon the plan, he shall notify the Board of Supervisors in writing. If the landowner fails to file the application or applications for final approval within the required period or periods of time, the tentative approval shall be deemed to have been revoked and the area included in the development plan shall be subject to those local ordinances otherwise applicable to it. This shall be noted on the zoning map and in the records of the Township Secretary.

Once tentative approval has been given, the developer may prepare an application for final approval providing improvements have been installed or proper performance guarantees have been supplied. The developer shall not proceed with development of the property until final approval has been given. The developer shall have a maximum of three (3) years to submit an application for final approval, unless he or she had proposed a schedule for development in stages and this schedule was approved with the application for tentative approval.

604.6 Application for Final Approval

An application for final approval may be for all the land included in a development plan or as set forth in the tentative approval, a section thereof. If the application for final approval agrees with the tentatively approved development plan, a public hearing need not be held. The application for final approval shall comply with Section 604.12 which follows.

604.7 Approval or Disapproval

When the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this Ordinance and the official written communication of tentative approval, the Township shall grant approval, within thirty (30) days of the filing.

If the development plan submitted for final approval differs from the plan given tentative approval, the Board of Supervisors may refuse to grant final approval. Within thirty (30) days of the filing, they shall so advise the landowner, in writing, setting forth the reasons why the changes in the plan are not in the public interest. The landowner may then:

- A. Re-file the application for final approval without the changes objected to; or
- B. File a written request with the Board of Supervisors that it hold a public hearing on his application for final approval. This public hearing shall be held, following public notice, within thirty (30) days after the landowner's request. The hearing shall be conducted in the manner prescribed in Section 604.3 of this Ordinance. Within thirty (30) days after the hearing, the Board of Supervisors shall, by official written communication, grant or deny final approval. The decision shall be put in the form specified in Section 604.4 of this Ordinance.

The landowner may take either action at any time within the period he is allowed to apply for final approval, or within thirty (30) days afterward, if the time for applying has already passed when he was advised that the development plan had been disapproved. If the landowner fails to take either of these actions, he shall be deemed to have abandoned the plan.

604.8 Status After Approval

A development plan which has been given final approval shall be certified by the Board of Supervisors, without delay, and shall be filed with the office of the recorder of deeds, before any development may take place. Upon the filing of the plan, the zoning and subdivision regulations otherwise applicable to the land shall cease to apply.

If a development plan has been given final approval, and the landowner later abandons the plan, he shall notify the Board of Supervisors in writing. If the landowner fails to complete the development within a reasonable period of time specified by the Board of Supervisors after granting final approval, no development or further development shall take place on the property until the property has been re-subdivided and reclassified by enactment of an amendment to this Ordinance.

604.9 Application Requirements for Tentative Approval

The application for tentative approval shall be executed by the landowner and/or developer and filed with the Township Secretary. It shall include the following:

- A. A plan showing existing natural features of the land, including topography, vegetation, drainage and soils at a scale of one-inch equals one hundred (100) feet.
- B. A site plan showing approximate locations of buildings, roads, and parking areas at a scale of one-inch equals one hundred (100) feet.
- C. A plan of the public facilities, indicating their sizes, structures and uses at a scale of one-inch equals one hundred (100) feet.
- D. A plan of streets, delineating approximate locations, types, rights-of-way and cartway widths at a scale of one-inch equals one hundred (100) feet.
- E. A site plan showing the stages of development, including a time schedule for all on-site and off-site improvements to be dedicated for private use.

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- F. A plan illustrating the connections with public utilities, streets, and rights-of-way, accompanied by assessments of the impact of the proposed development on these public utilities, streets and rights-of-way.
- G. A plan showing how the proposed planned residential development relates to the Township.
- H. A written statement by the landowner/developer setting forth the reasons why, in his opinion, the planned residential development would be in the public interest and would agree with the Township's comprehensive plan.
- I. A statement by the landowner/developer setting forth the nature of his interest in the property.
- J. A plan showing the residential density of each proposed land use.
- K. A plan detailing the location, function, size, ownership, and manner of maintenance of the common open space planned.
- L. Information about the use, height and bulk of all proposed buildings and other structures.
- M. Plans showing the means for handling sewage and stormwater, with illustrative data and calculations.
- N. The covenants, easements, or other restrictions to be imposed upon the use of land, buildings, and structures, including the proposed grants and/or easements for public utilities.
- O. Plans for parking vehicles.
- P. In the case of a plan which calls for development in stages, a schedule showing the date by which each application for final approval of a part of the development is to be filed. This schedule shall be updated annually on the anniversary of the plan's submission for final approval.
- Q. A statement of the requested modifications in the Townships land use regulations.
- R. Such additional information as may be necessary to document compliance with this Ordinance, the Township Zoning Ordinance and Township Subdivision Ordinance.
- S. Fees in the amount and form required by the Township.

604.10 Compliance with Subdivision and Zoning Standards

The applications for tentative and final approval of a plan for a planned residential development shall generally be in lieu of procedures or approvals otherwise required by this Ordinance and the Township Subdivision and Land Development Ordinance. Nevertheless, all requirements of these ordinances, insofar as they relate to design and use of property, as well as documentation to the Township, shall apply, except to the extent specified in this Article VI. It shall be the responsibility of the landowner/developer to be aware of the requirements of the township Subdivision and Land Development Ordinance and the Pennsylvania Municipalities Planning Code as well as this Ordinance, to request that the requirements be modified where necessary, and to document compliance with them.

Compliance in all matters relating to the platting, use and development of the planned residential development and pertinent modified regulations, to the extent such modification is vested in the Township, shall be determined by the Lackawaxen Township Board of Supervisors.

In accordance with the Pennsylvania Municipalities Planning Code, the provisions of the development plan relating to (1) the use, bulk and location of buildings and structures, (2) the quantity and locations of common open space, and (3) the intensity of use or the density of residential units, shall favor the Township and shall be enforceable in law or inequity by the Township, without limitation on any powers of regulation otherwise granted the Township by law. The development plan shall specify those of its provisions which shall favor, and be enforceable by, residents of the development, and the manner in which such residents may modify or release such rights.

604.11 Requirements for Guarantee of Improvements

Prior to final approval of any plan for a planned residential development, the landowner/developer shall guarantee that all improvements will be properly installed. The landowner/developer will be responsible for complying with the improvement guarantee requirements of the Lackawaxen Township Subdivision and Land Development Ordinance and shall supply the Township with documentation of compliance. The form of the guarantee shall be acceptable to the Township Board of Supervisors and Solicitor. An inspection fee, separate from the filing fee, shall be required at the time final approval is requested. This fee shall be equal to one-half (1/2) percent of the total construction cost for the development or stage as estimated by the Township Engineer. The amount of any bond or other security required shall be sufficient to cover construction costs, as estimated by the Township Engineer. The amount of any bond or other security required shall be sufficient to cover construction costs, as estimated by the Township Engineer, at the time the security is delivered, plus an increase of at least ten (10) percent for each year the security is to be held by the Township. This increase may accrue in the form of earnings on the security or be provided for in the initial guarantee.

In submitting the application for final approval to the Township, the landowner/developer shall submit a maintenance bond for repair of the streets or other public facilities in the development for one (1) year after their construction has been approved by the Township, or property owners' association where appropriate. The maintenance bond shall generally be ten (10) percent of the costs of the improvements.

604.12 Application Requirements for Final Approval

The application for final approval of the development plan shall contain a final plan and additional documents as noted below. The final plan shall be at a scale of one inch to one hundred (100) feet. The original drawing and all submitted prints thereof shall be made on sheets twenty-four (24) inches by thirty-six (36) inches or thirty-six (36) inches by forty-two (42) inches. Where necessary to avoid sheets longer than forty-two (42) inches, final plans shall be drawn in two or more sections accompanied by a key diagram showing relative location of the sections. All plans shall be clear and legible white prints of an ink drawing and shall include the following information:

- A. Development name or other identifying title.
- B. Municipality in which the development is located.
- C. North arrow, indicating true or magnetic, scale and date.
- D. Names of owner of record and developer.

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- E. Name and seal of the registered professional engineer or surveyor responsible for the plan.
- F. Boundaries of the tract, determined by accurate survey in the field. These shall be balanced and closed with an error of closure not to exceed one (1) foot in ten thousand (10,000).
- G. Property lines (if any) within the development.
- H. Lot areas (if any) to 1/1,000 of an acre.
- I. Street lines, lot lines, rights-of-way, easements, and areas to be dedicated to, or proposed to be dedicated to, public use. Profiles for all streets and for proposed sanitary and storm sewer mains, inlets, and manholes.
- J. The lengths of all straight lines and radii; the lengths of curves and tangent bearings for each street.
- K. The dimensions, and angles or bearings of the lines of, each lot and of each area proposed to be dedicated to public use.
- L. The setback line of each building.
- M. Location and width of each private driveway.
- N. Name proposed for each street.
- O. Location of each structure.
- P. Number of each lot.
- Q. Quantity of dwelling units by type and, where applicable, the number, location, and square footage of each area to be devoted to non-residential use.
- R. Architectural drawings and elevations to scale of all buildings. These drawings shall bear the seal of the architect.
- S. A key map showing the relationship of the property being developed to surrounding properties. This map shall be drawn at a scale of one (1) inch equals six hundred (600) feet, and to show all streets, roads, municipal boundaries, subdivisions, and adjoining properties within one thousand (1,000) feet of any part of the property. In the case of a section of the entire tract, the key map shall show the relationship of the section to the entire tract.
- T. Total area of the tract and, in the case of development in sections, the size of the section for which the plan is being submitted.
- U. All permanent monuments.
- V. Existing and proposed contours at vertical intervals of five (5) feet, including locations and dimensions of all cut-and-fill sections.
- W. All existing water courses, woods and other significant natural features.

The application for final approval shall also be accompanied by:

- A. Copies of deed restrictions and/or easements, if any.
- B. Information about water and sewage disposal, including copies of permits obtained under Commonwealth or federal statutes.
- C. An affidavit stating that the applicant is the owner of the land to be developed.
- D. Offers of dedication of open space, and covenants governing the reservation and maintenance of undedicated open space. All such offers of dedication and covenants shall be approved by the Township Solicitor.
- E. A statement to the effect that the property owner or owners' consent to this development of their property and that they have approved the recording of the application and the accompanying documents. This statement shall be signed by the owner or owners and duly acknowledged before an officer authorized to take acknowledgement of deeds.
- F. Whenever a developer proposes to establish a street which is not offered for dedication and not required to be offered for dedication, he shall submit a copy of an agreement with the Township on behalf of his heirs and assigns. This agreement shall be approved and signed by the Township Solicitor. The agreement shall establish the conditions under which the street may later be offered for dedication and stipulate, among other things:
 - 1. That the street will be in good state of repair, as certified by the Township Engineer, or that the owner or owners of the lots along it agree to include, with the offer of dedication, sufficient funds to restore the street to conform to Township specifications.
 - 2. That an offer to dedicate the street will be made only for the street as a whole.
 - 3. The method of assessing repair costs.
 - 4. That an offer to dedicate the street, agreed to by the owners of sixty (60) percent of the lots, will be binding on the owners of the remaining lots.
 - 5. A performance guarantee as required by these regulations.

605 Standards For Planned Residential Development

605.1 Eligibility

An application for tentative approval of a planned residential development shall not be considered or approved unless the following conditions are met:

- A. The development will contain at least fifty (50) dwelling units.
- B. The development will have a central water supply and central sewage disposal. These services shall be operational at the time the dwelling units begin to be occupied.
- C. The development will be consistent with the Township Comprehensive Plan and provide for the general health, safety, and welfare of Lackawaxen Township residents.

D. The development may be located in any R-1 or RU Zoning District.

605.2 Permitted Uses

A planned residential development may include single-family, semi-detached, attached or garden apartment units and non-residential developments designed to serve the residents of the development, provided that these non-residential developments comply with Section 605.7 below. It shall not include mobile homes.

605.3 Density

All land proposed for a particular Planned Residential Development project shall be part of the same parcel and contiguous.

The total number of dwelling units permitted shall be calculated after deducting the following areas:

- A. Land contained within public rights-of-way;
- B. Land contained within the rights-of-way of existing or proposed private streets and parking areas (where formal rights-of-way are not involved the width of the street shall be assumed as fifty (50) feet wide);
- C. The area of waterbodies including lakes and ponds;
- D. Areas used for improvements; from the total area of the project parcel and multiplying the remainder by one (1) unit per two (2) acres.

605.4 Design, Bulk and Location Standards

The standards below supplement standards contained in the Township Subdivision and Land Development Ordinance and this Ordinance. Other standards remain in effect.

1. Site Design

- 2. All housing shall be designed with regard to the topography and natural features of the site. The effects of prevailing winds, seasonal temperatures and hours of sunlight on the physical layout and form of the proposed buildings shall be taken into account.
- 3. All housing shall be sited so as to enhance privacy and insure natural lighting for all principal rooms.
- 4. Variations in setbacks may be provided where necessary to create a more pleasing layout.
- 5. Housing and other facilities near the periphery of the planned residential development shall be designed so as to harmonize with neighboring facilities.
- 6. No structure shall be within fifty (50) feet of the right-of-way of an access road or ten (10) feet of a parking area. No structure shall be less than one-hundred (100) feet from the property lines of the development and a planning strip of at least seventy-five (75) feet shall be provided along all property lines of the development and a planting strip of at least seventy-five (75) feet shall be provided along all property lines at the periphery of the development, where necessary to protect the privacy of neighboring residents.

7. The site plan shall comply with the performance standards contained in this Ordinance.

B. Tree Conservation and Erosion Control

1. Existing trees shall be preserved wherever possible. Preservation of trees of four-inch or more diameters shall be a factor in determining locations of open spaces, buildings, underground facilities, walks, paved areas, playgrounds, parking areas and finished grade levels.
2. The development shall be designed and programmed so as to minimize earthmoving, erosion, tree clearance and destruction of natural amenities.
3. Seeding, sodding, and planting shall be done to stabilize topsoil on steep slopes.
4. Erosion control measures such as minimizing the area of exposed soil, mulching, building silt catch basins and planting temporary ground cover shall be instituted as necessary. The Board of Supervisors may, at its direction, require proof of contractual provisions controlling earth moving procedures so as to prevent the despoliation of the area.

C. Streets

1. The street system shall be designed so as to harmonize with other land uses and adjacent streets, and to minimize through traffic in residential areas.
2. Collector streets and secondary streets shall be so designated and shall have minimum rights-of-way of fifty (50) feet and forty (40) feet respectively, and minimum cartways of twenty-six (26) feet and twenty-four (24) feet respectively.
3. Cul-de-sacs must have tar-and-chip turning circles of sufficient width to facilitate snow removal and to permit easy access for fire-fighting equipment and delivery trucks. The minimum radius shall be fifty (50) feet to the outside curb and the maximum length shall be one thousand (1,000) feet.
4. The construction of all streets and sidewalks and parking areas shall be in accordance with the specifications of the Township Subdivision Regulations and this Ordinance, including those provisions relating to access and to bonding such improvements. All streets, whether public or private, shall be subject to the same requirements.

D. Parking

1. There shall be two off-street parking spaces for each dwelling unit.
2. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
3. Parking areas shall be screened from adjacent structures, access roads and traffic arteries, by hedges or other dense plant growths, earth berms, changes in grade, or walls. All parking areas shall be a minimum of ten (10) feet from structures, access roads and traffic arteries.
4. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by approved landscaping.

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5. No more than sixty (60) parking spaces shall be accommodated in any single parking area.
6. All streets shall be paved. Off-street parking and/or loading areas shall be paved with a tar-and-chip surface.
7. There shall be one parking space reserved for handicapped parking for each sixty (60) parking spaces, said special spaces shall be the closest spaces to the dwelling units.

D. Lighting

1. All parking lots shall be adequately lighted. All such lighting shall be arranged so as to direct light away from adjoining residences.

E. Storm Drainage

1. The storm drainage system for a planned residential development shall be designed to minimize erosion and flooding, using, where desirable, catchment basins, silt traps and cartways to minimize runoff. A plan shall be required which meets the standards of the Pennsylvania Stormwater Management Act and the Pennsylvania Erosion and Sedimentation Regulations.

F. Landscaping

1. All parking areas shall be landscaped. The interior of each lot shall have one four (4) inch diameter shade tree for every four parking spaces.
2. Shade trees shall be provided along all streets. No less than two (2) four-inch diameter trees shall be planted for each twenty-five (25) foot section of a street. This requirement may be met by planting trees on alternate sides of the street.
3. The type of tree to be planted shall be subject to review by the Board of Supervisors. The following criteria shall apply:
 - a. Trees shall be of long-lived types.
 - b. No weak-wooded trees shall be permitted.
 - c. Trees shall not be of a type which shed bark, fruit, or thorns.
 - d. Trees shall be of relatively disease-resistant types.
 - e. Any dead trees shall be immediately replaced.
4. A landscape plan showing the locations and types of trees to be planted shall be submitted to the Board.

G. Street Signs

1. The character, size and shape of all outdoor signs shall agree with the provisions of the Lackawaxen Township Zoning Ordinance as amended.

H. Supplemental Non-Residential Facilities

1. Refuse stations with suitable screening shall be located where convenient for trash removal and not offensive to nearby residential areas.

2. Adequate lighting shall be provided for outdoor areas after dark. Appropriate lighting fixtures shall be provided for walkways, to identify steps, ramps, and signs. Lamps shall be designed and located so as not to shine directly into nearby residences.

I. Utilities

1. All utilities shall be underground unless such placement is deemed not feasible by the Board of Supervisors.

605.5 Stage Development

A developer may construct a planned residential development in stages if the following criteria are met:

A. The application for tentative approval covers the entire planned residential development and shows the location and approximate period of construction for each stage, in addition to other information required by this Ordinance.

B. At least fifteen (15) percent of the dwelling units in the plan given tentative approval are included in the first stage, and at least fifty (50) acres of open space immediately adjacent to these units is included in the first stage.

C. The second and subsequent stages are completed consistent with the tentatively approved plan, and these are of such size and location that they constitute economically sound units. In no event shall such stages contain less than fifteen (15) percent of the dwelling units receiving tentative approval.

605.6 Open Space Standards

A. Characteristics

Not less than twenty-five (25) percent of the total area of the planned residential development shall be designated as, and devoted to, common open space. The open space shall be located so as to accord with the objectives set forth in the application for the development. Where possible, it shall be designed to be contiguous, easily accessible to the residents and to preserve its natural features. At least fifty (50) percent of the open space shall be useable for active recreation and accord with the performance standards in this Ordinance.

Open space consists of generally open spaces, parks, greens, recreation grounds, yards or other open places provided for residential buildings. Common open space is designed for, and intended to be used by, residents of the development. It does not include streets, off-street parking areas and areas set aside for public facilities which are included in computing density.

Each section or stage of the planned residential development shall meet the standards of this Section. Open space areas shall be exclusively for the use of the residents of that development section and their guests.

B. Maintenance Provisions

There shall be provisions to insure that the open space is properly maintained. The developer shall retain ownership and responsibility for maintaining the open space or provide for one or more organizations to own and maintain it. These organizations shall be non-profit homeowners' corporations, unless the developer demonstrates that a community open space trust is a more appropriate form of organization.

Restrictive covenants shall go with the property to prevent open space from being developed. These covenants shall also require paying assessments to maintain open space and provide for filing liens if they are not paid.

C. Requirements for Homeowners' Association

If a homeowner's association or open space trust is formed, it shall be governed according to the following regulations:

1. The organization shall have been formed by, and be operating with financial assistance by, the developer, if necessary, before any lots have been sold.
2. Membership in the organization shall be mandatory for all purchasers of houses therein, and their successors.
3. The organization shall be responsible for maintaining, insuring, and paying taxes on, common open space.
4. The members of the organization shall share equitably the cost of maintaining and developing common open space in accordance with procedures established by them.
5. The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.
6. If the organization established to own and maintain common open space, or any successor organization, fails to maintain the common open space in reasonable accordance with the development plan, the Township may serve written notice upon the organization or upon the residents and owners of the planned residential development, setting forth the deficiencies. This notice shall include a demand that the deficiencies be corrected within thirty (30) days and shall state the date and place of a hearing thereon, to be held within fourteen (14) days of the notice. At this hearing, the Township may modify the terms of the original notice and may allow an extension of the time within the deficiencies must be corrected.
7. If the deficiencies have not been corrected within the specified time, the Township may enter upon the common open space and maintain it for a period of one (1) year. The purpose of this action would be to preserve the taxable values of the properties within the planned residential development and to prevent the common open space from becoming a public nuisance. This action shall not vest the public with any right to use the common open space.
8. Before the one (1) year period has expired, the Township shall call a public hearing. This hearing shall be called upon the Township's initiative, or upon the request of the homeowners' organization. The organization shall be given notice to show cause at this hearing why maintenance by the Township determines that the organization is ready and able to maintain the common open space in reasonable condition, the Township may continue to maintain it during the next year, at its discretion and subject to a similar hearing and determination during that year.

The decision of the Township shall constitute a final administrative decision subject to judicial review.

9. The cost of maintenance by the Township shall be reimbursed by assessing the properties whose owners have a right to use the common open space. Charge shall be made in the form of tax liens against the properties. These charges shall be subordinate to any mortgage liens on the properties. Such subordination shall apply only to charges that have become payable prior to the passing of title under foreclosure. The transferee shall not be liable for paying any charges which accrued before foreclosure.
10. When the Township enters the common open space to maintain it, the Township shall file a notice of such liens in the County prothonotary's office.

605.7 Non-residential Development

A certain amount of non-residential development may be permitted in a planned residential development. The non-residential uses allowed are those which meet the definition of retail or service establishments as set forth in Article III of this Ordinance.

All non-residential uses shall be confined to a specific area(s) of the development, not closer than five hundred (500) feet to the development perimeter or any existing public right-of-way. Services shall be provided primarily for residents of the planned residential development and their guests. Commercial activity shall not be visible from any existing public right-of-way. In no case shall signs or other directional devices, which would seek to attract customers from outside the development, be permitted.

ARTICLE VII – ADMINISTRATION

701 Authority

701.1 Zoning Officer

It shall be the duty of a Zoning Officer, to be appointed by the Township Board of Supervisors, to enforce the provisions of this Ordinance. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents and make such reports as the Township Supervisors may require.

701.2 Conditional Uses and Special Exceptions

Permits for construction and uses which are conditional uses shall be issued only upon written order of the Planning Agency and the Township Supervisors. Permits for construction and uses which are a special exception or a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board.

702 Permits

702.1 Requirements of Permits

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A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building or land; and prior to the change or extension of a non-conforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No Zoning Permit shall be required in cases of normal maintenance activities, minor repairs or alterations which do not structurally change a building or structure.

702.2 Applications for Permits

All applications for permits shall be accompanied by plot sketch in duplicate, drawn to show the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance and all other pertinent ordinances. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

702.3 Subdivision Approval

Applications for uses which also necessitate approvals under the Township Subdivision Ordinance shall be processed in the manner provided for plat approval under that Ordinance. Such applications shall also contain all information or data normally required for a submission under the Subdivision Ordinance. A Zoning Permit shall not be issued until the proposed use has been granted a Preliminary Approval under the Subdivision Ordinance. However, no building or property shall be occupied or used until final subdivision approval has been granted and a Certificate of Use has been properly issued pursuant to Section 705 of this Ordinance.

702.4 Issuance of Permits

No permit shall be issued until the Zoning Officer has certified that the proposed use, building, addition or alteration, complies with all the provisions of this Ordinance as well as with all the provisions of other applicable regulations.

703 Fees

As authorized by the Pennsylvania Municipalities Planning Code, the Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this Ordinance.

Permits, special exceptions and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.

The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or shall be paid by the person appealing the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

704 Inspection

704.1 Inspection by the Zoning Officer

It shall be the duty of the Zoning Officer to make the following minimum number of inspections on property for which a permit has been issued:

A. At the beginning of construction: A record shall be made indicating the time and date of the inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the building. If the actual construction does not conform to the application, a written notice of the violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

B. At the completion of construction: A record shall be made indicating the time and date of the inspection, and the findings of the Zoning Officer in regard to the issuance of a Certificate of Use. Nothing contained in this Ordinance shall impose or imply any responsibility upon the Township or its officials or agents for the quality of workmanship or materials employed in construction.

705 Certificate of Use

705.1 Statement

A Certificate of Use shall be a statement issued by the Zoning Officer setting forth either that a building, structure or parcel of land complies with the provisions of this Ordinance; or that a

building or structure lawfully may be employed for specified uses under the provisions of this Ordinance, or both.

705.2 Use

No vacant land shall be occupied or used, and no structure or part of a structure, hereafter erected, structurally altered or changed in use shall be occupied or used, until a Certificate of Use has been issued therefore by the Zoning Officer.

705.3 Application

A Certificate of Use, either for the whole or part of a new building or for the alteration of an existing building, shall be applied for co-incident with the application for a building permit, and shall be issued within fifteen (15) days after the erection or alteration of such building or part shall have been completed in conformity with the provisions of this Ordinance.

705.4 Change

A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, shall be applied for and issued before any such land shall be occupied or used or such land or building changed in use, and such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed use is in conformity with the provisions of this Ordinance.

705.5 Extension

A Certificate of Use for changing or extending a non-conforming use, existing at the time of the passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such non-conforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed change or extension is in conformity with the provisions of this Ordinance.

705.6 Record

A record of all Certificates of Use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

706 Violations

Failure to comply with any provision of this Ordinance, failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board or the failure to secure a permit, when required,

prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a Certificate of Use Permit, shall be violations of this Ordinance. When written notice of a violation of any of the provisions of this Ordinance shall be served by the Zoning Officer, personally or by certified mail, in the manner prescribed by Section 616.1 of the Pennsylvania Municipalities Planning Code and such violation shall be discontinued or corrected as set forth in said notice.

707 Penalties and Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.

No judgment shall commence or be imposed, levied or be 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 Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice, in determining that there has been a violation, further determines that there was 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 this Zoning Ordinance shall be paid over to the Township.

The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township, the right to commence any action for enforcement pursuant to this section.

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this Ordinance, the Board of

Supervisors or, with the approval of the Board of Supervisors, 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 (in the name of the

Township) any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure 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 Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

708 Zoning Hearing Board

708.1 Jurisdiction

The Township Board of Supervisors shall appoint a Zoning Hearing Board, which shall have the number of members and alternate members, and such powers and authority as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to sections 709.1 (Curative Amendments) and 916.1(a) (2) (Ordinance Validity) of the Pennsylvania Municipalities Planning Code.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Applications for variances from the terms of the Zoning Ordinance pursuant to Section 910.2 of the Pennsylvania Municipalities Planning Code.
- E. Applications for special exceptions under the Zoning Ordinance pursuant to section 912.1 of the Pennsylvania Municipalities Planning Code and Section 708 of this Ordinance.
- F. Appeals from the Zoning Officer's determination under Section 916.2 (Preliminary Opinion) of the Pennsylvania Municipalities Planning Code.
- G. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision and Land Development applications.

H. The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change or amendment to the Zoning Map or to allow any use of property substantially different from those permitted under the Schedule of Use Regulations for the particular district.

708.2 Zoning Hearing Board Applications

Application to the Zoning Hearing Board shall be made in writing to the Chairman of the Zoning Hearing Board and shall state:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate to be affected by such proposed exception, or variance.
- C. A brief description and location of real estate to be affected by such proposed change.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A statement of the section of this Ordinance under which the application is being requested and the reasons why it should be granted.
- F. Any reasonably accurate description of the present improvements, and the additions intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for building permits, indicating the location and size of the lot, and size of improvements now erected, and proposed to be erected thereon.
- G. Any other information the applicant deems appropriate.
- H. All applications shall be accompanied by a list of names and addresses of all owners whose property(ies) adjoin that of the subject premises. Notice of the public hearing on such application shall be sent by the Township to the adjoining property owner(s).

If the Zoning Hearing Board finds the appeal or request outside its scope of jurisdiction, it shall return the application for the same to the Zoning Officer for proper processing. Zoning Hearing Board matters shall otherwise be processed in conformance with the requirements of the Pennsylvania Municipalities Planning Code.

708.3 Variances

The Zoning Hearing Board shall have the right to authorize such variances from this Ordinance as are permitted under Section 910.2 of the Pennsylvania Municipalities Planning Code. The Board may grant a variance provided 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 unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;

- 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 the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, not to 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.

The Zoning Hearing Board may, in granting any variance, attached such reasonable conditions and safeguards as it deems necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Zoning Ordinance.

709 Appeals to Court and other Administrative Proceedings

Appeals to court and other administrative proceedings shall be governed by Article X-A and Article IX of the Pennsylvania Municipalities Planning Code, respectively.

710 Amendments

The Township Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code.

A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in Sections 709.1 and 916.1 of the Pennsylvania Municipalities Planning Code.

711 Severability

In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

ARTICLE VIII – ENACTMENT

This Lackawaxen Township Zoning Ordinance is hereby enacted into law this _____ day of _____, 1992, pursuant to the authority granted under the Pennsylvania Municipalities Planning Code.

ATTEST: _____
Secretary

Supervisor

Supervisor

Supervisor