

ZONING ORDINANCE

BARRETT TOWNSHIP
MONROE COUNTY, PENNSYLVANIA

A SEWAGE PERMIT AND WELL PERMIT WILL BE REQUIRED
BEFORE A BUILDING PERMIT WILL BE ISSUED

**ZONING ORDINANCE
FOR THE
TOWNSHIP OF BARRETT**

TABLE OF CONTENTS

	<u>Page No.</u>
Article 1 Title and Purpose	1-1
101 Short title	1-1
102 Statement of community objectives	1-1
Article 2 Definitions	2-1
201 Definitions	2-1
Article 3 Establishment and Designation of Districts	3-1
301 District names	3-1
302 Zoning Map	3-1
303 Interpretation of boundaries	3-1
304 Limitation of land use	3-1
305 District regulations	3-1
Article 4 Conservation District	4-1
401 Purpose and intent	4-1
402 Use regulations	4-1
Article 5 Residential District	5-1
501 Purpose and intent	5-1
502 Use regulations	5-1
Article 6 Mixed Use - Village District	6-1
601 Purpose and intent	6-1
602 Use regulations	6-1
Article 7 Commercial - Resort/Hotel District	7-1
701 Purpose and intent	7-1
702 Use regulations	7-1
Article 8 Light Industrial District	8-1
801 Purpose and intent	8-1
802 Use regulations	8-1
Article 9 Industrial District	9-1
901 Purpose and intent	9-1
902 Use regulations	9-1

TABLE OF CONTENTS

	<u>Page No.</u>
Article 10 Use Regulations	10-1
1001 Applicability	10-1
1002 Uses subject to other regulations	10-1
1003 Use regulations	10-1
Article 11 Historic Resort Resource Overlay	11-1
1101 Intent	11-1
1102 Applicability and locational criteria	11-1
1103 General regulations	11-1
1104 Uses	11-2
1105 Dimensional standards	11-4
1106 Greenway land dimensional standards	11-6
Article 12 Conservation Design	12-1
1201 Purpose	12-1
1202 Design options	12-1
1203 General regulations	12-2
1204 Use regulations	12-2
1205 Dimensional standards and density determination	12-3
1206 Design standards for Option One and Two subdivisions	12-7
1207 Greenway land use and design standards	12-7
1208 Permanent greenway protection through conservation easements	12-10
1209 Discretionary density bonuses	12-10
1210 Ownership and maintenance of greenway land and common facilities	12-11
Article 13 General Requirements	13-1
1301 Supplementary lot, yard and height regulations	13-1
1302 Off-street parking	13-1
1303 Parking design standards	13-7
1304 Buffer yards and screening	13-7
Article 14 Nonconforming Uses and Buildings	14-1
1401 Continuance of nonconformance	14-1
1402 Restrictions of nonconformance	14-1
1403 Termination of nonconformance	14-2
Article 15 Administration	15-1
1501 Enforcement	15-1
1502 Zoning Officer	15-1
1503 Zoning Hearing Board	15-2
1504 Variances	15-2

TABLE OF CONTENTS

	<u>Page No.</u>
1505 Public hearing and notice	15-3
1506 Filing fees	15-5
1507 Violations	15-5
1508 Challenge to validity of ordinance or map	15-5
1509 Amendments	15-6
1510 Curative amendments	15-7
1511 Conditional Use procedures and standards	15-8
1512 Interpretation	15-9
1513 Validity	15-9
1514 Repealer	15-9
1515 Effective date	15-9

Appendix A

Table of Use Regulations

Zoning Districts Map Barrett Township, Monroe County, Pennsylvania dated June 2012, as amended

**ARTICLE 1
TITLE AND PURPOSE**

101. Short title.

This Ordinance shall be known and cited as the “Barrett Township Zoning Ordinance.”

102. Statement of community objectives. This Ordinance is hereby adopted in order:

- A. To be consistent with the goals and objectives of the Barrett Township Comprehensive Plan;
- B. To promote public health, safety, and the general welfare;
- C. To encourage the most appropriate use of land;
- D. To conserve and stabilize the value of property;
- E. To provide adequate open spaces for light and air, and to prevent the spread of fires;
- F. To prevent undue concentrations of populations;
- G. To lessen congestion on streets and highways.

**ARTICLE 2
DEFINITIONS**

201. Definitions.

For the purpose of this Ordinance, certain terms, phrases, and words are defined as follows:

- A. Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural and the plural singular.
- B. The words "shall," "will," or "must" are always mandatory; the words "should" or "may" are permissive. The words "used for" includes "designed for," "arranged for," "intended for," "maintained for," or "occupied for." The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof." The word "person" includes "individual," "profit or nonprofit organizations," "partnership," "company," "incorporated association," or other similar entities.
- C. When terms, phrases, or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply.
- D. Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

ACCESSORY BUILDING - a subordinate building, the use of which is customarily incidental to and located on the same lot occupied by the principal building which shall include, but not be limited to, a garage, barn, gazebo, or shed.

ACCESSORY USE - a use customarily incidental and subordinate to and located on the same lot occupied by the principal use to which it relates.

ADJUSTED TRACT AREA - the gross tract area minus the constrained land.

ADULT-ORIENTED BUSINESS — any of the following:

- (1) A use of a building or land for a business which has obscene materials as a substantial or significant portion of its stock in trade.
- (2) A use of a building or land for a business which involves the sale, lease, trade, gift, or display of drug paraphernalia as a substantial or significant portion of its stock in trade.
- (3) 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

- (4) time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas” or where any “specified sexual activities” are conducted for economic gain or any other form of consideration.

AGRICULTURE - the cultivation of the soil and the raising and harvesting of the products of the soil including, but not limited to, nursery, horticulture, forestry, and animal husbandry.

ALTERATION - any change or rearrangement in the structural parts or in the existing facilities of a building or structure or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another, excluding repairs to existing and architectural features.

ANIMAL UNIT - a unit of measurement to compare various animal types. One animal unit equals the following: one (1) horse, cow or mule; or two (2) donkeys or ponies; or four (4) alpacas; or five (5) sheep, or hogs; or six (6) goats; or twenty (20) poultry, rabbits or hares.

ANTENNA - any exterior device or apparatus designed for cellular, digital, telephonic, radio, pager, commercial mobile radio, television, microwave, or any other wireless communications through sending and/or receiving of electromagnetic waves, including without limitation, omni-directional or whip antennas and directional or panel antennas. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

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

APARTMENT HOTEL - a facility offering transient lodging accommodation to the general public and where rooms or suites may include kitchen facilities and sitting rooms in addition to the bedroom where typical guest rents rooms or suites for longer periods than a typical hotel stay.

APARTMENT UNIT - one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing two or more dwelling units.

APPLICANT - a landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

ASSISTED LIVING FACILITY - a residential community, which is planned for development in its entirety under unified control, including a group of apartments, engaged in providing some nursing and/or health-related care to residents or patients,

who do not require the degree of care and treatment that an intermediate or skilled nursing care facility is designed to provide, or apartments solely for the occupancy of persons age 62 and older, who will be provided a program of supportive services to help maintain their independent living status.

BOARD - the Zoning Hearing Board of Barrett Township.

BUILDING - a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or property.

BUILDING, ACCESSORY – see definition for **ACCESSORY BUILDING**.

BUILDING HEIGHT - a vertical distance measured from the elevation of the proposed finished grade at the front of the building to the highest point on the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between the eaves and ridge for gable, hip, or gambrel roofs.

BUILDING, MAIN OR PRINCIPAL - a building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the main or principal building.

BULK - a term used to describe the size, volume, area, or shape of buildings or other structures and the physical relationship to each other, open space, to tracts of land, to lot lines, or to other buildings or structures.

CAMP - a business or organization offering dormitories, cottages, cabins, or similar accommodations, eating facilities, sanitary facilities and recreational or education facilities to the public at large or any segment of the public on other than a transient basis. This definition does not include “trailer camp.”

CHILD CARE FACILITY - a facility operated for the purpose of providing care, protection, and guidance to individuals during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

- (1) **DAY CARE CENTER** - a type of child care use that provides care for 7 or more children at one time who are not relatives of the primary caregiver, does not occur within a dwelling unit, and is registered with the applicable state agency (Pennsylvania Department of Public Welfare.)
- (2) **FAMILY DAY CARE, HOME** - a type of child care use that is accessory to, and occurs within a dwelling unit and provides care for 4 to 6 children at one time who are not relatives of the primary caregiver.
- (3) **GROUP DAY CARE, HOME** - a type of child care use that provides care for between 7 and 12 children at one time who are not relatives of the primary

caregiver, provides care within a dwelling unit, and is registered with the applicable state agency (Pennsylvania Department of Public Welfare.)

COMMON CARRIER - an entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated prices.

COMMUNICATIONS EQUIPMENT BUILDING - an unmanned building or cabinet containing communications equipment required for the operation of antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATION TOWER - a guyed, monopole, or self-supporting tower constructed as a freestanding structure or in association with a building, other permanent structure or equipment containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or other similar forms of electronic communication. The term includes, but is not limited to, radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This definition does not include any structure erected solely for a residential, non-commercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

COMMUNITY ROOM – a space to be used as a place of meeting or social activity available to the public.

CONDITIONAL USE - a use in a particular zoning district to be allowed or denied by the Board of Supervisors pursuant to public notice and hearing and recommendation of the Township Planning Commission as authorized by §603(c)(2) of the Municipalities Planning Code, 53 P.S. §10603(c)(2).

CONDOMINIUM - a building or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONDOMINIUM ASSOCIATION - the community association that administers and maintains the common property and common elements of a condominium.

CONDOMINIUM HOTEL - an existing building which is converted or reconstructed, and thereafter maintained, operated, and managed as a hotel in which each room is individually owned and in which some or all of the rooms are available to transients for rent and where the structure, common areas, and facilities are owned by all the owners on a proportional, individual basis.

CONSERVANCY LOT - a large, privately owned lot comprising part of an area of open land. The purpose of the conservancy lot is to provide surrounding residents with visual access to greenway land, while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed, the remainder must be protected through conservation easements and used in conformance with standards for

greenway land. Public access to conservancy lots is not required. The undeveloped portion of a conservancy lot qualifies toward the minimum open space requirement.

CONSTRAINED LAND - the sum of certain physical features, each of which is multiplied by a net-out factor in this Ordinance.

CONTIGUOUS - next to, abutting, or touching and having a boundary, or portion thereof that is co terminus.

CORNER LOT - see definition for LOT, CORNER.

CURATIVE AMENDMENT - a proposed amendment to this Zoning Ordinance prepared by a landowner who desires to challenge, on substantive grounds, the validity of this Zoning Ordinance or Map or any provision thereof, in accordance with Section 609.1 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

DECISION - final adjudication of any board or other body granted jurisdiction under this Ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to a court of competent jurisdiction.

DECK - an impervious or semi-pervious, uncovered structure attached to a building with an average elevation above grade greater than six inches.

DENSITY - the proportionate amount of land allocated for each unit permitted use.

DETERMINATION - final action by an officer, body, or agency charged with the administration of this Ordinance or applications hereunder, which has that authority as stated in various parts of this Ordinance. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

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

DISTRICT - a portion of the Township, within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Ordinance.

DWELLING - a structure or portion thereof that is used exclusively for human habitation.

DWELLING, HIGH-RISE - a residential building of six or more stories.

DWELLING, MID-RISE - a residential building containing from three to six stories.

DWELLING, ATTACHED - a dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

DWELLING, DETACHED - a building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

DWELLING, TOWNHOUSE - a single-family dwelling unit with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

DWELLING UNIT - one or more rooms designed, occupied, or intended for occupancy as a separate living quarter with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EASEMENT - a right-of-way or restriction granted for limited use of private land within which the owner of the property may be restricted from erecting permanent structures but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

EXISTING - a structure or use in existence as of the date of adoption of this Ordinance.

EXTERIOR STREET - an existing or new street on the periphery of or outside of a development parcel which is intended primarily for through traffic from one area of the Township to another.

FAMILY - any group of individuals living together as the functional equivalent of a family where the residents may share living expenses, chores, eat meals together, and are a close group with social, economic, and psychological commitments to each other. A family includes, for example, the residents of residential care facilities and group homes for people with disabilities. A family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries, or nunneries.

FLOOD, 100-YEAR - a standard adopted by the Federal Emergency Management Agency to identify areas where there exists a one percent annual chance of a flood occurring.

FLOODPLAIN - the land area susceptible to inundation by water as a result of a flood.

FLOODWAY - the channel of watercourse and those portions of adjoining floodplains which are required to carry and discharge the 100-year flood with no significant increase in the base flood elevation.

FLOOR AREA - the sum of the gross areas of the floors of every story of a building measured from the exterior faces of exterior walls or from the center lines of common or party walls separating two buildings. Regardless of the internal arrangement of a building, it shall be deemed to have at least one story for each 20 feet of height or fraction thereof.

FORESTRY - the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting,

transporting, and selling trees for commercial purposes, which does not involve land development.

FUNERAL HOME - a mortuary, including auditorium, crematorium, funeral equipment sales, laboratory, and temporary storage facilities, but not including cemeteries, columbarium's, mausoleums, or any other permanent storage facility.

GARAGE - a building, structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

GREENWAY LAND - that portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Greenway land may be accessible to the residents of the development and/or the Township, or it may contain areas of conservancy lots which are not accessible to the public.

GROSS TRACT AREA - the total area of a lot or tract.

GROUP HOME - a residential structure that is licensed to provide room, board, and supervised care, but not continuous nursing care, for unrelated persons who are unable to provide a home for themselves, including the mentally or physically disabled.

HEARING - An administrative proceeding conducted by the Board of Supervisors or the Zoning Hearing Board pursuant to this chapter.

HISTORIC RESOURCE - any structure or site that is:

- (1) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places; or
- (4) individually listed on the Township's Open Space and Recreation Plan, as amended.

HOME OCCUPATION - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves some customer, client, or patient traffic, whether vehicular or pedestrian, pickup, meeting location, delivery, or removal functions to or from the premises, in excess of those normally associated with a residential use.

HOMEOWNERS ASSOCIATION - a community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

HOTEL - a building or structure offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting facilities, entertainment, and recreational facilities.

IMPERVIOUS SURFACE - any surface which does not absorb rain; all buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, packed stone, or other equivalent surfaces.

INTERIOR STREET - an existing or new street which primarily provides vehicular access to an existing developed area or to a new proposed development area and which is not designed or intended to primarily provide through traffic from one area of the Township to another.

JUNKYARD - a lot, land, or structure or part thereof used primarily for the collection, storage, and sale of wastepaper, rags, scrap metal, or discarded material or for the collection, dismantling, storage, or salvaging of machinery or vehicles not in operating condition and for the sale of parts thereof.

KENNEL - any establishment wherein ten or more dogs and other domesticated pets four months of age or older are kept for the purpose of breeding, boarding, sale, or show purposes.

LAND DEVELOPMENT - The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot regardless of the number of occupants or tenants; or 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. A subdivision of land.

LEGAL RIGHT-OF-WAY - a right-of-way established and shown on a final record plan on file at the Township Office. The legal right-of-way shall be the future or ultimate right-of-way.

LIVESTOCK - includes all cattle, horses, ponies, donkeys, mules, hogs, sheep, goats, rabbits, hares, poultry, and any other similar creature raised for human use or profit, but shall not include dogs, cats or similar creatures customarily kept as household pets.

LOT - a piece or parcel of land occupied, or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation, thereof, together with such open spaces as required by this Ordinance, and having frontage on a public street, a recorded private road or right-of-way.

LOT AREA - the area contained within the property lines of a lot (as shown on a plan) excluding space within an existing or ultimate street right-of-way and within all permanent drainage easements, but including areas of all other easements assigned to an individual owner or to a given collective use by means of a subdivision of land. Open space required under this Ordinance shall not be counted as a portion of the lot area for the purposes of measuring lot area per dwelling unit.

LOT, CORNER - a lot which has an interior angle of less than 135° at the intersection of two street lines. A lot fronting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at points within the lot or at the points of intersection of the side lot lines within the street line intersect at an angle of less than 135°. A rear yard is required but such yard may be any yard not facing a public street. A single lot shall not be required to have more than two front yards.

LOT LINE - a property boundary line of any lot held in single and separate ownership, except that in the case of any lot abutting a street, the lot line for such portion of the lot as abuts the street shall be deemed to be the same as the street line and shall not be the center line of the street or any other line within the street line even though such may be the property boundary line.

LOT WIDTH - the horizontal distance between the side lines of the lot measured at the building setback line.

MINERAL EXTRACTION - a use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision or excavations associated with, and for the improvement of, a bona fide agricultural use.

MOBILE HOME - a transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of being again 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 the unit may be used without a permanent foundation.

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

MOTEL - a building or group of buildings containing rental sleeping rooms for the accommodation of transient guests with each rental room containing private toilet facilities and having an outside entrance adjacent to off-street parking facilities.

NEIGHBORHOOD GREEN - a green space central to a neighborhood and designed for open space or general active or passive recreation for the residents of the neighborhood.

NO IMPACT HOME-BASED BUSINESS - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

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

NONCONFORMING STRUCTURE - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this chapter or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or any amendment or prior to the application of such chapter or any amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - a use of a building or lot which does not comply with the applicable use regulations of this chapter or amendments thereto for the district in which it is located but which was in existence at the time the use regulations became effective and was lawful at the time it was established.

NURSING HOME - a licensed establishment which provides full-time convalescent or chronic care for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home.

OPEN SPACE - that area of land and/or water to be restricted from future development for the purpose of protecting natural features, providing buffers, or for recreational purposes. Open space does not include land occupied by structures, roads, road rights-of-way, parking lots, land reserved for future parking lots, stormwater detention basins or retention basins, or areas of public facilities, such as community septic systems, nor does it include any portion of the minimum lot areas as required by this chapter. Certain public utilities may occupy a portion of the open space if approved by the Board of Supervisors.

PERMIT - a document issued by the proper authority of the municipality authorizing an applicant to undertake certain activities, as further defined below:

- (1) **ZONING PERMIT** - a permit issued indicating that a proposed use, building, or structure is in accordance with the provisions of this Ordinance or with an order of the Zoning Hearing Board and authorizing an applicant to proceed with said use, building, or structure.
- (2) **BUILDING PERMIT** - a permit indicating that a proposed construction, alteration, or reconstruction of a structure is in accordance with the construction provisions of any building code which may be adopted by the Township which

authorizes an applicant to commence with said construction, alteration or reconstruction.

- (3) OCCUPANCY PERMIT - a permit issued upon completion of the construction of a structure or change in use of a structure or parcel of land indicating that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth in the occupancy permit.
- (4) CONDITIONAL USE PERMIT - a permit which may be granted under the provisions of this Ordinance and which, when granted, authorizes a particular use to be made of a particular premises subject to compliance with all the terms and conditions contained in the permit.

PLANNING COMMISSION - the words "Commission" or "Planning Commission" shall always refer to the Barrett Township Planning Commission.

PRIMARY CONSERVATION AREAS - lands within the 100-year floodplain, wetlands, and slopes in excess of 25 percent.

PRINCIPAL USE - the primary or main use of a lot, parcel, or structure.

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Board of Supervisors or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986, P.L. 388, No. 84, known as the "Sunshine Act," as amended.

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 date, time, and place of hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC UTILITY - a private or municipal corporation organized and existing for the distribution and sale of water, electricity, gas, or the collection and disposal of sanitary waste or sewage, provided that the same are regulated in whole or in part by the Pennsylvania Public Utility Commission. A public utility shall not include a corporation or other entity engaged in the wireless communication industry.

RESORT - a facility used as a hotel with additional recreational features or activities and amenities which serve as one of the primary attractions to such facility.

RIGHT-OF-WAY - a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, trail, water line, sanitary sewer, and/or other public utilities or facilities.

ROCK OUTCROPPINGS - areas where bedrock protrudes through the surface of the ground.

SECONDARY CONSERVATION AREAS - special features of a property that would ordinarily be overlooked or ignored during the design process. Such features include the following, listed in order of significance:

- (1) hydric soils, swales, springs, and lowland areas other than wetlands, including adjacent buffer areas which may be required to insure their protection.
- (2) moderately steep slopes up to 25 percent, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- (3) healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats.
- (4) areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- (5) hedgerows, groups of trees, large individual trees of botanic significance, and other vegetative features.
- (6) historic structures and sites.
- (7) visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features.)
- (8) existing trails connecting the tract to other locations in the Township.

SENSITIVE AREA DISTURBANCE - disturbance of environmentally sensitive areas, such as lands within the 100-year floodplain, wetlands, slopes in excess of 25 percent, and rock outcroppings.

SETBACK – the minimum distance by which any building or structure must be separated from a street right-of-way or lot line (see also **YARD** definitions).

SHADOW FLICKER - the visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

SIGN - a name, identification, description, emblem, display or device which is affixed to, printed on, or represented directly or indirectly upon a building, structure, or parcel of land; which is illuminated or non-illuminated; visible or intended to be visible from any public place; and, which directs or calls attention to a person, place, product, institution,

business, organization, activity, or service. Signs shall also include any permanently installed or situated merchandise, including any banner, pennant, placard, statue, vehicle, or temporary sign.

SLOPE - the face of an embankment or cut section; any ground whose surface makes an angle with the plane of horizon. Slope is expressed as a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

- (1) **SLOPE, MODERATELY STEEP** - areas between 15 and 25 percent slope as measured over a minimum vertical distance of six feet or three contiguous contour segments at two foot contour intervals.
- (2) **SLOPE, STEEP** - areas with slopes in excess of 25 percent slope as measured over a minimum vertical distance of six feet or three contiguous contour segments at two foot contour intervals.

SOLAR COLLECTOR - a device or combination of devices, structure(s), or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

SOLAR ENERGY - radiant energy (direct, diffuse, and/or reflected) received from the sun.

SOLAR ENERGY SYSTEM - any solar collector or other solar energy device, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, for water heating or for electricity.

SOLAR PANEL - a structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy, heat water, or produce hot air or perform any other similar function by way of a solar energy system.

STORY - that part of a building located between the surface of any floor and the floor or roof next above. The first story of a building is the lowest story having 50% or more of its area above grade level or having the floor at the level of the exterior grade on one or more sides.

STREET - a right-of-way municipally or privately owned, serving as a means of vehicular and pedestrian travel, furnishing access to abutting properties and space for public utilities.

STREET, EXTERIOR – see definition for EXTERIOR STREET.

STREET, INTERIOR – see definition for INTERIOR STREET.

STRUCTURE - any man-made object having an ascertainable location on or in land or water, whether or not affixed to the land.

SUBDIVISION - the division or redivision of a lot, tract, or parcel of land by any other means into two or more lots, tracts, parcels, or divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by court for distribution to heirs or devisees, transfer of ownership or building or lot development.

TRAILER - a vehicle with or without its own motive power equipped for or used for living purposes and mounted on wheels.

TURBINE HEIGHT - the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

USE - the specific purpose, activity, occupation, or business operation carried on or intended to be carried on in a building or other structure or on a tract of land.

USE, ACCESSORY – see definition for **ACCESSORY USE**.

VARIANCE - permission or approval granted by the Zoning Hearing Board in accordance with this chapter constituting a modification of or deviation from the exact provisions of this chapter as applied to a specific piece of property.

WIND TURBINE - a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

WIND ENERGY FACILITY - an electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, metrological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

YARD - an open, unoccupied space on the same lot with a building or other structure or use, open and unobstructed from the ground to the sky except for vegetation and accessory uses and/or structures to the extent specifically permitted by this Ordinance.

- (1) **FRONT YARD** - the open unoccupied space between the front building line and the street right-of-way line for the full width of the lot.
- (2) **SIDE YARD** - the open unoccupied space extending from the front yard to the rear yard between the side building line and the side lot line.
- (3) **REAR YARD** - the open unoccupied space between the rear building line and the rear lot line for the full width of the lot.

ZONING HEARING BOARD - the officially designated Zoning Hearing Board of the municipality.

ZONING OFFICER - the administrative officer charged with the duty of enforcing the provisions of this Ordinance.

ARTICLE 3
ESTABLISHMENT AND DESIGNATION OF DISTRICTS

301. District names. The several districts hereby established and into which the Township is divided are designated as follows:

- C Conservation District
- R Residential District
- MU-V Mixed Use - Village District
- CRH Commercial - Resort/Hotel District
- LI Light Industrial District
- I Industrial District

302. Zoning Map. The location and boundaries of said zoning districts are hereby established as shown on the Zoning Districts Map, Barrett Township, Monroe County, Pennsylvania dated September 2013, as amended, attached hereto and incorporated herein by reference, and hereby made part of this Ordinance. The Zoning Map and all notations, references, and designations shown thereon shall be as much a part of this Ordinance as if the same were all fully described and set forth herein.

303. Interpretation of boundaries. Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on said Zoning Map, the Board upon written application or upon its own motion shall determine the location of such boundaries.

304. Limitation of land use. Except as provided in this Ordinance, no building or part thereof, or other structure shall be erected, altered, added to, or enlarged; nor shall any land, building, structure of premises be used, designated, or intended to be used for any purpose other than as for the uses hereinafter listed as permitted in the district in which such building, land, or premises is located.

305. District regulations. The minimum regulations governing the size of lots, yards, height of buildings, and maximum building coverage within each zoning district shall be as set forth in this Ordinance.

**ARTICLE 4
CONSERVATION DISTRICT (C)**

401. Purpose and intent. The intent of the Conservation District is to protect sensitive environmental areas and unique natural areas while maintaining a low residential density by providing development standards for those appropriate uses.

402. Use regulations. A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surface, easements, buffer yards, off-street parking, and other provisions as are specified in this Ordinance.

A. Uses by right. Any of the following uses shall be permitted, provided the "Use Regulations," Article 10, of this Ordinance have also been met:

1. A-1, Agriculture and horticulture
2. A-2, Riding academy
3. A-3, Kennel
4. A-4, Forestry
5. B-1, Single-family detached dwelling
6. C-1, Place of worship
7. C-5, Recreational facility
8. C-7, Golf course
9. C-13, Municipal building or use
10. H-1, Home occupation
11. H-2, No impact home-based business
12. H-3, Residential accessory structure
13. H-7, Swimming pool
14. H-8, Keeping of livestock
15. H-9, Accessory apartment
16. H-10, Agricultural entertainment uses
17. H-12, Accessory wind energy system

18. H-13, Accessory solar energy system
- B. Uses permitted by conditional approval. Any of the following uses shall be permitted, provided the conditions for conditional use approval have been met in accordance with Article 15, in addition to "Use Regulations," Article 10, of this Ordinance have also been met:
1. B-6, Single-family detached cluster (conservation design)
 2. C-2, School
 3. C-6, Athletic facility
 4. C-12, Cemetery
 5. F-1, Utility operating facility
 6. F-2, Emergency services
 7. F-4, Telecommunications facility
 8. H-4, Accessory building
 9. H-6, Temporary structures and vehicles
- C. Area and dimensional regulations. The following area and dimensional requirements shall apply:
1. Minimum lot area:
 - a. Single-family detached dwelling 2 acre
 - b. All other uses 3 acres
 2. Minimum lot width: 200 feet
 3. Maximum building height: 35 feet
 4. Maximum impervious surface ratio: twenty-five percent (25%)
 5. Minimum yards:
 - a. Front 60 feet
 - b. Side 30 feet
 - c. Rear 60 feet
- D. Additional regulations.

1. The minimum area for each dwelling unit shall comply with the adjusted tract area and minimum net lot area requirements of the Section 1205.C.1.
2. In standard subdivisions of four or more lots without greenway lands (i.e. standard or conventional lotting) the minimum area for each dwelling unit shall be 2 1/2 acres in the R District, and 3 acres in the C District. Such subdivisions shall be permitted by conditional use only and shall comply with conditional use requirements as established in Section 1512 of this Ordinance. Standard subdivisions with three or fewer lots shall comply with the lot, yard and height regulations as required in Section 402.C unless otherwise specified in Article 10. Conservation subdivisions with greenway lands shall comply with lot, yard and height regulations as set forth in Section 1205.

ARTICLE 5
RESIDENTIAL DISTRICT (R)

501. Purpose and intent. The intent of the Residential District is to provide for residential neighborhoods that provide a mix of housing types, while permitting neighborhood-scale services, and to protect these areas from incompatible uses.

502. Use regulations. A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surface, easements, buffer yards, off-street parking, and other provisions as are specified in this Ordinance.

A. Uses by right. Any of the following uses shall be permitted, provided the "Use Regulations," Article 10, of this Ordinance have also been met:

1. A-1, Agriculture and horticulture
2. A-4, Forestry
3. B-1, Single-family detached dwelling
4. B-2, Twin dwelling
5. B-3, Duplex dwelling
6. B-4, Townhouse
7. B-5, Multi-family dwelling
8. B-6, Single-family detached cluster (conservation design)
9. C-1, Place of worship
10. C-5, Recreational facility
11. C-13, Municipal building or use
12. H-1, Home occupation
13. H-2, No impact home-based business
14. H-3, Residential accessory structure
15. H-7, Swimming pool
16. H-8, Keeping of livestock
17. H-9, Accessory apartment

18. H-12, Accessory wind energy system
 19. H-13, Accessory solar energy system
- B. Uses permitted by conditional approval. Any of the following uses shall be permitted, provided the conditions for conditional use approval have been met in accordance with Article 15, in addition to "Use Regulations," Article 10, of this Ordinance have also been met:
1. B-7, Residential conversion
 2. B-8, Mobile home park
 3. B-9, Group home
 4. C-2, School
 5. C-9, Child care facility
 6. C-11, Nursing home and/or assisted living facility
 7. E-20, Bed and breakfast
 8. F-1, Utility operating facility
 9. F-2, Emergency services
 10. F-4, Telecommunications facility
 11. H-4, Accessory building
 12. H-6, Temporary structure and vehicles
 13. H-11, Accessory contractor or trade
- C. Area and dimensional regulations. The following area and dimensional requirements shall apply:
1. Minimum lot area: 1.5 acre
 2. Minimum lot width: 125 feet
 3. Maximum building height: 35 feet
 4. Maximum impervious surface ratio: fifty percent (50%)
 5. Minimum yards:
 - a. Front 50 feet

- b. Side 15 feet
- c. Rear 25 feet

D. Additional regulations.

1. The minimum area for each dwelling unit shall comply with the adjusted tract area and minimum net lot area requirements of the Section 1205.C.1.
2. In standard subdivisions of four or more lots without greenway lands (i.e. standard or conventional lotting) the minimum area for each dwelling unit shall be 2 1/2 acres in the R District, and 3 acres in the C District. Such subdivisions shall be permitted by conditional use only and shall comply with conditional use requirements as established in Section 1512 of this Ordinance. Standard subdivisions with three or fewer lots shall comply with the lot, yard and height regulations as required in Section 502.C unless otherwise specified in Article 10. Conservation subdivisions with greenway lands shall comply with lot, yard and height regulations as set forth in Section 1205.

ARTICLE 6
MIXED USE - VILLAGE DISTRICT (MU-V)

601. Purpose and intent. The intent of the Mixed Use - Village District is to provide areas that are readily accessible to Township residents and others for a variety of retail and personal service uses. The development standards applied will encourage a mix of uses, help to ensure compatibility with nearby residential uses, and provide a desirable and safe center for village and related uses.

602. Use regulations. A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surface, easements, buffer yards, off-street parking, and other provisions as are specified in this Ordinance.

A. Uses by right. Any of the following uses shall be permitted, provided the "Use Regulations," Article 10, of this Ordinance have also been met:

1. A-4, Forestry
2. B-1, Single-family detached dwelling
3. B-2, Twin dwelling
4. B-3, Duplex dwelling
5. C-3, Commercial school
6. C-4, Library or museum
7. C-5, Recreational facility
8. C-13, Municipal building or use
9. D-1, Office
10. D-2, Medical office
11. E-1, Retail store
12. E-3, Service business
13. E-4, Financial establishment
14. E-5, Eating place
15. E-6, Eating place, drive-in/thru
16. E-14, Funeral home (not to include a crematorium)

17. E-15, Veterinary office or clinic
 18. E-17, Tavern or bar
 19. F-2, Emergency services
 20. H-1, Home occupation
 21. H-2, No impact home-based business
 22. H-7, Swimming pool
 23. H-8, Keeping of livestock
 24. H-9, Accessory apartment
 25. H-13, Accessory solar energy system
- B. Uses permitted by conditional approval. Any of the following uses shall be permitted, provided the conditions for conditional use approval have been met in accordance with Article 15, in addition to "Use Regulations," Article 10, of this Ordinance have also been met:
1. B-4, Townhouse
 2. B-5, Multi-family dwelling
 3. B-7, Residential conversion
 4. B-9, Group home
 5. C-1, Place of worship
 6. C-2, School
 7. C-8, Private club or community center
 8. C-9, Child care facility
 9. C-11, Nursing home and/or assisted living facility
 10. E-2, Large retail store
 11. E-7, Repair shop
 12. E-8, Motel, hotel and inn
 13. E-9, Commercial recreation and entertainment limited to movie theater or stage theater

14. E-10, Service station
15. E-11, Automotive sales (50 vehicles or less only)
16. E-13, Shopping center
17. E-16, Flea market
18. E-20, Bed and breakfast
19. F-1, Utility operating facility
20. H-3, Residential accessory structure
21. H-4, Accessory building
22. H-6, Temporary structures and vehicles

C. Area and dimensional regulations. The following area and dimensional requirements shall apply:

1. Minimum lot area:
 - a. Single-family detached dwelling 20,000 square feet
 - b. All other uses 10,000 square feet
2. Minimum lot width: 75 feet
3. Maximum building height: three (3) stories or 35 feet
4. Maximum impervious surface ratio: seventy percent (70%)
5. Minimum yards:
 - a. Front 15 feet
 - b. Side 15 feet¹
 - c. Rear 25 feet

D. Additional regulations.

1. Except for Use E-10 Service Station, the temporary sale of merchandise in front of the premises may be permitted only as a seasonal sale or a seasonal sidewalk

¹ Where two (2) or more adjacent property owners agree to share parking and access improvements, in a manner approved by the Board of Supervisors to ensure adequate improvements are provided and the requirements of this Ordinance and those of the Subdivision Ordinance will be met, the side yard requirement between or among the properties may be eliminated.

sale. However, no merchandise shall be placed on a sidewalk or shall impede the flow of vehicular traffic on the site.

2. No permanent storage of merchandise, articles, vending machines, equipment, etc. shall be permitted outside the building.
3. All permitted uses shall be compatible with the village character in terms of scale, architectural design and type of use. Architectural plans, including drawn building elevations and a description of building materials, shall be submitted with any application for a land development plan approval and shall be approved by the Board of Supervisors.
4. Pedestrian circulation by means of a sidewalk shall be provided along the arterial or collector road from which these uses take access.
5. Off- street parking shall be provided in accordance with Section 1302 provided, however, that the number of parking spaces for any use required in accordance with Section 1302.D may be reduced by up to 20% of the required number by the Board of Supervisors where the parking requirement is excessive based upon parking demand studies for uses or projects deemed by the Board of Supervisors to be comparable.
6. Parking for nonpublic, nonresidential uses shall be provided at the side or rear of the building and shall not be permitted within the front yard area or at the front of the building. For purposes of this section, the term "front of the building" shall be that area between lines extending perpendicular from the front corners of the building footprint at its widest points to the street line along the front of the building. Nor may parking be located within the minimum side yard (15 feet).
7. The following addition regulations are applicable for the E-10 Use, Service Station:
 - a. No vehicle shall be stored in the open, except those awaiting minor repairs, for a period exceeding seven consecutive days, unless screened from adjacent or residential properties.
 - b. Access to the street shall be physically controlled by a concrete curbing at least eight inches in height.
 - c. All automobile parts and similar articles shall be stored within a building.

ARTICLE 7
COMMERCIAL - RESORT/HOTEL DISTRICT (CRH)

701. Purpose and intent. The intent of the Commercial - Resort/Hotel District is to provide areas of retail and service uses that are readily accessible via major roads, and to promote and encourage the character of the Township as a resort destination.

702. Use regulations. A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surface, easements, buffer yards, off-street parking, and other provisions as are specified in this Ordinance.

A. Uses by right. Any of the following uses shall be permitted, provided the "Use Regulations," Article 10, of this Ordinance have also been met:

1. A-2, Riding academy
2. A-3, Kennel
3. A-4, Forestry
4. B-1, Single-family detached
5. B-3, Duplex dwelling
6. C-1, Place of worship
7. C-3, Commercial school
8. C-4, Library or museum
9. C-5, Recreational facility
10. C-6, Athletic facility
11. C-7, Golf course
12. C-8, Private club or community center
13. C-9, Child care facility
14. C-13, Municipal building or use
15. D-1, Office
16. D-2, Medical office
17. E-1, Retail store

18. E-3, Service business
19. E-4, Financial establishment
20. E-5, Eating place
21. E-6, Eating place, drive in/thru
22. E-8, Motel, hotel and inn
23. E-10, Service station
24. E-14, Funeral home (not to include a crematorium)
25. E-15, Veterinary office or clinic
26. E-17, Tavern or bar
27. E-18, Resort
28. E-20, Bed and breakfast
29. F-2, Emergency services
30. H-1, Home occupation
31. H-2, No impact home-based business
32. H-3, Residential accessory structure
33. H-4, Accessory building
34. H-6, Temporary structures and vehicles
35. H-7, Swimming pool
36. H-8, Keeping of livestock
37. H-9, Accessory apartment
38. H-12, Accessory wind energy system
39. H-13, Accessory solar energy system
40. H-14, Dormitory

B. Uses permitted by conditional approval. Any of the following uses shall be permitted, provided the conditions for conditional use approval have been met in accordance with

Article 15, in addition to "Use Regulations," Article 10, of this Ordinance have also been met:

1. B-4, Townhouse
 2. B-5, Multi-family dwelling
 3. B-6, Single-family detached cluster
 4. B-7, Residential conversion
 5. B-9, Group home
 6. C-2, School
 7. C-10, Hospital
 8. C-11, Nursing home and/or assisted living facility
 9. E-2, Large retail store
 10. E-7, Repair shop
 11. E-9, Commercial recreation and entertainment
 12. E-11, Automotive sales
 13. E-12, Car wash
 14. E-13, Shopping center
 15. E-16, Flea market
 16. F-1, Utility operating facility
 17. F-3, Terminal
 18. F-4, Telecommunications facility
 19. H-5, Outside storage
- C. Area and dimensional regulations. The following area and dimensional requirements shall apply:
1. Minimum lot area: 1 acre
 2. Minimum lot width: 150 feet
 3. Maximum building height: 35 feet

4. Maximum impervious surface ratio: sixty percent (60%)
5. Minimum yards:
 - a. Front 60 feet
 - b. Side 30 feet
 - c. Rear 40 feet

D. Additional regulations.

1. Reuse of existing buildings for uses in the CRH District is encouraged, even if they do not comply with area and dimensional requirements of this Ordinance.
2. Temporary sale of merchandise, articles, vending machines, equipment, etc. shall be permitted outside the building.
3. No permanent storage of merchandise, articles, vending machines, equipment, etc. shall be permitted outside the building.
4. Parking shall be provided at the side or rear of the building and shall not be permitted within the front yard area or at the front of the building.

**ARTICLE 8
LIGHT INDUSTRIAL DISTRICT (LI)**

801. Purpose and intent. The intent of the Light Industrial District is to provide an area for those industrial uses with minimum adverse impacts to the surrounding neighborhoods.

802. Use regulations. A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surface, easements, buffer yards, off-street parking, and other provisions as are specified in this Ordinance.

A. Uses by right. Any of the following uses shall be permitted, provided the "Use Regulations," Article 10, of this Ordinance have also been met:

1. A-4, Forestry
2. C-3, Commercial school
3. C-6, Athletic facility
4. C-8, Private club or community center
5. C-13, Municipal building or use
6. D-1, Office
7. D-2, Medical office
8. E-1, Retail store
9. E-4, Financial establishment
10. E-7, Repair shop
11. E-10, Service station
12. E-11, Automotive sales
13. E-12, Car wash
14. E-14, Funeral home
15. E-15, Veterinary office or clinic
16. F-1, Utility operating facility
17. F-2, Emergency services

18. G-2, Research
19. G-3, Mini warehouse, mini storage
20. G-4, Printing
21. G-5, Contract services
22. G-6, Trades
23. G-8, Building materials sale
24. H-1, Home occupation
25. H-2, No impact home-based business
26. H-3, Residential accessory structure
27. H-4, Accessory building
28. H-6, Temporary structures and vehicles
29. H-7, Swimming pool
30. H-8, Keeping of livestock
31. H-9, Accessory apartment
32. H-12, Accessory wind energy system
33. H-13, Accessory solar energy system
34. H-14, Dormitory

B. Uses permitted by conditional approval. Any of the following uses shall be permitted, provided the conditions for conditional use approval have been met in accordance with Article 15, in addition to "Use Regulations," Article 10, of this Ordinance have also been met:

1. B-1, Single-family detached
2. C-10, Hospital
3. E-2, Large retail store
4. E-9, Commercial recreation and entertainment
5. E-13, Shopping center

6. F-3, Terminal
7. F-4, Telecommunications facility
8. G-1, Manufacturing
9. G-9, Equipment storage yards
10. G-10, Truck terminal
11. G-12, Recycling facility
12. G-13, Mineral extractionG-15, Warehouse
13. H-5, Outside storage

C. Area and dimensional regulations. The following area and dimensional requirements shall apply:

1. Minimum lot area: 2 acres
2. Minimum lot width: 200 feet
3. Maximum building height: 35 feet
4. Maximum impervious surface ratio: sixty percent (60%)
5. Minimum yards:
 - a. Front 100 feet
 - b. Side 50 feet
 - c. Rear 75 feet

D. Additional regulations.

1. No product or goods shall be publicly displayed on the exterior of the premises.

**ARTICLE 9
INDUSTRIAL DISTRICT (I)**

- 901. Purpose and intent.** The intent of the Industrial District is to provide an area for manufacturing and other related uses, and to reserve land for the functions of industrial activity, wholesaling, warehousing, and distribution.
- 902. Use regulations.** A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses, and no other, provided that such uses shall comply with such regulations as yard, lot size, lot width, building area and height, impervious surface, easements, buffer yards, off-street parking, and other provisions as are specified in this Ordinance.
- A. Uses by right. Any of the following uses shall be permitted, provided the "Use Regulations," Article 10, of this Ordinance have also been met:
1. A-4, Forestry
 2. C-13, Municipal building or use
 3. E-7, Repair shop
 4. E-10, Service station
 5. E-11, Automotive sales
 6. E-12, Car wash
 7. F-1, Utility operating facility
 8. F-2, Emergency services
 9. F-3, Terminal
 10. F-4, Telecommunications facility
 11. G-1, Manufacturing
 12. G-2, Research
 13. G-3, Mini warehouse, mini storage
 14. G-4, Printing
 15. G-5, Contract services
 16. G-6, Trades
 17. G-7, Fuel storage and distribution

18. G-8, Building materials sale
19. G-13, Mineral extraction
20. G-15, Warehouse
21. H-1, Home occupation
22. H-2, No impact home-based business
23. H-3, Residential accessory structure
24. H-4, Accessory building
25. H-6, Temporary structures and vehicles
26. H-7, Swimming pool
27. H-8, Keeping of livestock
28. H-9, Accessory apartment
29. H-12, Accessory wind energy system
30. H-13, Accessory solar energy system
31. H-14, Dormitory

B. Uses permitted by conditional approval. Any of the following uses shall be permitted, provided the conditions for conditional use approval have been met in accordance with Article 15, in addition to "Use Regulations," Article 10, of this Ordinance have also been met:

1. B-1, Single-family detached
2. C-10, Hospital
3. C-14, Detention facility
4. E-19, Adult-oriented use
5. G-9, Equipment storage yards
6. G-10, Truck terminal
7. G-11, Food processing
8. G-12, Recycling facility

9. G-14, Laundry, dry-cleaning or dyeing plant
 10. G-16, Junkyard
 11. G-17, Lawful use not otherwise permitted
 12. H-5, Outside storage
- C. Area and dimensional regulations. The following area and dimensional requirements shall apply:
1. Minimum lot area: 2 acres
 2. Minimum lot width: 200 feet
 3. Maximum building height: 35 feet
 4. Maximum impervious surface ratio: seventy percent (70%)
 5. Minimum yards:
 - a. Front 100 feet
 - b. Side 50 feet
 - c. Rear 75 feet
- D. Additional regulations.
1. No product or goods shall be publicly displayed on the exterior of the premises.

**ARTICLE 10
USE REGULATIONS**

1001. Applicability. Except as provided by law or this Ordinance, in each district no building, structure or land shall be used or occupied except for the purposes permitted in the zoning districts as indicated herein.

1002. Uses subject to other regulations.

- A. All uses permitted by right or conditional use shall be subject, in addition to use regulations, to such regulations of yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking and such other provisions as are specified in other articles herein.
- B. All uses permitted in the Township shall be subject, in addition to these Ordinance regulations, to all other applicable Township, county, state or federal requirements and licensing regulations and to the requirements of any other agency having jurisdiction over such matters. These include, but are not limited to, regulations for licensing of human service activities, requirements for accessibility of the disabled, sewage disposal requirements, water supply regulations, soil erosion and sedimentation control requirements, floodplain regulations, state road regulations and fire protection requirements.

1003. Use regulations.

- A. Agricultural uses.
 - 1. A-1. Agriculture and horticulture. Agriculture and horticulture shall be limited to uses such as tilling of soil; raising of livestock; growing trees, shrubs, flowers or vegetables; and related farmhouses and usual farm buildings; single-family detached dwellings for the sole use of individuals and the immediate families engaged in agricultural employment on the same site or for the immediate family of the landowner or for persons engaged in agricultural employment on the property.
 - a. All buildings associated with the use, i.e. barns, sheds, silos, etc., shall be permitted, provided that no building shall be located any closer than 100 feet to any street line, proposed street line or a dwelling other than the owner's dwelling and not less than 50 feet from any other property line. Any building or structure used for the keeping or raising of livestock, horses or poultry shall be situated not less than 100 feet from any street line or property line.
 - b. A nursery or produce sales yard or farm stand as part of this use shall be permitted for the sale of products grown on the property. In addition, the buying of some plants or products for resale will be permitted so long as the buying and resale does not result in the cultivation and sale of products

produced on the property becoming mere accessories to the commercial buying and resale. Access to the tract must be controlled by physical means to limit access to two points. The access points shall be no more than 24 feet wide, and the location of the use shall not be closer to any intersection than 60 feet. Sales buildings or stands shall comply with the minimum yard requirements of the district. An annual permit shall be secured from the Zoning Officer for a nursery or produce sales yard or farm stand. Such use does not include landscape contracting.

- c. The minimum lot area shall be two acres, except as specified below.
 - (i) The keeping of livestock, horses or poultry shall be limited to lots of at least five acres in area and shall be limited to two heads of livestock or horses or 25 fowl per acre.
 - (ii) Intensive agriculture, such as mushroom houses, feedlots or confinement livestock or poultry operations, taking place in structures or closed pens shall require a minimum lot size of five acres and shall not be situated less than 30 feet from any stream, swale or body of water.
 - d. A plan must be submitted setting forth and indicating the system by which liquid and solid waste will be disposed of and shall be in accordance with regulations set forth by the Pennsylvania Department of Environmental Protection.
 - e. This use shall not include riding academies, livery or boarding stables, commercial dog kennels and the raising of fur-bearing animals.
2. A-2. Riding academy. Riding academy, livery or boarding stable, subject to the following provisions:
- a. A lot area of not less than 5 acres shall be required.
 - b. Dwellings and accessory farm buildings shall be permitted in accordance with the regulations for agriculture and horticulture use A-1.
 - c. No more than one horse per acre shall be permitted.
3. A-3. Kennel. The keeping of more than ten dogs, cats, ferret or other animals customarily kept as household pets that are more than four months old for breeding, training, selling or boarding for a fee is permitted, provided that the following conditions are met.
- a. Minimum lot size shall be two acres.

- b. No animal shelter or runway shall be located closer than 300 feet to any residential building other than the owner's or closer than 100 feet to the property line.
 - c. The kennel shall be constructed so that the animals cannot stray therefrom.
 - d. All animals must be kept indoors between 10:00 p.m. and 7:00 a.m.
4. A-4. Forestry. In order to conserve forested open space and the environmental and economic benefits they provide, it is the policy of Barrett Township to encourage the owners of forestland to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, and amenity values. The timber harvesting regulations are intended to further this policy by (1) promoting good forest stewardship; (2) protecting the rights of adjoining property owners; (3) minimizing the potential for adverse environmental impacts; and (4) avoiding unreasonable and unnecessary restrictions on the right to practice forestry.
- a. General regulations. A zoning permit shall be required for all forestry activities, however, an individual property owner need not obtain a permit to cut a tree(s) as part of normal home maintenance and upkeep, and the following activities are specifically exempted from the permit requirement:
 - (i) Removal of diseased or dead trees.
 - (ii) Removal of trees which are in such condition or physical position as to constitute a danger to the structures or occupants of properties or public rights-of-way.
 - (iii) Removal of trees in accordance with a land development plan approved by the Township.
 - (iv) Christmas tree farming.
 - (v) Orchard operations.
 - (vi) Removal of nursery stock.
 - b. Definitions. As used herein, the following terms shall have the meaning given them in this Section.
 - (i) "Clear cutting" means the removal and cutting of an entire timber stand.
 - (ii) "Felling" means the act of cutting a standing tree so that it falls to the ground.

- (iii) "Forestry" means the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.
- (iv) "Landing" means a place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.
- (v) "Landowner" means an individual, partnership, company, firm, association, or corporation that is in actual control of forest land, whether such control is based on legal or equitable title, or any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer timber harvesting.
- (vi) "Litter" means discarded items not naturally occurring on the site such as tires, oilcans, equipment parts, and other rubbish.
- (vii) "Lop" means to cut tops and slash into smaller pieces to allow material to settle close to the ground.
- (viii) "Operator" means an individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.
- (ix) "Pre-commercial timber stand improvement" means a forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the land owner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.
- (x) "Skidding" means dragging trees on the ground from the stump to the landing by any means.
- (xi) "Slash" means woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.
- (xii) "Stand" means any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.
- (xiii) "Stream" means any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and bank.

- (xiv) "Timber harvesting," "tree harvesting," or "logging" means that part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.
 - (xv) "Top" means the upper portion of a felled tree that is not merchantable because of small size, taper, or defect.
 - (xvi) "Wetland" means areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs, and similar areas.
- c. Permit; Preparation of forestry/logging plan.
- (i) For all forestry operations the landowner shall notify the Township Zoning Officer at least ten (10) business days before the operation commences and within five (5) business days before the operation is complete. The landowner whose land is to be harvested shall provide at least fourteen (14) days written notice to all property owners within 500 feet of the site of the harvest. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.
 - (ii) Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this ordinance. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Township Zoning Officer upon request.
 - (iii) Responsibility for compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.
- d. Contents of the forestry/logging plan. As a minimum, the forestry/logging plan shall include the following:
- (i) Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails and landings;

- (ii) Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
 - (iii) Design, construction, and maintenance of stream and wetland crossings;
 - (iv) The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways;
 - (v) A sketch map or drawing containing the site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property; significant topographic features related to potential environmental problems; location of all earth disturbance activities such as roads, landings, and water control measures and structures; location of all crossings of waters of the Commonwealth; and the general location of the proposed operation to municipal and state highways, including any accesses to those highways; and
 - (vi) Compliance with the requirements of all applicable federal, state and local regulations including, but not limited to, the Best Management Practices (BMPs) as set forth in 33 CFR 323.4(a)(6)(i-xv); the Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. 691.1 et seq.); and Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. 693.1 et seq.). Any permits required by state laws and regulations shall be attached to and become part of the logging plan.
- e. Forestry practices. The following requirements shall apply to all forestry operations in the Township.
- (i) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
 - (ii) No tops or slash shall be left within twenty-five feet of any public thoroughfare or private roadway providing access to adjoining residential property.

- (iii) All tops and slash between twenty-five and fifty feet from a public roadway or private roadway providing access to adjoining residential property or within fifty feet of adjoining residential property shall be lopped to a maximum height of four feet above the ground.
 - (iv) No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
 - (v) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
 - (vi) Any soil, stones and/or debris carried onto public roadways must be removed immediately.
 - (vii) When the harvest is completed, both dirt roads used by the trucks and skid roads used to drag the logs from the woods to the loading area must be graded approximately to original contours, and be seeded and mulched as necessary to establish stable groundcover.
 - (viii) Clear cutting of woodlands as defined by this Ordinance shall be prohibited.
- f. Financial security shall be established in a manner acceptable to the Township to guarantee repair of all damage that may occur to public roads due to the forestry/logging operations, and to guarantee compliance with erosion and sedimentation control plans, compliance with stormwater management plans, and restoration of the site upon completion of logging operations. Pursuant to 67 Pa. Code, Chapter 189, the Township may also require the landowner or operator to furnish a bond to guarantee the repair of such roads.
- g. Enforcement.
- (i) Inspections. The Township Zoning Officer may go upon the site of any timber harvesting operation before, during, or after active logging to (1) review the logging plan or any other required documents for compliance with this Ordinance and (2) inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.
 - (ii) Violation notices, penalties. Upon finding that a timber harvesting operation is in violation of any provision of this Ordinance, the Township Zoning Officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. The Township Zoning Officer may order the immediate suspension

of any operation upon finding that (1) corrective action has not been taken by the date specified in a notice of violation; (2) the operation is proceeding without a logging plan; or (3) the operation is causing immediate harm to the environment. Suspension orders shall be in writing, shall be issued to the operator and the landowner, and shall remain in effect until, as determined by the Township Zoning Officer, the operation is brought into compliance with this Ordinance or other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of the Zoning Officer within thirty days of issuance to the governing body of the Township. Any landowner or operator who violates any provision of this Ordinance shall be subject to a fine of not less than one hundred (100) dollars nor more than five hundred (500) dollars, plus costs for each separate offense. Each day of continued violation of any provisions of this Ordinance shall constitute a separate offense.

B. Residential uses.

1. B-1. Single-family detached dwelling. A single-family detached dwelling shall include a single dwelling unit with a front, rear and two side yards.
2. B-2. Twin dwelling (semidetached). A twin dwelling shall include a building containing two attached dwelling units that share a common wall at the lot line and that are on separate lots consisting of one side yard.
3. B-3. Duplex dwelling. A duplex dwelling shall include a building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
4. B-4. Townhouse. A townhouse shall include a single-family attached dwelling unit located on its own separate lot which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall. A townhouse shall be permitted provided the following conditions are met:
 - a. Dwellings shall be arranged in groups or clusters and not in long rows parallel to street lines. An average of five (5) dwelling units in a row shall be permitted, with no more than eight (8) dwelling units in a group. The total length of the row shall not exceed one hundred and twenty (120) feet.
 - b. To create architectural interest in the layout and character of housing fronting streets, variations in setbacks, materials and design shall be encouraged. In any case, a minimum of two (2) feet variation in setback shall occur at least every third dwelling.

- c. The distance between any two buildings shall not be less than 35 feet.
- 5. B-5. Multi-family dwelling. A multi-family dwelling shall include a dwelling or group of dwellings on one lot, containing separate living units for three or more families. This use does not include group homes, dormitories, assisted living units or nursing homes.
 - a. The distance between any two buildings shall not be less than 35 feet.
 - b. The distance between any building face and a parking area shall not be less than 20 feet.
- 6. B-6. Single-family detached cluster (conservation design). A single-family detached cluster use shall be limited to single-family detached dwellings on individual lots and shall comply with the requirements of Article 12, Conservation Design Overlay District.
- 7. B-7. Residential conversion. Such use shall be limited to the conversion of an existing dwelling into more than one dwelling unit or the conversion of an accessory building into no more than one dwelling unit, provided that:
 - a. Each dwelling unit shall not have less than 750 square feet of floor area.
 - b. The lot area per family shall not be reduced thereby to an amount less than 75% of that required by this Ordinance for the district in which the designated lot is located.
 - c. There shall be no external alteration of the building area except as may be necessary for reasons of safety. Fire escapes and outside stairways shall, where practical, be located to the rear of the building.
- 8. B-8. Mobile home park. A mobile home park shall include a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.
 - a. A minimum lot area of twenty (20) acres is required.
 - b. All interior roadways shall have a right-of-way width of at least thirty (30) feet and a paved cartway width of at least twenty (20) feet.
 - c. Each mobile home lot shall be no less than 7,500 square feet.
 - d. A buffer strip of at least one hundred (100) feet shall be maintained from any mobile home lot and any exterior property lines or public roads.
 - e. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide

sufficient ventilation to inhibit decay and deterioration of the structure. The hitch which is employed for the normal movement of the unit shall be removed.

- f. No mobile home shall be erected on a mobile home lot except upon a mobile home pad. Each mobile home unit shall have its own separate pad. Each mobile home pad shall be at least equal in length and width to the dimensions of the mobile home to be placed thereon. The pad, at least six (6) inches in thickness, shall be constructed from concrete, asphalt concrete, or other material adequate to support the mobile home and prevent abnormal settling or heaving under weight of the home. In order to prevent wind overturn and rocking the corners of the mobile home shall be secured with at least six (6) tie-downs, such as concrete "dead men", screw augers, arrowhead anchors, or other devices suitable to withstand a tension of at least 2,800 pounds.

- g. All mobile home parks shall meet all applicable standards of the Subdivision Ordinance of the Township of Barrett.

- 9. B-9. Group home. Such facilities shall be for the purpose of providing temporary or permanent housing for persons who are unable to provide a home for themselves, including the mentally or physically disabled.

- a. The use shall include adequate supervision by persons trained in the field the group home serves. An employee shall be on premises twenty-four (24) hours a day.

- b. If applicable, the use shall be licensed or certified under an applicable federal, state or county program. A copy of any such license or certification shall be filed with the Zoning Officer.

- c. A group home shall be maintained and/or constructed with a clearly residential appearance. There shall be no sign or other exterior indication of a group home visible from the street.

- d. A group home shall meet the required lot area, yard, and lot width requirements for single-family detached dwellings in the applicable zoning district in which it is located.

C. Religious, educational, recreational and institutional uses.

- 1. C-1. Place of worship. Such use shall include a church, synagogue, mosque, temple, monastery or other place of worship, provided:

- a. The minimum yard requirements are as follows:

- (i) Front yard: 25 feet

- (ii) Side yard: 50 feet
 - (iii) Rear yard: 50 feet
- 2. C-2. School. A school shall include a private school, religious or non-religious, and a public school which is not conducted as a private, gainful business, and is licensed under the proper governmental authority, provided:
 - a. The minimum lot area for elementary schools, junior high schools, middle schools or high schools shall meet the minimum requirements of the Pennsylvania State Board of Education.
 - b. Outdoor play areas shall be screened so as to protect adjacent areas from inappropriate noise and other disturbances.
 - c. An outdoor athletic field, court or play area shall be located no closer than fifty (50) feet to any lot line or street line.
 - d. The minimum yard requirements are as follows:
 - (i) Front yard: 50 feet
 - (ii) Side yard: 50 feet
 - (iii) Rear yard: 50 feet
 - e. Parking areas shall not be located closer than twenty-five (25) feet to any lot line or street line.
- 3. C-3. Commercial school. Such use shall include trade, professional, music or dancing schools, operated as a commercial business.
- 4. C-4. Library or museum. Such use shall include a library or museum open to the public or connected with a permitted educational use and operated by a public or quasi-public institution.
- 5. C-5. Recreational facility. Such use shall include a public park, nature preserve or outdoor recreation area, owned and operated by the Township, county, state or federal government, subject to the following:
 - a. No outdoor active recreational area shall be located closer than 50 feet to any lot line, unless the adjacent property is preserved open space or park land.
 - b. A planted buffer 30 feet in width, and in accordance with Section 1304 of this Ordinance, shall be provided where the use abuts existing residences or where properties that adjoin are zoned for residential use and are not preserved open space or park land.

- c. A minimum lot area of one acre is required.
 - d. This use shall not include a shooting range or target or gun club.
- 6. C-6. Athletic facility. Such use shall include a recreational facility owned or operated by a nongovernmental agency, including fitness clubs or athletic training centers, dance or gymnastics studios, tennis, racquetball or squash clubs, and facilities related thereto, provided:
 - a. A minimum lot size of one acre is required.
 - b. This use shall not permit amusement parks, wild animal parks, zoos, shooting range or target or gun club, or any other activity specifically listed by this Ordinance as commercial recreation and entertainment or recreational facility.
 - c. No outdoor active recreational area shall be located closer than 50 feet to any lot line.
 - d. A planted buffer 30 feet in width, and in accordance with Section 1304 of this Ordinance, shall be provided where the use abuts existing residences or where properties that adjoin are zoned for residential use.
- 7. C-7. Golf course. A golf course may include a golf course, a club house, restaurant and other accessory uses, provided that these are clearly accessory to the golf course, and is subject to the following provisions:
 - a. A lot area of not less than thirty (30) acres shall be provided.
 - b. No building shall be closer than 100 feet to any lot line.
- 8. C-8. Private club or community center. A building and related facilities used for fraternal, educational, social, cultural or recreational activities, owned or operated by a corporation, association or group of individuals, or by an educational, philanthropic, governmental or religious institution.
 - a. No outdoor active recreational area shall be located closer than 50 feet to any lot line.
 - b. In residential districts, private organizations and community centers shall be limited to those operated by groups which do not provide dining services and/or the service of alcoholic beverages.
- 9. C-9. Child care facility. Such use shall include a family day care, home, a group day care, home, or a day care center.
 - a. The facility shall meet all applicable design, site and area standards of the Pennsylvania Department of Public Welfare, Day-Care Division.

- b. Outdoor play areas shall only be permitted in the rear and/or side yard of the property.
 - c. Each outdoor play area shall be completely surrounded by a fence which is at least four (4) feet in height and which does not allow access to or from the premises by a child.
10. C-10. Hospital. A state-licensed facility subject to the following provisions:
- a. The minimum lot area shall be 5 acres.
 - b. The minimum lot width shall be 200 feet.
 - c. Emergency and service entrances shall be located so as not to be offensive to adjoining residential areas.
11. C-11. Nursing home and/or assisted living facility.
- a. A minimum of fifteen percent (15%) of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walkways.
12. C-12. Cemetery. A cemetery shall include a burial place or graveyard, including a mausoleum, crematory, or columbarium, provided:
- a. Cemetery area and bulk regulations.
 - (i) The minimum lot size shall be 10 acres.
 - (ii) No more than 10% of the entire area, to a maximum of one acre, may be devoted to aboveground buildings not serving as burial markers or memorials, such as business and administration offices, chapels, maintenance facilities, greenhouses, workhouses, repair shops and the like. This restriction includes parking facilities.
 - (iii) For all accessory buildings, the minimum yard requirements shall be the same as for single-family detached dwellings in the zone in which the cemetery is located.
 - (iv) A buffer strip of at least 20 feet shall be provided, in accordance with Section 1304 of this Ordinance, between building or burial sites and the cemetery property line.
 - (v) One dwelling, to be used for custodial personnel, may be permitted.
 - b. Cemetery design standards.

- (i) The maximum height of buildings, including dwelling units where permitted, shall be two stories or 35 feet.
- (ii) For all entrance features, including gates, fountains, statuary, identification signs and the like:

There shall be not more than two identification signs at such entrance.

The main portion of entrance features shall be located no closer to the nearest right-of-way line of any public street than a distance equal to the building setback line required in the district in which the cemetery is located.

No such entrance features shall exceed 12 feet in height.

- c. Such use may be an accessory use to any place of worship.

13. C-13. Municipal building or use. Such use shall be limited to a municipal or governmental administration building, municipal police station, courthouse, district justice office, road maintenance facility and such other uses as would customarily be associated with the operations of government, except such use shall not be deemed to encompass a landfill, incinerator or other waste disposal facility.

14. C-14. Detention facility. Such use shall be limited to facilities owned and operated by any governmental entity and shall be limited to the following:

- a. A juvenile detention facility as described and regulated in 42 Pa.C.S.A. § 6327.
- b. A rehabilitation center providing for minimum security detention of prisoners for work release or partial confinement. Such rehabilitation center shall not include facilities for the total confinement of prisoners who have been sentenced or who are awaiting trial.
- c. A penitentiary, correctional institution or prison.

D. Office uses.

1. D-1. Office. A building for business, professional or governmental offices, provided that:

- a. Such use shall be carried on wholly indoors and within the principal building.
- b. No office building shall include a store, beauty shop or other personal service shop.

- c. Except in the Mixed Use - Village (MU-V) District, no structure erected or renovated for office use shall include any dwelling unit or units.
 - 2. D-2. Medical office. Such use shall be limited to a building or buildings for physicians or dentists or other medical professionals for examination or treatment of persons as outpatients and laboratories incidental thereto.
- E. Retail and consumer services uses.
 - 1. E-1. Retail store. A retail store shall include a store selling apparel, baked goods, books, confections, catering services, drugs, dry goods, flowers, foodstuffs, furniture, gifts, hardware, household appliances, jewelry, liquor, milk, notions, periodicals, shoes, stationery, tobacco, toys, paint, records, cards, novelties, hobby and art supplies, music, luggage, sporting goods, pets, floor covering, garden supplies, plants, fabrics and beer and soft drinks or other retail goods, provided that:
 - a. Stores with a gross floor area in excess of 10,000 square feet are not included. Retail stores in excess of 10,000 square feet must meet the requirements of use E-2, Large Retail Store, and are permitted only in districts where use E-2 is permitted.
 - b. There shall be no sales of gasoline or motor vehicle fuel in any retail store. The sale of gasoline or motor vehicle fuel shall require the use to be classified as a Service Station, use E-10, and shall meet the requirements of that use and shall only be permitted in zoning districts where the Service Station Use E-10 is permitted.
 - c. Gasoline sales or motor vehicle fuel sales shall not be permitted as uses accessory to E-1 Retail Store Uses.
 - 2. E-2. Large retail store. A large retail store shall include a store with greater than ten thousand (10,000) square feet of floor area including, regardless of size, any variety store, supermarket, department store, and discount store.
 - 3. E-3. Service business. A service business shall include such uses as a barber, beautician, laundry and dry cleaning (whether or not coin-operated), shoe repair, tailor, photographer, newspaper, printer and travel agency.
 - 4. E-4. Financial establishment. A financial establishment shall be limited to a bank, savings and loan association, credit union or other financial establishment, provided that if a drive-in window is provided, a stacking area to accommodate at least four vehicles shall be provided for each drive-in window.
 - 5. E-5. Eating place. An eating place shall be limited to any place for the sale and consumption of food and beverages, provided that:
 - a. Drive-in/thru service is prohibited.

- b. The sale of alcoholic beverages must be incidental to the sale and consumption of food.
6. E-6. Eating place, drive in/thru. Such use shall be limited to cafeterias and eating establishments in which the principal business is the sale of foods and/or beverages in a ready-to-consume state for consumption either within the restaurant building or for carryout with consumption off the premises, provided that:
- a. There shall be only one point of ingress and only one point of egress per collector or arterial street.
 - b. Where a drive-in window is proposed, a stacking lane shall be provided to serve a minimum of four cars. The stacking lane shall not be used for parking lot circulation aisles nor shall it in any way conflict with through circulation or parking.
 - c. A pedestrian walkway shall be provided between an existing sidewalk and the entrance to the restaurant. If there is no sidewalk, one shall be provided along the street frontage.
 - d. All such restaurants shall provide a trash storage area which shall be screened from the street and adjacent properties, in accordance with this chapter, to prevent trash from blowing from the area and to permit safe and easy removal of the trash.
 - e. Trash receptacles shall be provided outside the restaurant for patron use.
7. E-7. Repair shop. A repair shop shall include any business for the repair of appliances, lawn mowers, watches, guns, bicycles, locks and small business machines (but not including automobile, vehicle and motorcycle repairs).
8. E-8. Motel, hotel, and inn. Such use shall be limited to a building or group of buildings containing rooms for rent for the accommodation of transient guests, plus an eating place, provided that:
- a. The minimum lot area shall be 2 acres.
 - b. Any retail or commercial use accessory to the hotel, motel or inn use shall be subject to the following restrictions:
 - (i) The accessory use shall be contained within the hotel, motel or inn building(s), and any customer entrance to any place of business, except for a banquet, convention or conference center associated with the hotel, motel or inn, shall be from inside the building.

- (ii) The accessory use, except for a banquet, convention or conference center associated with the hotel, motel or inn, shall be principally for customers of the hotel, motel or inn.
 - (iii) There shall be no display of merchandise or other manifestation of commercial or retail use visible from the street or property line.
- 9. E-9. Commercial recreation and entertainment. An indoor or outdoor entertainment or recreational facility operated as a commercial venture, which may include a bowling alley, skating rink, movie theater, theater, games arcade, recreational camps, driving range, chip and putt golf or miniature golf.
 - a. No outdoor active recreation area shall be located nearer to any lot line than 100 feet.
 - b. Outdoor play areas shall be sufficiently screened with a planted buffer 10 feet in width, in accordance with Section 1304 of this Ordinance.
 - c. This use does not include a shooting range or target or gun club.
- 10. E-10. Service station. A service station shall be limited to a building or group of buildings for the sale of petroleum products, tires and automotive service, provided that:
 - a. A minimum lot width of not less than 200 feet shall be provided along each street on which the lot abuts.
 - b. The minimum lot area shall be one acre.
 - c. All fuel tanks shall be placed underground.
 - d. All pumps, lifts and other service facilities shall be located not closer than 35 feet to any lot or street line.
 - e. All lubricating, making of minor repairs or similar activities shall be performed in an enclosed building.
 - f. Separate accessways shall be provided for the safe and convenient egress and ingress of motor vehicles. No accessway shall exceed 35 feet in width nor be less than 15 feet in width.
 - g. All refuse shall be stored within a building or enclosed area.
 - h. Junk vehicles shall not be stored in the open at any time.
 - i. The sale or rental of automobiles, trucks, trailers or other vehicles shall be limited and shall be clearly accessory to the principal use of the property.

- j. Convenience shopping shall be permitted as an accessory use to the sale of petroleum products, provided that it shall be in lieu of the sale of tires and automotive service.
 - k. Service stations designed to offer to the public self-service facilities for dispensing of gasoline and other motor vehicle fuels shall meet the following conditions:
 - (i) At least one qualified attendant shall be on duty while the station is open to the public, whose primary function shall be to supervise, observe and control dispensing of flammable or combustible liquids.
 - (ii) The attendants shall be situated so as to have a clear view of the dispensing operations.
 - (iii) A voice communication system, such as but not limited to an intercom system, shall be provided so as to allow direct voice communications at all times between the person dispensing flammable or combustible liquids and the attendant.
 - (iv) Emergency controls, including the main power shutoff, shall be conspicuously posted in the immediate vicinity of the principal control or the dispenser island.
 - (v) Instructions for the operation of the dispensers shall be conspicuously posted on either the dispenser or the dispenser island.
 - (vi) A list of emergency procedures and instructions shall be conspicuously posted in the immediate vicinity of the principal control location of the attendant.
 - (vii) Fire-extinguishing and flammable liquids dispensing equipment shall be approved through National Standards testing.
 - (viii) At least one fire extinguisher shall be located within 25 feet of each gasoline pump.
 - (ix) Warning signs shall be placed in a conspicuous place with each sign indicating "Warning: (a) It is unlawful to dispense gasoline into any portable container unless the container is constructed of metal or is approved by the Fire Marshal; (b) No smoking; (c) Stop motor."
11. E-11. Automotive sales. Automotive sales shall be limited to the sale and lease of automobiles by a duly franchised new car, truck, boat or motorcycle dealership;

used car, truck, boat or motorcycle sales; or car, truck, trailer, motorcycle and/or boat rentals; farm machinery or travel campers, provided that:

- a. Lighting. All outside lighting shall be directed in such a way as not to create a nuisance to any adjacent property, and all lighting shall be arranged and shielded so as to protect the street or highway and adjoining property from direct glare or hazardous interference of any kind.
- b. All facilities shall be located and all services be conducted within the confines of the lot.
- c. All preparation, lubrication, repair or similar activities shall be accessory.

12. E-12. Car wash.

- a. A car wash shall include a water-recycling facility.
- b. Car washes shall be designed with a stacking area adequate for four cars so that waiting cars do not interfere with traffic flow.

13. E-13 Shopping center. A group of commercial, office, and related establishments which is for planned, constructed, and managed as a total entity, where parking spaces, stormwater management facilities, access drives, lighting systems, and other improvements are shared by three (3) or more uses.

- a. Such centers shall have a lot area of not less than 3 acres.
- b. The shopping center shall be constructed in accordance with an overall plan and designed with a single architectural style approved by the Board of Supervisors.
- c. All establishments in the shopping center must have vehicular service access either from an individual service yard or from a common service area serving several establishments. All such service areas must be segregated from public areas and screened from public view.
- d. Within a tract to be used for a shopping center, subdivision of the tract into individual lots is not permitted.

14. E-14. Funeral home. Such use shall include a mortuary or funeral home and shall not include a cemetery, columbarium, mausoleum or other permanent storage facility.

15. E-15. Veterinary office or clinic. Such use shall be limited to the office of veterinarian. If a kennel is part of the office or clinic, the use shall meet the regulations of use A-3, Kennel.

16. E-16. Flea market. The outdoor sale of handicraft items, art, flowers, household goods and antiques, provided that:
 - a. The minimum site area shall be two acres.
 - b. The minimum setback from all property lines and the street right-of-way line shall be 50 feet.
 - c. Tables and other accessories to the flea market use shall be stored within a completely enclosed building when the market is not open or otherwise in operation.
17. E-17. Tavern or bar. Such use shall include an establishment which serves alcoholic beverages for on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board.
18. E-18. Resort. Such use shall include a building or group of buildings containing guest rooms, with a large portion of the site devoted to recreational activities, such as, golfing, swimming, skiing, equestrian facilities, and similar activities, as well as dining and/or catering facilities.
 - a. A minimum lot area of five acres is required.
19. E-19. Adult-oriented businesses.
 - a. It shall be unlawful to establish an adult bookstore, adult motion picture theater or cabaret in any residential zone.
 - b. It shall be unlawful to establish an adult bookstore, adult motion picture theater or cabaret within three thousand (3,000) feet of any existing adult bookstore, adult motion picture theater or cabaret.
 - c. It shall be unlawful to establish an adult bookstore, adult motion picture theater or cabaret within three thousand (3,000) feet of any school, church, or residential zone except as a conditional use in accordance with the procedure hereinafter set forth. The Board of Supervisors may authorize the establishment of an adult bookstore, adult motion picture theater or cabaret within three thousand (3,000) feet of a school, church or residential zone as a conditional use only if the following findings are made:
 - (i) That the proposed use will not adversely affect the safe and comfortable enjoyment of properties in the neighborhood and will not be detrimental to the general character of the area.
 - (ii) That the establishment of the proposed use in the area will not be contrary to any program of neighborhood conservation and will not interfere with any program or urban renewal.

20. E-20. Bed and breakfast. Such use shall include any building used for accommodation of transient guests which is not a motel, hotel or in subject to the following conditions and restrictions:
- a. No more than two adults and two children may occupy one guest room.
 - b. At least one bathroom shall be provided for each two guest rooms.
 - c. There shall be no separate kitchen or cooking facilities in any guest room.
 - d. The maximum uninterrupted length of stay shall be thirty (30) days.
 - e. The use of amenities provided by the proprietor (i.e. swimming pool or tennis courts, etc.), and the serving of meals shall be restricted to the guests of the establishment.

F. All common carriers, public utilities and public service organizations.

1. F-1. Utility operating facility. Such use shall include a sewage pumping station, electrical substation, telephone substation, sewage treatment plant, and any public service or utility, not including a public incinerator, public or private landfill, or a telecommunications facility or tower, and provided that the following conditions are met:
- a. Such installation must be essential to serve the Township of Barrett.
 - b. No zoning permit shall be required for public utilities to be located in public streets or rights-of-way.
 - c. The following minimum setbacks from all property lines shall be provided:
 - (i) Water tower: setback not less than the height of the tower, plus 100 feet.
 - (ii) Electrical substation: 50 feet.
 - (iii) Well facility: 100 feet.
 - (iv) Sewer pumping station: 50 feet.
 - (v) Water treatment facility: 50 feet.
 - (vi) Water pump station: 20 feet.
 - (vii) Sewage treatment plant: 100 feet.
 - (viii) All other uses: 50 feet.

- d. Minimum lot sizes shall be adequate to accommodate the above setbacks, parking requirements and other building requirements.
 - e. No parking shall be permitted within the required setbacks.
2. F-2. Emergency services. Emergency services shall be limited to fire, ambulance, rescue and other emergency services of a municipal or volunteer nature.
- a. For facilities without a community room, there shall be a minimum lot size of one acre.
 - b. For facilities with a community room, there shall be a minimum lot size of three acres.
3. F-3. Terminal. A terminal shall include a railway station, bus station, airport, or heliport providing transportation services to the general public.
4. F-4. Telecommunications facility. Such use shall include communication towers, antennas and communication equipment buildings.
- a. Building mounted antennas shall not be located on any single-family dwelling or two-family dwelling.
 - b. Building mounted antennas shall not be permitted to exceed the height limitations of the applicable zoning district, in which it is located, by no more than twenty (20) feet.
 - c. Directional or panel antennas shall not exceed five (5) feet in height and three (3) feet in width.
 - d. Any applicant proposing an antenna to be mounted on a building or other structure shall submit verified drawings from a Pennsylvania registered professional engineer certifying and attesting that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
 - e. Any applicant proposing an antenna to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antenna will be mounted on the structure for review by the Township Engineer.
 - f. Any applicant proposing an antenna to be mounted on a building or other structure shall submit credible evidence of agreements and/or easements necessary to provide access to the building or structure on which the antenna is to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

- g. Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- h. Antennas shall not cause radio, TV or other wireless frequency interference with other communications facilities.
- i. A communications equipment building shall comply with the height and yard requirements of the applicable zoning district for an accessory structure.
- j. The owner or operator of antennas shall be licensed by the Federal Communications Commission to operate such antennas.
- k. In addition to the information required elsewhere in the Barrett Township Zoning Ordinance and the Barrett Township Subdivision and Land Development Ordinance, applications for communication towers shall include the following information and documentation.
 - (i) A report from a qualified and licensed professional engineer which:
 - Describes the communication tower height and design including a cross section and elevation.
 - Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas.
 - Describes the communication tower's capacity, including the number and type of antennas that it can accommodate.
 - Documents what steps the applicant will take to avoid interference with established public safety telecommunications, or other licensed telecommunications.
 - Includes an engineer's license/registration number and seal.
 - (ii) A letter of intent committing the communication tower owner and his, her or its successors to allow the shared use of the communication tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
 - (iii) Before the issuance of a zoning/building permit, the following supplemental information shall be submitted:

A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460-1) shall be submitted to the Zoning Officer; and

Proof of compliance with all applicable FCC, FAA, Commonwealth Bureau of Aviation and any applicable airport zoning regulations.

- (iv) One copy of typical specifications for the proposed structures and antenna, including description of design characteristics and materials.
- (v) A site plan drawn to scale showing property boundaries, power location, communication tower height, guy wires and anchors, existing structures, elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property.
- (vi) Name and address of the owners of all antenna and equipment to be located at the site as of the date of the application.
- (vii) Written authorization from the site owner for the application, as well as a copy of any written agreement or other documentation pursuant to which the applicant has obtained the right to use the proposed site.
- (viii) Copy of valid FCC license for the proposed activity, or proof that the applicant is the winning bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.
- (ix) A written agreement to remove communication tower within 180 days of cessation of use, which written agreement shall be in form acceptable to the Township.
- (x) Written certification by applicant and applicant's engineer that the proposed antenna and equipment could not be placed on a pre-existing facility under the control of the applicant and function under applicable regulatory and design requirements without unreasonable modification.
- (xi) A letter of intent committing the communication tower owner and the common carrier(s) utilizing the communications tower, and their respective heirs, personal representatives, successors and assigns to allow Barrett Township and any other governmental agency to utilize the communications tower in the case of an emergency, upon reasonable terms and conditions.

- (xii) Any and all permits and/or approvals required from any and all local, state and federal authorities shall be obtained by the applicant and copies of such permits and/or approvals shall be forwarded to the Township upon receipt. Failure to obtain all required local, state and federal permits and/or approvals within six months of the issuance of the zoning permit shall result in said zoning permit becoming null and void with no further action on the part of the Township.
- (xiii) The applicant shall submit certification from a Pennsylvania registered professional engineer that the proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association.

1. Additional standards for all communication towers erected, constructed or located within Barrett Township which are classified as a conditional use in the zoning district where proposed shall comply with the following requirements:

- (i) A proposal for a new communication tower shall not be approved unless the Board of Supervisors finds that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved communication tower, public utility tower, building or other structure within Barrett Township, or within a one mile search radius of the proposed tower is such one mile search radius would include other municipalities, due to one or more of the following reasons:

The planned equipment would exceed the structural capacity of the existing or approved public utility tower, communication tower, building or other structure, as documented by a qualified and licensed professional engineer, and the existing or approved public utility tower, communication tower, building or other structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.

The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the public utility tower, communication tower, building or other structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented at reasonable cost.

Existing or approved public utility tower, communication tower, building or other structure within Barrett Township, or within one

mile search radius of the proposed site for the communication tower if applicable, cannot accommodate the planned equipment at a height necessary to function reasonably.

Addition of the planned communications equipment would result in electromagnetic radiation from such existing or approved public utility tower, communication tower, building or other structure exceeding applicable standards established by the FCC governing exposure to electromagnetic radiation.

After a bona fide, diligent attempt, a commercially reasonable agreement could not be reached with the owners of such other public utility tower, communication tower, building or other structure.

- (ii) The proposed communication tower in the specific location desired must be necessary for the efficient operation and provision of the wireless communications service to the neighborhood, area or region for which it is proposed.
- (iii) The design of the proposed communication tower and related facilities and equipment shall conform to the general character of the area and will not adversely affect the safe and comfortable enjoyment of the properties owned by other property owners in the zoning district in which it is located.

m. Design requirements.

- (i) Any proposed communication tower shall be designed, structurally, electrically and in all respects, to accommodate both the applicants antennas and comparable antennas for at least two additional users if the communication tower is over one hundred (100) feet in height, or for at least one additional user if the communication tower is over sixty (60) feet in height. Communication towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- (ii) Communication towers and antennas shall be designed to blend in to the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the FAA.
- (iii) Communication towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the FAA or other federal or state authority for a particular tower. Any other exterior lighting at the tower site shall be directed away from all adjacent properties.

- (iv) All communication equipment buildings and structures accessory to a communication tower shall be architecturally designed to blend with the surrounding environment and shall meet the minimum yard requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects the character of the neighborhood.
 - (v) The use of any portion of a communication tower for signs other than warning or equipment signs is prohibited.
 - (vi) Access shall be provided to the communication tower and equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least 10 feet with a dust-free, all-weather surface for its entire length.
 - (vii) Drainage facilities shall be provided in accordance with stormwater management regulations.
 - (viii) All communication towers shall be surrounded by a twelve (12) foot high non-climbable fence with barbed wire extending in an outward direction around the top of said fence.
 - (ix) Adequate off-street parking, but no less than one space, shall be provided to accommodate the needs of the tower and the equipment building. Off-street parking shall be paved with a crushed stone surface at a minimum.
 - (x) Subdivision and/or Land Development approval, as applicable, shall be required for all proposed communication towers.
 - (xi) All guy wires associated with any communication tower shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- n. Interference with public safety.
- (i) No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new antennas and/or communication towers shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service, changes in existing service, or additions of new antennas, telecommunications providers shall notify Barrett Township at least ten (10) calendar days in advance of such changes and allow

the Township to monitor interference levels during the testing process.

- (ii) Wireless communication facilities shall be maintained and kept in a state of repair so that the same shall not constitute a nuisance or hazard to the health or safety of the community or nearby residents or properties.
- o. Abandoned or unused communications towers or portions of communication towers shall be removed as follows:
 - (i) All abandoned or unused communication towers and associated facilities shall be removed within 180 days of the cessation of operations. A copy of the relevant portions of any signed lease, license or other agreement which require the applicant to remove the communication tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a communication tower is not removed within 180 days of the cessation of operations at the site, the communication tower and associated facilities may be removed by the Township and the cost of removal assessed against both the applicant and the owner of the property on which the tower and associated facilities exist.
 - (ii) Unused portions of the communication towers above the manufactured connection shall be removed within 180 days of the time of antenna relocations. The replacement portions of a communication tower previously removed requires issuance of a new zoning permit.
- p. The setback of the base of a communications tower from all adjacent properties and/or lot lines shall be a distance equal to one hundred percent (100%) of the antenna height, or the yard requirements for the underlying district, whichever is greater, unless an applicant first secures a fall zone easement in a form acceptable to the Township Solicitor from the owner(s) of all affected properties adjoining the subject property on which the tower is proposed, which fall zone easement encompasses an area on any adjoining property within an area formed by extending a line from the base of the tower onto the adjoining property equal to one hundred percent (100%) of the antenna height, and further that no dwelling shall be located on the adjoining property within the area of such fall zone easement. For purposes of this section, even when a fall zone easement is obtained, the minimum yard requirements for the underlying zoning district shall still apply.
- q. The minimum lot area requirement for a communication tower use shall be in accordance with the yard requirements for the underlying zoning

district, or the minimum area necessary to comply with the yard requirements stated above, whichever is greater.

- r. The maximum antenna height shall not exceed 200 feet in any zoning district.

G. Industrial uses.

1. G-1. Manufacturing. Manufacturing uses shall include but not be limited to the production, processing, cleaning and testing of materials, goods, foodstuffs and products from the following previously processed and prepared materials: bone, ceramics, cork, feathers, felt, fur, glass, hair, horn, leather, metal, paper, plaster, plastics, precious and semiprecious stones, rubber, shells, textiles and tobacco. Manufacturing may also include the manufacture of electrical appliances and supplies, small or hand tools, hardware, toys, jewelry, clocks and watches, musical, professional and scientific instruments, optical goods, machinery and machine tools, electrical equipment, motors, iron and steel products, including fabrication and assembly, or other similar uses.
2. G-2. Research. Scientific or industrial research, testing or experimental laboratory or similar establishment for research or product development, provided that:
 - a. No research facility shall be a commercial production facility.
 - b. No research facility shall be permitted which constitutes a danger to the community because of combustible or radioactive materials.
3. G-3. Mini warehouse, mini storage. Such use shall be limited to the storage of items, limited to personal property generally stored in residential structures, within a warehouse structure or mini warehouse structure, provided that:
 - a. The use shall be enclosed with a fence. Between the fence and the perimeter of the property there shall be a landscaped buffer.
 - b. The minimum driveway width between buildings shall be 20 feet.
 - c. No business activity other than leasing of storage units shall be permitted.
 - d. All storage shall be within enclosed buildings.
 - e. Explosive, radioactive or highly flammable materials shall be prohibited.
4. G-4. Printing. Such use shall be limited to printing, publishing and binding.
5. G-5. Contract services. Contract services shall be limited to offices and supply shops such as building supplies, cement, electric, heating, plumbing, masonry, painting, excavating, landscaping and roofing.

6. G-6. Trades. Such use shall be limited to a plumbing shop, carpentry shop, electrical shop, cabinetmaking, furniture-making and other similar trades, provided that this use shall not include outside storage.
7. G-7. Fuel storage and distribution. Such use shall be limited to fuel storage and distribution tanks and related buildings, provided that:
 - a. No retail sales will be permitted on the premises.
8. G-8. Building materials sale. Such use shall be limited to a lumberyard and the storage and sale of finished products used in building and construction, such as concrete and metal pipes, provided that:
 - a. Millworking is permitted as an accessory use.
 - b. Storage yards shall be fully enclosed by fencing and a landscaped buffer at least 20 feet in width, in accordance with Section 1304 of this Ordinance.
 - c. The storage of flammable or toxic gases and liquids and the production and mixing of asphalt and concrete is prohibited.
9. G-9. Equipment storage yards. Such use shall be limited to the rental and storage of construction equipment. No storage of junk vehicles shall be permitted.
 - a. Storage yards shall be fully enclosed by fencing and a landscaped buffer at least 20 feet in width.
10. G-10. Truck terminal. This shall be limited to express trucking or hauling stations.
 - a. This use may not include facilities for the hauling or transfer of solid or liquid wastes.
 - b. No outdoor storage of materials or vehicles is permitted.
11. G-11. Food processing. This use shall be limited to food processing, packing, canning of meat, fish, dairy and other food products as well as the manufacture and packaging of nonalcoholic beverages.
12. G-12. Recycling facility. Such use shall be limited to an area of land, with or without buildings, that is used for the storage of used or discarded materials, administered by the municipality for the purpose of recycling, including but not limited to wastepaper, metal and glass, provided that:
 - a. The proposed use of an area shall not be detrimental to adjacent land uses.
 - b. Such use shall be a minimum of 200 feet from any public road as measured from the street line.

- c. The land area used for such purposes shall be hidden from public view by an evergreen buffer so that it is not visible from neighboring streets, residences or other structures.
 - d. There shall be no compacting of automobiles and no storage of auto chassis from which usable parts have been removed.
 - e. The storage of paper shall be within a building.
 - f. The storage of toxic chemicals shall be prohibited.
 - g. Dumping of trash or landfill operations and burning of any materials shall specifically be prohibited.
 - h. Any such uses shall be sealed from groundwater contamination.
 - i. Such use shall not include individual recycling bins located on a property.
13. G-13. Mineral extraction. Such use shall include extractive operations for sand, clay, shale, gravel, topsoil, stone, and similar operations, including borrow pits (excavations for removing material for filling operations) subject to the following provisions:
- a. The activities and residual effects shall not create conditions hazardous or otherwise adverse to the value and use of adjacent properties or the well-being of the surrounding area and its residents.
 - b. The site shall be reclaimed to a nonhazardous state permitting some reasonable future use and so that the extracting activities and resulting condition of the site will not result in environmental degradation of the surrounding area.
 - c. All activities of these land uses shall be effectively screened from adjacent properties and set back from adjacent properties by a minimum distance of 50 feet and from residential structures by a minimum distance of 100 feet or such greater distance as may be required by site conditions to protect adjacent properties as determined necessary by the Board of Supervisors.
 - d. Unique or environmentally significant natural features and significant historic or architectural structures and sites shall be protected from disruption or adverse effects from quarrying and/or mining activities.
 - e. A copy of all information submitted to the State agencies shall also be submitted to the Zoning Officer at the same time.
 - f. A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer. Compliance with such plan shall be a condition of Township permits.

14. G-14. Laundry, dry-cleaning or dyeing plant. A commercial plant for laundry, dry cleaning or dyeing.
15. G-15. Warehouse. Wholesale business, wholesale storage or warehousing, excluding retail sales except as provided for below. A small retail store may be operated in conjunction with use G-15, subject to the following conditions:
 - a. The retail store shall be an accessory use which is clearly incidental and subordinate to the primary use G-15;
 - b. The retail store may only sell those items stored at the property in accordance with use G-15; and
 - c. The retail store may not exceed 15% of the gross floor area or 1,000 square feet, whichever is less.
16. G-16. Junkyard. Such use shall be limited to an area of land, with or without buildings, that is used for the storage of used or discarded materials, including but not limited to wastepaper, rags, metal, building materials, house furnishings, machinery, vehicles and parts thereof, provided that:
 - a. The proposed use of an area shall not be detrimental to adjacent land uses.
 - b. Such use shall be a minimum of 200 feet from any public road as measured from the right-of-way.
 - c. Such uses shall be entirely enclosed by a solid fence or wall at least six feet high and constructed of plank boards, brick, cinder block or concrete, with access only through solid gates. Such fence or wall shall be kept in good repair and neatly painted in uniform color.
 - d. A dense evergreen buffer, in accordance with Section 1304 of this Ordinance, shall be provided on the outside perimeter of the fenced area. Evergreens shall be four to five feet in height and planted on ten-foot staggered centers.
 - e. The contents of such use shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.
 - f. The storage of paper shall be within a building.
 - g. The storage of toxic chemicals shall be prohibited.
 - h. Dumping of trash or landfill operations and burning of any materials shall specifically be prohibited.
 - i. All such uses shall be sealed from groundwater contamination and shall provide groundwater monitoring wells.

17. G-17. This section is intended to provide for any lawful use which is required to be permitted by the Pennsylvania Municipalities Planning Code and which is not otherwise permitted in other use categories described in this Section. Lawful use not otherwise permitted shall be subject to the following regulations in addition to the regulations found in Article 13 hereof:
- a. The use must comply with the open space, impervious surface, area, lot area, and dimensional requirements of the district in which the use is proposed.
 - b. The applicant must demonstrate that the use proposed will comply with all permit requirements of the Pennsylvania Department of Environmental Protection or any other commonwealth or federal government agency which regulates such use.
 - c. A buffer area shall be established in accordance with the conditions imposed upon the granting of conditional use approval which is sufficient to adequately screen the lawful permitted use from other uses in the vicinity. The buffer area shall be of sufficient width to protect the surrounding area from the objectionable effects of the proposed use, including, but not limited to noise, dust, vibration, odor, illumination, visual effects and the like.
 - d. In addition, conditional use approval will only be granted by the Board of Supervisors after it has determined that the granting of such will not result in additional threats to public safety or extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with local laws or ordinances.

H. Accessory uses.

1. H-1. Home occupation. Such use shall include a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves some customer, client or patient traffic, whether vehicular or pedestrian, pickup, meeting location, delivery or removal functions to or from the premises in excess of those normally associated with a residential use. The business or commercial activity must satisfy the following requirements:
- a. The home occupation shall be operated in its entirety within a single dwelling unit, or in a building or other structure accessory to a dwelling unit and only by the person or persons maintaining a dwelling therein and not more than two additional persons shall be employed in the home occupation.
 - b. The home occupation shall not display or create outside the building any evidence of the home occupation except for permitted signs.

- c. The home occupation shall not utilize more than fifty percent (50%) of the gross floor area of the dwelling unit.
2. H-2. No impact home-based business. Such use shall include a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
 - a. The no-impact home-based business shall be accessory to a residence and carried on wholly indoors and within a dwelling or other structure accessory thereto and shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
 - b. The business activity shall be compatible with the residential use of the property and surrounding residential uses and shall meet the minimum and maximum area, height and dimensional requirements of the district in which the use is located.
 - c. There shall be no use of show windows, display or advertising visible outside the premises.
 - d. There shall be no exterior storage or building material.
 - e. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - f. There shall be no display or sale of retail goods and no stockpiling, storage or inventory of products of a substantial nature.
 - g. There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods or equipment by other than passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries.
 - h. The no-impact home-based business shall be carried on only by inhabitants of the dwelling.
 - i. The floor area devoted to a no-impact home-based business shall not occupy more than 25% of the ground floor of the principal residential structure or 500 square feet, whichever is less.
 - j. No equipment or process shall be used in a no-impact home-based business which creates discernible noise, vibration, glare, fumes, odors or electrical interference at the property line, and no equipment or process shall be used which creates visual or audible interference in any radio or

television receiver off the lot or causes fluctuations in line voltage off the lot.

- k. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - l. The business may not involve any illegal activity.
3. H-3. Residential accessory structure. Such use shall include a residential accessory structure or use, including but not limited to:
- a. All driveways and on-lot parking spaces shall be at least 10 feet from any side or rear lot line for single-family detached dwellings.
 - b. Parking of not more than one commercial vehicle not exceeding a one-ton loading capacity and with no more than two axles or four wheels, whichever is less, including any construction or landscaping vehicles and trailers used for their transportation (i.e., front-end loaders, cranes, cement mixers, riding lawn mowers, etc.) shall be permitted only within a completely enclosed building and only as an accessory to a single-family detached dwelling and shall only be for the use of the inhabitants of the subject residence.
 - c. Structures, such as fences and walls, that are man-made structures, erected to enclose or screen areas of land are permitted, subject to the property owner and/or applicant applying for and receiving a zoning permit from the Township and subject to the following restrictions:
 - (i) Fences and walls in any portion of the front yard, as defined by this chapter, shall not exceed six feet in height. Height shall be measured from the mean ground level surrounding the fence or wall to the highest point of the fence or wall.
 - (ii) Fences and walls in side and rear yards shall not exceed eight feet in height.
 - (iii) No fences or walls may be constructed in the clear site triangle or in any portion of a street right-of-way or in a public easement or in any portion of any public or private easement where the easement agreement prohibits fences or walls.
 - (iv) Notwithstanding anything to the contrary contained in this subsection, fences or walls surrounding tennis courts may be not more than 10 feet in height, but tennis courts may not be located in any portion of the required front yard as defined by this chapter.
 - (v) These regulations shall not apply to the following:

Fences or walls required to be installed in order to comply with swimming pool fencing requirements of this Ordinance and/or the Township Building Codes.

Fences or walls solely required as a result of an agricultural or horticultural use of real property.

- d. Structures such as storage sheds, bathhouses and private greenhouses, provided that they do not exceed 20 feet in height and that they meet the following requirements:
 - (i) Structures with a floor area of 144 square feet or less shall be no closer than seven feet to any property line.
 - (ii) Structures, other than detached garages, with a floor area of more than 144 square feet shall meet the yard requirements for principal buildings for the applicable zoning district.
 - (iii) Such structures shall be permitted accessory uses for single-family detached dwellings only.
 - (iv) The impervious surface requirements of the district in which the use is located must be met and shall be calculated, including the accessory structures.
 - e. Detached garages which are accessory to residences are permitted to be located no closer to a side or rear property line than 15 feet. Such garages shall be located behind the principal building setback line closest to the street on which the principal building fronts and shall be set back from the street line a distance no less than the actual setback of the principal building from the street line.
 - f. Tennis courts or sports courts. Tennis courts or sports courts and any accessory construction associated with tennis courts or sports courts, including but not limited to fencing and paving, shall be no closer than 15 feet to any side or rear property line.
- 4. H-4. Accessory building. Such use shall include an accessory building or structure, or uses customarily incidental to nonresidential uses, except outside storage.
 - 5. H-5. Outside storage. Such use shall be operated in areas where permitted provided that such operation shall be in accordance with the following provisions and such other conditions as may be required by the Board of Supervisors to protect the public health, safety, comfort, convenience and general welfare, and especially with regard to abutting properties and the occupants thereof:

- a. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground. Tanks or drums of fuel directly connected with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision.
 - b. All outside storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent properties. Such walls and fences shall not be less than twenty (20) feet from all property lines which abut a residential district, but in any other case shall not be less than ten (10) feet from any property line and shall not be less than twenty-five (25) feet from any public street. The area between the fence and the property line shall be properly planted and maintained at all times.
 - c. No materials or wastes, especially flammable, toxic or otherwise dangerous chemicals shall be deposited on any premises in such form or manner that they may be transferred off such premises by flood or other natural cause of force.
 - d. All materials or wastes which might cause fumes or dust or which constitute a fore hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers.
6. H-6. Temporary structures and vehicles. Such use shall be limited to a temporary structure, vehicle or use. A temporary permit may be issued for structures or uses necessary during construction or other special circumstances of a nonrecurring nature, such as fires, construction or other causes of a similar nature, subject to the following additional provisions:
- a. The time period of the initial permit shall be six months. This permit may be renewed for three-month time periods, not to exceed a total time period of two years.
 - b. Temporary nonconforming structures or uses shall be subject to authorization by the Zoning Officer or Board of Supervisors.
 - c. Such structure or use shall be removed completely within 30 days of the expiration of the permit without cost to the municipality.
 - d. The placement of all temporary structures shall be subject to the approval of the Zoning Officer.
7. H-7. Swimming pool. A swimming pool shall be permitted as an accessory to a residential use, provided that:
- a. No person, owner or occupant of land shall install or maintain a swimming pool or other artificial body of water capable of being filled to a depth exceeding twelve (12) inches at the deepest or lowest point unless a permit

is first obtained from the local enforcement officer and the required plans and information are filed, together with required permit fees. Wading pools exempt from the provisions of this Ordinance are those temporary pools of a plastic, light metal, or other light duty materials which do not exceed a struck volume depth of twelve (12) inches at the deepest or lowest point, and in addition, which are completely emptied of water when not in use.

- b. The setback for swimming pools and all their appurtenances including but not limited to decks, copings and filter equipment shall be at least ten (10) feet from the side and rear property lines. If the side and rear yard setbacks for the lot size in the zoning district in which the property is situated are less than ten (10) feet, then such smaller setbacks shall apply. No swimming pools may be located in the front yard.
- c. Building permits are required prior to the construction, alteration, remodeling, or additions to a swimming pool or other artificial water areas not specifically exempt from this Ordinance.
- d. No person, owner, or occupant of land shall install or maintain a non-exempt wading pool as defined in this Ordinance unless a permit is obtained from the local enforcement officer and written approval obtained upon inspection and subject to the discretion of the inspection officer, except as hereinafter provided.
- e. Any pool or water area subject thereto shall be suitably designed, located, and maintained so as not to become a nuisance or hazard either to adjoining property owners or the public generally. All detachable ladders shall be removed when the pool is not in use.
- f. Outdoor lighting, if used, shall be installed in such a way as to be shielded and not to reflect toward or into the interior of adjacent residential properties.
- g. All electrical work connected with the pool and all equipment incidental thereto shall comply with all underwriters' regulations and must be inspected and certified by an electrical underwriter's inspection agency prior to the issuance of a certificate of compliance. In no event may said pool be used prior to such approval.
- h. If pools are connected to any water, sewer, or public utility line, there must be installed a separate valve controlling such line, both as to supply and drainage, and a permit must be obtained prior to installation from the agency furnishing such utility service. A minimum isolation distance of twenty-five (25) feet shall be required between a swimming pool and any sewage disposal system.

- i. Approved filtration systems and circulators must be provided for all pools except such exempt or non-exempt wading pools as are emptied on a daily basis as hereinafter provided.
 - j. All pool installations shall conform to all applicable building codes.
 - k. In no case shall water in the pool or pool area be permitted to emit an offensive odor or create any unhealthy condition. Further, it shall be a violation of this Ordinance to cause or allow drainage onto adjoining land, public or private..
 - l. No pool shall be located under any electric power lines (including service lines), and the pool must be located at least ten (10) feet (measured horizontally) from such power lines.
 - m. No water shall be placed in the pool until a fence, as required by this Ordinance, has been completed.
 - n. Fencing of pools shall be required as follows:
 - (i) Permanent swimming pools above or below grade must be completely enclosed with a minimum four (4) foot high chain link, stockade, picket, (not exceeding 4 inch spacing), solid wooden fence, building wall, or such other material as may be acceptable, at the discretion of the building inspector, to carry out the intent of this Ordinance. No fence shall be higher than eight (8) feet unless higher fences are authorized as a conditional use by the Board of Supervisors. Existing fences are exempt only insofar as they exceed maximum height requirements.
 - (ii) Swimming pools equipped with surrounding elevated walkways that are at least four (4) feet above the ground need not be fenced if the construction is such that it prevents access to the water by small children, and ladders or steps from the ground are removed or the pool is made inaccessible, when not attended.
 - (iii) Plastic, aluminum, or other types of exempt wading pools incapable of being filled to a depth in excess of twelve (12) inches (at deepest or lowest point) and which are completely emptied of water on a daily basis or when not in use shall be exempt from the fencing provisions of this Ordinance.
8. H-8. Keeping of livestock. Livestock shall be permitted on any property in accordance with the following regulations:
- a. The keeping of animals other than pets on ten (10) acres or more of contiguous land is governed by Act 38.

- b. A minimum lot area of two acres shall be required.
 - c. The keeping of livestock shall be limited to no more than one (1) animal unit, as defined, on the first two (2) acres of land, and one (1) animal unit per acre for each acre over two (2) acres.
 - d. No more than 2 roosters shall be permitted for every 20 head of poultry.
 - e. Stables, barns, runways or animal exercise pens shall be located more than 50 feet from lot lines or road right-of-way lines.
 - f. Pasture areas shall not be located in the front yard areas.
 - g. All pastures for grazing animals shall be fenced of sufficient height and type to contain animals on the property.
 - h. All non-grazing animals, poultry, and rabbits shall be kept in defined enclosures or areas of a type to contain the animals on the property.
 - i. Riding academies, livery or boarding stables, kennels, and the raising of fur-bearing animals are not included in this provision.
 - j. The landowner shall be required to submit a manure management plan or nutrient management plan to be reviewed and kept on file by the Township.
 - k. The raising of any livestock and/or poultry must comply with federal and state regulations for the storage and disposal of animal waste.
9. H-9. Accessory apartment. Accessory apartment dwelling units shall be permitted as an accessory use, provided the following conditions are met:
- a. Each accessory apartment unit shall contain separate cooking, sleeping, living and bathroom facilities.
 - b. One accessory apartment will be permitted per 1,000 square feet of nonresidential use.
10. H-10. Agricultural entertainment uses. The use of a farm for seasonal festivals related to products grown on the farm, craft fairs (including antique shows), municipally-sponsored events, hayrides and horse shows.
- a. All agricultural entertainment uses shall meet the requirements for water supply, sewage disposal and rest room facilities of the Health Department and any other agency with jurisdiction.

- b. The agricultural entertainment use is permitted as an accessory use only. If any of the conditions to which the agricultural principal use is subject cease to be met, then the agricultural entertainment use shall also cease.
 - c. No activity, event or structure used for an agricultural entertainment use shall be located within twenty-five(25) feet of a right-of-way line or residential property line, except for parking areas which may be located within ten (10) feet of a right-of-way line or residential property line.
 - d. No agricultural entertainment use shall continue past 11:00 p.m. unless the owner of the property on which the agricultural entertainment use is being held obtains conditional use approval to allow for event hours beyond 11:00 p.m.
 - e. The following types of activities shall not be considered agricultural entertainment uses:
 - (i) Mechanical rides or amusements (except for rides on farm equipment).
 - (ii) Flea markets except as may be permitted in accordance with this Ordinance.
 - f. Off-street parking areas shall be provided in designated areas to accommodate all attendees at any agricultural entertainment use.
 - g. A traffic control plan must be submitted to and approved by the Township Police Department prior to receiving a permit for an agricultural entertainment use.
11. H-11. Accessory contractor or trade. An accessory contractor or trade use is limited to the use of a residential dwelling to support a small-scale contracting or trades business whose major business activities are conducted elsewhere. This use shall include, but is not limited to, support for an electrician, a plumber, a carpenter, a mason, a painter, a roofer, and similar occupations. There shall be no on-site prefabrication of structures or components or subassembly of components or materials.
- a. There shall be no retail sales of materials or anything else from the property.
 - b. An accessory contractor or trade use must be conducted in conjunction with a residential dwelling that is the bona fide residence of the principal practitioner or proprietor of the use. Proof of ownership and residency shall be submitted to the municipality before commencing the use and at regular intervals, as determined by the municipality, to confirm ongoing residency.

- c. The appearance of the residential structure shall not be altered, nor shall the accessory contractor or trade use be conducted in a manner which would cause the residential structure and exterior areas to differ from the extant residential character by the use of colors, materials, construction, lighting, show windows, or advertising visible on the property to attract clients.
 - d. The total impervious coverage on any property used for this Use H-11 shall not exceed the maximum impervious coverage for a single-family detached dwelling use in the underlying zoning district in which the property is located.
 - e. The property shall not be utilized for the storage of natural or synthetic waste for future disposal. Burning or composting of waste materials is not permitted.
 - f. Nothing in this subsection shall supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a homeowners association or other common interest ownership community.
12. H-12. Accessory wind energy system. An energy conversion system, including appurtenances, which converts wind to a usable form of energy to meet all or part of the energy requirements of the on-site use. Accessory wind energy systems shall not be used primarily for the generation of power to sell to other users, although this provision shall not prohibit the sale of excess power generated to the local utility company. The following requirements shall apply to accessory wind energy systems:
- a. No wind energy system, or addition of a wind turbine to an existing wind energy system shall be constructed or located within Barrett Township unless a permit has been issued to the facility owner or operator approving construction of the facility under this Ordinance.
 - b. There shall be a maximum of one device on a single parcel.
 - c. Any physical modification to an existing and permitted wind energy system that materially alters the size, type and number of wind turbines or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.
 - d. The design of the wind energy system shall conform and comply with all manufacturer's specifications and any and all applicable industry standards.
 - e. To the extent applicable, the wind energy system shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended and the regulations adopted by the Department of Labor and Industry.

- f. All wind energy systems shall be equipped with an over speed control system in accordance with the manufacturer's specifications.
- g. All electrical components of the wind energy system shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards. The facility shall have an output limit of 50 KW.
- h. Wind turbines shall be a non-obtrusive color such as white, off-white or gray.
- i. Wind energy systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- j. Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner or operator.
- k. On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground and in accordance with applicable IRC Codes.
- l. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- m. Visible, reflective, colored objects such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
- n. Wind turbines shall not be climbable up to fifteen (15) feet above ground surface.
- o. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- p. All wind turbines shall be set back from the nearest property line a distance of not less than the maximum yard requirements for that zoning classification where the turbine is located or 1.1 times the turbine height, whichever is greater. The setback distance shall be measured to the center of the wind turbine base. In no case shall a system be located within or above a front yard or within or above the minimum required side and/or rear yards.
- q. Minimum distance between the undisturbed ground at the base of the device and any protruding blade shall be fifteen (15) feet, as measured at the lowest point of arc of the blades.

- r. When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed one hundred and fifty (150) square feet in area, shall not exceed eight (8) feet in height and must not be located in any required front, side or rear yards.
- s. Accessory wind energy systems attached to existing structures shall not exceed a height of twenty (20) feet above the height of the existing structure that it is attached to, and shall be located on the existing structure so that a minimum distance of 1.1 times the overall height of the accessory wind energy system is maintained between the device and any property line and/or existing street right-of-way.
- t. Noise and shadow flicker.
 - (i) Audible sounds from a wind energy system shall not exceed fifty (50) dBA, as measured from the setback line (front, side or rear) of a contiguous neighboring property. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy system shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.
 - (ii) The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.
- u. Signal interference. The applicant shall make reasonable efforts to avoid any disruption or loss of radio, television or similar signals, and shall mitigate any harm caused by the wind energy system.
- v. Decommissioning.
 - (i) The facility owner and operator shall, at its expense, complete decommissioning of the wind energy system, or individual wind turbines, within twelve (12) months after the end of the useful life of the system or individual wind turbines. The wind energy system or individual wind turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
 - (ii) Decommissioning shall include removal of wind turbines, buildings, cabling and electrical components.
 - (iii) The Township Engineer shall review and approve a cost estimate provided by the applicant, which cost estimate shall establish the total cost of decommissioning (decommissioning costs) without

regard to salvage value of the equipment. Said estimates shall be submitted to Barrett Township after the first year of operation and every fifth year thereafter.

- (iv) The facility owner or operator shall post and maintain a Decommissioning Fund (escrow account) in an amount equal to the net decommissioning cost with the Township. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to Barrett Township.
- (v) If the facility owner or operator fails to complete decommissioning as set forth herein, then the landowner shall have six (6) months to remove the wind energy system.
- (vi) If neither the facility owner or operator nor the landowner complete decommissioning within the periods prescribed, then Barrett Township may take such measures as necessary to complete decommissioning. The Township is authorized to use the decommissioning funds held in escrow by the Township to complete the decommissioning process.
- (vii) The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

13. H-13. Accessory solar energy system. Solar energy systems include any solar collector or other solar energy device, or any structural design feature whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, for water heating or for electricity generation that may be mounted on a building or on the ground and is not the primary use of the property. Solar energy systems may include solar panels which, for purposes of this section, are structures containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system. Solar energy systems may be installed as ground arrays or roof mounted. The following requirements shall apply, as applicable, to solar energy systems:

- a. The solar energy system shall conform to the area and dimensional regulations of the zoning district in which the solar energy system is installed.
- b. All components of the system shall be considered impervious and considered as such in the calculation of the maximum impervious

coverage. Impervious coverage for solar panels/collectors shall be measured when oriented at the absolute maximum horizontal plane.

- c. No adjacent property owner shall be required to remove or cut any plant, bush, crop, or tree nor shall any solar energy system be located so that any reflection is directed toward an adjoining property.
- d. Ground mounted systems shall not be permitted in a front yard.
- e. A ground mounted system may not exceed a height of fifteen (15) feet above the ground when oriented at maximum tilt.
- f. Permitted roof-mounted solar panels shall not exceed a height of three (3) feet from the rooftop at any point; shall not project vertically above the peak of a sloped roof or project vertically more than five(5) feet above a flat roof installation; and shall not exceed the maximum height requirements for the district in which it is located.
- g. The collector surface and mounting devices for roof-mounted accessory solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be permitted to extend beyond the perimeter of the building on side and/or rear yard exposures only.
- h. The installation of a solar energy system shall conform to the extent applicable, to the Pennsylvania Uniform Construction Code, as amended, regulations, if any, adopted by the Pennsylvania Department of Labor and Industry, and to applicable industry standards, including those of the American National Standards Institute. Manufacturer's data and certificates of design compliance shall be submitted with the zoning permit and plans.
- i. All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted by the owner to determine grid interconnection and net metering policies.
- j. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from the property line.
- k. The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend the facility into the natural setting and existing environment.
- l. Mechanical equipment associated with and necessary for the operation of the solar energy system shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall

consist of shrubbery, trees, or other plant materials that provide a visual screen.

- m. All solar energy system operators/owners must comply with any and all federal, state, and local regulations pertaining to solar energy and its collection for personal use.
- n. If any of the requirements herein conflict with federal and/or state requirements then the federal and/or state requirements shall govern unless the requirements of this ordinance are more stringent in which case this ordinance shall govern.

14. H-14. Dormitory. Such use shall include a building or structure used for occupancy by groups of people on a weekly or longer basis.

- a. This use does not include group homes, assisted living facilities or nursing homes.
- b. Such use shall meet the required lot area, yard, and lot width requirements for multi-family dwellings in the applicable zoning district in which it is located.

ARTICLE 11
HISTORIC RESORT RESOURCE OVERLAY

1101. Intent.

- A. To create a distinct physical and historical settlement surrounded by protected greenway lands used for agricultural, recreational, and environmental protection purposes.
- B. To develop a settlement with historical significance and character of modest size and scale that accommodates and promotes pedestrian travel rather than motor vehicle trips.
- C. To provide for a diversity of lot sizes, building density, and housing choices to accommodate a variety of age and income groups and residential preferences.
- D. To promote the use of neighborhood greens, landscaped streets, and historic structures in order to provide a neighborhood identity and space for social activity, parks, and visual enjoyment.

1102. Applicability and location criteria. The Historic Resort Resource Overlay District is an overlay in all zoning districts within Barrett Township. The property, as depicted in green on the map entitled " Historic Resort Resource Overlay District Map, Barrett Township, Monroe County, Pennsylvania" prepared by the Monroe County Planning Commission, dated November, 2011 is the area that constitutes the Historic Resort Resource Overlay District. The Historic Resort Resource Overlay District is incorporated herein and made part hereof by this reference.

1103. General regulations.

- A. The tract proposed for development may be held in single ownership or in multiple ownerships, however, where a development tract is held in multiple ownerships it shall be represented by a single application and presented and approved under a common plan with a single entity and common authority and common responsibility.
- B. Condominium ownership for the types of buildings and uses permitted in the Historic Resort Resource Overlay District shall be permitted pursuant to the Condominium Act. Ownership of a unit under the Planned Community Act.
- C. Historic Resort Resource Overlay District projects shall comply with the applicable provisions of all applicable Barrett Township Ordinances subject, however, to any waivers or modifications that may be granted to any such project pursuant to the terms of any such Ordinance(s). Whenever any such waiver(s) and/or modifications is/are granted pursuant to the provisions of the applicable Barrett Township Ordinances the applicant shall not be required to seek relief from the Barrett Township Zoning Hearing Board for the relief granted in any such waiver or modification.
- D. Residential uses in the Historic Resort Resource Overlay District shall be accessed from interior streets, rather than from exterior streets bordering the tract.

1104.

Uses. All uses listed below are permitted exclusively within the Historic Resort Resource Overlay District. Land in the Historic Resort Resource Overlay District may be used for the following purposes.

- A. Residential uses. The following types of residential uses shall be permitted in the Historic Resort Resource Overlay District provided that residential uses delineated in this section shall comply with the applicable density factor and minimum required greenway land specified in Section 1105.A and B.
 - 1. Single family detached dwellings
 - 2. Townhouse dwellings
 - 3. The conversion to residential use of existing mid-rise buildings; existing high-rise buildings; existing hotels; and existing resorts shall be types of residential uses permitted in the historic resort resource subdivisions. Such existing buildings when converted to residential use may include conversions to apartment hotels and condominium hotels.
 - 4. Hotels
 - 5. Condominium hotels
 - 6. Apartment hotels
 - 7. Apartments
 - 8. Resorts
 - 9. High rise dwellings
 - 10. Mid rise dwellings

- B. Non residential uses. The following types of non residential uses shall be permitted in the Historic Resort Resource Overlay District.
 - 1. Municipal or public uses, park, or recreation areas owned and operated by a public or private nonprofit agency; governmental, or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private, or municipal sanitary landfills.
 - 2. Existing mid rise, existing high rise, existing hotel, and/or existing resort buildings that are converted to residential use or maintained and operated as hotels, condominium hotels, apartment hotels, apartments, high rise dwellings, mid rise dwellings, and resorts may include as accessory uses offices for sales, marketing, and management of such facilities as well as various non residential amenities for the residents and guests of such facilities such as, but not limited to, community rooms, exercise facilities, restaurants, convenience stores, and similar

commercial facilities intended to serve the needs of residents and such facility in question as well as the general community.

- C. Uses permitted in the Historic Resort Resource Overlay District greenway area. The following uses are permitted by right:
1. Conservation of open land in its natural or managed state (for example woodland, fallow field, or meadow).
 2. Equestrian uses, horse shows with or without seating for spectators, agricultural and horticultural uses including raising crops or livestock, wholesale nurseries, associated buildings excluding residences needed to support and active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
 3. Pastureland for horses and other grazing livestock used solely for private or commercial recreational purposes. Equestrian facilities, including commercial facilities, shall be permitted but may not consume more than half of the minimum required greenway land. Indoor and/or outdoor riding arenas are permitted, with or without seating areas and facilities for spectators. Rodeo facilities are specifically excluded.
 4. Active noncommercial recreation areas such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required greenway land or ten acres, whichever is less. Parking facilities for the same shall also be permitted, provided they shall not be included in the required greenway land.
 5. Water supply facilities, sewage disposal systems, land discharge and surface water discharge sewage treatment and disposal systems, stormwater management facilities including stormwater detention and retention basins, infiltration areas for stormwater management facilities, and Conservation District approved erosion and sedimentation control facilities, provided, however, that the foregoing facilities, systems, and areas shall not occupy more than 25 percent of the required greenway land. Mounded septic systems are not permitted in the greenway lands.
 6. Easements for drainage, access, sewer or water lines, or other public purposes.
 7. Underground utility rights-of-way.
 8. Above ground utility and street rights-of-way may traverse, but shall not count toward the minimum required area of greenway land. Neighborhood greenway land uses such as neighborhood greens, common areas, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the governing body.

9. Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry.

1105.

Dimensional standards. Bulk standards insofar as they relate to setback distances for the entire tract constituting the Historic Resort Resource Overlay District shall be calculated from exterior tract lines and not from interior phase or property lines where a Historic Resort Resource Overlay District consists of an assemblage of lots or parcels. Under all circumstances where a Historic Resort Resource Overlay is subdivided into separate lots, the bulk standards shall be calculated from the exterior lot line of the separate individual lot. The following density, greenway land, and bulk dimensional standards shall apply.

- A. Density factor. One dwelling unit per 49,000 square feet (1.125 acres) in the R District, and one dwelling unit per 65,340 square feet (1.5 acres) in the MU-V, C, LI, and I Districts as determined through the adjusted tract area method or yield plan for Option 2 Subdivisions described in Section 1205.C. Each residential unit, apartment, and each separately rented room or suite in a hotel or resort shall be the equivalent of one dwelling unit for purposes of calculating density.
- B. Minimum required greenway land. The minimum required greenway area shall be equivalent to sixty (60) percent of the adjusted tract area plus the constrained land area calculated in accordance with Section 1205.C. Greenway land shall not be used for residential lots.
- C. Central wastewater collection systems. Community or public sewer and water systems including land discharge and/or surface water discharge, sewage treatment systems are required. All central wastewater collection and disposal systems shall be designed and constructed in accordance with the regulations of the Pennsylvania Department of Environmental Protection, and shall be subject to the review and recommendation of the Township Engineer and Sewage Enforcement Officer.
- D. Dimensional standards.

Single Family Detached Residential Bulk and Dimensional Requirements	
	Community/Public Sewer and Water
Minimum lot size	15,000 s.f.
Minimum lot width at building setback line	75 ft
Minimum street frontage at ultimate right-of-way line	20 ft
Minimum front yard	20 ft
Minimum rear yard	35 ft
Minimum side yard	10 ft

Maximum impervious surface coverage	30%
Maximum building height	35 ft
Single Family Attached Dwelling Bulk and Dimensional Requirements	
Minimum lot area (per dwelling unit)	1,250 s.f.
Minimum lot width at building setback line (per dwelling unit)	20 ft
Minimum building spacing	1.5 x building height of the applicable NFPA separation standard, whichever is less
Minimum front yard	20 ft
Minimum rear yard	30 ft
Maximum building height	35 ft
Minimum required living area per dwelling unit	1,000 s.f.
Maximum building length	240 ft
Converted Existing Mid Rise or High Rise Buildings, Converted Existing Hotels and Converted Existing Resort Buildings Area and Dimensional Requirements	
Minimum street frontage along an existing street	200 ft
Minimum front yard	50 ft
Minimum rear yard	25 ft
Minimum side yard	15 ft
Minimum building spacing	1.5 x building height of the applicable NFPA separation standard, whichever is less
Minimum # of units per building	3 dwelling units
Maximum # of units per building	100 dwelling units
Maximum building height	6 stories or 100 ft for existing structures; 35 ft for new structures
Minimum required living area per dwelling unit	600 s.f.

E. All new residential dwellings shall meet the following additional setback requirements, if applicable:

Feature	Required Setback
Measured from the ultimate right-of-way of exterior street:	
(a) where adjoining property is residentially zoned or used for residential use	50 ft
(b) where adjoining property is in a non residential district or is a non residential use	100 ft
(c) all other exterior tract boundaries	50 ft
Cropland or pasture land	100 ft
Building or barnyard housing livestock	100 ft
Active recreation area such as court or playing field (not including tot lots)	100 ft

F. Standards pertaining to the quantity, quality, configuration, ownership, and maintenance of the greenway land created under this Ordinance are contained in Sections 1208 through 1210 of this Ordinance.

1106. Greenway land dimensional standards.

A. Neighborhood greens, common areas and open space.

1. Active recreation facilities located in neighborhood greens, common areas, or open space shall be set back a minimum of 100 feet from adjoining residential lot lines, provided, however, the 100 foot setback shall not apply to playgrounds or other active or passive recreational facilities.
2. Each historic neighborhood area comprising an aggregate of approximately 25 to 30 residential units shall provide a neighborhood green containing a minimum of 2,000 square feet of contiguous land area designed for active or passive recreational uses, as a gathering place for residents or as common area open space.
3. Neighborhood greens shall be spatially defined by building fronts, trees, or significant historical or topographic features on at least two sides.
4. All neighborhood greens shall be planted with shade trees along their edges at intervals not greater than 40 feet.

B. Greenway land.

1. Shall be planned and integrated but may not be noncontiguous to the residential portion of a Historic Resort Resource Overlay development if:
 - a. the non-contiguity is created either by a public or private road, the right-of-way of which does not exceed fifty (50) feet in width and the non-contiguous greenway land (either owned by the applicant or previously dedicated as greenway land by a separate applicant) is contiguous for a minimum of fifty (50) feet notwithstanding the public or private road right-of-way; and/or greenway land either owned by the applicant or previously dedicated as greenway land by a separate applicant; and
 - b. the non-contiguous greenway land is linked to the residential section of said project by a system of trails accessible to the residential unit owners within the Historic Resort Resource development in a safe manner. In the event the non-contiguity results from land previously dedicated as greenway land by a separate applicant, the project residential unit owners shall have the right to use the previously dedicated greenway land for the purposes set forth in Section 1106.B.3 of this Ordinance.
2. Greenway land shall generally remain undivided and may be owned or controlled and maintained by a homeowners' association, land trust, or another conservation organization recognized by the Township. These ownership options may be combined so that different parts of the greenway land may be owned by different entities. Greenway land shall be subject to a permanent easement or an irrevocable license agreement. If any greenway land which is the subject of a permanent easement or an irrevocable license agreement is proposed to be included as all or part of the greenway land for a Historic Resort Resource project the permanent easement or irrevocable license agreement shall be in a form reasonably satisfactory to the Board of Supervisors.
3. Greenway land may be designed for either active or passive uses such as, but not limited to, recreational, equestrian, trails, natural areas, woodlands, waterways, and similar types of open space.

ARTICLE 12
CONSERVATION DESIGN

1201. Purpose. In conformance with the state enabling legislation, the purpose of this Article, among others, are as follows:

- A. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains, and wetlands, by setting them aside from development.
- B. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
- C. To reduce soil erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes.
- D. To implement adopted Township policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Barrett-Mt. Pocono-Paradise Open Space Recreation Plan (2002), including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents.
- E. To implement adopted land use, transportation, and community policies as identified in the Township's Comprehensive Plan.
- F. To create neighborhoods with direct visual access to open land with amenities in the form of neighborhood open space and with a strong neighborhood identity.
- G. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplains, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).
- H. To provide standards reflecting the varying circumstances and interests of individual landowners and the individual characteristics of their properties.
- I. To conserve scenic views and elements of the Township's character and to minimize perceived density by minimizing views of new development from existing roads.

1202. Design options. In order to achieve the above noted purposes, this Article provides for flexibility in designing new residential subdivisions by allowing two forms of by-right development referred to as "options," as summarized below:

- A. Option One: *Neutral density and basic conservation*, providing for residential uses at the density permitted by the underlying zoning district. Greenway lands comprise 50 percent or more of the gross tract area. The flexibility designed layouts work well with both individual wells and septic systems located in the open space, or with central wells and sewage treatment facilities.

- B. Option Two: *Enhanced density with greater conservation*, providing for higher density residential uses and a larger percentage (60% of more) of greenway land in more flexibly designed layouts. Public or community sewer and water systems are required.

1203. General regulations. The design of all new subdivisions in the Conservation Design Overlay District shall be governed by the following minimum standards:

- A. Ownership. The tract of land may be held in single and separate ownership or by multiple owners. However, when a tract is held by multiple owners it shall be planned as a single entity with common authority and common responsibility.
- B. Site suitability. As evidenced by the Existing Resources/Site Analysis Plan, the conceptual Preliminary Plan, and the detailed Final Plan, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size and configuration.
- C. Combining the design options. The various layout and density options described in this Article may be combined at the discretion of the Board of Supervisors upon recommendation of the Planning Commission, based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this Article, as compared with applying a single option to the property.
- D. Intersections and access. New intersections with existing public roads shall be minimized.
- E. Sensitive area disturbance. The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the Existing Resources and Site Analysis Plan. Lands within the 100-year floodplain, wetlands, slopes in excess of 25 percent, and rock outcroppings constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be a prerequisite to approval of both the conceptual Preliminary Plan and the detailed Final Plan.
- F. Community wastewater systems. All community wastewater disposal systems shall be designed and constructed in accordance with the regulations of the Pennsylvania Department of Environmental Protection, and shall be subject to the review and recommendation of the Township Engineer and Sewage Enforcement Officer.

1204. Use regulations. Land in the Conservation Design Overlay District may be used for the following purposes:

- A. Single-family detached dwellings. Single-family detached dwellings in Options 1 and 2 subdivisions:
 - 1. On tracts of 6 acres or more, single-family detached dwellings are permitted under the standards found in Sections 1205 and 1206 herein, and conventional lots with no greenway land are not permitted.

2. On tracts less than 6 acres, existing on the effective date of this Ordinance, single-family detached dwellings are permitted under the standards for Options 1 and 2 found in Sections 1205 and 1206, and conventional lots with no required greenway land, as formerly permitted throughout the R and C Districts under the existing zoning ordinance.
- B. Greenway land. Greenway land comprising a portion of residential development, as specified above and according to requirements of Section 1207.
- C. Nonresidential uses. The following nonresidential uses are permitted in accordance with the standards of Section 1210.
1. Agricultural uses including horticultural, wholesale nurseries, orchards, the raising of crops or livestock, and buildings related to the same.
 2. Woodlots, arboreta, and other similar silvicultural (forestry) uses.
 3. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.
 4. Municipal or public uses; public park or recreation area owned and operated by a public or private nonprofit agency; governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private, or municipal sanitary landfills.

1205. Dimensional standards and density determination.

- A. Dimensional standards for Option One: neutral density and basic conservation.
1. Density factor: One dwelling unit per 65,340 square feet (1.5 acres) in the R District, and one dwelling unit per 87,120 square feet (2 acres) in the C District, as determined through the Adjusted Tract Area Method or Yield Plan Method described in Section 1205.C, herein. This is "density neutral" with the underlying zoning provisions for these districts. Please note that it may not be possible to meet the maximum density with on-lot sewer and water systems. If maximum density determined by the Adjusted Tract Area Method is not achievable because of the standards for on-lot sewer and water systems, the density shall be determined using the Yield Plan Method.
 2. Minimum required greenway land: The subdivision must include at least 50 percent of the Adjusted Tract Area plus all of the constrained land calculated in Section 1205.C, below, as greenway land. Greenway land shall not be used for residential lots.
 3. Dimensional standards for Option One: The dimensional standards are based on the availability of community or public sewer and water, community or public sewer or water (with the other system being on-lot), and on-lot sewer and water. Refer to table below.

	Community/Public Sewer and Water	Community/Public Sewer or Water	On-lot Sewer and Water
Minimum lot size (s.f.)	20,000	30,000	30,000
Minimum lot width (ft.) at building setback line	80	100	120
Minimum street frontage (ft.)	20	20	20
Minimum front yard (ft.) at ultimate right-of-way line	20	20	20
Minimum rear yard (ft.)	40	40	40
Minimum/aggregate side yard (ft.)	5/35	5/35	5/35
Maximum impervious surface coverage (percent)	25	20	20
Maximum building height (ft.)	35	35	35

B. Dimensional standards for Option Two: enhanced density with greater conservation.

1. Density factor: One dwelling unit per 49,000 square feet (1.125 acres) in the R District, and one dwelling unit per 65,340 square feet (1.5 acres) in the C District, as determined through the Adjusted Tract Area Method or Yield Plan Method described in Section 1205.C, herein.
2. Minimum required greenway land: The subdivision must include at least 60 percent of the Adjusted Tract Area plus all of the constrained land calculated in Section 1205.C, below, as greenway land. Greenway land shall not be used for residential lots.
3. Dimensional standards for Option Two: Community or public sewer and water systems are required. Refer to table below.

	Community/Public Sewer and Water
Minimum lot size (s.f.)	18,000
Minimum lot width (ft.) at building setback line	80
Minimum street frontage (ft.)	20
Minimum front yard (ft.) at ultimate right-of-way line	20
Minimum rear yard (ft.)	40
Minimum/aggregate side yard (ft.)	5/35
Maximum impervious surface coverage (percent)	30

Maximum building height (ft.)	35
-------------------------------	----

C. Density determination for Option One and Two subdivisions. Applicants shall have the choice of two methods of determining the maximum permitted residential building density on their properties. They are as follows:

1. Adjusted Tract Area Method. Determination of the maximum number of permitted dwelling units on any given property shall be based upon the Adjusted Tract Area of the site.

a. The Adjusted Tract Area equals the gross tract area minus the constrained land, defined as the sum of the following:

Feature	Factor Applied to Acreage with Feature
Land within the rights-of-way of existing public and private streets or highways, or within the existing rights-of-way or easements of aboveground or underground utilities that have defined widths.	1.00
Land within existing areas comprising permanent drainage or stormwater management easements.	1.00
Land without development opportunities due to existing restrictions such as restrictive covenants and/or conservation easements.	1.00
Designated wetlands	0.75
Floodway	1.00
100-Year Floodplain	0.50
Steep slopes exceeding 25 percent	0.50
Moderately steep slopes between 15 and 25 percent	0.15
Rock outcroppings and boulder fields of more than 5,000 square feet	0.75

b. If a portion of the tract is underlain by more than one natural feature subject to density factor, that acreage shall be subject to the most restrictive density factor.

c. Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from developable lot area, any portion of these items that also contains a natural feature subject to a deduction from the gross tract area should not be included when calculating the adjusted tract area.

- d. The maximum number of permitted dwelling units equals the Adjusted Tract Area divided by the applicable density factor set forth in Sections 1205.A and B.
2. Yield Plan Method. Determination of density, or maximum number of permitted dwelling units, shall be based upon a Yield Plan. A Yield Plan shall meet the following requirements:
 - a. Yield Plans must be prepared as conceptual layout plans in accordance with the standards of the Subdivision Ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. Although it must be drawn to scale, it need not be based on a field survey. However, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, steep slopes, existing easements or encumbrances and, if on-lot sewer systems are proposed, the suitability of soils for subsurface sewage disposal.
 - b. Yield Plans should also reflect the dimensional standards for the zoning district(s) in which the proposal is located, and the development option(s) chosen. The Yield Plan must identify the site's primary and secondary resources, as identified in the Existing Resources/Site Analysis Plan, and demonstrate that the primary resources could be successfully absorbed on the lots without disturbance.
 - c. On sites not served by central sewage disposal, density shall be further determined by evaluating the number of homes that could be supported by individual septic systems on conventional lots. Based on the primary and secondary resources, identified as part of the inventory and analysis, and observations made during an on-site visit of the property, the Planning Commission shall select a 10 percent sample of the lots, considered to be marginal, for on-lot sewage disposal. The applicant is required to provide evidence that each of these lots meets the standards for an individual septic system. Should any of the lots in a sample fail to meet the standard for individual septic system, those lots shall be deducted from the yield plan and a second 10 percent sample shall be selected by the Township Planning Commission and tested for compliance. This process shall be repeated until all lots in a given sample meet the standard for an individual septic system. The applicant shall be granted the full density determined by the resulting Yield Plan.
 - d. The following dimensional standards shall be used in the development of Yield Plans for Option One and Two subdivisions in the R and C Districts. These minimum aerial dimensions are exclusive of all wetlands, slopes greater than 25 percent, and land under high-tension electrical transmission lines (69kV or greater). No more than 25 percent of the

minimum required lot area may consist of land within the 100-year floodplain, and only then if it is free of wetlands.

Standard	R District Option 1	R District Option 2	C District Option 1	C District Option2
Minimum lot area (s.f.)	65,340	49,000	87,120	65,340
Minimum lot width (ft.)	125	110	150	125
Front yard setback (ft.)	50	50	50	50
Rear yard setback (ft.)	25	25	25	25
Side yard setback (ft.)	15/30	15/30	15/30	15/30

1206. Design standards for Option One and Two subdivisions.

- A. House lots shall not encroach upon Primary Conservation Areas as identified in Section 1207.B, below, and their layout shall respect Secondary Conservation Areas as described in both the Zoning Ordinance and in the Subdivision Ordinance.
- B. All new dwellings shall meet the following setback requirements:

Feature	Required Setback
Ultimate right-of-way of external roads	100 feet
All other tract boundaries	50 feet
Cropland or pasture land	100 feet
Building or barnyard housing livestock	300 feet
Active recreation area such as court or playing field (not including tot lots)	150 feet

- C. House lots shall generally be accessed from interior streets, rather than from roads bordering the tract.
- D. At least three-quarters of the lots shall directly abut or face greenway land across a street.
- E. Standards pertaining to the quantity, quality, configuration, ownership, and maintenance of the greenway land created under this Article are contained in Sections 1207 through 1210 of this Ordinance.

1207. Greenway land use and design standards. Protected greenway land in all subdivisions shall meet the following standards:

- A. Uses permitted on greenway lands. The following uses are permitted in greenway land areas:
1. Conservation of open land in its natural state (for example woodland, fallow field, or managed meadow).
 2. Agricultural and horticultural uses including raising crops or livestock, wholesale nurseries, orchards, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
 3. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but, may not consume more than half of the minimum required greenway land.
 4. Forestry, in keeping with established best management practices for selective harvesting and sustained-yield forestry. Diseased or damaged limbs or trees may be removed at any time.
 5. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Board of Supervisors.
 6. Active non-commercial recreation areas such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required greenway land or ten acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within 100 feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than 20 parking spaces each.
 7. Golf courses including their parking areas and associated structures, may comprise up to half of the minimum required greenway land but shall not include miniature golf.
 8. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the greenway. Land used for sewage lagoons may not be counted toward the minimum required greenway land.
 9. Easements for drainage, access, sewer or water lines, or other public purposes.
 10. Underground utility rights-of-way. Aboveground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required greenway land.

B. Greenway design standards.

1. Greenway lands shall be laid out in general accordance with the Township's Map of Potential Conservation Lands (in the Comprehensive Plan) to encourage that an interconnected network of open space will be provided. The required greenway land consists of a mixture of Primary Conservation Areas (PCAs), all of which must be included, and Secondary Conservation Areas (SCAs). PCAs comprise floodplains, wetlands, and slopes over 25 percent. SCAs should include special features of the property that would ordinarily be overlooked or ignored during the design process. Examples of such features are listed and described in Section 603 (Greenway Design Review Standards) in the Subdivision Ordinance.
2. The minimum amount of greenway land shall be provided as set forth in Sections 1205.A.2 and 1205.B.2. This land shall generally remain undivided and may be owned and maintained by a homeowners' association, land trust, another conservation organization recognized by the Township, or by a private individual (typically as part of the original farmhouse or estate). However, in no case shall less than 30 percent of the land comprising the Adjusted Tract Area be available for the common use and passive enjoyment of the subdivision residents. These ownership options may be combined so that different parts of the greenway land may be owned by different entities.
3. Buffers for adjacent public parkland. Where the proposed development adjoins existing public parkland, a natural greenway buffer at least 150 feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction).

C. Other requirements.

1. No portion of any building lot may be used for meeting the minimum required greenway land. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required greenway land.
2. Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes in accordance with Section 1204 herein, shall be provided to greenway land in accordance with the following requirements:
 - a. Each neighborhood shall provide one centrally located access point per 15 lots, a minimum of 35 feet in width.
 - b. Access to greenway land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.

1208. Permanent greenway protection through conservation easements. In Option One and Two subdivisions, the required greenway land shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and to install subsurface septic disposal systems or spray irrigation facilities.) The determination of necessity shall lie with the Board of Supervisors. A list of permitted and conditional uses of greenway lands is contained in this Article in Sections 1204 and 1207.

1209. Discretionary density bonuses. The Board of Supervisors may allow additional density when one of the following public benefits is proposed:

- A. Public usage of greenway land. The Board of Supervisors may encourage the dedication of land for public use (including active and passive recreation areas, municipal buildings, etc.) according to the following standards. A density bonus for greater public usage of greenway land in new subdivisions shall be computed on the basis of a maximum of one dwelling unit per five acres of greenway land or per 2,500 linear feet of trail that becomes publicly accessible. The decision whether to accept an applicant's offer to dedicate greenway land to public usage within a proposed subdivision shall be at the discretion of the Board of Supervisors, which shall be guided by the recommendations contained in the Open Space Plan, particularly the Greenways and Open Space Conservation Plan that shows proposed greenway links that are publicly accessible.
- B. Endowment for greenway maintenance.
 - 1. When greenway land is to be donated to the Township, the Board of Supervisors may allow up to ten percent density bonus to generate additional income to the applicant for the sole purpose of endowing a permanent fund to offset continuing costs of maintaining the greenway land (involving activities such as mowing meadows, removing invasive vines, paying insurance premiums and local taxes, etc.), including costs associated with active or passive recreation facilities. Spending from this fund should be restricted to expenditure of interest so that the principal may be preserved. Assuming an annual average interest rate of five percent, the amount designated for the Endowment Fund shall be at least 20 times the estimated annual maintenance costs. Such estimate shall be prepared by an agency, firm, or organization acceptable to the Board of Supervisor, and with experience in managing conservation land and recreational facilities. The developer shall transfer this fund to the designated entity with ownership and maintenance responsibilities, at the time this entity is created.
 - 2. When estimating the projected maintenance costs of the greenway land, greenway land that is not accessible by the subdivision residents for their common enjoyment need not be included in the calculations. Such lands would typically include areas designated on the Final Plan as land reserved for future agricultural, horticultural, silvicultural (forestry), or equestrian uses, which may be leased or sold to another party for those express purposes, and which are protected from future development by a permanent conservation easement. In such cases, the

density bonus shall be adjusted proportionately to reflect only the acreage that is accessible to residents for their passive or active recreation.

1210. Ownership and maintenance of greenway land and common facilities.

- A. Development restrictions. All greenway land shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space at any times, except for those uses listed in Section 1207.
- B. Ownership options. The following methods may be used, either individually or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the open space ratio of the overall development. Ownership methods shall conform to the following:
 - 1. Fee simple dedication to the Township. The Township may, but shall not be required to, accept any portion of the common facilities provided that:
 - a. there is no cost of acquisition to the Township; and
 - b. the Township agrees to and has access to maintain such facilities.
 - 2. Condominium association. Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All open land and common facilities shall be held as "common element."
 - 3. Homeowners' associations. Common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in state regulations and statutes. In addition, the following regulations shall be met:
 - a. The applicant shall provide the Township a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common facilities.
 - b. The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development.
 - c. Membership in the association shall be automatic and mandatory for all purchasers of dwelling units therein and their successors in title.
 - d. The association shall be responsible for maintenance and insurance of common facilities.

- e. The bylaws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his or her dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
 - f. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance of common facilities must be given to all members of the association and to the Township no less than 30 days prior to such event.
 - g. The association shall have adequate staff to administer, maintain, and operate such common facilities.
4. Private conservation organization or Monroe County. With permission of the Township, an owner may transfer either fee simple title of the open space or easements on the open space to a private non-profit conservation organization or to Monroe County provided that:
- a. The conservation organization is acceptable to the Township and is a bona fide conservation organization intended to exist indefinitely.
 - b. The conveyance contains appropriate provisions for proper reverter or retransfer to a homeowners' association in the event that the organization or Monroe County becomes unwilling or unable to continue carrying out its functions.
 - c. The greenway land is permanently restricted from future development through a conservation easement and the Township is given the ability to enforce these restrictions.
 - d. A maintenance agreement, acceptable to the Township, is established between the owner and the organization or Monroe County.
5. Dedication of easements to the Township. The Township may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the condominium association, the homeowners' associations, or private conservation organization while the easements are held by the Township. In addition, the following regulations shall apply:
- a. There shall be no cost of acquisition to the Township.
 - b. Any such easements for public use shall be accessible to the residents of the Township.
 - c. A satisfactory maintenance agreement shall be reached between the owner and the Township.

6. Non-common private ownership. Up to 80 percent of the required greenway land may be included within one or more large "conservancy lots" of at least 10 acres provided the open space is permanently restricted from future development through a conservation easement, except for those uses listed in Section 1207, and that the Township or any owner in the subdivision is given the ability to enforce these restrictions.

C. Maintenance.

1. Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining common facilities and greenway land shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.
2. The applicant shall, at the time of preliminary plan submission, provide a plan for maintenance of greenway lands and operation of common facilities in accordance with the following requirements:
 - a. The plan shall define ownership.
 - b. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, cropland, woodlands, etc.).
 - c. The plan shall estimate staffing needs, insurance requirements, associated costs, and define the means for funding maintenance of the greenway land and operation of any common facilities on an ongoing basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
 - d. At the Township's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year.
 - e. Any changes to the maintenance plan shall be approved by the Board of Supervisors.
3. In the event that the organization established to maintain the greenway lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Township may assume responsibility for maintenance, in which case escrow funds may be forfeited and any permits may be revoked or suspended.
4. The Township may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners' association, conservation organization, or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties.

Such costs shall become a lien on said properties. Notice of such lien shall be filed by the Township in the offices of the Prothonotary of Monroe County.

ARTICLE 13
GENERAL REQUIREMENTS

1301. Supplementary lot, yard and height regulations.

- A. Building height exceptions. District height limitations shall not apply to church spires, belfries, cupolas and domes, monuments, water towers, chimneys, smokestacks, flagpoles, radio towers, masts, aerials, and parapet walls extending not more than four feet above the limiting height of the building.
- B. Accessory structures.
 - 1. All accessory structures or buildings are required to meet yard requirements as specified in Article 10, Use Regulations.
 - 2. Attached accessory structures in residential districts. An accessory structure attached to a principal building shall be considered to be a part of the principal building.
- C. Corner lots. Visual obstructions at street intersections (excluding an existing building, post, column, or tree) exceeding thirty (30) 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 thirty (30) feet distant from their points of intersection.
- D. No zone lot, yard parking area or other space shall be reduced in area or dimension as to make it less than the minimum required by this Ordinance, but if already less, said area of dimension may be continued but not further reduced.

1302. Off-street parking.

- A. All off street parking, loading, and access facilities and service areas used by motor vehicles shall comply with the following provisions in all districts. All required parking spaces shall be provided off street.
- B. Structures and uses in existence at the date of adoption of this chapter shall not be subject to the requirements of this article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.
- C. Whenever there is an alteration of a use which increases the parking requirements, the total additional parking required for the alteration, changes or extension shall be provided in accordance with this chapter.
- D. Nonresidential parking requirements. If the calculations result in a fraction of a space, one full space shall be provided.

Use		Number of Off-Street Parking Spaces Required
A-1	Agriculture and horticulture	2 spaces per dwelling unit and 1.5 space per two employees
A-2	Riding academy	1 space for every two stalls, plus 1 space for every four seats of permanent spectator seating
A-3	Kennel	1 space for every 400 square feet of gross floor area including runs
B-1	Single-family detached dwelling	2 spaces per dwelling unit
B-2	Twin dwelling	2 spaces per dwelling unit
B-3	Duplex dwelling	2 spaces per dwelling unit
B-4	Townhouse	2 spaces per dwelling unit
B-5	Multi-family dwelling	1.5 spaces per dwelling unit
B-6	Single-family detached cluster	2 spaces per dwelling unit
B-7	Residential conversion	1.5 spaces per dwelling unit
B-8	Mobile home park	1 space per dwelling unit
B-9	Group home	0.5 spaces per living unit plus 1 space for each employee per shift
C-1	Place of worship	1 space for every 3.5 fixed seats
C-2	School	2 spaces per classroom
C-3	Commercial school	4 spaces per classroom
C-4	Library or museum	1 space per 500 square feet of gross floor area
C-5	Recreational facility	1 space per each 200 square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests or members
C-6	Athletic facility	1 space per each 200 square feet of gross floor area used or intended to be

		used for service to customers, patrons, clients, guests or members; plus 1 additional space for each employee
C-7	Golf course	2 spaces per hole
C-8	Private club or community center	1 space for each 200 square feet of gross floor area
C-9	Child care facility	1 space per 5 children receiving day care
C-10	Hospital	1 space for every two beds
C-11	Nursing home/assisted living facility	1 space for every three beds
C-14	Detention facility	1 space for each employee on maximum shift; plus 1 space for every twenty-five inmates
D-1	Office	1 space for each 200 square feet of gross floor area
D-2	Medical office	1 space for each 150 square feet of gross floor area
E-1	Retail store	1 space for each 250 square feet of gross floor area
E-2	Large retail store	1 space for each 250 square feet of gross floor area
E-3	Service business	1 space for each 200 square feet of gross floor area
E-4	Financial establishment	1 space for each 200 square feet of gross floor area
E-5	Eating place	1 space for each 100 square feet of gross floor area
E-6	Eating place, drive in/thru	1 space for each 100 square feet of gross floor area
E-7	Repair shop	1 space for each 250 square feet of gross floor area

E-8	Motel, hotel, and inn	1 space for each guest room; plus 1 space for each 400 square feet of meeting area and restaurant space
E-9	Commercial recreation and entertainment	1 space for each 100 square feet of gross floor area
E-10	Service station	1 space for each 300 square feet of gross floor area
E-11	Automotive sales	1 space for each 200 square feet of floor area in the main display room
E-12	Car wash	1 space for 300 square feet of gross floor area
E-13	Shopping center	3.5 parking spaces for every 1,000 square feet of gross floor area
E-14	Funeral home	1 space for each 300 square feet of gross floor area
E-15	Veterinary office or clinic	1 space for each 300 square feet of gross floor area
E-16	Flea market	1 space for each 200 square feet of sales area
E-17	Tavern or bar	1 space for each 100 square feet of gross floor area
E-18	Resort	1 space for each guest room; plus 1 space for every 400 square feet of meeting area and restaurant space; plus 1 space for every 1,000 square feet for convention facilities
E-419	Adult-oriented use	1 space for each 100 square feet of gross floor area
E-20	Bed and breakfast	1.5 space per guest room
F-3	Terminal	All parking shall be adequate as determined by the governing body
F-4	Telecommunications facility	2 spaces

G-1	Manufacturing	1 space for each 500 square feet of gross floor area
G-2	Research	1 space for each 500 square feet of gross floor area
G-3	Mini warehouse, mini storage	1 space for each 2,000 square feet of gross floor area
G-4	Printing	1 space for each 500 square feet of gross floor area
G-5	Contract services	1 space for each 500 square feet of gross floor area
G-6	Trades	1 space for every 250 square feet of gross floor area
G-7	Fuel storage and distribution	1 space for every 250 square feet of gross floor area
G-8	Building materials sale	1 space for every 250 square feet of gross floor area
G-9	Equipment storage yards	1 space for every 250 square feet of gross floor area
G-10	Truck terminal	1 space for every 250 square feet of gross floor area
G-11	Food processing	1 space for every 250 square feet of gross floor area
G-12	Recycling facility	1 space for every 250 square feet of gross floor area
G-14	Laundry, dry-cleaning or dyeing plant	1 space for every 250 square feet of gross floor area
G-15	Warehouse	1 space per 10,000 square feet of gross floor area
H-9	Accessory apartment	2 spaces per dwelling unit
H-10	Agricultural entertainment uses	All parking shall be adequate as determined by the governing body

H-11	Accessory contractor or trade	1 space for every 250 square feet of gross floor area
H-14	Dormitory	1 space for each two beds

- E. Residential parking requirements. Parking spaces within garages shall not be used to meet the off-street parking requirement.
- F. Accessible parking spaces for disabled persons shall be in accordance with the federal requirements as set forth in the Americans with Disabilities Act.
- G. Reservation of nonresidential parking areas. In order to prevent the establishment of more parking spaces than are immediately needed, the Board of Supervisors may allow for a portion of the required parking area to be built at a later date, provided that the following conditions are met:
 - 1. The parking lot design must designate sufficient space to meet the total parking requirement. The plan shall illustrate the layout for the total number of spaces.
 - 2. Seventy-five percent of the required spaces shall be built with the completion of the project. An area adequate to accommodate the remaining 25% may be reserved as open space until needed. The reserved area shall not include any required buffers, or yard areas in which parking would not be permitted under this chapter.
 - 3. A landscape plan for the reserved area shall be provided.
 - 4. The applicant shall establish a performance bond and an agreement shall be executed with the Township to construct the additional spaces if needed. This agreement shall apply to any future owners of the property.
 - 5. The reserved parking area cannot be used to meet the parking requirements for future expansions of the facility.
- H. For parking areas of five (5) or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded and surfaced with asphalt or other suitable material.
- I. All off-street parking lots and areas for the display, storage, sale, or movement of five (5) or more motor vehicles shall be adequately buffered from adjacent streets and landscaped in accordance with an overall plan.
 - 1. All parking lots shall be enclosed, except for entrances and exits, by a dense buffer not less than four feet in height.

2. All parking lots or areas for off street parking or for the storage or movement of motor vehicles shall be separated from the ultimate right-of-way line by a barrier planting strip not less in width than 10 feet, except for necessary accessways.

1303. Parking design standards.

- A. Every parking space, outdoor or in a garage, shall be at least 10 feet by 20 feet, except for spaces reserved for the handicapped, which shall comply with minimum standards as required by the Americans with Disabilities Act.
- B. The minimum width of drives and parking aisles shall be twenty-four (24) feet.
- C. All dead-end parking aisles shall be designed to provide sufficient backup area for the end stalls of the parking lot.
- D. Drives and parking aisles shall be designed so that each motor vehicle may proceed to and from a parking stall without requiring the moving of any other motor vehicle.
- E. Parking lots or areas shall have not more than two accessways to any one public street or highway for each 500 feet of street frontage. Where practical, access to parking areas shall be provided by a common service driveway or minor street to avoid direct access on a major street or highway.

1304. Buffer yards and screening. Buffering serves to soften the outline of buildings, to screen glare and noise, and to create a visual and/or physical barrier between conflicting land uses.

- A. A completely planted visual barrier or landscape screen of sufficient density, which cannot be seen through, and of sufficient height to constitute an effective screen and give maximum protection and immediate visual screening shall be provided and continually maintained between any industrial or commercial district and adjoining residentially zoned district or residential use; in a residential district between all townhouse, twin, duplex, or apartment developments and adjoining lower density residential use; and around all utility operating facilities.
- B. Buffer yards shall be measured from the lot boundary line or from the near street line where a street serves as the lot boundary line. Buffer yards may not be part of an existing or future street right-of-way, but shall be in addition to that right-of-way.
- C. A minimum fifteen (15') foot buffer yard shall be required, unless otherwise indicated in this Ordinance.
- D. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.

- E. Plant materials used in the screen planting shall be of such species and size as will produce an immediate visual screen of at least six (6') feet in height and shall be of such species native to the region.
- F. All buffer yards shall be planted with ground cover and trees and shrubs and shall be maintained and kept clean of debris, rubbish, noxious weeds, and invasive species.
- G. Existing trees and vegetation should be preserved and may be considered as part of the buffer yard landscaping requirements if approved by the Board of Supervisors.
- H. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year.
- I. The screen planting shall be spaced so that at maturity it will not be closer than three feet from any right-of-way or property line.
- J. In addition to plant materials, fences, walls and planted earthen berms may be provided in addition to or substituted for plant materials after review and approval by the Board of Supervisors as to their function and suitability.

ARTICLE 14
NONCONFORMING USES AND BUILDINGS

- 1401. Continuance of nonconformance.** A use, building, or structure which shall be made nonconforming at the passage of this Ordinance or any applicable amendment thereto may be continued except as otherwise provided in this Article.
- 1402. Restrictions of nonconformance.**
- A. Change of use. Nonconforming uses of structures shall not be changed into a use which is permitted in a less restricted district; provided, however, that if the non-conforming use or structure is not permitted in any of the districts or permitted only as a special use then any change of use shall require that said new use or structure shall be a conforming use or structure. When nonconforming uses have been changed in accordance with the provisions of this Section, the use of the building or other structure or tract of land shall not thereafter be changed again except in accordance with these regulations.
 - B. Abandonment. The voluntary discontinuance of a nonconforming use for a period of one (1) year and/or change of use to a more restricted or conforming use of any period of time shall be considered an abandonment thereof and such nonconforming use shall not thereafter be revived. Intent to resume active operations shall not affect the foregoing. The provision of this Section shall in no way affect or alter the provisions of Section 1402.C hereinafter set forth.
 - C. Repairs.
 - 1. Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary non-structural repairs and incidental alterations not extending the nonconforming use, except as otherwise provided herein.
 - 2. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability, provided that no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.
 - 3. Any nonconforming building or structure damaged less than fifty (50%) percent of its then assessed value may be restored, reconstructed, or used as before, provided that the volume of such use, building or structure shall not exceed the volume which existed prior to such damage, and that it be completed within one (1) year of such happening; provided however, that the privilege extended under Section 1403 shall also be applicable hereunder.
 - D. Enlargement. A nonconforming use shall be permitted to be enlarged only up to twenty five (25%) percent of the nonconforming use, structure, or structures as existed at the time of passage of this Ordinance or any applicable amendment thereto; provided that any enlargement thereof shall be in accordance with the regulations governing said use,

and the district in which it is situated including conformance with all off-street parking and loading requirements for the entire use and/or structure.

1403. Termination of nonconformance.

- A. Partial destruction. When fifty (50%) percent or more of the actual value of a nonconforming building or structure, or use is destroyed by fire or other casualty or Act of God, the use of such building, structure, or land as a nonconforming use shall thereafter be terminated.
- B. Public nuisances. Upon a complaint registered by the building Inspector or fifty (50%) percent of the property owners within two hundred (200') feet of the nonconforming use which is considered to be a hazard to the health, safety, welfare, and morals of uses or structures adjoining such nonconforming use or uses, the Zoning Hearing Board shall hold a public hearing and within thirty (30) days thereafter make a finding in accordance with the standards, purposes, and procedures set forth herein as to necessity of terminating such nonconforming use.

**ARTICLE 15
ADMINISTRATION**

1501. Enforcement.

- A. The Zoning Officer is hereby authorized and directed to enforce the provisions of this Ordinance and to institute civil enforcement proceedings when acting within the scope of his employment.
- B. If it appears that a violation of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. Where a private sewage disposal system is required, no building permit may be issued until a permit for said private sewage disposal system has been issued.

1502. Zoning Officer.

- A. Appointment of Zoning Officer. This Ordinance shall be enforced by the Zoning Officer who shall be appointed by the Board of Supervisors. Said Zoning Officer shall not hold any elective office in the Township. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.
- B. Duties and powers.
 - 1. The Zoning Officer shall administer this Ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use, which does not conform to this Ordinance.
 - 2. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.
 - 3. The Zoning Officer shall receive and examine all applications required under the terms of this Ordinance and shall issue or refuse permits. The Zoning Officer shall issue a written notice of violation to any person, firm, or corporation violating any provisions of this Ordinance. He or she shall keep records of applications, of permits or certificates issued, of variances granted, of inspections made, of reports rendered and of notice or orders issued and, where applicable, shall identify and register nonconforming uses and structures and shall make all inspections required to determine conformance with this Ordinance and perform all other duties as called for in this Ordinance.

1503.

Zoning Hearing Board. A Zoning Hearing Board is hereby established in accordance with the provisions of the State Act of 1968, P.L. 805, No. 247, as reenacted and amended, the Pennsylvania Municipalities Planning Code. The members of the Board shall be residents of the Township and shall be appointed by the Board of Supervisors to serve for terms as prescribed by law.

- A. Board functions. The Board shall be responsible for the following:
 - 1. To hear and decide appeals against any alleged errors or actions of the Zoning Officer.
 - 2. To hear and decide all requests for the interpretation of any fact or provision of this Ordinance.
 - 3. To hear and decide all requests for variances.
 - 4. To hear and decide all requests for special exceptions in accordance with the standards and criteria set forth in this Ordinance.
 - 5. To hear and decide challenges to the validity of this Ordinance or Zoning Map or to any procedural questions or defects which are within its jurisdiction.
- B. All findings and decisions of the Board shall be in writing and shall be rendered within 45 days after the last hearing before the Zoning Hearing Board, and if the Board fails to render such a decision, then the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed, in writing, to an extension of time.
- C. The Board shall perform such other duties as may be provided or made necessary by this Ordinance or by State Act of 1968, P.L. 805, No. 247, as reenacted and amended, including the interpretation of zoning boundaries, the holding of hearings after proper notice or the referral of any pertinent matter to the Board of Supervisors and/or Planning Commission for review and recommendations. The Board shall keep a full public record and a summary of the facts in cases over which it has jurisdiction and shall maintain adequate records on its findings and decisions.

1504.

Variances.

- A. Upon appeal, and after public notice as well as personal notice to appellant, and after a hearing, the Board may grant a variance provided the following findings are made where relevant in a given case:
 - 1. That there are unique physical circumstances or conditions including irregularity, narrowness, or shallowness of lot, size, or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

2. That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization or a variance is therefore necessary to enable the use of the property.
 3. That such unnecessary hardship has not been created by the appellant;
 4. That the variance, if authorized, will not alter the essential character of the neighborhood, or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 5. That the variance, if authorized, will represent the minimum variance that will afford relief, and will represent the least modification possible of the regulation in issue.
- B. A request for a variance shall be made by way of appeal to the Board from a decision of the Zoning Officer.
 - C. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

1505.

Public hearing and notice. Upon filing with the Board, an appeal, or a request for a variance as required by the terms of this Ordinance, or for such other purposes as provided herein where the Board deems it in the public interest, the Board shall fix a time and place for a public hearing thereon as follows:

- A. Public notice. By advertising at least once in a newspaper of general circulation in the Township, not less than one (1) week nor more than three (3) weeks in advance of such hearing.
- B. Notice to appellant. By mailing a notice thereof by registered mail to the Appellant.
- C. Notice to local officials. By mailing a notice to the Township Supervisors and Township Planning Commission.
- D. Notice to interested parties. By mailing a notice thereof to every association of residents of the Township, and any other interested party who shall have registered their names and addresses for this purpose with the Board.
- E. Notice to owner and neighbors. When the Board shall order, by mailing a notice thereof to the owner, if his residence is known, and to the occupant of every lot on the same street within three hundred (300') feet of the lot or building in question and of every lot not on the same street within one hundred (100') feet of said lot or building; provided that failure to give such notice as specified in this paragraph shall not invalidate any action by the Board.

- F. Nature of notice. The notice required shall be posted upon instruction from the Board, and shall state the location of the building or lot in question and the general nature of the question involved.
- G. Conduct of hearings. All hearings shall be conducted in accordance with the following:
1. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record and any other person, including civic or community organizations, permitted to appear by the Board or by Township Supervisors.
 2. The Board or Township Supervisors shall have power to administer oaths and to issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 3. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
 4. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
 5. The Board, Township Supervisors or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings.
 6. The Board, Township Supervisors or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
 7. The Board, Township Supervisors or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board, Township Supervisors or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore. Conclusions based on any provisions of this Ordinance or of any law, ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. Where the Board, Township Supervisors or the Hearing Officer, as the case may be, fails to render the decision within the period required by this subsection or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision

shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.

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

1506. Filing fees. Township Supervisors shall by resolution establish separate filing fees for the following categories of permits.

- A. Zoning Permits for uses not requiring Board action
- B. Zoning Permits for uses requiring Board action
- C. Variance Application.
- D. Reclassification or Amendment.
- E. Certificate of Nonconformance
- F. Appeals to Zoning Hearing Board
- G. Application to amend this Ordinance

1507. Violations.

- A. Township may initiate appropriate action. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building structure or land is used in violation of this Ordinance, or of any ordinance or regulation made under authority conferred hereby, the Board or other proper official, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, conversion, maintenance or use, to restrain, correct, or abate such violation within ten (10) days and to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises.
- B. Violation punishable. Any person, firm, or corporation violating any provision of this Ordinance shall, upon conviction, be punished by a fine not to exceed Five Hundred (\$500.00) Dollars for any offence, recoverable with costs, together with judgment or imprisonment not exceeding ninety (90) days that a violation is permitted shall constitute a separate offence. Said fines shall be payable to Barrett Township Supervisors.

1508. Challenge to validity of ordinance or map.

- A. A landowner, who desired to challenge on substantive grounds the validity of this 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 the challenge to the Zoning Hearing Board for a report thereon. The Landowner's challenge shall be set forth in a written request to the Board for a hearing. Said request shall contain a short statement reasonably informing the Board of the matters that are at issue and the grounds for the challenge.

- B. The request shall be accompanied by plans and other materials describing the use or development proposed by the landowner in lieu of the use or development permitted by this Ordinance or map. Such plans and materials shall provide reasonable notice of the proposed use or development and a sufficient basis for evaluating this Ordinance in light thereof.
- C. The Board shall commence a hearing within sixty (60) days of receipt of the request. Public notice of the hearing shall be given in accordance with Section 1605.A hereof, listing the time and place of the scheduled hearing. Said notice shall state that the validity of the Ordinance or map is in question and shall state the times and location at which a copy of the landowner's request, along with his plans may be examined by the public.
- D. At the hearing, the Board shall take evidence and make a stenographic record. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact.
- E. The Board shall file its report on the validity of the challenge to the Ordinance within thirty (30) days after the close of the last hearing on the request, unless the time is extended by mutual consent between the landowner and the Board. A written copy of the board's report shall be made available to the Landowner.

1509. Amendments. By the affirmative vote of a majority of the members, may from time to time amend, supplement, change, modify, or repeal this Ordinance including the Zoning Map by proceeding in the following manner:

- A. Public hearing. The Board of Supervisors by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment. At least fifteen (15) days notice of the time and the place of such hearing shall be published in at least one newspaper. The notice shall state the general nature of its contents and shall name the place or places where copies of the proposed amendment may be examined.
- B. Review by Planning Commission. In the case of an amendment other than one prepared by the Barrett Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Barrett Township Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. Furthermore, the Board of Supervisors shall submit each proposed amendment to the Monroe County Planning commission at least thirty (30) days prior to the hearing on the proposed amendment to provide that Planning Commission an opportunity to submit recommendations. Within twenty-one (21) days of receipt of the proposed amendment, the Barrett Township

Planning Commission shall submit to the Board of Township Supervisors a report in writing with recommendations on the proposed amendment. If the Planning Commission shall fail to file such report within the specified time, it shall be conclusively presumed that the Planning Commission approved the proposed amendment.

- C. Opportunity to be heard. At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.
- D. Majority required. In case of a protest against such change, signed either by the owners of twenty (20%) percent or more either of.
 - 1. The area of the lots included in such proposed changes, or of;
 - 2. The area of those lots immediately adjacent to said affected properties, including also all lots any part of which lies within one hundred (100') feet of the boundary of the area of such change.

Then such amendment shall not become effective except by favorable vote of the majority of the members of the Board of Township Supervisors.

1510. Curative amendments.

- A. A landowner who desired to challenge on substantive grounds the validity of this 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 by the Board of Supervisors. The Board of Supervisors shall commence a hearing thereon within sixty (60) Township Planning Commission and the Monroe County Planning Commission as provided in Section 1503.B hereof.
- B. The request shall be accompanied by plans and other materials describing the use or development proposed by the landowner in lieu of the use or development permitted by this Ordinance or map. Such plans and materials shall provide reasonable notice of the proposed use or development and a sufficient basis for evaluating this Ordinance in light thereof. The request shall be accompanied by an amendment to the Ordinance proposed by the landowner to cure the alleged defects therein.
- C. Public notice of the proposed curative amendment shall be given in accordance with Section 1505.A hereof; listing the time and place of the scheduled hearing. Said notice shall state that the validity of the Ordinance or map is in question and shall state the time and location at which a copy of the landowner's request, along with his plans, may be examined by the public.
- D. At the hearing, the Board of Supervisors shall take evidence and make a stenographic record. At the conclusion of the hearing, the Board of Supervisors shall decide all contested questions and shall make findings on all relevant issues of fact.
- E. The landowner's request for a curative amendment shall be deemed denied when:

1. The Board of Supervisors notified the landowner that it will not adopt the amendment;
2. The Board of Supervisors adopts another amendment which is unacceptable to the landowner, or;
3. The Board of Supervisors fails to act on the landowner's request within thirty (30) days after the close of the last hearing on the request, unless the time is extended by mutual consent between the landowner and the Board.

1511. Conditional Use procedures and standards. All conditional uses permitted in this Ordinance shall comply with the following procedures and standards.

A. Application.

1. The application shall be submitted in writing to the Township Zoning Officer, on a form to be supplied by the township, and shall include sufficient information to document compliance with the applicable standards of this Ordinance. A tentative sketch plan of the proposed development shall also be included.
2. The application shall include a fee, which shall be set by resolution of the Board of Supervisors.
3. The Township Zoning Officer shall submit one copy of the application to the Monroe County Planning Commission for its advisory review, one copy to the Township Planning Commission, one copy to the Township Board of Supervisors, and other copies to agencies and/or technical consultant whose review may be relevant.

B. Public hearing.

1. The Township Board of Supervisors shall schedule a public hearing within 60 days of the date of application, pursuant to public notice, to consider the proposal.
2. The Board of Supervisors shall render a written decision within 15 days of the close of the last hearing. This decision shall be sent by certified mail to the applicant at the address provided on the application form filed with the Township.
3. The Township Board of Supervisors shall consider the comments and recommendations of the Township and County Planning Commissions, other advisors, and those present at the public hearing prior to deciding to approve or deny the proposed use.

C. Standards of approval for Conditional Uses.

1. The applicant shall demonstrate at the public hearing that the proposed use shall not be contrary to the public health, safety, and welfare of the community.

2. In particular, the applicant shall demonstrate the adequacy of the proposed vehicular circulation system and other roadway improvements, pedestrian circulation system, utilities, buffering and screening, and protection of floodplain, steep slopes, and other natural features. These requirements are in addition to any other regulations required by this Ordinance.
3. In allowing a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

1512. Interpretation. In the interpretation and the application of the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this Ordinance imposes greater restrictions upon the use of buildings or premises, or upon the height or bulk of a building, or requires larger open spaces, the provisions of this Ordinance shall control.

1513. Validity. If any section, subsection, sentence, clause, or phase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby, declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

1514. Repealer. All Ordinances or parts of Ordinance of the Township of Barrett in conflict with this Ordinance, to the extend of such conflict and no further, are hereby repealed.

1515. Effective Date. This Ordinance shall take effect immediately upon the adoption hereof.

APPENDIX A: TABLE OF USE REGULATIONS¹

Key: P = permitted uses by-right
 C = permitted uses by conditional approval
 x = uses not permitted

		ZONING DISTRICTS					
		C	R	MU-V	CRH	LI	I
A.	Agricultural Uses						
A-1	Agriculture and horticulture	P	P	x	x	x	x
A-2	Riding academy	P	x	x	P	x	x
A-3	Kennel	P	x	x	P	x	x
A-4	Forestry	P	P	P	P	P	P
B.	Residential Uses						
B-1	Single-family detached	P	P	P	P	C	C
B-2	Twin dwelling	x	P	P	x	x	x
B-3	Duplex dwelling	x	P	P	P	x	x
B-4	Townhouse	x	P	C	C	x	x
B-5	Multi-family dwelling	x	P	C	C	x	x
B-6	Single-family detached cluster	C	P	x	C	x	x
B-7	Residential conversion	x	C	C	C	x	x
B-8	Mobile home park	x	C	x	x	x	x
B-9	Group home	x	C	C	C	x	x
C.	Religious, educational, recreational and institutional uses						
C-1	Place of worship	P	P	C	P	x	x
C-2	School	C	C	C	C	x	x
C-3	Commercial school	x	x	P	P	P	x
C-4	Library or museum	x	x	P	P	x	x
C-5	Recreational facility	P	P	P	P	x	x
C-6	Athletic facility	C	x	x	P	P	x
C-7	Golf course	P	x	x	P	x	x
C-8	Private club or community center	x	x	C	P	P	x
C-9	Child care facility	x	C	C	P	x	x
C-10	Hospital	x	x	x	C	C	C

APPENDIX A: TABLE OF USE REGULATIONS¹

Key: P = permitted uses by-right
 C = permitted uses by conditional approval
 x = uses not permitted

		ZONING DISTRICTS					
		C	R	MU-V	CRH	LI	I
C-11	Nursing home and/or assisted living facility	x	C	C	C	x	x
C-12	Cemetery	C	x	x	x	x	x
C-13	Municipal building or use	P	P	P	P	P	P
C-14	Detention facility	x	x	x	x	x	C
D.	Office uses						
D-1	Office	x	x	P	P	P	x
D-2	Medical office	x	x	P	P	P	x
E.	Retail and consumer services uses						
E-1	Retail store	x	x	P	P	P	x
E-2	Large retail store	x	x	C	C	C	x
E-3	Service business	x	x	P	P	x	x
E-4	Financial establishment	x	x	P	P	P	x
E-5	Eating place	x	x	P	P	x	x
E-6	Eating place, drive in/thru	x	x	P	P	x	x
E-7	Repair shop	x	x	C	C	P	P
E-8	Motel, hotel and inn	x	x	C	P	x	x
E-9	Commercial recreation and entertainment	x	x	C	C	C	x
E-10	Service station	x	x	C	P	P	P
E-11	Automotive sales	x	x	C	C	P	P
E-12	Car wash	x	x	x	C	P	P
E-13	Shopping center	x	x	C	C	C	x
E-14	Funeral home	x	x	P	P	P	x
E-15	Veterinary office or clinic	x	x	P	P	P	x
E-16	Flea market	x	x	C	C	x	x

APPENDIX A: TABLE OF USE REGULATIONS¹

Key: P = permitted uses by-right
 C = permitted uses by conditional approval
 x = uses not permitted

		ZONING DISTRICTS					
		C	R	MU-V	CRH	LI	I
E-17	Tavern or bar	x	x	P	P	x	x
E-18	Resort	x	x	x	P	x	x
E-19	Adult-oriented use	x	x	x	x	x	C
E-20	Bed and breakfast	x	C	C	P	x	x
F.	All common carriers, public utilities and public service organizations						
F-1	Utility operating facility	C	C	C	C	P	P
F-2	Emergency services	C	C	P	P	P	P
F-3	Terminal	x	x	x	C	C	P
F-4	Telecommunications facility	C	C	x	C	C	P
G.	Industrial uses						
G-1	Manufacturing	x	x	x	x	C	P
G-2	Research	x	x	x	x	P	P
G-3	Mini warehouse, mini storage	x	x	x	x	P	P
G-4	Printing	x	x	x	x	P	P
G-5	Contract services	x	x	x	x	P	P
G-6	Trades	x	x	x	x	P	P
G-7	Fuel storage and distribution	x	x	x	x	x	P
G-8	Building materials sale	x	x	x	x	P	P
G-9	Equipment storage yards	x	x	x	x	C	C
G-10	Truck terminal	x	x	x	x	C	C
G-11	Food processing	x	x	x	x	x	C
G-12	Recycling facility	x	x	x	x	C	C
G-13	Mineral extraction	x	x	x	x	C	P
G-14	Laundry, dry-cleaning or dyeing plant	x	x	x	x	x	C
G-15	Warehouse	x	x	x	x	C	P
G-16	Junkyard	x	x	x	x	x	C

APPENDIX A: TABLE OF USE REGULATIONS¹

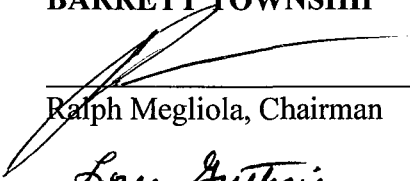
Key: P = permitted uses by-right
 C = permitted uses by conditional approval
 x = uses not permitted

		ZONING DISTRICTS					
		C	R	MU-V	CRH	LI	I
G-17	Lawful use not otherwise permitted	x	x	x	x	x	C
H.	Accessory uses						
H-1	Home occupation	P	P	P	P	P	P
H-2	No impact home-based business	P	P	P	P	P	P
H-3	Residential accessory structure	P	P	C	P	P	P
H-4	Accessory building	C	C	C	P	P	P
H-5	Outside storage	x	x	x	C	C	C
H-6	Temporary structures and vehicles	C	C	C	P	P	P
H-7	Swimming pool	P	P	P	P	P	P
H-8	Keeping of livestock	P	P	P	P	P	P
H-9	Accessory apartment	P	P	P	P	P	P
H-10	Agricultural entertainment uses	P	x	x	x	x	x
H-11	Accessory contractor or trade	x	C	x	x	x	x
H-12	Accessory wind energy system	P	P	x	P	P	P
H-13	Accessory solar energy system	P	P	P	P	P	P
H-14	Dormitory	x	x	x	P	P	P


¹ Editor's Note: This table is intended as a summary of the major uses permitted in each zoning district and is for unofficial use only. For complete provisions, see the regulations for each district enumerated in Articles 4 through 9 of this ordinance.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, this 11th day of December, 2013.

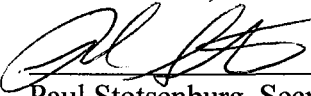
**BOARD OF SUPERVISORS OF
BARRETT TOWNSHIP**



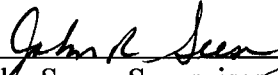
Ralph Megliola, Chairman



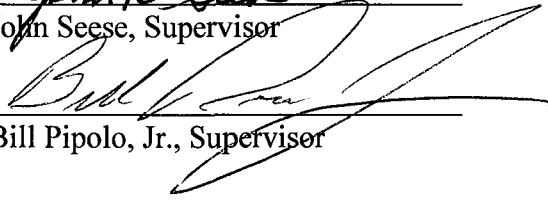
Loree Guthrie, Vice Chairman



Paul Stotsenburg, Secretary

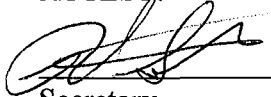


John Seese, Supervisor



Bill Pipolo, Jr., Supervisor

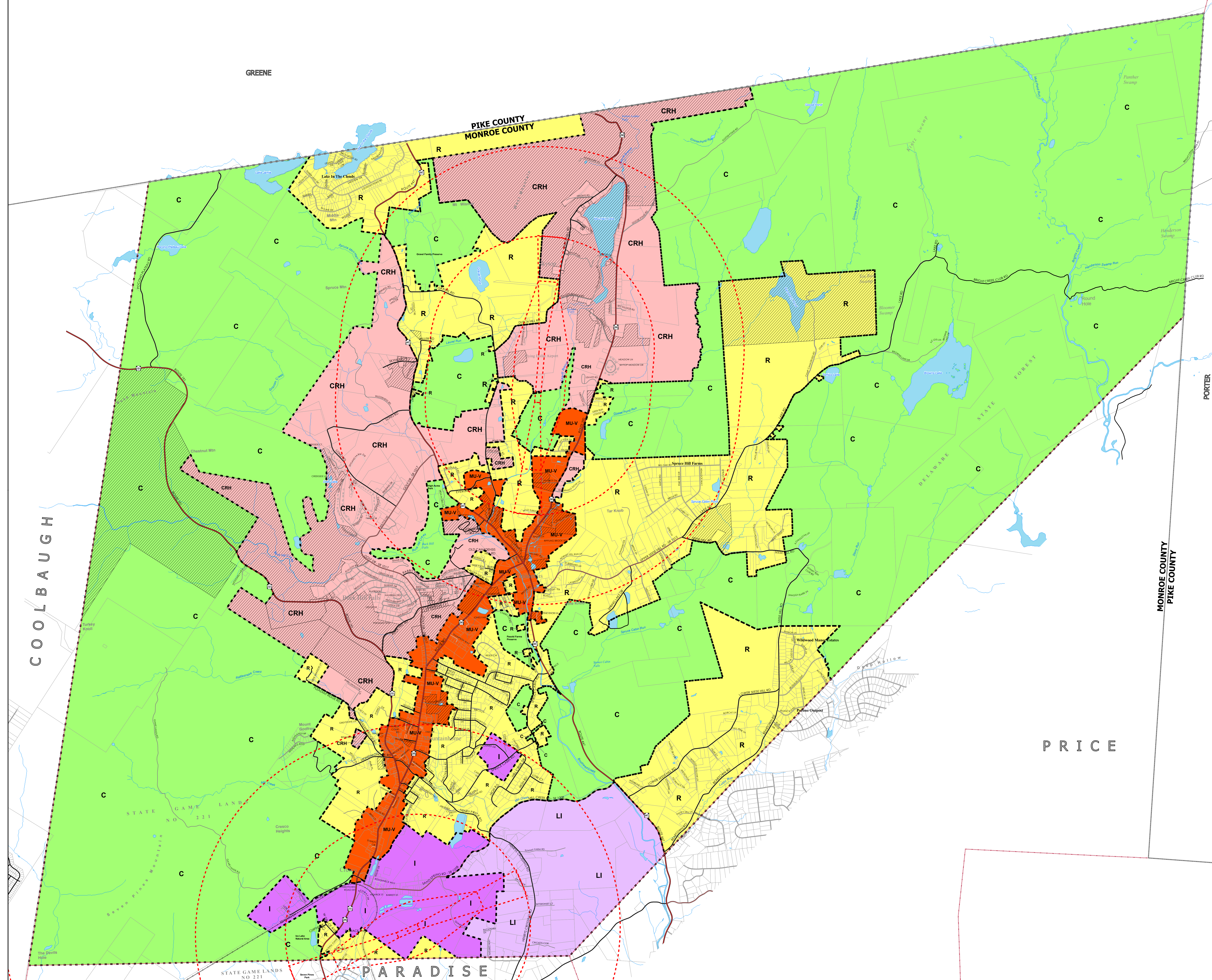
ATTEST:



Secretary

(TOWNSHIP SEAL)

BARRETT TOWNSHIP
MONROE COUNTY, PENNSYLVANIA
ZONING DISTRICTS



- LEGEND**
- Zoning Districts
- C - Conservation
 - R - Residential
 - MU-V - Mixed Use-Village
 - CRH - Commercial-Resort/Hotel
 - LI - Light Industrial
 - I - Industrial
 - Historic Overlay District
 - Airport Hazard Zones
 - Tax Parcels
 - PA Traffic Routes
 - State Routes
 - Municipal Roads
 - Private Roads
 - Private Driveways
 - Railroad
 - Streams
 - Lakes & Ponds
 - County Boundary
 - Municipal Boundary



1:15,000



The County of Monroe makes no express or implied warranties concerning the release of this information. The County of Monroe is unaware of the use or reuse to be made of this data. Consequently, the County of Monroe does not warrant this data as fit for any particular purpose.

PREPARED BY
Monroe County Planning Commission
1 Quaker Plaza, Room 106
Stroudsburg, PA 18360
(570) 517-3100
mepc@monroecountypa.gov

September 2013